iJRASET
International Journal For Research in Applied Science and Engineering Technology



INTERNATIONAL JOURNAL FOR RESEARCH

IN APPLIED SCIENCE & ENGINEERING TECHNOLOGY

Volume: 10 **Issue:** X **Month of publication:** October 2022

DOI: https://doi.org/10.22214/ijraset.2022.47150

www.ijraset.com

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International Journal for Research in Applied Science & Engineering Technology (IJRASET)
ISSN: 2321-9653; IC Value: 45.98; SJ Impact Factor: 7.538
Volume 10 Issue X Oct 2022- Available at www.ijraset.com

National Emergency Provisions

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Abstract: ***The term emergency maybe defined as a difficult situation arising suddenly and demanding immediate action by public authorities under the powers specially granted to them by the constitution***
Dr. Ambedkar claimed that the Indian federation was unique in as much as in times of emergency it could convert itself into an entirely unitary state. The rationality behind the incorporation of these provisions in the constitution is to safeguard the sovereignty ,unity, integrity and security of the country

I. INTRODUCTION

The national emergency provision is in the part 18 of constitution of India. According to this provision the president has the power to impose emergency rule in all states of India. With the help of cabinet of ministers the president can overrule many provisions of the constitution which provides the fundamental rights to the citizens.
The main use of this provision is to safeguard the unity, sovereignty, security and integrity of the country.

II. TYPES OF EMERGENCIES

A. National Emergency

This emergency is announced on the basis of external aggression, war or armed rebellion. The power lies with the president to announce national emergency even before the occurrence of war. When an emergency is put on the basis of war or external agression it is called external emergency whereas when the emergency is put on the basis of armed rebellion it is called internal emergency. The emergency must be accepted by both the houses of of parliament within one month of date of its issue. If it is approved by both the houses it can continue for 6 months and can be extended to a indefinite period of time.
The emergency can be revoked by the president at any point of time.
This type of emergency has been imposed 3 times so far-in 1962,1971 and 1975
Eg)The first one was on account of Chinese aggression, the second one was in wake of attack by Pakistan.
Both second and third proclamations were revoked in march 1977

B. State Emergency

According to article 355 puts a duty on the centre to ensure every state government is carried on in accordance with the provision of the constitution .This is popularly known as president's rule
A proclamation imposing presidents' rule must be approved by both the houses of the parliament within 2 months from the date of issue. The president can take up the functions of the state government and powers vested in the governor or any authority of the state.2 He can suspend the constitutional provisions of a state.
He can declare the powers which are to be practised by the state.

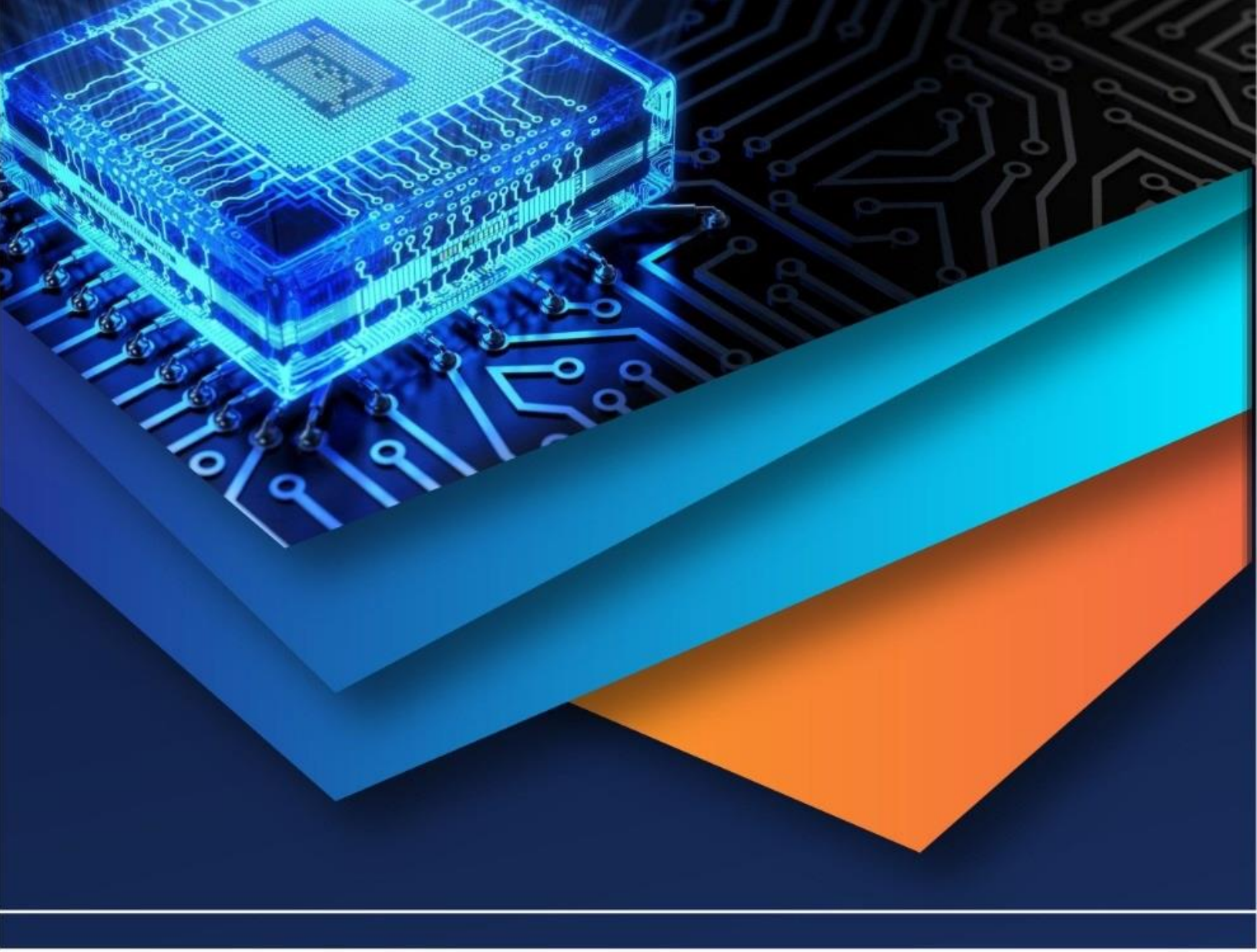
C. Financial Emergency

The president has the power to put financial emergency if he feels like a situation has taken place due to which the financial stability or credit of India or any part of its territory is threatened.
The financial emergency must be accepted by both the houses of parliamen3t within two months from date of issue.
Once it is approved by both the houses the emergency continues till it is revoked
Due to this emergency, there were reduction of salaries of all classes of persons serving in the states
Under this provision the president becomes a dictator and the finacial autonomy of the state will be nullified.

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