



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.

✓ Judicially 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)

Fact 41

✗ **President's Rule** = **National Emergency**.

✓ No — applies to **State (Art. 356)**.

Fact 42

✗ It can be proclaimed for **war** or **rebellion**.

✓ Only on failure of **constitutional machinery** in a **State**.

Fact 43

✗ **Governor** recommends **President's Rule** automatically.

✓ **President** may act on **Governor's report** or otherwise.

Fact 44

✗ **President's Rule** must be approved within **1 month**.

✓ Within **2 months** by both **Houses**.

Fact 45

✗ Can continue **indefinitely**.

✓ Max **3 years** with **parliamentary approval**.

Fact 46

✗ No conditions for extending beyond **1 year**.

✓ Needs **National Emergency** or **EC certification (Art. 356(4))**.

Fact 47

✗ **President's Rule** suspends the **State Constitution**.

✓ Only **State executive & legislative powers** suspended.

Fact 48

✗ **Governor** becomes **head of government** under **President's Rule**.

✓ Acts as **agent of President**.

Fact 49

✗ **Legislative Assembly** continues functioning.

✓ Can be **suspended** or **dissolved**.

Fact 50

✗ **Governor makes laws** during **President's Rule**.

✓ **Parliament makes laws** for **State (Art. 357)**.

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).