



CONSTITUTIONAL PROVISIONS AND SOCIETAL IMPACT: A THOROUGH EXPLORATION OF NATIONAL, STATE, AND FINANCIAL EMERGENCIES IN INDIA

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ABSTRACT

This comprehensive article navigates the intricate constitutional provisions for emergencies in India, focusing on the well-defined frameworks of National, State, and Financial Emergencies outlined in Articles 352, 356, and 360 of the Indian Constitution. Delving beyond legal intricacies, the exploration extends to the real-world impacts, notably the recent challenges posed by the global COVID-19 pandemic. The analysis aims to unravel the delicate balance between state empowerment and the preservation of democratic values, shedding light on the implications for governance, individual rights, and economic resilience. The article draws lessons from historical case law, such as the ADM Jabalpur v. Shivkant Shukla case, emphasizing the nuanced relationship between individual liberties and state powers during emergencies. The collaborative response to the pandemic, involving government, media, and public, underscores the nation's resilience. As India reflects on the challenges and lessons learned, the constitutional provisions remain a guiding compass through turbulent times, promoting a strengthened, compassionate, and well-prepared society.

Keywords: Constitutional Governance, National Emergency, State Emergency, Financial Emergency, COVID-19 Pandemic, Individual Rights, Economic Resilience, Governance, Indian Constitution.

INTRODUCTION

In the intricate tapestry of constitutional governance, India stands as a beacon with well-defined provisions for emergencies, encompassing the realms of national security, state machinery, and financial stability. This article embarks on an insightful journey through the constitutional landscapes delineated by Articles 352, 356, and 360 of the Indian Constitution, unraveling the intricate web of powers vested in the state during times of crises.

As we navigate the constitutional corridors, we will scrutinize the implications of National Emergencies, State Emergencies, and the seldom-invoked Financial Emergency. Beyond the legal nuances, this exploration delves into the real-world impact of these emergencies, with a spotlight on the recent upheavals caused by the global COVID-19 pandemic.

Join us in deciphering the constitutional intricacies that govern emergencies in India and understanding the ripple effects these measures impose on governance, individual rights, and the nation's economic resilience. This comprehensive analysis promises a deeper insight into the delicate balance between safeguarding the state and preserving the democratic ethos, especially in the face of unprecedented challenges.

RIGHTS AVAILABLE DURING EMERGENCY

National Emergency

Article 352 of the Constitution of India – Proclamation of Emergency

(1) If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion, he may, by Proclamation, made a declaration to that effect in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation.

Explanation – A Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external aggression or by armed rebellion may be made before the actual occurrence of war or of any such aggression or rebellion, if the President is satisfied that there is imminent danger thereof.

According to article 352 of the Indian Constitution tells us that in times where there is a risk to the national security in any type, the power is transferred to the President in totality, and the states are to follow the guidance and orders provided by the Central.

Effects of National Emergency

The effects of the National Emergency can be found in article 353 of the Indian Constitution. The effects can be understood as the results of the powers exercised upon the states when the President is satisfied that an emergency is being invoked nationwide.

The most significant effect falls on the authority of the state and central as the government changes from federal to unitary, and all the powers relating to lawmaking for the entire country go to the Parliament. Even the subjects listed in the state list are to be overseen by the Parliament.

The President issues directions directly to the states in which he needs to exercise the executive power of the states. Those issues are to be intimated to the public by the executives of the states.

The Lok Sabha can extend its tenure by a year but not more than six months after the proclamation ceases to exist. He can also modify the provisions of the funds distributed between the Union and the States.

The Fundamental Rights stated under article 19 are suspended in the times of national emergency and continue to be suspended until the end of the emergency. But according to the 44th Amendment, the rights under Article 19 can only be suspended only in case of proclamation on the ground of war or external aggression.

Proclamation Criteria

As far as the proclamation of a national emergency is concerned, there are certain basic points which are stated in previous statements:

- The security of India or any part of the territory thereof is threatened: This statement talks about the situation when either the country wholly or any part of the country, but that would not be considered a state emergency. Also, this kind of proclamation may be made before the actual occurrence of such war, external aggression, or armed rebellion.
- By war or by external aggression: The opening words themselves are of explanatory nature, so they don't need to be explained much. Whenever other objects (not within the Indian Territory) try to create problems for India and its citizens through war or aggression.
- Armed rebellion within the country: The term “armed rebellion” was not there in the constitutional provisions from the very beginning. Before 1978, an emergency could be declared because of “war, external aggression, or internal disturbance,” which was too vague and broad in sense. The 44th constitutional amendment substituted the word “armed rebellion” for internal disturbance.

During the recent Coronavirus pandemic, declared a national emergency by the WHO worldwide, it's crucial to reassure the public by providing actual facts and live data reports on the situation in India and the world. Due to advancements in technology, it is not impossible in today's world to know the current condition of any country, sitting in your room, just by clicking a few buttons and links provided on the internet.

However, being confined to houses, the human brain tends to go into overdrive, filling itself with all kinds of negativity and thoughts, leading not only to poor physical health but also severe psychological damage to the brain.

In times of panic, it becomes the duty of the media and news channels to calm the people down and guide them to the order which will ensure that the country is not going astray. The freedom provided in Article 19 of the Constitution gives freedom of different kinds, allowing people not only to assemble but also unions and associations. However, during the Covid – 19 pandemic, this right is being suspended, as more than four people are not allowed to assemble at the same place.

Due to digital and print media, the public is not only able to get the news about the situation but also about different solutions available for the public like vaccination and what to be aware of for the preparation of the third wave, which is coming soon in India.

State Emergency

Article 356 of the Indian Constitution – Provisions in case of failure of constitutional machinery in State:

(1) If the President, on receipt of a report from the Governor of the State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may, by Proclamation

(a) Assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or anybody or authority in the State other than the Legislature of the State;

(b) Declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;

(c) Make such incidental and consequential provisions as appear to the president to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this constitution relating to anybody or authority in the State.

Provided that nothing in this clause shall authorize the President to assume to himself any of the powers vested in or exercisable by a High Court or to suspend in whole or in part the operation of any provision of this Constitution relating to High Courts.

It is the duty of the President to ensure that the states are being governed properly by the respective governments. If the President, either by the report of the Governor or by any other means, sees that the state is not able to function smoothly or the government has lost the capability to govern the state, then the President is to assume the responsibilities of the Governor, either entirely or partially.

All the powers given to the President in the times of National Emergency come to the President for that particular state.

Effects of State Emergency

The declaration of an emergency due to the breakdown of Constitutional machinery in a State has the following effects:

- The President can assume to himself all or any of the functions of the State Government or he may vest all or any of those functions with the Governor or any other executive authority.
- The President may dissolve the State Legislative Assembly or put it under suspension. He may authorize the Parliament to make laws on behalf of the State Legislature.
- The President can make any other incidental or consequential provision necessary to give effect to the object of the proclamation.

Financial Emergency

Article 360 of the Indian Constitution – Provisions as to financial emergency

(1) If the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part of the territory thereof is threatened, he may, by Proclamation, make a declaration to that effect.

The third type of emergency is a financial emergency where the financial stability or the credit of the nation is at risk, then this type of emergency is invoked but surprisingly, and fortunately, this emergency is yet to be invoked. This not only proves that the cash flow in the nation is secure but also that the public is not under the burden of inflation and heavy taxes.

Due to the removal of different taxes and the formation and implementation of a single tax GST, it has made it a lot easier to pay taxes and understand the amount of tax one has to pay on the products they purchase.

Effects of Financial Emergency

The proclamation of a Financial Emergency may have the following consequences:

- (a) The Union Government may give direction to any of the States regarding financial matters.
- (b) The President may ask the States to reduce the salaries and allowances of all or any class of persons in government service.
- (c) The President may ask the States to reserve all the money bills for the consideration of the Parliament after they have been passed by the State Legislature.
- (d) The President may also give directions for the reduction of salaries and allowances of the Central Government employees, including the Judges of the Supreme Court and the High Courts.

As mentioned earlier, fortunately, a financial emergency has never been proclaimed.

RELEVANT CASE LAW: STATE OF EMERGENCY

In the historic case of *ADM Jabalpur v. Shivkant Shukla* (1976), commonly known as the Habeas Corpus case, the Supreme Court of India faced a significant challenge in upholding individual liberties during the national emergency declared in 1975. The court, in a controversial decision, held that during an emergency, citizens could

not approach the court for enforcing their fundamental rights, even the right to life. This decision remains a stark reminder of the delicate balance between individual rights and state powers during emergencies.

IMPACT OF THE CORONAVIRUS PANDEMIC ON THE NATION

As everybody in the nation is aware of the effects which the pandemic had on our daily lives, affecting not only the livelihood of the people but also their financial conditions. The people are forced to go back to their villages to at least live comfortably as in the towns where they work; they suddenly became jobless due to the lockdown announced in March 2020.

The pandemic started in December 2019 in India with a large scale, but the government was able to prevent a large number of death rates and had the situation under control. However, when the second wave started in 2020, the government was unable to control it as it struck when we were unprepared for it, leading to the loss of lives and many struggling to survive. As 2021 arrived, the second wave passed, and the government started preparing for the third wave, which is supposed to target children.

During these three years of the pandemic, one's health was the thing considered most important, and everything else was secondary. Without life, no matter what you accomplish, no one will remember it for a long time unless you are a legend or have contributed greatly to the nation.

Due to vaccination and the careful following of the guidelines given by the government, it has been possible for people to be safe in their houses. Not only normal people but also the celebrities of the nation have come forward to help in any way they can. Some are sending people to their homes, some are providing space for building hospitals, some are providing financial support to the people, and some are providing free oxygen for the patients. Everyone is trying to help as much as they can, so let's help them by staying at home and taking care of our lives so that people may live freely after the pandemic has passed.

The GDP has dropped in the past year, and the financial flow of cash has also somewhat disrupted. People are ordered to work from their homes, which is not taking a toll on the pockets of the people but also on their health as they don't have any places available for them to divert their minds.

Exercises to Keep Your Mind Healthy

There are some things which people can try to keep them busy and train their minds so that it will not rust when they go back to their daily lives after the passing of the pandemic.

1. Have Time for Yourself

Due to the hectic and busy life of the 21st century, during the pandemic, we don't get enough time to spend on ourselves as we are busy getting things done for the day. We forget ourselves and slowly lose our identity as 'me,' an individual. So, it is important to have some kind of hobby or activity that you choose for yourself to make yourself feel alive and drive the passion deep hidden inside to see the light and create wonders.

2. Look, Listen, and Learn

Every time, it is not important for you to speak in front of your peers to show them how smart you are, but sometimes it helps to keep quiet and hear them speak. This will not only tell you about the facts that you are unaware of but will also give you a lot more favorable situations in the future to speak much better and with much more reason. Listening to others and studying their body language can provide more knowledge on how to speak in front of a crowd and how to handle unfamiliar situations.

3. Engage in Stimulating Conversations

When you have enough knowledge about any topic, then you can easily have a conversation with others regarding that matter and expand your horizon of knowledge. It will not only help you gain more knowledge but will also help improve your speaking skills.

4. Give Your Brain a Break

As the saying goes, excess of anything is not good, and the same applies to your brain. So, it is important to give your brain a break and fill it with fresh air so that it can work more efficiently in times of need and make you calm and confident.

CONCLUSION

In the intricate tapestry of constitutional governance, India stands as a beacon with well-defined provisions for emergencies, a safety net designed to safeguard the nation's integrity. This article has taken a deep dive into the constitutional landscapes delineated by Articles 352, 356, and 360 of the Indian Constitution, unraveling the intricate web of powers vested in the state during times of crises.

Our journey through these constitutional corridors has led us to scrutinize the implications of National Emergencies, State Emergencies, and the seldom-invoked Financial Emergency. Beyond the legal nuances, we delved into the real-world impact of these emergencies, with a particular focus on the recent upheavals caused by the global COVID-19 pandemic. Through this exploration, we aimed to decipher the constitutional intricacies that govern emergencies in India and understand the ripple effects these measures impose on governance, individual rights, and the nation's economic resilience.

The comprehensive analysis promised a deeper insight into the delicate balance between safeguarding the state and preserving the democratic ethos, especially in the face of unprecedented challenges. As we conclude this exploration, it becomes imperative to reflect on the lessons learned, the challenges faced, and the road ahead for India's emergency response mechanisms.

The rights available during emergencies, particularly in the context of a National Emergency, present a complex scenario. Article 352 grants the President sweeping powers when faced with a threat to the security of India. The effects, as outlined in Article 353, shift the balance of power from the states to the center, converting the government from federal to unitary. Fundamental Rights, a cornerstone of India's democracy, take a backseat during these trying times. The suspension of Article 19, albeit with certain amendments, raises pertinent questions about the preservation of individual liberties in the face of a perceived threat.

The Proclamation Criteria, as highlighted in the constitutional provisions, outlines the conditions under which a National Emergency can be declared. The recent declaration of a global pandemic as a national emergency emphasizes the need for a nimble response to unconventional threats. The role of media and news channels becomes crucial during these times, not just as information disseminators but as stabilizing forces that guide the public and maintain order.

Turning our attention to State Emergencies, as defined in Article 356, the breakdown of Constitutional machinery triggers a cascade of effects. The President assumes critical functions of the State Government, leading to a restructuring of powers and responsibilities. The power to dissolve the State Legislative Assembly or put it under suspension underscores the gravity of the situation. The effects of a State Emergency require a delicate approach, ensuring that the balance of power is restored without compromising the democratic principles enshrined in the Constitution.

The Financial Emergency, a rarely invoked provision, reflects the foresight of the framers of the Constitution. Article 360 grants the President the authority to declare a financial emergency when the stability or credit of India is under threat. Fortunately, this emergency has never been proclaimed, indicating a robust financial system and responsible fiscal policies. The effects, outlined in the article, emphasize the collaborative approach between the Union Government and the States, highlighting the interconnectedness of the Indian financial landscape.

As we weave through the impact of the COVID-19 pandemic on the nation, it is a testament to the resilience of the Indian people and the adaptability of the governance structure. The pandemic unearthed vulnerabilities in the healthcare system, economic disparities, and the need for a more robust emergency response mechanism. The lessons learned during these trying times should be imbibed to fortify the nation against future crises.

The collaborative efforts of the government, media, and public during the pandemic showcased the strength of unity in combating a common adversary. Celebrities and ordinary citizens alike joined hands to provide support, whether in the form of medical facilities, financial aid, or simply spreading awareness. This collective spirit should not be a fleeting response but a foundation for building a more resilient and empathetic society.

The economic impact of the pandemic, as reflected in the drop in GDP and disruptions in the financial flow, necessitates a thoughtful recovery plan. The lessons from the implementation of GST highlight the importance of fiscal policies that are not only efficient but also easily understandable for the public. A transparent and accountable economic framework will be crucial in rebuilding and sustaining the nation's financial health.

In considering exercises to keep one's mind healthy during challenging times, the importance of self-care and mental well-being cannot be overstated. Engaging in activities that foster creativity, continuous learning, and meaningful conversations can be a balm for the mind. The lessons learned from the pandemic extend beyond the physical health domain, emphasizing the interconnectedness of mental and emotional well-being with overall societal resilience.

In conclusion, the constitutional provisions for emergencies in India are both a shield and a responsibility. The delicate balance they strike between empowering the state and safeguarding individual rights reflects the wisdom of the framers of the Constitution. The recent challenges posed by the COVID-19 pandemic shed light on areas of improvement and resilience. As India continues its journey, the constitutional provisions provide a compass, guiding the nation through the stormy seas of emergencies. The true test lies not just in weathering the immediate crises but in emerging stronger, more compassionate, and better prepared for an uncertain future.

