

Module-1

Meaning and Definition of Constitution

Constitution is derived from the Latin word '**Constituere**' which means 'to form', 'to establish' or 'to compose'. Constitution basically means a body of rules and regulations.

"Constitution is the way in which citizens, who are component parts of the state, are arranged in relation to the another" – **Aristotle**.

History

Firstly, the word 'constitution' was used by Henry II of England in 16th Century, where he used a set of rules with the title '**Constitution of Clarendon**'.

USA prepared Constitution and adopted in 1789 for the first time. The USA Constitution is the oldest and first written constitution in the world.

Making of Indian Constitution /Evolution

1922 Gandhi demanded for a Constitution for India.

1928 Nehru prepared report on FR's which became basic for Indian Constitution.

1935 Indian National Congress demanded for Indian constitution without outside interference.

1942 Cripps mission proposed independence after Second World War, but was rejected.

1946 Elections were held out for Constituent Assembly, but Muslim League pulled out. Total number of Constituent Assembly was 389 in which 173 was of Muslim League.

June 1947 Mount Batten resolved INC and Muslim League crisis by declaring India-Pakistan partition.

15th August 1947 - Independence Day and transfer of power. Nehru became PM &

Dr. B R Ambedkar became the Law Minister and Chairman of Drafting Committee.

1948 Dr. B R Ambedkar as the chairman of Drafting Committee chairman presented 'Draft Constitution'.

26th November 1949- President of Constituent Assembly, Dr. Babu Rajendra Prasad passed Constitution.

26th January 1950- Indian Constitution came into force. Indian became Republic Nation.

Finally, 161 members of Constituent Assembly signed for Constitution.

Constituent Assembly=1(Nehru)+1(Patel)+1/2(Rajendra Prasad) +1/2(Moulana Azad).

- It took **2 years 11 months 17 days** to prepare Constitution.
- Initially there were **395 articles, 22 chapters and 8 schedules**. But as of January 2020 there are **448 articles, 25 chapters and 12 schedules**.
- There are **1,17,369** words in the Constitution.
- The total Constitution amendments as of January 2021 were **115**.
- The first general election was conducted to elect to Parliament- Lok Sabha and Rajya Sabha for the first time in May 1952.

Module-2

Salient Features of Indian Constitution

- Written and Lengthiest
- Preamble
- People's government - Democracy
- Republic
- Fundamental Rights and Fundamental Duties
- Secular State
- Universal Adult Franchise System
- Partly flexible and partly rigid.
- Federal structure
- Parliamentary form of government
- Special provisions for SC, ST, Women & Children
- Independent Judiciary
- Eradication of untouchability

Concepts borrowed from constitutions of other countries

- UK – speaker and law making procedure.
- USA – Fundamental Rights, Federal Structure and Independent Judiciary
- Canada – Federal system with strong central government.
- Russia – Five Year Plans.
- French – Freedom, Equality and Fraternity.

- Irish – Directive Principles of State Policy (DPSP)
- Japan & China – Fundamental Duties
- Germany – Emergency Provision
- Australia – Concurrent List and freedom of trade with other countries.

Preamble of Indian Constitution

“WE THE PEOPLE OF INDIA, having solemnly resolved to constitute INDIA into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC and To secure to all the citizens:

JUSTICE - social, economic and political;

LIBERTY – of thought, expression, belief, faith and worship;

EQUALITY – of status and of opportunity;

FRATERNITY- assuring the dignity of individual and unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY, this 26th day of November 1949 to hereby ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION”.

- Preamble is like an introduction to the constitution and it helps to understand the ‘spirit’ or ‘philosophy’ of the Constitution.
- **Purposes: -**
 - i) It indicates the source from which constitution derives its authority i.e. ‘the People of India’.
 - ii) It states the objectives which the constitution seeks to establish and promote

Fundamental Rights (Articles 14-35, Part III)

1. Right to Equality [Articles 14 to 18]
2. Right to Freedom [Articles 19 to 22]: Freedom to speech & expression, freedom to move anywhere in India, freedom to assemble peacefully to form associations, freedom to reside anywhere in India, freedom of profession.
3. Right Against Exploitation [Articles 23 & 24]
4. Right to Freedom of Religion [Articles 25 to 28]
5. Culture and Educational Rights [Articles 29 & 30]

6. Right to Constitutional Remedies [Articles 32]
 - a. Habeas Corpus - 'Have his body'.
 - b. Mandamus – 'command' – court to any official or public body.
 - c. Prohibition – 'to forbid' – higher court to lower court not to exceed limit.
 - d. Certiorari– 'to be certified' - higher to lower court to transfer the case.
 - e. Quo Warranto – to claim public office.
7. Right to Property [Deleted as per 44th amendment in 1978]

Fundamental Rights are political rights and negative. They are justiciable and enforceable.

Module-3

Directive Principles of State Policy (DPSP) (Articles 36 to 51)

- DPSP are extracted from Irish Constitution of 1937.
- DPSP are known as Instrument of Instructions.
- DPSP are non-enforceable and non-justiciable, known as toothless tiger.
- DPSP are useful for good governance of the country
- DPSP are used to measure the social and economic development of the country.

Classification of DPSP

1. Socialist Principles

- ✓ To secure and protect a social order which stands for the welfare of the people (Art-38).
- ✓ To secure adequate means of livelihood to all citizens, equal pay for equal work for men and women, and to protect childhood and youths against exploitation (Article-39).
- ✓ To secure equal justice and free legal aid to the poor (Article-39A).
- ✓ To secure employment, education and public assistance for employment (Article-41).
- ✓ To secure just human conditions of work and maternity relief (Article-42).
- ✓ To give a proper care for weaker sections.

2. Gandhian Principles

- ✓ The state shall organize village panchayat (Article-40).
- ✓ To promote cottage industries (Article-43).
- ✓ To promote with special care, the educational and economical interest of weaker section-SC/ST(Article-46).
- ✓ To secure improvement of public health and the prohibition of intoxicating drinks (Article-47).
- ✓ To organize agriculture and animal husbandry on scientific lines and preserve and improve the breeds and prohibit the slaughter of cows (Article-48).

3. Liberal Principles

- ✓ To secure uniform civil code applicable to entire country (Article-44).
- ✓ To provide free and compulsory education to all children up to age of 14 (Article -45).
- ✓ To protect all monuments of historical interest and national importance (Article-49).
- ✓ To separate judiciary from executive (Article-50)
- ✓ To maintain international peace and security, maintain honourable relation between nations.

Fundamental Duties (Chapter IVA, Article-51A)

FDs were included to constitution on 11 December 1976 by 42nd amendment.

1. To abide by the constitution and respect its ideals and institutions, the national flag and national anthem.
2. To cherish and follow the noble ideals which inspired our national struggle for freedom.
3. To uphold and protect the sovereignty, unity and integrity of India.
4. To defend the country/motherland and render national service when called upon to do so
5. To promote harmony and spirit of common brotherhood amongst all the people.
6. To value and preserve the rich heritage of our composite culture.
7. To protect and improve the natural environment.
8. To develop the scientific temper, humanism and the spirit of inquiry and reform.
9. To safeguard the public properties and avoid violence.
10. To strive towards excellence.

11. To provide opportunities for education to the child (6-14 age) [ad per 86th amendment]
John F Kennedy says, “Think not what the country can do for you; Think what you can do for your country”.

Union Government

- Parliamentary System (Rajya Sabha and Lok Sabha) has been extracted from the constitution of U.K
- Federal System (Central and State governments with powerful Central Government) has been borrowed from the constitution of Canada.
- Central and State Relations: 29 States and 7 Union territories
Union List - 97 (Defence, Army, CBI, Foreign Affairs, Airways, Railways, Post etc.)
State List - 66 (Police, Health, Agriculture, Library, Mines, Fishery etc.)
Concurrent List - 47 (IPC, Marriage and Divorce, Economic and Social Planning, Education, Religion etc.)

The union government has three important organs:

- Legislature
- Executive
- Judiciary

Union Executive

- UK type of executive except queen in England, we have president.
- Union Executive includes the President, Vice-president, PM & Council of Ministers.

President

- Constitutional head of the country
- Does not belong to any party
- Term- 5 years (maximum 2 terms)
- Elected by Electoral College (MLA's and elected MP's of all states and union territories)
- Can be removed through 'Motion of Impeachment'.
- First citizen of nation.
- Salary: Five lakh and allowances

Qualification

- Indian.

- 35 years of age
- Should not have a profitable job in central or any state government.
- Should be qualified to be Lok Sabha member.

Powers and Functions

1. **Executive Powers:** The President has the power to appoint PM, Ministers, Governors, Ambassadors, Attorney General, Comptroller and Auditor General, Chief Election Commissioner, UPSC Chairman and Members, Chief Justice and Judges of Supreme Court and HC and Members of Finance, SC and ST Commissions.
2. **Legislative powers:**
 - Power to address the joint session
 - His sign is must to pass bills
 - Power to dissolve Lok sabha
 - Power to pass ordinance
 - Power to nominate 2 Anglo-indians to Lok sabha
3. **Judicial powers**
 - Power to appoint chief justice and judges of Supreme Court and High Court
 - Pardoning Power
4. **Financial powers**
 - President's assent is must for financial bills
5. **Emergency powers**
 - Power to declare National, State and Financial Emergency

President's post can be vacant due to

- a. Expiry of 5 years terms
- b. By the death
- c. By resignation
- d. Removal by Impeachment
- e. By getting aside of his election by S.C due to violation in election procedure

Impeachment(Article-61)

- Due to bribery, treason, crime or misbehaviour
- To initiate in Lok Sabha/Rajya Sabha with not less than 25% of total members of house support is required
- To be passed with 2/3 majority in the house

- To investigate by other house (by any court)
- After result 2/3 majority to be proved to remove president

President's Election Procedure (Article -54 and 55)

1. EC Calculates the value of vote of all MLAs and MPs

$$\text{Value of one vote of an MLA} = \frac{\text{Total Population of the state of MLA}}{\text{Total number of elected members of Legislative Assembly in that state}} \times \frac{1}{1000}$$

$$\text{Value of one vote of an MP} = \frac{\text{Value of votes of all MLAs in all the states}}{\text{Total number of elected members of Parliament}}$$

2. Prepare ballot paper consisting of candidates names.
3. Voting-voter shall put his order of preference for all candidates (if not voted for all candidates his vote is invalid).
4. Counting of first preference votes. If no candidate gets 50% of total value of votes, second preference vote is allotted, it continues till one of a candidate gets 50% of votes.

For example, 3 candidates have contested for presidential election, Total votes cast are 10000, the candidate with 50% of votes gets elected.

Candidate A has got - 4000 first preference votes

Candidate B has got - 4000 first preference votes

Candidate C has got - 2000 first preference votes

Since no one has got 50% of votes 'C' will be eliminated and his second preference votes will be counted i.e 'C' has got (2000) in which 1200 for 'A' and 800 for 'B'. These votes will be transferred to 'A' and 'B' respectively.

Then A=4000+1200

B=4000+800

Candidate A is elected as the president.

5. President is elected by this single transferable vote.

Vice-President

- Term - 5 years
- Elected by Electoral College [all members (elected and nominated) of Lok Sabha and Rajya Sabha .
- In president's absence, he acts as president (maximum 6 months), otherwise he is full time chairman in Rajya Sabha.

- His post is just like Vice President of USA
- Salary: 4 Lakh and allowances

Qualification

- Indian
- 35 years of age
- Should be qualified to be a Rajya Sabha member.

Prime Minister

- Most powerful person in India
- Appointed by President (Leader of majority party)
- PM presides over cabinet meeting
- Bridge between president and ministers
- Has to power to choose, shuffle and reshuffle of ministers
- Salary - 1,60,000/- and allowance.
- Term - 5 years

Qualification: Be a member of Lok Sabha / Rajya Sabha

PM may end his tenure due to

- Resignation
- Party chooses another leader
- No confidence motion
- Split in his party and no majority
- Rejection of budget
- Lok Sabha's dissolution
- All powers of president are actually enjoyed by PM

Council of Ministers:

- PM chooses and President appoints
- Be a member of LS/RS
- PM and ministers are taught oath by President

Categories of Ministers:

- ✓ Cabinet Ministers

- ✓ Ministers of State with independent charge
- ✓ State Ministers
- ✓ Deputy Ministers
- ✓ **Strength:** Not more than 15% of Lok Sabha members.

MODULE-4

Union Legislature (Parliament)

Legislature of the Union, which is called Parliament, consists of the -president and two houses known as Rajya Sabha and Lok Sabha.

The word 'Parliament' derived from French 'Parlor' which means to talk, discuss and take decision.

Powers and functions of Parliament

1. Legislative Powers → to make law (Rajya Sabha ↔ Lok Sabha → President)
2. Financial Powers → to present, discuss and pass financial bills
3. Administration Powers → to question the ministers and get answers
4. Constitution Powers → to amend constitution
5. Other Powers → to elect President

Sessions

1. The Budget Session (3rd week February and March)
2. The Monsoon Session (3rd week July and September)
3. The Winter Session (early November and December)

Terms

Adjournment: Suspension of work in house and to fix next sitting time.

Adjournment Sine die: To adjourn the house without fixing time and date for next sitting-
Usually last day of session

Dissolution: President's power to dissolve Lok Sabha on the advice of Council of Ministers and PM.

Session: A period of time (starts and end of session)

Recess: A gap between two sessions

Meeting: Sitting (11 am to 1 pm) and (3pm to 5 pm) before and after lunch

Question hour and Zero hour

Quorum: Minimum strength in house to start session (1/10)

Qualification

- Citizen of India.
- 25 years of age for Lok Sabha and 30 years for Rajya Sabha.
- One should be mentally sound, should not be bankrupt, should not have been punished for 2 years or more and should not possess any government office.

Rajya Sabha

- Known as Upper House, House of Elders and Permanent House
- Total strength is 250 (238 members are elected by states and union territory assemblies and 12 members are nominated by president)
- Term – 6 years
- 1/3 members retire every 2 years once
- RS is led by Chairman – Vice President and one Deputy Chairman
- Salary: 50,000/- and allowance (constituency-45,000 + parliament office 45,000 + parliament session 2000 per day) for both Rajya Sabha and Lok Sabha.

Lok Sabha

- Known as Lower House, House of Commons, House of People
- Total strength – 545 (530 from States, 13 from Union Territories, 2 are nominated from Anglo Indian Community)
- President can dissolve LS
- During National Emergency (Article 352) – 1 year term of Lok Sabha can be extended
- Speaker is the chairman (president officer)
- In the absence of Speaker, Deputy Speaker or Panel of chairmen presides Rajya Sabha.
- SC chief justice teaches oath to president.

Supreme Court (Union Judiciary)

- SC was created by act of parliament 1950
- Articles 124 to 147 (Chapter IV) talk about SC.
- Situated in New Delhi
- One Chief justice and 33 Judges

- CJ is appointed by president in consulting with other judges / normally senior most Justice is appointed.
- Judges are appointed by president in consulting with chief justice of SC.

Qualification

- Indian.
- Judge of high court for at least 5 years.
- Advocate of High Court for at least 10 years.
- A distinguished Jurist in the opinion of president.

Term - Until the retirement age of 65 years.

A retired judge is prohibited from practicing law, but can take up special task like Inquiry Committees, Lokayuktha etc.

Impeachment

Article 124(A) says due to misbehaviour and incapacity, a SC Judge may be removed from his position.

Steps:

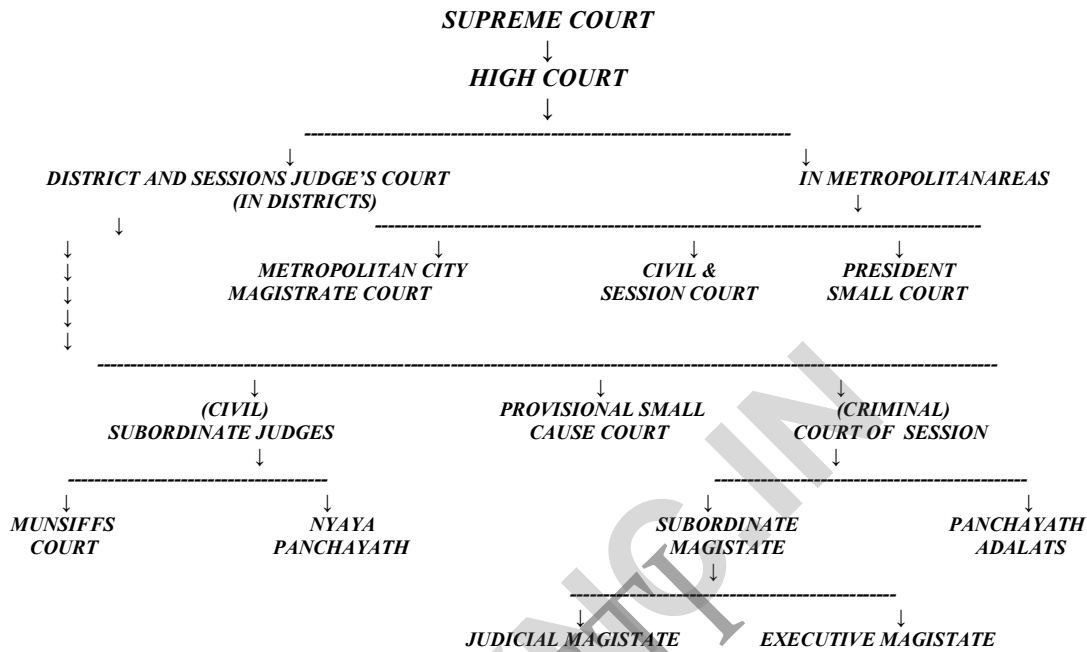
- Minimum of 100 in L.S / 50 in R.S can sign for motion and submit to president.
- Speaker / chairman may consult legal expert and may or may not admit the Motion
- If motion is admitted, committee should be framed which includes
 - Chief Justice of S.C
 - Chief Justice / Judge of a High Court
 - Any Distinguished Jurist
- Committee decides whether the judge is guilty of misbehaviour
- 2/3 majority should be proved in both Lok Sabha and Rajya Sabha to pass the Motion
- President passes an order removing the judge

Salary - Chief justice: 2,80,000/- Judges: 2,50,000/-

Powers and Functions

- Original Jurisdiction:
 - Disputes between central government and one or more states
 - Disputes between two or more states.

- Appellate Jurisdiction: Civil, Constitutional and Criminal matters etc.
- Guardian of Fundamental Rights.



Module-5

State Executive & Elections, Amendments and Emergency Provisions

- Chapter III, Part IV of Indian Constitution is about State Government.
- State government is nothing but the copy of central government.
- It includes State Legislature, State Executive and State Judiciary.

State Legislature

State Legislature includes Governor, Vidhana Parishad (Legislative Council) and Vidhana Sabha (Legislative Assembly).

Vidhana Parishad (Legislative Council)

- Unicameral system – having only house i.e. Vidhana Sabha
- Bicameral – having two houses- Vidhana Sabha and Vidhana Parishad
- Bicameral states are U.P, Maharashtra, Bihar, Karnataka, Telangana and Aandhra Pradesh.

- As per Article 40, minimum strength is 40 and maximum strength is not more than 1/3 of total number of Legislative Assemblies.
- The present total strength in Karnataka is – 75.
- Vidhana Parishad can't be dissolved but it can be abolished.
- 1/3 members retire every 2 year once.
- Chairman and Deputy chairman are elected by members of council.
- Members of Vidhana Parishad are called as MLCs.

Composition

- ✓ 1/3 are elected by local bodies i.e. Municipalities, District Boards etc.
- ✓ 1/12 are elected by graduates.
- ✓ 1/12 are elected by teachers with 3 years of experience.
- ✓ 1/3 are elected by elected members of legislative assembly.
- ✓ 1/6 members are nominated by Governor.

Qualification

- Indian
- 30 years of age

Vidhana Sabha (Legislative Assembly)

- Minimum strength – 30 (smallest in size - Sikkim – 32)
- Maximum strength-- 500 (largest U. P – 404)
- Present strength in Karnataka 224

Qualification

Indian and 25 years of age

Salary : Highest – Telangana – 4,10,000/-

Lowest – Tripuram – 1,05,000/-

Karnataka – 2,00,000/-

State Executive: Governor

- Constitutional head of the state
- Takes oath by the chief justice of High Court
- Appointed by the president

Qualification

- a. Indian
- b. 35 years
- c. Be qualified to be member of Vidhana Sabha
- d. Must not hold office of profit

Term -5 years – position may be vacant due to expiry of term, death, resignation, dismissal by president and transfer to another state.

Salary- 3,50,000/- + allowances

Powers and Functions

a. Executive powers

- ✓ Power to appoint PM, Ministers, Advocate General, Chairman and members of KPSC.

b. Judicial Powers

- ✓ Assists the President to appoint judges
- ✓ Pardoning power.

c. Legislative Powers

- ✓ Power to address both houses / joint session
- ✓ His assent is must for all the bills.
- ✓ Suggestes President to dissolve U.S.
- ✓ Nominates one member Anglo Indian community to V.S and 1/6 members to Vidhana Partishad.

d. Emergency Powers – During the state emergency, he serves as the state head.

Chief Minister

- Appointed by Governor
- Leader of majority party
- Term- 5 years
- Link between governor and ministers
- Presides over the cabinet,
- Power to shuffle and reshuffle ministers
- All powers of Governor are actually exercised by CM.

CM may end his tenure due to

- a. Resignation
- b. Party choosing another leader

- c. No confidence motion
- d. Split in party – no majority
- e. Rejection of budget
- f. Dissolution of Vidhana Sabha

High Court (State Judiciary)

- Article 241—231 of Indian Constitution are about High Court.
- Total number of High Courts in India is 25.
- Retirement age is 62 years.
- **Salary: Chief Justice** - 2,50,000 + allowance, **Judges** - 2,05,000 + allowance

Composition

- One Chief Justice and Judges (additional and retired judges are taken when work load is more).
- Chief Justice is appointed by the president in consultation with C.J and senior judges of Supreme Court, and other judges are appointed in consultation with C.J of SC and HC.

Qualification

- Indian
- Less than 62 years
- Must have served as an Advocate of any High Court for at least 10 years in India.

Elections

- India is a largest democratic country in world.
- Part XV, Article 324 to 329 of Indian Constitution are about elections.
- Universal Adult Franchise System -18 years (earlier 21years, reduced in 1989 as per 61st amendment).
- Who can't vote? Non- residents, unsoundness of mind, criminally charged or corrupt or illegal practice.

Election Commission

- ✓ **Composition:** One Chief Election Officer and two Election Commissioners appointed by the President at national level; each state has one Chief Electoral Officer; each constituency has Electoral Registration Office; at the time of election, PRO & Polling Officers are appointed to conduct elections.
- ✓ Terms – 6 or 65 years age whichever is earlier.
- ✓ Election Commissioners' status and salary is equivalent with that of Supreme Court Judges.

Powers and Functions of Election Commission

- Conduction of election for the positions of – President, Vice president, Parliament, State and Union Territory legislatures.
- Preparation of Electoral Roll.
- Composing union parliament, state legislature and constituencies.
- Prescribing the qualification of MPs, MLAs & MLCs.
- Reservation of seats in parliament, state and union territory legislatures.

Types of Election

- General Election (5 years once for Lok Sabha & Vidhana Sabha)
- Mid-term Election (when house gets dissolved)
- Re-election (due to irregularities like bribing, threatening so on)
- By election (due to death or resignation of the present member)

Election Procedure

- ✓ Notification of election by the president for Lok Sabha and Governor for state legislature.
- ✓ Notification by Election Commission regarding filing nominations and withdrawal and announcement of dates.
- ✓ Filling of Nomination papers (B-Form with deposit amount).
- ✓ Verification and acceptance / rejection of nomination papers.
- ✓ Election campaign (2 weeks, to stop 36 hours before polling).
- ✓ Polling process.
- ✓ Counting of votes and announcement of results.

Union government has power to make laws regarding all aspects of election as per constitutional norms.

Amendments

- Constitutional amendment procedure is explained in part XX, Article -368 of Indian Constitution.
- Constitution is a fundamental document –it should not undergo frequent and easy changes, but it should be dynamic document to suit all kind of changes that take place.

Three Methods of Amendment

- **Certain provisions** -by proving simple majority in parliament.
- **Certain provisions** - by proving 2/3 majority in both the houses.
- **Certain provisions** - by proving 2/3 majority in both houses and in more than 50% of state legislatures – very difficult method.

Procedure

- Amendment may be initiated only by the introduction of Bill for the purpose in both houses.
- 2/3 majority should be proved to pass the Bill in both houses.
- Bill will be presented to the President for his approval.
- Once the President gives assent, constitution amendment is done.

Total number of amendments as on today -104.

Important Amendments

42nd Amendment (1976)

- 52 Articles and 7th schedule were altered.
- The word 'secular' got added to the preamble of Indian Constitution.
- Fundamental Duties were introduced into the Constitution.
- DPSP, union and state executive related articles and 7 schedules central, state and consumer bill be altered.

44th Amendment (1979)

- ‘Right to Property’ got deleted from list of Fundamental Rights.
- Article 352 Emergency Provision – ‘internal disturbance’ was replaced by ‘armed rebellion’.
- Article 356 – President rule was reduced to 6 months from 1 year.

74th Amendment (1993)

- Schedule 12 which is regarding municipality was added to Constitution.

76th Amendment (1994)

- Reservation quota for govt. jobs and seats in educational institutions.

77th Amendment (1995)

- Clause 4A in Article 16 added reg promoted SC/ST.

86th Amendment (2002)

- ‘Right to Education’ was made Fundamental Right (6 – 14 years children have right to education).

91th Amendment (2003)

- Article 75 – Number of ministers should not exceed 15% of total number of Lok Sabha/Vidhana Sabha.

Emergency Provisions

Emergency can be declared by the president whenever the Country is threatened by forces such as enemy attack, armed rebellion civil unrest etc.

Three kinds of emergency

National Emergency (Article 352)

- National Emergency is also known as ‘War Emergency’.
- Reasons: When security of India or any part of it is threatened by war, external aggression or armed rebellion within the country.

Procedure:

- The president after receiving written communication from union cabinet (PM & ministers) declares national emergency.

- In 1975, PM Indira Gandhi without consulting the cabinet ministers had asked the president Fakhruddin Ali Ahmed to declare national emergency secretly. Indira Gandhi made use of it to continue herself in the PM seat. Later Allahabad High Court had declared her elections Lok Sabha as null and void.
- Janata government added this to Indian Constitution as per 44th amendment 1978.

Territorial extent - National emergency is applicable to the entire country /any part of it.

Duration – Initially one month. After proving 2/3 majority in both the houses, it can be extended up to 6 months. Further extension is possible by following the same method. Maximum duration of national emergency is one year.

Termination – The President can terminate national emergency any time with or without any written communication from the cabinet or parliament.

Effects-

- Union government will have vast powers regarding the matters related to executive, legislature and finance.
- State governments may come under the control of central government.
- Unlimited powers to central government to make laws.
- Revenue between central and state may be modified.

Previous National Emergencies

- 1962 - China's aggression
- 1965 - China's aggression
- 1971 - War with Pakistan
- 1975 - Internal disturbance - later replaced it with 'armed rebellion' in 1978.

State Emergency (Article 356)

Reasons

- Failure or break down of constitutional machinery in a state.
- Hung Assembly with no party in majority.
- External aggression or internal armed rebellion.

Procedure

- Governor sends the report to the president and then he declares the state emergency if required.

Territorial extent - State emergency is applicable only within the state.

Duration

- Initially for 2 months, and then by proving simple majority in both the houses it can be extended for 6 months. Further extension is possible by following the same method (maximum one year).
- It can be exceeded only if national emergency exists and Election Commission is not in a position to conduct election (maximum 3 years in any case).

Termination

- The president may terminate it at any point of time.

Effects

- Governor with the help of two advisors sent by central government rules the state and enjoys all powers on behalf of the president.
- State legislative assembly is dissolved.
- State emergency has been declared in India more than 110 times so far.

Financial Emergency (Article-360)

Reasons

- Threat to financial stability.
- Threat to credit of India or any part of it.

Procedure, territorial extent, duration and termination of financial emergency are same as mentioned in National emergency.

Effects:

- Central directs to states on spending of money.
- President may direct to reduce salaries and allowances of central and state government employees or courts etc.

- President may modify revenue allocation between centre and state. No financial emergency has been declared in India so far.

References

1. Durga Das Basu, 2018, *Introduction to Constitution of India*, Prentice – Hall. New Delhi.
2. M Rajaram, 2015, *Constitution of India, Professional Ethics*, New Age International (P) Ltd. Publishers, New Delhi
3. K R Phaneesh, 2017, *Constitution of India, Professional Ethics*, Sudha Publications, Bangalore.

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