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Emergency Provisions in India

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India's Constitution is usually calm, detailed, and rule bound. But it also knows that extraordinary situations need extraordinary responses. That is where **Emergency Provisions** come in. Think of them as the Constitution's panic button. They allow the Union government to temporarily expand its powers during crises like war, rebellion, or economic breakdown.

Let us understand what emergencies are, why they exist, how they have been used in India, and what the courts have said about them.

Why Do Emergency Provisions Exist?

The makers of the Constitution believed that India, being a young and diverse nation, might face situations where normal governance would not be enough. So, Part XVIII of the Constitution, Articles 352 to 360, deals with emergencies.

The idea was simple. **Save the nation first, restore democracy later.** But history shows that this power can be misused, which is why understanding it is important.

Types of Emergency in India

There are **three kinds of emergencies** under the Indian Constitution.

1. National Emergency (Article 352)

A National Emergency can be declared when India's security is threatened by:

- War
- External aggression
- Armed rebellion

Earlier, the term used was "internal disturbance", but after misuse during the 1975 Emergency, it was replaced by "armed rebellion" through the 44th Constitutional Amendment.

Who declares it?

The President, but only on the written advice of the Union Cabinet.

What happens during a National Emergency?

- Centre gets more power over states
- Parliament can make laws on State List subjects
- Fundamental Rights under Article 19 are suspended automatically
- Other Fundamental Rights can be suspended separately under Article 359

Duration: Initially valid for one month. After parliamentary approval, it continues for six months at a time.

History of National Emergency in India

India has experienced a National Emergency **three times**.

1. 1962 Emergency: Declared during the India-China war.
2. 1971 Emergency: Declared during the India-Pakistan war.
3. 1975 Emergency: Declared on grounds of internal disturbance by Prime Minister Indira Gandhi. This is the most controversial one.

During the 1975 Emergency:

- Elections were postponed
- Press freedom was curtailed
- Political opponents were jailed
- Fundamental Rights were practically meaningless

This period deeply changed India's constitutional history

Important Case: ADM Jabalpur v Shivkant Shukla (1976)

The Supreme Court held that during Emergency, even the **right to life** could be suspended. This judgment is now considered one of the darkest moments in Indian judicial history.

Later, the court itself admitted it was wrong.

1. State Emergency or President's Rule (Article 356)

This emergency applies to a **particular state**, not the whole country.

It is imposed when:

- Constitutional machinery in the state fails
- State government cannot function according to the Constitution

What happens?

- President takes over state administration
- Governor runs the state on behalf of the Centre
- State Assembly may be suspended or dissolved

Duration: Initially six months, can extend up to three years with conditions.

History of President's Rule

President's Rule has been imposed **over 120 times** in India. Earlier, it was often misused for political reasons, especially to dismiss opposition-led state governments.

Important Case: S R Bommai v Union of India (1994)

This is a landmark judgment. The Supreme Court held:

- President's Rule is subject to judicial review
- Majority must be tested on the floor of the House
- Article 356 cannot be used for political convenience

This case significantly reduced misuse of President's Rule.

1. Financial Emergency (Article 360)

This is the least discussed and never used emergency.

It can be declared if India's financial stability or credit is threatened

Effects of Financial Emergency:

- Salaries of government employees can be reduced
- Centre can control state financial decisions
- Money bills of states require President’s approval

Fun fact: India has **never declared a Financial Emergency**, even during economic crises.

Role of the 44th Constitutional Amendment

After the excesses of the 1975 Emergency, Parliament passed the **44th Amendment Act, 1978**, to prevent future misuse.

Key safeguards introduced:

- Emergency cannot be declared orally
- Cabinet advice must be written
- Right to life and personal liberty cannot be suspended
- President can revoke Emergency at any time

This amendment restored faith in constitutional democracy.

Why Emergency Provisions Still Matter Today

In times of terrorism, border tensions, pandemics, or economic instability, emergency powers remain relevant. But they must be used carefully.

The Indian Constitution does not trust power blindly. It balances emergency authority with parliamentary approval, judicial review, and constitutional morality.

Conclusion

Emergency provisions show both the strength and vulnerability of India’s Constitution. They can protect the nation, but they can also threaten democracy if misused.

India’s experience, especially with the 1975 Emergency, teaches one clear lesson. A strong Constitution needs strong safeguards, not blind trust in authority.

Understanding emergencies is not just about exams. It is about understanding how fragile freedom can be, and why constitutional limits matter.