

Emergency provisions in India - Borrowed from Germany

(1) Article 352 – National Emergency

- The President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or armed rebellion.
- Declared on the ground of ‘war’ or ‘external aggression’, it is known as ‘External Emergency’.
- Declared on the ground of ‘armed rebellion’, it is known as ‘Internal Emergency’.

Parliamentary Approval and Duration

- Must be approved by both the Houses of Parliament within one month from the date of its issue.
- A proclamation of emergency may be revoked by the President at any time by a proclamation. Such a proclamation does not require the parliamentary approval.
- The emergency continues for six months, and can be extended to an indefinite period with an approval of the Parliament for every six months.

Effect on the Fundamental Rights :

- Articles 358 and 359 describe the effect of a National Emergency on the Fundamental Rights.
- Article 358 deals with the suspension of the Fundamental Rights guaranteed by Article 19, while Article 359 deals with the suspension of other Fundamental Rights (except those guaranteed by Articles 20 and 21).
- This type of Emergency has been proclaimed three times so far—in 1962, Chinese aggression in the NEFA (North-East Frontier Agency—now Arunachal Pradesh), 1971 in the wake of attack by Pakistan and 1975.

(2) Article 356 – President’s Rule

- Article 356 in case of failure of constitutional machinery in state. This is popularly known as ‘President’s Rule’. It is also known as ‘State Emergency’ or ‘Con-stitutional Emergency’.
- A proclamation imposing President’s Rule must be approved by both the Houses of Parliament within two months from the date of its issue. President’s Rule continues for six months.
- It can be extended for a maximum period of three years with the approval of the Parliament, every six months.
- Since 1950, the President’s Rule has been imposed on more than 100 occasions,
- For the first time, the President’s Rule was imposed in Punjab in 1951. Tamil nadu – 4 times

(3) Article 360 – Financial Emergency

- president to proclaim a Financial Emergency if he is satisfied that a situation has arisen due to which the financial stability or credit of India or any part of its territory is threatened.
- A proclamation declaring financial emergency must be approved by both the Houses of Parliament within two months from the date of its issue.
- Once approved by both the Houses of Parliament, the Financial Emergency continues indefinitely till it is revoked.
- A proclamation of President's Rule may be revoked by the President at any time

President can appoint

- The prime minister of India
- Other ministers of the union
- The attorney-general of India
- The comptroller and auditor general of India
- The chief justice and judges of Supreme Court
- The chief justice and judges of the high court's of the states
- The governor of states
- The chief election commissioner and other election commissioners of India
- Member of inter-state council
- Chief Commissioner of union territories
- Members of finance commission
- Members of backward class commission
- Members of minority's commission
- Indian ambassadors

Governor can appoint

- The chief minister and council of ministers in state
- Advocate general
- Members of state public service commission
- Judges of the District Courts

Important ages in constitution

1. Minimum age for election to tie post of President/Vice-President/Governor - 35 years
2. Minimum age for election as MP (Lok Sabha)/MLA - 25 years
3. Minimum age for election as MP (Rajya Sabha)/MLC - 30 years

4. Upper age limit for appointment as a judge of Supreme Court, Attorney General, Comptroller & AUDITOR General, member of Public Service Commission - 65 years
5. Upper age limit for appointment as a judge of High court/ Advocate General/member of State Commission - 62 years
6. Age between which education has been made a fundamental right - 6 to 14 years

Important Time Limits in Indian Constitution Condition

1. Duration Maximum interval between two sessions of Parliament/State Assembly - Six months
2. Maximum life of Presidential Ordinance - Six months
3. Maximum period within which an election is to be held to fill a vacancy created by the death, resignation or removal or otherwise of a President - Six months
3. Maximum duration for which President's rule can be imposed in a state - Six months
4. Time after which money bill passed by Lok Sabha is deemed to have been passed By Rajya Sabha when no action is taken by it - 14 Days
5. Maximum duration for which a President/Vice-President/Governor may hold office from the date on which he enters his office - 5 years
6. Maximum duration for which a Lok Sabha/State Legislature may function from the date appointed for its first meeting - 5 years
7. Maximum period for which the term of a Lok Sabha/State Legislature be extended while a Proclamation of Emergency is in operation - 6 month
8. Maximum duration for which a member of either House of Parliament may be absent without permission before his seat is declared is vacant - 60 days
9. Maximum period within which a person who is arrested and detained in custody shall be produced before the nearest magistrate - 24 hours
10. Maximum duration for which a Panchayat/Municipality shall function from the date appointed for first meeting - 5 years
11. Maximum duration for which a member of a Public Service Commission may hold his office subject to his not attaining the age of sixty five years - 6 years
12. Maximum duration for which a member of a State Commission may hold his office subject to his not attaining the age of sixty -two years - 6 years

Important Articles of the Constitution of India

Article 1	Name and Territory of Union
Article 3	New States Formation, Alteration of Boundaries etc.
Article 14	Equality before Law
Article 16	Equality in case of Public Employment
Article 17	Abolition of Untouchability
Article 18	Abolition of Titles
Article 19	Protection of Certain Rights to Freedom
Article 19a	Freedom of Speech & Expression
Article 19b	Right to Peaceful Assembly
Article 19c	Freedom of Association
Article 19d	Right to Move Freely through India
Article 19e	Freedom of Settlement & Residence
Article 19f	(Omitted as a fundamental right – governed by article 300A.) Right to Own Personal Property.
Article 19g	Freedom to Practise any Profession, Occupation, Trade or Business
Article 21	Right to Life and Personal Liberty
Article 21A	Right to Education
Article 23	Prohibition of Human Trafficking and Forced Labour
Article 24	Prohibition of Child Labour
Article 32	Remedies for enforcement of Fundamental Rights
Article 51A	Fundamental Duties
Article 72	Powers of President to Grant Pardons etc.
Article 108	Joint Sitting of both Houses of Parliament
Article 112	Budget
Article 123	President's Power to Promulgate Ordinance while Parliament in Recess
Article 161	Power of Governors to Grant Pardon etc.
Article 280	Finance Commission
Article 312	All India Services
Article 324	Election Commission
Article 352	National Emergency
Article 356	President's Rule in case of Failure of Constitutional Machinery in States
Article 360	Financial Emergency
Article 368	Power of Parliament to Amend the Constitution
Article 370	Temporary provisions with respect to the state of Jammu and Kashmir

Important constitution Amendments

- The Seventh Amendment 1956 - reorganization of states on a linguistic basis
 - **(Forty Second Amendment) Act, 1976** - Preamble:

Inserted Art. 51 –A to create a new part IV-A in the Constitution as Fundamental Duties.
- **The Constitution (Forty-fourth Amendment) Act, 1978** Right to property was taken out of the Fundamental rights and declared as a legal right.
- **Sixty-First Amendment 1988-** Voting age was reduced from 21 years to 18years
- **The Constitution (Sixty Ninth Amendment) Act, 1991-** “National Capital Territory of Delhi”.
- **Eighty-sixth Amendment Act, 2002-** Art. 21A was inserted making the right to free and compulsory education for children between 6 to 14 years