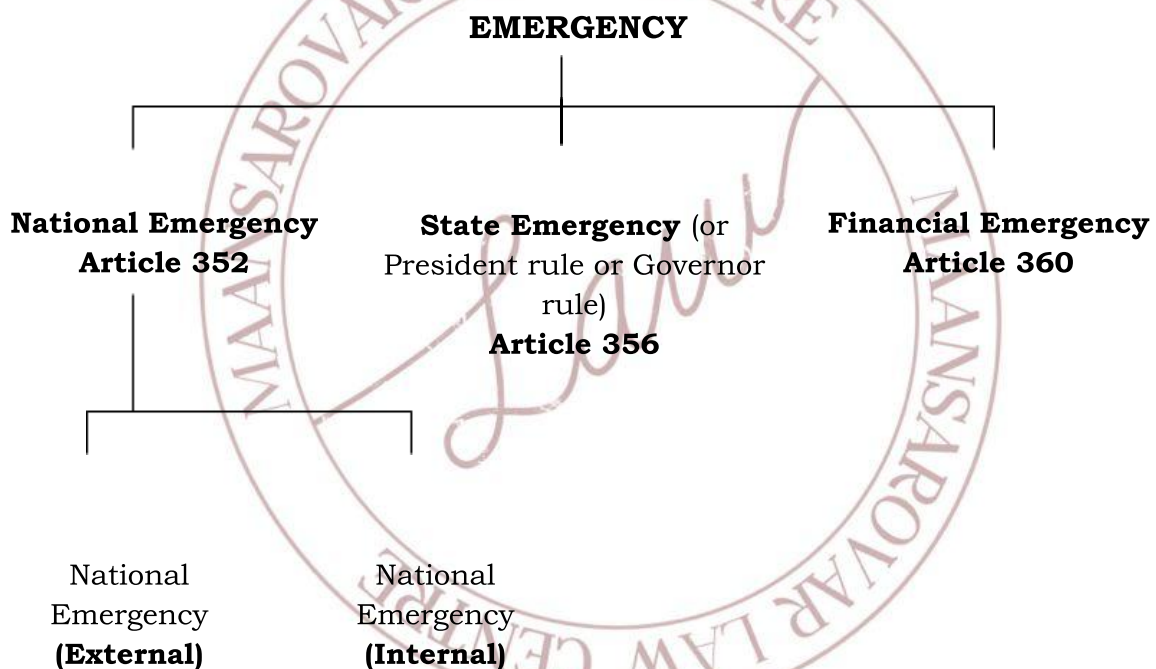


EMERGENCY PROVISIONS IN OUR CONSTITUTION

The Political and Economic situation of a country may not remain stable at all times. To tackle any unforeseen situations, the Constitution of a country usually have certain Emergency Provisions. In our Constitution as well, there are some emergency provisions in Part **XVIII (Article 352 to Article 360)**. We have **borrowed the Emergency Provisions** in our Constitution from the **Constitution of Germany**.

Only the **President is empowered to proclaim emergency or to revoke emergency**. The President can declare three types of emergencies in India.



(1) National Emergency (Article 352)

National Emergency is of two types—

- (i) National Emergency (Internal)
- (ii) National Emergency (External).

Earlier our President could declare the National Emergency on the ground of War or External aggression or internal disturbances, but by the **44th CAA 1978**, one of the grounds for proclamation of National Emergency (Internal) was **changed from Internal Disturbance to Armed Rebellion**. Now, the President can declare a

National Emergency on **ground of War or External aggression or Armed Rebellion.**

For the first time, the National Emergency External was proclaimed on **26th October, 1962** due to the **War with China** and was revoked on 10th January, 1968. The **Second time** the National Emergency External was proclaimed was on 3rd December, 1971 due to the **War with Pakistan** and the Third time **National Emergency (Internal)** was proclaimed on 25th June 1975 on ground of **internal disturbances**. Both Internal as well as External National Emergencies were revoked on 21st March, 1977. After this National Emergency– Internal or External was never proclaimed in India by the President.

Consequences of National Emergency:

1. Our Constitution gets converted from **Federal** to **Unitary** i.e. Parliament can make law on any subject of the State List too. Laws made by Parliament on state subjects become inoperative after **six months** of the emergency has ceased to operate.
2. The Centre can give directives to the States as to the manner in which they are to exercise their executive powers.
3. The President may by order modify any provision relating to the distribution of revenue between the Centre and States. Any modification continues till the end of the financial year in which the National Emergency ceases to operate.
4. The President can also levy (impose) any tax which ordinarily falls in the state list.
5. The life of the Lok Sabha may be extended by one year each time.
6. The Parliament can extend the life of the State Legislative Assembly by one year each time, but the extension cannot continue beyond a period of six months after the national emergency ceases to operate.
7. The Fundamental Right to Speech and Expression (**Article 19**) gets suspended automatically and other Fundamental Rights can also be suspended **except Article 20 and 21 (Right to life and freedom).**

By the 44th CAA 1978, following amendments were made in the Emergency Provisions to prevent their misuse.

- 1 The President can proclaim the National Emergency only on the written advice of the Union Cabinet headed by the Prime Minister.
- 2 Any proclamation of the National Emergency by the President can be Judicially challenged. (By the 42nd CAA 1976, an amendment was made that the proclamation of the National Emergency by the President cannot be judicially

challenged).

- 3 Now the President can proclaim the National Emergency in the whole of India, in some parts of India, in some States, in one state or in some parts of a State.
- 4 The proclamation of the National Emergency must be approved by both the houses of the parliament by **special majority** i.e. 2/3rd majority **within one month** and can be extended for 6 months each time for any number of times. If Lok Sabha stands dissolved during declaration of emergency, then it must be approved by reconstituted Lok Sabha within 30 days from its first sitting, provided Rajya Sabha has approved it in the meantime.
- 5 The ground for proclamation of the **National Emergency (Internal) was changed from Internal Disturbance to Armed Rebellion**. Now, the President can declare a National Emergency on ground of War or External aggression or Armed Rebellion.
- 6 The President is bound to revoke the National Emergency if Lok Sabha passes a resolution disapproving the same by its simple majority.
- 7 If 1/10th members of the Lok Sabha ask the President to call a special session of Lok Sabha to disapprove the National Emergency then the President is bound to call a special session of Lok Sabha within 14 days.
- 8 **The Fundamental Rights under Article 20 & 21 (Right to life and freedom) were made absolute rights and these Fundamental Rights under Article 20 & 21 can never be suspended even during National Emergency.**

(2) **State Emergency (Article 356)**

State Emergency is also known as the President's rule or Governor's rule. The President can proclaim a state emergency under (**Article 356**) due to the breakdown of the Constitutional machinery in the state i.e. if it is not possible to form a stable state government as per the Constitutional Provisions. For the **First time a State Emergency was imposed in Punjab in 1951**. Under this situation, the State Council of Ministers headed by the Chief Minister is dismissed and the State Legislative Assembly may be either kept under suspension or is dissolved. The State Governor becomes the real head of the State Government and is assisted by his advisers in running the state government. The proclamation under (**Article 356**) must be approved by both the houses of Parliament within two months. By the **44th CAA 1978**, now State Emergency can be imposed for a maximum period of 6 months and can be extended for another 6 months and not beyond that. However as a special provision, the State Emergency can be imposed upto 3 years under these two conditions:

- (i) There is proclamation of National Emergency under (Article 352) in India or in the state concerned or in part of the state concerned or,
- (ii) Election commission of India certifies difficulty in holding free and fair elections for the State Legislative Assembly.

Proclamation may be revoked by the President at any time. Such a proclamation does not require parliamentary approval.

The Nine Judges Bench of the Supreme Court in S R Bommai's Case gave a verdict that validity of proclamation under Article 356 can be judicially challenged.

It is unfortunate that this provision is generally misused by the Union Government. Many times the Union Government uses this provision as a weapon to destabilise the State Governments ruled by the opposition parties.

(3) Financial Emergency (Article 356)

The **President can proclaim Financial Emergency if the financial stability or credit of India is in danger**. Financial Emergency must be approved by both houses of Parliament within 2 months and remain in force indefinitely until it is revoked by the President.

Consequences of Financial Emergency:

- (a) The Centre can give directives to states to observe measures such as reduction of salaries and allowances of all or any class of persons serving the state.
- (b) The Centre may require all money or financial bills reserved for the President's consideration after they are passed by the State Legislature.
- (c) The President may issue directives for reducing the salary and allowances of persons serving the Union including the Judges of the Supreme Court and High Courts.
- (d) The Centre can impose new taxes and can enhance the rate of existing taxes.

Financial Emergency has never been proclaimed in India.

On 13th July 2022, in Sri Lanka ,its President Gotabaya Rajapaksa proclaimed emergency again to tackle the deteriorating economic situation of the country. In 2025, financial emergencies were declared in countries like : Colombia, South Africa, Samoa, Venezuela, Bolivia etc.

Note :-

- The largest bench ever constituted by the Supreme Court of India was a 13-judge bench in the ***Kesavananda Bharati v. State of Kerala case (1973)***.
- In February 2025, the **President of India imposed President's Rule in Manipur due to political instability and ethnic violence**. Nearly one year later, on 4 February 2026, President's Rule was revoked. A BJP-led government was formed, and Mr. Yumnam Khemchand Singh (Meitei Tribe) was sworn in as Chief Minister, with Mr. Nemcha Kipgen (Naga Tribe) and Mrs. Losii Dikho (Kuki Tribe) appointed as Deputy Chief Ministers.

