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He can also issue such a proclamation if a state has failed to carry out a direction of the Union Government given by it in exercise of its executive power to the state. Every proclamation made under Article ceases to be in operation unless approved by both Houses of the Parliament within 2 months after its proclamation. Once, approved by Parliament, Emergency shall be enforced for not more than 6 months from the date of proclamation by the President. Such an approval by the Parliament needs only simple Majority. If Lok Sabha stands dissolved then Rajya Sabha shall have to approve it within 2 months and Lok Sabha shall approve it within 1 month of its reconstitution. However, Parliament can extend it for a further period of 6 months only. If it has to approve beyond 1 year then two conditions shall have to be satisfied. There shall be National Emergency in force either in whole of the State concerned or in part thereof. Election Commission is satisfied that under prevailing conditions general election to State Legislative Assembly of the State concerned cannot be held. But under no circumstances, State Emergency cannot be extended beyond 3 years. To extend it further, constitutional amendment is required. Thus, at times, the President may declare State Emergency even when he has not received a report from the state Governor saying that the constitutional machinery of that state has failed. Under the 42nd Amendment of , the presidential promulgation of State Emergency became immune from judicial review. In other words, it could not be challenged in the court of law. But this was nullified by the 44th Amendment of Consequences of the Proclamation of State Emergency During state Emergency, the President of India assumes all executive power of the state to himself. The state administration is run directly by him or through a person designated for the purpose by him. It is the Governor of state who runs the state administration on behalf of the President. The state assembly is kept under suspended animation if there is hope that a new council of ministers can be formed within a short time. During this period, the MLAs do not lose their membership of the Assembly, nor is there election held to the assembly. It also passes the state budget. However, if the Lok Sabha is not in session, the President may authorize any expenditure from the consolidated fund of India. During the State Emergency, the High Court of the state, as before, functions independently without any of its powers being curtailed. The president has also power to proclaim ordinances in the state During State Emergency the Union Government assumes absolute control over state administration except the judiciary Dr. Ambedkar, the Father of Indian Constitution, observed, Art is not an ordinary law, and this cannot be enforced arbitrarily and whimsically. This may be used as the last weapon, he said. But this has already been used more than times. The effects of financial emergency are: The Union Executive will have authority to give directions to any state to observe canons of financial propriety. The President may issue directions requiring reducing the salary and allowance of all or any class of persons serving in the Union or State Government including the Judges of the Supreme Court and High Courts. The money bills, duly passed by state legislatures, may be reserved for the consideration of the President. The allocation of revenue between the centre and the state may be altered by the President. The proclamation of Financial Emergency shall ordinarily remain in force for a period of two months. However, it can continue to stay beyond two months if before the expiry of the two-month period, the proclamation has been approved by the both Houses of Parliament. Emergency In Indian Constitution “ Effects of Financial Emergency President is empowered to suspend the distribution of financial resources with States. President can issue directions to States to follow canons of financial propriety. He can direct State Govt. President can direct the Govt. The President can issue directions for the reduction of salaries and allowances of Judges of the Supreme Court and the High Courts. They can continue to be extended without any limit. But the State Emergency has a time-limit. It cannot go beyond three years.

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Notes blog.quintoapp.com Indian Polity 1 The constitution of country is a basic legal document which lays down the fundamental laws of governance. It establishes a particular type of polity suitable to the needs and environments of a country.