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State Emergency (Source: The Hindu)

STATE EMERGENCY

(Article 356)



What is State Emergency?

- Provisions under **Article 356** of the Constitution, also known as **President's Rule**.
- Imposed when the President, on receipt of a report from the Governor or otherwise, is satisfied that a situation has arisen in which the **government of a state cannot be carried on in accordance with the provisions of the Constitution**.
- It is not a breakdown of constitutional machinery in the literal sense, but a failure of constitutional governance.



सत्यमेव जयते



Who can impose?

- Declared by the **President of India** based on a report from the **Governor** of the state or on his own satisfaction.
- It is a **discretionary power** of the President, exercised on the advice of the Union Council of Ministers.



Parliamentary Approval

- Must be approved by both Houses of Parliament within **2 months**.
- Continues for **6 months** at a time.
- Can be extended up to a maximum of **3 years** (with conditions of Article 356(3)).



Effects of State Emergency

- President assumes to himself all or any of the functions of the state government.
- State Legislative Assembly may be:
 - kept in suspended animation, or
 - dissolved.
- State's executive power is exercised by the President through the Governor.
- Parliament assumes the power to make laws for the state.



Revocation

- Can be **revoked** by the President at any time.
- Does not require parliamentary approval for revocation.
- It automatically ceases to operate after 6 months if not approved by Parliament.



Judicial Review

- Subject to judicial review.
- In **S.R. Bommai v. Union of India (1994)**, the Supreme Court held that the President's satisfaction is **not absolute** and can be examined by the courts for mala fides, irrelevant considerations or non-application of mind.

DIFFERENT TYPES OF EMERGENCY IN INDIA

1. NATIONAL EMERGENCY (Article 352)



Grounds

War, external aggression or armed rebellion.



Who declares

President of India.



Parliamentary approval

Within 1 month (by special majority)
Continues for 6 months at a time and can be extended indefinitely.



Effects

Union gets extensive powers, fundamental rights under Article 19 can be suspended (during war or external aggression).

2. STATE EMERGENCY (Article 356)



Grounds

Failure of constitutional machinery in a state.



Who declares

President of India (based on Governor's report or otherwise).



Parliamentary approval

Within 2 months, continues for 6 months at a time, can be extended up to 3 years.



Effects

President assumes functions of state government, state legislative assembly may be suspended or dissolved, and Parliament makes laws for the state.

3. FINANCIAL EMERGENCY (Article 360)



Grounds

Threat to the financial stability or credit of India.



Who declares

President of India.



Parliamentary approval

Within 2 months, continues indefinitely.



Effects

Union can issue directions to states regarding financial matters, including reduction of salaries and allowances of state government employees and even Supreme Court and High Court judges.



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2 Kamala (Kamle) River (Source: The Indian Express)

- The Kamala River (also called Kamla or Kamle) is an important Himalayan river flowing through Arunachal Pradesh.
- It is a major right-bank tributary of the Subansiri River, which ultimately joins the Brahmaputra River in Assam.
- Kamala Hydroelectric Project is located in Arunachal Pradesh.

3 Graded Response Action Plan (GRAP) (Source: The Indian Express)

GRAP (Graded Response Action Plan) is a stage-wise emergency framework to control air pollution in Delhi-NCR, with measures escalating according to the Air Quality Index (AQI).

- It was approved by the Supreme Court in 2016 in the M.C. Mehta v. Union of India case

Objective

- Reduce emissions from construction dust, vehicles, industry, waste burning, diesel generators, and other pollution sources during high-pollution periods.

Stages and Measures

- **Stage 1 - Poor:** Mechanised road sweeping, water sprinkling, dust control at construction sites, strict enforcement against open waste burning, checks on polluting vehicles, higher parking charges and promotion of public transport.
- **Stage 2 - Very Poor:** Restrictions on diesel generator sets, intensified road sweeping/water sprinkling, hotspot control, and enhanced public transport.
- **Stage 3 - Severe:** Ban on non-essential construction and demolition, restrictions on certain polluting vehicles, encouragement of work-from-home; school closures may be considered.
- **Stage 4 - Severe +:** Ban on entry of trucks except essential services, closure of schools, suspension of non-essential construction, and possible odd-even restrictions on private four-wheelers if notified.

Institutional Framework:

- **Implementing Authority:** Commission for Air Quality Management (CAQM)
- **Technical Support:** Indian Institute of Tropical Meteorology (IITM) and India Meteorological Department (IMD) provide AQI and meteorological forecasts.