

Emergency Provisions – Traps



Covers: National Emergency (Art. 352), President's Rule (Art. 356), Financial Emergency (Art. 360), Effects on FRs, Centre-State Relations, Parliament, Federal Balance. Plus all UPSC traps from 1975–2023 patterns.

Constitutional Basis (Facts 1-10)

Fact 1

✗ **Emergency provisions** are in **Part XIII**.

✓ They are in **Part XVIII (Articles 352–360)**.

Fact 2

✗ **Emergency** can be proclaimed only in **war**.

✓ Also during **external aggression** or **armed rebellion**.

Fact 3

✗ **Word "Emergency"** appears in the **Preamble**.

✓ Not in **Preamble**, only in **Part XVIII**.

Fact 4

✗ India's **emergency provisions** are borrowed from the **USA**.

✓ Borrowed from **Weimar Constitution (Germany)**.

Fact 5

✗ **Emergency powers** are **judicial**, not **executive**.

✓ They are **executive powers** of the **President**.

Fact 6

✗ **Emergency** can be declared by **Parliament**.

✓ Only by **President**, on **Cabinet recommendation**.

Fact 7

✗ **Emergency provisions** are **temporary**.

✓ **Constitutionally extraordinary** but **time-bound** provisions.

Fact 8

✗ India's **federal structure** remains unchanged during **emergency**.

✓ **Federalism** becomes **unitary** in character.

Fact 9

✗ **Governor** declares **emergencies** at **state level**.

✓ **President** alone can declare under **Part XVIII**.

Fact 10

✗ **Parliament** must approve **emergency** by **simple majority** only once.

✓ Requires **special majority** and **periodic approval**.

National Emergency - Proclamation & Approval (Facts 11-20)

Fact 11

- National Emergency** can be proclaimed by **PM**.
- Only President** can **proclaim** (Art. 352).

Fact 12

- Grounds for National Emergency** are: **war, aggression, rebellion**, natural disaster.
- Only war, external aggression, or armed rebellion**.

Fact 13

- "Armed rebellion"** was original wording.
- Inserted by **44th Amendment**, replacing "**internal disturbance**".

Fact 14

- Emergency can be **proclaimed** even without **written advice**.
- Must have **written recommendation** of **Union Cabinet** (44th Amendment).

Fact 15

- Parliament** can directly **proclaim Emergency**.
- Only approves after **proclamation**.

Fact 16

- Emergency** continues indefinitely once **proclaimed**.
- Valid for 1 month initially, then approved by both **Houses**.

Fact 17

- After **44th Amendment**, approval requires **simple majority**.
- Requires **special majority** (Art. 352(4)).

Fact 18

- President** can **proclaim Emergency** without reasons.
- Must be satisfied of grave **emergency**, subject to **judicial review**.

Fact 19

- Lok Sabha** cannot disapprove **National Emergency** once approved.
- Can revoke anytime by **simple majority** (Art. 352(7)).

Fact 20

- Rajya Sabha** can revoke **Emergency**.
- Only **Lok Sabha** can do so.

National Emergency - Powers & Historical Context (Facts 21-30)



Fact 21

- ✗ President's satisfaction cannot be challenged.
- ✓ Judically reviewable after [44th Amendment](#) (Minerva Mills).



Fact 22

- ✗ **Emergency** lapses automatically when LS is dissolved.
- ✓ Continues; approval taken within 30 days of new LS formation.



Fact 23

- ✗ **Emergency** under [Art. 352](#) can be regional.
- ✓ Yes — can be limited to part of India ([44th Amendment](#)).



Fact 24

- ✗ Once imposed, **Emergency** can't be modified.
- ✓ Can be revoked or altered by President.



Fact 25

- ✗ **Proclamation** must be approved within 2 months.
- ✓ 1 month (reduced from 2 by [44th Amendment](#)).



Fact 26

- ✗ **Emergency** can be approved by one House only.
- ✓ Both Houses must approve.



Fact 27

- ✗ [42nd Amendment](#) reduced approval period.
- ✓ [44th Amendment](#) did.



Fact 28

- ✗ President acts on advice of PM for **Emergency**.
- ✓ On written [Cabinet advice](#), not PM alone.



Fact 29

- ✗ **President's Rule** and **National Emergency** are the same.
- ✓ Different — [Art. 352](#) ≠ [Art. 356](#).



Fact 30

- ✗ [1975 Emergency](#) was for external aggression.
- ✓ For "internal disturbance", not [armed rebellion](#).

National Emergency - Effects & Powers (Facts 31-40)

Fact 31

✗ India has faced six **National Emergencies**.

✓ Only three times — 1962, 1971, 1975.

Fact 32

✗ **1975 Emergency** ended by **44th Amendment**.

✓ Ended by **Presidential order** in 1977.

Fact 33

✗ **National Emergency** suspends **Constitution** automatically.

✓ Only certain **federal & rights provisions** affected.

Fact 34

✗ During **National Emergency**, **Lok Sabha** term cannot be extended.

✓ Can be extended by 1 year at a time (**Art. 83(2)**).

Fact 35

✗ **Lok Sabha's extension** after **Emergency** ends continues indefinitely.

✓ Ceases within 6 months of **Emergency cessation**.

Fact 36

✗ **Art. 353(b)** empowers **Union** to issue directions to **States**.

✓ Correct — expands **Union's executive power**.

Fact 37

✗ During **National Emergency**, **State List** remains unaffected.

✓ **Parliament** can legislate on **State List (Art. 353(b))**.

Fact 38

✗ **FRs** automatically suspended.

✓ Only after **Presidential order** under **Art. 359**.

Fact 39

✗ **Right to life (Art. 21)** can be suspended.

✓ Cannot be suspended (**44th Amendment**).

Fact 40

✗ **44th Amendment** curtailed **Fundamental Rights** further.

✓ It restored their protection.

President's Rule - Basic Provisions (Facts 41-50)

<p>Fact 41</p> <p>✗ President's Rule = National Emergency.</p> <p>✓ No — applies to State (Art. 356).</p>	<p>Fact 42</p> <p>✗ It can be proclaimed for war or rebellion.</p> <p>✓ Only on failure of constitutional machinery in a State.</p>
<p>Fact 43</p> <p>✗ Governor recommends President's Rule automatically.</p> <p>✓ President may act on Governor's report or otherwise.</p>	<p>Fact 44</p> <p>✗ President's Rule must be approved within 1 month.</p> <p>✓ Within 2 months by both Houses.</p>
<p>Fact 45</p> <p>✗ Can continue indefinitely.</p> <p>✓ Max 3 years with parliamentary approval.</p>	<p>Fact 46</p> <p>✗ No conditions for extending beyond 1 year.</p> <p>✓ Needs National Emergency or EC certification (Art. 356(4)).</p>
<p>Fact 47</p> <p>✗ President's Rule suspends the State Constitution.</p> <p>✓ Only State executive & legislative powers suspended.</p>	<p>Fact 48</p> <p>✗ Governor becomes head of government under President's Rule.</p> <p>✓ Acts as agent of President.</p>
<p>Fact 49</p> <p>✗ Legislative Assembly continues functioning.</p> <p>✓ Can be suspended or dissolved.</p>	<p>Fact 50</p> <p>✗ Governor makes laws during President's Rule.</p> <p>✓ Parliament makes laws for State (Art. 357).</p>

President's Rule - Judicial Review & Practice (Facts 51-60)

1

Fact 51

- ✗ **State High Court** is suspended during **President's Rule**.
- ✓ **Judiciary** continues unaffected.

2

Fact 52

- ✗ **President's Rule** has been imposed in all States.
- ✓ Almost all except a few like Mizoram (till 1993).

3

Fact 53

- ✗ **President** can impose rule without reasons.
- ✓ Must be based on **objective material (S.R. Bommai, 1994)**.

4

Fact 54

- ✗ **President's satisfaction** is final & beyond review.
- ✓ **Judicially reviewable** after **S.R. Bommai**.

5

Fact 55

- ✗ Approval of **President's Rule** requires **special majority**.
- ✓ **Simple majority** in both Houses.

6

Fact 56

- ✗ **Governor** acts independently in recommending **President's Rule**.
- ✓ Must act **constitutionally**, not **politically**.

7

Fact 57

- ✗ **President** can suspend **State courts**.
- ✓ No impact on **High Court jurisdiction**.

8

Fact 58

- ✗ **President's Rule** removes all **MLAs**.
- ✓ They are **suspended**, not **removed**.

9

Fact 59

- ✗ **President's Rule** can be revoked only by **Parliament**.
- ✓ By **President** anytime before expiry.

10

Fact 60

- ✗ During **President's Rule**, Centre takes over **financial control** too.
- ✓ Executive & legislative, not **financial powers** directly.

President's Rule - Misuse & Limitations (Facts 61-70)

Fact 61

✗ **President** can impose **rule** directly without **Governor**.

✓ Possible if **objective material** exists (not only **Governor's report**).

Fact 62

✗ **SC** upheld unlimited duration of **President's Rule**.

✓ Declared **3-year cap** valid (**S.R. Bommai**).

Fact 63

✗ **Article 356** never misused in India.

✓ Widely **misused** (100+ times).

Fact 64

✗ **44th Amendment** abolished **Art. 356**.

✓ No — retained with **safeguards**.

Fact 65

✗ **Parliament** cannot legislate for **State** under **President's Rule**.

✓ Can — **Art. 357** empowers it.

Fact 66

✗ **Centre** can **amend State Constitution** during **Rule**.

✓ Cannot **amend**, only **administer**.

Fact 67

✗ **356** requires **SC's prior approval**.

✓ Only **post-facto judicial review**, not prior.

Fact 68

✗ **President's Rule** automatically means **Emergency** in whole country.

✓ No — applies **statewise** only.

Fact 69

✗ **State Assembly** dissolves immediately on **proclamation**.

✓ May be kept under **suspension**.

Fact 70

✗ **President's Rule** affects **Parliament's tenure**.

✓ No — applies only to concerned **State**.

Financial Emergency - Article 360 (Facts 71-80)

Fact 71

- ✗ **Financial Emergency** can be proclaimed by **PM**.
- ✓ **President proclaims** under Art. 360.

Fact 72

- ✗ **Financial Emergency declared** many times in India.
- ✓ **Never declared** so far.

Fact 73

- ✗ Grounds: external aggression.
- ✓ **Financial stability or credit threatened**.

Fact 74

- ✗ **Proclamation** valid for 6 months only.
- ✓ Continues till revoked, no time limit.

Fact 75

- ✗ **Parliament approval** within 2 months not needed.
- ✓ **Needed** within 2 months by both Houses.

Fact 76

- ✗ **President's satisfaction** is not justiciable.
- ✓ **Judicially reviewable**.

Fact 77

- ✗ **Salaries of MPs** can't be reduced.
- ✓ Can be reduced under Art. 360(4).

Fact 78

- ✗ **Financial Emergency suspends Fundamental Rights**.
- ✓ No — affects only financial governance.

Fact 79

- ✗ **State Budgets** remain independent.
- ✓ **Centre controls expenditure** and directions.

Fact 80

- ✗ All money bills originate in Rajya Sabha during Financial Emergency.
- ✓ Still Lok Sabha only.

Financial Emergency - Effects & Scope (Facts 81-85)

Fact 81

✗ **Financial Emergency** means **bankruptcy**.

✓ It means threat to **credit** or **stability**, not **insolvency**.

Fact 82

✗ **States** can ignore **Union** directions under **Financial Emergency**.

✓ Directions become **binding**.

Fact 83

✗ **Financial Emergency** affects **judiciary** functioning.

✓ No — only **executive** and **legislature**.

Fact 84

✗ **Parliament's approval** is permanent.

✓ Can be **revoked** anytime by **President**.

Fact 85

✗ **Article 360** was added later.

✓ Present since **1950**.

Effects, Safeguards & Miscellaneous (Facts 86-100)

1 Fact 86

Fundamental Rights automatically stand suspended under **Emergency**.
 Only after **Presidential order** under **Art. 359**.

2 Fact 87

Article 19 is suspended only after **Art. 359** order.
 Suspended automatically during **National Emergency (Art. 358)**.

3 Fact 88

Article 21 can be suspended under **Art. 359**.
 Cannot be suspended (**44th Amendment**).

4 Fact 89

Parliament's powers decrease during **Emergency**.
 They expand drastically.

5 Fact 90

Federal structure remains rigid.
 Becomes **unitary** during **Emergency**.

6 Fact 91

FRs under **Art. 20 & 21** can be suspended.
 Never suspended (**44th Amendment**).

7 Fact 92

State List remains exclusive during **Emergency**.
 Parliament can legislate on it.

8 Fact 93

Emergency affects **SC & HC independence**.
 Unaffected.

9 Fact 94

44th Amendment weakened **judicial review** of **Emergency**.
 Restored **judicial review**.

10 Fact 95

Fundamental Duties were added by **44th Amendment**.
 Added by **42nd Amendment** during **Emergency** period.

11 Fact 96

42nd Amendment restricted **President's Emergency powers**.
 It expanded them; **44th Amendment** curtailed them later.

12 Fact 97

44th Amendment removed power to declare **Emergency**.
 No — added **safeguards** to prevent misuse.

13 Fact 98

Emergency provisions are same for **Union & States**.

Different **articles (352, 356, 360)**.

14 Fact 99

India has never faced any **Emergency** since **1975**.
 National Emergency (1975) last; **State Emergency** (multiple) & **President's Rule** frequent.

15 Fact 100

Emergency provisions cannot be amended.
 Can be amended under **Art. 368** (e.g., **42nd & 44th Amendments**).