

Emergency Provision

▼ National Emergency

- Article 352 of the Constitution provides for the provision of National Emergency which can be applied if any extraordinary situation arises that may threaten the security, peace, stability and governance of the country.
- Whenever any of the following grounds occur, an emergency can be imposed:
 - War,
 - External aggression; or
 - Internal rebellion.
- Article 352 provides that if the President is 'satisfied' on the grounds that the security of India is threatened due to outside aggression or armed rebellion, he can issue a proclamation to that effect regarding the whole of India or a part thereof.
- However, sub-clause (3) states that when a piece of written advice is given by the Union Cabinet then only the President can make such a proclamation.
- Such a proclamation must be placed before each house of the parliament and must be approved within one month of the declaration of the proclamation otherwise it will expire.
- Furthermore, it is not necessary that for the proclamation of National emergency, external aggression or armed rebellion should actually happen.
- Even if there is a possibility that such a situation can arise, a national emergency can be proclaimed.

▼ Failure of Constitutional Machinery

- The role of government in maintaining law and order is immense. The executive wing is responsible solely to the union or state ministerial heads, as we usually witness that an "IAS is responsible to ministers, and is under boundless work pressure".

- When the government fails in its duty to regulate the tranquility in the states, the role of the judiciary surmounts in tackling the soaring offence rates.
- However, the judicial burden is also substantial to keep the environment orderly.
- Article 365 of Indian Constitution deals with the breakdown of constitutional machinery. According to Article 356, Failure of Constitutional Machinery is demarcated as the situation in which a state cannot be carried on in accordance with the provisions laid in the Constitution.
- Specifications have been laid down to deal with circumstances when there is no government in terrain due to non-attainment of majority or is highly impotent to assure a smooth administration.
- As per Article 355 of the Constitution, it is the sole duty of the Union Government to assure that the government of every state is carried on in accordance with the provisions of the Indian Constitution.\
- “Failure of Constitutional Machinery in the States”, a disaster in disguise, has proved to be a mootable and alienating procedure for decades. The causes of the failure are described below-
 - Political Crisis – Crisis is deemed to be cynical changes in security when they are unanticipated with little or no warning
 - Internal Subversion
 - Physical Breakdown
 - Inability to maintain law and order

▼ Financial Emergency

- Article 360 provides that if the President is satisfied that the financial stability or credit of India or any of its part is in danger, he may declare a state of Financial Emergency.
- It has to be approved by the Parliament and must be approved by both Houses of Parliament within two months.
- Financial Emergency can operate as long as the situation demands and may be revoked by a subsequent proclamation.

- Article 360 provides that if the president is satisfied that a situation has arisen whereby the financial security of India or the credit of India or of any part of India is threatened, he may make a declaration to that effect.
- Under such a situation, the executive and legislative powers will go to the centre. This article has never been invoked.