



# Polity Class Notes for IAS and PCS

## Chapter No – 18: Emergency Provision

Emergency Provision (Part-18)			
S.No	National Emergency (Article 352)	President Rule/ State Emergency (Article 356)	Financial Emergency (Article 360)
1.	Resolution should be pass 2/3 special majority within 1 month	Resolution should pass simple majority within 2 months	Approval by both house with simple majority within 2 months
2.	If LS – dissolved, should pass within 30 days	If LS – dissolved, should pass within 30 days	If LS – dissolved pass, should within 30 days
3.	Extended Infinite time, but approve every 6 months	Extended maximum 3 years but approve every 6 months	No maximum limit is definite
4.	Parliament can extended up max than 5 years	The such proclamation extended (LA) term more than 5 years & after 6 months max ceased to operate	
5.	Suspended (20/21) Art. Not suspended article 19 in case of internal emergency	No suspend Fundamental Rights	Not suspend Fundamental Rights
6.	Affect Fundamental Rights	Not affect Fundamental Rights	Not affect Fundamental Rights
7.	During it – Parliament not suspended state government not suspended	State government suspended all authority under centre	Cut salary of HC & SC judge by Parliament discussion
<b>Revocation of Proclamation</b>			
<ul style="list-style-type: none"> <li>➤ Emergency revoked by President at any time by a subsequent proclamation – Not approve of Parliament</li> <li>➤ President must revoke a proclamation if LS passes a resolution. If LS pass a resolution disapproving its continuation (Previous – LS had not control in this regard)</li> <li>➤ By 44<sup>th</sup> Amendment – provides 1/10 of member of LS give a written notice to speaker – special sitting within 14 days</li> <li>➤ Ist one is adopted by LS – Simple majority &amp; second one need to adopted by special majority</li> </ul>			
<b>President Rule</b>			



- Every resolution approving proclamation of president rule – passed by either house of Parliament by simple majority.
- 44<sup>th</sup> Amendment – Beyond 1 year – This rule can be extended by 6 months approved
- Proclamation of President Rule may be revoked by president at any time. There is no need of parliamentary approval.

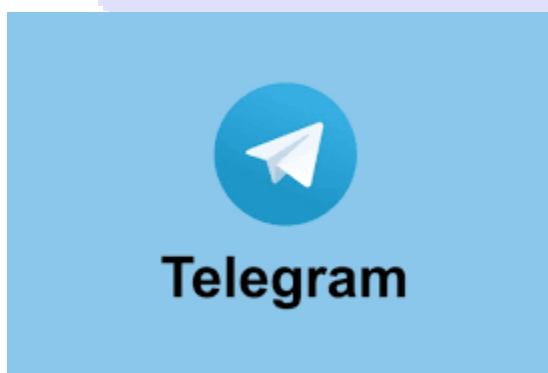
#### **Note - British**

1. Shadow Cabinet – By opposition – concept Britain
2. Monarchy head – king
3. Parliament superior
4. Minister cannot be a person who is not a member of Parliament
5. PM should come from LS
6. Ministers have legal responsibility

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