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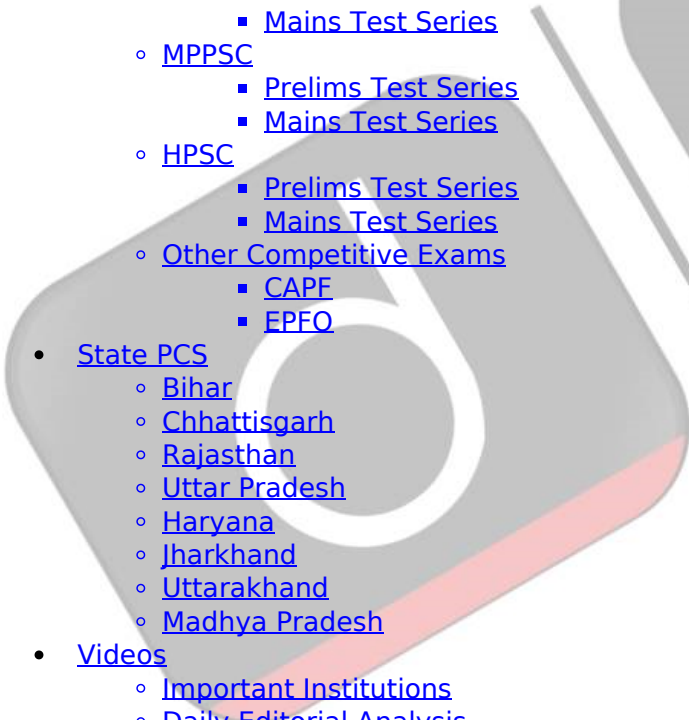
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Day 06 : What are emergency provisions under the constitution of India? How has the check and balance for the implementation of these provisions fixed the accountabilities of the Union government? (250 Words)

Approach

- Begin with discussing the emergency provisions and their significance.
- Discuss the three types of emergency provisions mentioned in the constitution and the checks and balances available to prevent the misuse of emergency powers.
- Conclude by summarizing the key points.

Introduction

Emergency provisions are contained in Part XVIII of the Constitution of India, from Article 352 to 360. These provisions enable the central government to deal with any abnormal situation effectively and ensure the security, stability and governance of the country. The concept of emergency was borrowed from the Weimar Constitution of Germany.

Body

There are three types of emergencies mentioned in the Constitution:

- **Article 352:** The President may declare a national emergency if India's security faces war, external aggression, or armed rebellion. Parliament approval is required within a month, and it can last up to six months, extendable.
 - In a national emergency, state powers shift to the center, and fundamental rights (except Articles 20 and 21) are suspended. The President can alter revenue distribution between the centre and the states.
- **Article 356:** The President can impose state emergency (President's rule) if a state's constitutional machinery fails. Parliament approval within two months is needed, and it lasts up to six months, extendable for a maximum period of three years with the approval of Parliament every six months. The President assumes state powers, may delegate, suspend or dissolve the state assembly, and Parliament can legislate for the state.
- **Article 360:** The President can declare a financial emergency if India's financial stability or credit is at risk. Parliament approval within two months is required, and it can continue indefinitely, unless revoked. During a financial emergency, the President can reduce salaries, direct states on financial principles, and modify revenue distribution.

The Constitution imposes certain checks and balances to prevent the misuse of emergency powers and ensure that the emergency provisions are used sparingly and only in exceptional circumstances. Some of these checks and balances are:

- **Parliamentary Approval:**
 - One of the significant checks on emergency provisions is the requirement for parliamentary approval. In all three types of emergencies, the President's actions need the sanction of both Houses of Parliament.
 - This ensures that the executive does not misuse emergency powers arbitrarily, and the elected representatives of the people have a say in the continuation or withdrawal of emergency measures.
- **Limited Duration:**
 - Emergency provisions are not meant to be perpetual. They have a limited duration and must be reapproved periodically by Parliament. This prevents the government from indefinitely exercising emergency powers and reinforces the temporary nature of emergency measures.
- **Judicial Review:**
 - The Supreme Court plays a crucial role in checking the abuse of emergency powers. It can review the President's proclamation and actions taken during emergencies to ensure they conform to constitutional provisions.
 - The judiciary acts as a guardian of individual rights, preventing the erosion of fundamental rights even during emergencies.
- **Federal Structure:**
 - The federal structure of the Indian Constitution acts as a check on the misuse of emergency powers. The imposition of President's Rule in a state requires a report from the Governor, and the state government is given an opportunity to present its side.
 - This federal balance ensures that the Union government does not interfere arbitrarily in the affairs of the states.

Conclusion

India's Constitution has emergency provisions that include checks and balances, preventing their misuse. These measures safeguard democracy, uphold the rule of law, and protect individual rights during crises. They ensure the Union government remains accountable within constitutional and democratic frameworks.

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$(document).ready(function(){ $('#accordion button').click(function(){ // $('#accordion button').css("display","block").next().slideUp(500); $(this).text(function(i, text){ return text === "Show Answer" ? "Hide Answer" : "Show Answer"; }); // $(this).css("display","none").next().slideToggle(500); $(this).next().slideToggle(); }); }); $('#sendtoprogress').click(function(e){ var article=$('#article').val(); var title = $('#articletitle').val(); var url = "https://www.drishtias.com/sambhav-daily-answer-writing-practice/papers/sambhav-2024/emergency-provisions-under-the-constitution-of-india/about-us/general-introduction//print"; $.ajax({ type: "POST", url: "https://www.drishtias.com/articles/progress", data: 'article='+article+'&type=2&articletitle='+title+'&url='+encodeURIComponent(url), success: function(data){ if(data=='success'){ if($('.progresslist').length){ $('.progresslist').prepend(''+title+'  
'); } else { $('.message').hide(); $( ' ' )
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- ['+title+'](#)

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').insertAfter( ".content .prog" ); } $('#articlemsg').html('Article has been added in your progress section'); $('#fixbtn.progress').toggleClass('open'); } else if(data=='already') { $('#articlemsg').html('This article is already exist in your progress section. '); } else if(data=='login') { $('#articlemsg').html('Please login to send this article into progress. '); } else { $('#articlemsg').html('Oops! something went wrong, Please try again'); } }, error: function(error,errortype,errorstatus){ alert(errortype); } }); $('#sendtobookmark').click(function(e){ var article=$('#article').val(); var title = $('#articletitle').val(); var url = "https://www.drishtias.com/sambhav-daily-answer-writing-practice/papers/sambhav-2024/emergency-provisions-under-the-constitution-of-india/about-us/general-introduction//print"; $.ajax({ type: "POST",
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url: "https://www.drishitias.com//articles/progress", data:
'article='+article+'&type=1&articletitle='+title+'&url='+encodeURIComponent(url), success:
function(data){ if(data=='success'){ if($('.bookmarklist').length){ $('#bookmarklist').prepend(
'+title+'  


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```
').insertAfter( ".content .bookm" ); } $('#articlemsg').html('Article has been added in your bookmark
section'); $('#fixbtn.bookmark').toggleClass('open'); } else if(data=='already') { $('#articlemsg').html('This
article is already exist in your bookmark section.');
```



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screen_width_resize_before){ //Zoom out if(current_location > screen_middle){ box.style.left =
(screen_width_resize_after-xx) + 'px'; } else { box.style.left = x + 'px'; } } else { //Zoom in
if(current_location > screen_middle){ box.style.left = (screen_width_resize_after-xx) + 'px'; } else {
box.style.left = x + 'px'; } } var screen_width_resize_before = screen_width_resize_after; });
document.addEventListener('scroll',(event) => { var box_top=parseInt(box.style.top, 10); var
window_height=parseInt(window.innerHeight, 10); if((box_top >= window_height) || (box_top
screen_middle){ box.style.left = (screen_width-xx) + 'px'; } else { box.style.left = x + 'px'; }
box.style.top = (window_height*0.5)+'px'; } }, { passive: true } ); $('.float-plus').draggable();
$('.float-plus').css("position", "fixed"); $(".float-plus").css("z-index", "999"); $('.float-plus').click(function(){
show_social_float_icons(); }); var box = document.getElementById('float-plus'); $('.float-plus').mousedown(function(){
const body = document.body; box.style.transition = "all 0s ease 0s"; body.style.overflow = "hidden";
body.style.pointerEvents = "auto"; }); $('.float-plus').mouseup(function(){ const body = document.body;
body.style.overflow = "auto"; body.style.pointerEvents = "auto"; box.style.transition = "all 1s ease 0s";
var screen_width = window.innerWidth; var screen_width = parseInt(screen_width, 10) var current_location =
box.style.left; var current_location = parseInt(current_location, 10) var screen_middle = (screen_width/2);
var xx = (screen_width*0.04); var x = (screen_width*0.009); if(current_location > screen_middle){
box.style.left = (screen_width-xx) + 'px'; } else { box.style.left = x + 'px'; } }); // For MOBILE TOUCH - DRAGGABLE
box.addEventListener('touchstart', function(e) { box.style.transition = "all 0s ease 0s"; });
box.addEventListener('touchmove', function(e) { e.preventDefault(); box.style.transform =
"translate(-50%, -50%)"; var touchLocation = e.targetTouches[0]; box.style.left = (touchLocation.pageX-
window.scrollX) + 'px'; box.style.top = (touchLocation.pageY-window.scrollY) + 'px'; });
box.addEventListener('touchend', function(e) { box.style.transition = "all 1s ease 0s"; var screen_width =
screen.width; var screen_width = parseInt(screen_width, 10) var current_location = box.style.left; var
current_location = parseInt(current_location, 10) var screen_middle = (screen_width/2); var xx =
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(screen_width*0.05); var x = (screen_width*0.05); if(current_location > screen_middle){ box.style.left =
(screen_width-xx) + 'px'; } else { box.style.left = x + 'px'; } }); function remove_social_float_icons() {
$(".float-fb").animate({ top: "-=8%", }, 500 ); setTimeout(function(){ $(".float-fb" ).hide("slow"); },500);
$(".float-tw").animate({ top: "-=16%", }, 500 ); setTimeout(function(){ $(".float-tw" ).hide("slow"); },500);
$(".float-rs").animate({ top: "-=24%", }, 500 ); setTimeout(function(){ $(".float-rs" ).hide("slow"); },500);
$(".float-ig").animate({ top: "-=32%", }, 500 ); setTimeout(function(){ $(".float-ig" ).hide("slow"); },500);
$(".float-pn").animate({ top: "-=40%", }, 500 ); setTimeout(function(){ $(".float-pn" ).hide("slow"); },500);
$(".float-wp").animate({ top: "-=48%", }, 500 ); setTimeout(function(){ $(".float-wp" ).hide("slow");
},500); var width = (window.innerWidth > 0) ? window.innerWidth : screen.width; if(width >= 700){
$(".float-tg").animate({ top: "-=56%", }, 500 ); setTimeout(function(){ $(".float-tg" ).hide("slow"); },500);
} setTimeout(function(){ $(".float-cross" ).hide("slow"); },500); setTimeout(function(){ $(".float-plus"
).show("slow"); },500); sessionStorage.setItem("remove_social_icons", "1"); } function
show_social_float_icons(){ setTimeout(function(){ $(".float-plus" ).hide("slow"); },10);
setTimeout(function(){ $(".float-fb" ).show("slow"); },10); setTimeout(function(){ $(".float-tw"
).show("slow"); },10); setTimeout(function(){ $(".float-rs" ).show("slow"); },10); setTimeout(function(){ $(".
float-ig" ).show("slow"); },10); setTimeout(function(){ $(".float-pn" ).show("slow"); },10);
setTimeout(function(){ $(".float-wp" ).show("slow"); },10); var width = (window.innerWidth > 0) ?
window.innerWidth : screen.width; if(width >= 700){ setTimeout(function(){ $(".float-tg" ).show("slow");
},10); } setTimeout(function(){ $(".float-cross" ).show("slow"); },10); $(".float-fb").animate({ top:
"+=8%", }, 500 ); $(".float-tw").animate({ top: "+=16%", }, 600 ); $(".float-rs").animate({ top: "+=24%",
}, 700 ); $(".float-ig").animate({ top: "+=32%", }, 800 ); $(".float-pn").animate({ top: "+=40%", }, 900 );
$(".float-wp").animate({ top: "+=48%", }, 1000 ); if(width >= 700){ $(".float-tg").animate({ top:
"+=56%", }, 1000 ); } sessionStorage.setItem("remove_social_icons", "0"); }
$(document).ready(function(){ var value = sessionStorage.getItem("remove_social_icons"); if(value ==
'1'){ remove_social_float_icons(); } }); // function to close the popup function closePopup() { var modal =
document.getElementById("myModal"); modal.style.display = "none"; } // function to open the popup
function openPopup() { var modal = document.getElementById("myModal"); modal.style.display =
"block"; } // Added the code - If user click on anywhere outside the popup $('body').click(function(e) {
$('#myModal').hide(); }); $('#popclose').on('click',function(e){ $('#myModal').css('display','none'); }); //
automatically open the popup on page load window.onload = openPopup; $(document).ready(function(){
if(screen.width { button.addEventListener('click', btnEvent => { // console.log(button.id); $.ajax({
method: "POST", url: "https://www.drishtiiias.com/search/", data:{ 'id': button.id, 'search': search },
headers: { 'X-CSRF-TOKEN': $('[name = "_csrfToken"]').val() }, success: function(result) {
$('body').html(result); }, error: function(error){ console.log(error) } } }) } $(document).ready(function(){
//alert(getCookie('isLogin')); if(getCookie('isLogin')==1) { $('#myAccountDiv').css('display','inline-block');
$('#loginLink').css('display','none'); $('#registerLink').css('display','none');
$('#makeNoteLoginLink').css('display','inline-block'); $('#makeNoteLink').css('display','none');
$('#makeNoteOptionDiv').css('display','inline-block'); } else { $('#myAccountDiv').css('display','none');
$('#loginLink').css('display','inline-block'); $('#registerLink').css('display','inline-block');
$('#makeNoteLoginLink').css('display','none'); $('#makeNoteLink').css('display','inline-block');
$('#makeNoteOptionDiv').css('display','none'); } }); function getCookie(name) { var match =
document.cookie.match(RegExp("(?:^|;)\s*" + name + "=(?:[^\s]*)")); return match ? match[1] : null; } var
regex = /^[a-zA-Z0-9_+]+\@((([a-zA-Z0-9-])+\.)+([a-zA-Z0-9]{2,4})+)$/; var phonex = /^[0-9 ]+$/;
$('#newsletterfrm').submit(function(e){ var msg=true; var txtname=$('#txtname').val(); var
txtname=$('#txtname').val(); $('#nmsg').html(""); //$('.input-error').remove(); if(txtname.trim()==){
$('#txtname').addClass('input-error'); msg=false; }else{ $('#txtname').removeClass('input-error'); }
if(txtname.trim()==){ $('#txtname').addClass('input-error'); msg=false; }else
if(!regex.test(txtname)){ $('#txtname').addClass('input-error'); msg=false; }else{
$('#txtname').removeClass('input-error'); } if(msg){ var form=$('#newsletterfrm').serialize(); $.ajax({
type: "POST", url: "https://www.drishtiiias.com/pages/newsletterfrm", data: form, success: function(data){
if(data=='already'){ $('#nmsg').html('Email address already in use'); }else if(data=='add'){
$('#nmsg').html('Thank you for subscribing to our newsletter. '); $('#txtname').val("");
$('#txtname').val(""); }else{ $('#nmsg').html('Oops! something went wrong, Please try again'); }
//$('#nloader').hide(); }, error: function(error,errorType,errorStatus){ alert(errorType);
//$('#nloader').hide(); } }); } e.preventDefault(); }); $('#smsalertfrm').submit(function(e){ var msg=true;
var txtmobile=$('#txtmobile').val(); $('#nmmsg').html(""); //$('.input-error').remove();
if(txtmobile.trim()==){ $('#txtmobile').addClass('input-error'); msg=false; }else
if(txtmobile.trim().length!=10){ $('#txtmobile').addClass('input-error'); msg=false; }else
if(!phonex.test(txtmobile)){ $('#txtmobile').addClass('input-error'); msg=false; }else{
```

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$('#txtnmobile').removeClass('input-error'); } if(msg){ var form=$('#smsalertfrm').serialize();
//$('#nmloader').show(); $.ajax({ type: "POST", url: "https://www.drishtiias.com/pages/smsalertfrm", data:
form, success: function(data){ if(data=='already'){ $('#nmmsg').html('Phone number already in use');
}else if(data=='add'){ $('#nmmsg').html('Thank you for subscribing to our SMS Alerts.')}
$('#txtnmobile').val(''); }else{ $('#nmmsg').html('Oops! something went wrong, Please try again'); }
//$('#nmloader').hide(); }, error: function(error,errortype,errorstatus){ alert(errortype);
//$('#nmloader').hide(); } }); } e.preventDefault(); }); $('#subscriptionfrm').submit(function(e){ var
msg=true; var txtname=$('#name').val(); var txtemail=$('#emailaddress').val(); var
txtmobile=$('#phone').val(); $('#contactmsg').html(''); //$('.input-error').remove();
if(txtname.trim()==){ $('#name').addClass('input-error'); msg=false; }else{
$('#name').removeClass('input-error'); } if(txtemail.trim()==){ $('#emailaddress').addClass('input-
error'); msg=false; }else if(!regex.test(txtemail)){ $('#emailaddress').addClass('input-error'); msg=false;
}else{ $('#emailaddress').removeClass('input-error'); } if(txtmobile.trim()==){
$('#phone').addClass('input-error'); msg=false; }else if(txtmobile.trim().length!=10){
$('#phone').addClass('input-error'); msg=false; }else if(!phonex.test(txtmobile)){
$('#phone').addClass('input-error'); msg=false; }else{ $('#phone').removeClass('input-error'); }
if($('#dailyupdates').prop("checked") == false && $('#examnewsletter').prop("checked") == false &&
$('#fullnewsletter').prop("checked") == false && $('#sms').prop("checked") == false) {
$('#contactmsg').css('display','block'); $('#contactmsg').addClass('error'); $('#contactmsg').html('No
option selected, please select at least one option.')} msg=false; } if(msg){ $('.loader').css('display','block');
var form=$('#subscriptionfrm').serialize(); $.ajax({ type: "POST", url:
"https://www.drishtiias.com/subscription", data: form, success: function(data){
$('.loader').css('display','none'); if(data=='success'){ $('#contactmsg').css('display','block');
$('#contactmsg').removeClass('error'); $('#contactmsg').html('Thank you for subscribing to our
subscription. You will hear from us soon.')} $('#name').val(''); $('#emailaddress').val(''); $('#phone').val('');
}else{ $('#contactmsg').css('display','block'); $('#contactmsg').addClass('error');
$('#contactmsg').html('Oops! something went wrong, Please try again'); } }, error:
function(error,errortype,errorstatus){ $('.loader').css('display','none'); alert(errortype);
//$('#nloader').hide(); } }); } e.preventDefault(); }); $('#testseriesfrm').submit(function(e){ var msg=true;
var txtname=$('#firstname').val(); var txtemail=$('#emailaddress').val(); var
txtmobile=$('#phonenumber').val(); $('#contactmsg').html(''); //$('.input-error').remove();
if(txtname.trim()==){ $('#firstname').addClass('input-error'); msg=false; }else{
$('#firstname').removeClass('input-error'); } if(txtemail.trim()==){ $('#emailaddress').addClass('input-
error'); msg=false; }else if(!regex.test(txtemail)){ $('#emailaddress').addClass('input-error'); msg=false;
}else{ $('#emailaddress').removeClass('input-error'); } if(txtmobile.trim()==){
$('#phonenumber').addClass('input-error'); msg=false; }else if(txtmobile.trim().length!=10){
$('#phonenumber').addClass('input-error'); msg=false; }else if(!phonex.test(txtmobile)){
$('#phonenumber').addClass('input-error'); msg=false; }else{ $('#phonenumber').removeClass('input-
error'); } if(msg){ $('.loader').css('display','block'); var form=$('#testseriesfrm').serialize(); $.ajax({ type:
"POST", url: "https://www.drishtiias.com/test-series-registration", data: form, success: function(data){
$('.loader').css('display','none'); //alert(data); if(data=='success'){ $('#contactmsg').css('display','block');
$('#contactmsg').removeClass('error'); $('#contactmsg').html('Thank you for choosing our test series. You
will get an email and message soon.')} $('#firstname').val(''); $('#lastname').val('');
$('#emailaddress').val(''); $('#phonenumber').val(''); }else{ $('#contactmsg').css('display','block');
$('#contactmsg').addClass('error'); $('#contactmsg').html(data); } }, error:
function(error,errortype,errorstatus){ $('.loader').css('display','none'); alert(errortype);
//$('#nloader').hide(); } }); } e.preventDefault(); }); $('#allnotes').click(function(){
$('.fixbtn.notes').removeClass('open'); $('.fixbtn.mynotes').toggleClass('open'); });
$('.mynotes,.notelist').on('click','.readmore',function(){ var noteid=$(this).attr('data-noteid');
$('#note_id').val(noteid); $.ajax({ type: "POST", url: "https://www.drishtiias.com/articles/setnote", data:
'note_id='+noteid, success: function(data){ if(data){ tinymce.get("mynote").setContent(data);
$('#mynotemsg').html(''); $('.fixbtn.notes').toggleClass('open'); }else{ alert('Oops! something went
wrong, Please try again'); } }, error: function(error,errortype,errorstatus){ alert(errortype); } }); });
$('#notelink').click(function(){ $.ajax({ type: "POST", url: "https://www.drishtiias.com/articles/removenote",
success: function(data){ if(data=='removed'){ $('#note_id').val(''); tinymce.get("mynote").setContent('');
$('#mynotemsg').html(''); $('.fixbtn.notes').toggleClass('open'); $('.fixbtn.mynotes').removeClass('open');
}else{ alert('Oops! something went wrong, Please try again'); } }, error:
function(error,errortype,errorstatus){ alert(errortype); } }); });
$('.mynotes,.notelist').on('click','.removenote',function(e){ if(confirm('Are you sure want to remove
```

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note?') { $(' .loader').css('display','block'); var noteid=$(this).attr('data-noteid'); $.ajax({ type: "POST", url:
"https://www.drishtiiias.com/articles/deletenote", data: 'note_id='+noteid, success: function(data){
$(' .loader').css('display','none'); if(data=='removed'){ $(' #note-list #' +noteid+',.notelist
#' +noteid).css('display','none'); }else{ alert('Oops! something went wrong, Please try again'); } }, error:
function(error,errortype,errorstatus){ $(' .loader').css('display','none'); alert(errortype); } }); }
e.preventDefault(); }); $('#commentfile').change(function() { $('#file-name').text(this.files[0].name); });
$(document).ready(function() { $(' .list-toggle').click(function() { $(' .list-category').toggleClass('active');
$(this).toggleClass('active'); $(' .value').text(function(i, text){ return text === "Hide Menu" ? "Show Menu"
: "Hide Menu"; }); }); }); $(' #commentfile').change(function() { $('#file-name').text(this.files[0].name); });
$(document).ready(function() { $(' .list-toggle').click(function() { $(' .list-category').toggleClass('active'); $(' .list-
toggle').toggleClass('active'); }); $(' .fixbtn .btn').click(function() { $(' .fixbtn
.btn').not(this).parents(' .fixbtn').removeClass('open'); $(this).parents(' .fixbtn').toggleClass('open'); });
$(' .fixbtn a.close').click(function() { $(this).parents(' .fixbtn').removeClass('open'); }); $(' .note-
btn').click(function() { $(' .fixbtn.notes').toggleClass('open'); }); $(' .viewmore a').click(function() {
$(' .hide').slideToggle('active'); $(this).text(function(i, text){ return text === "View More" ? "View Less" :
"View More"; }); }); }); $(' .learning-program .subheading').click(function() { $(this).next().slideToggle();
$(this).toggleClass('open'); }); $(document).ready(function() { $(' a.register-btn').colorbox(); });
$(' .interview-slider').slick({ autoplay: true, arrows: false, dots: true });
$(' #bookSession').on('click',function(e){ $.ajax({ type: "POST", data: { 'course':
$(' #bookSession').data('course') }, url: "https://www.drishtiiias.com/book-online-session", success:
function(json){ var obj = JSON.parse(json); if (obj.status==200) { alert(obj.message); } else {
alert(obj.message); window.location.reload(); } }, error: function(error,errortype,errorstatus){
alert(errortype); } }); e.preventDefault(); }); $(' .popup').colorbox({iframe: true, innerWidth: 790,
innerHeight: 530}); if(screen.width = 500) { $(' #scroll-top").addClass("show"); } else { $(' #scroll-
top").removeClass("show"); } }); function showarchive(year,month,day=null){ // alert('sambhav-daily-
answer-writing-practice'); return; var
url='https://www.drishtiiias.com/archives/'+year+'-'+month+'-'+day; location=url;
//alert(url+'/archives/'+year+'-'+month+'-'+dat); }

```

PDF Refernece URL: <https://www.drishtiiias.com/sambhav-daily-answer-writing-practice/papers/sambhav-2024/emergency-provisions-under-the-constitution-of-india/about-us/general-introduction//print>

