



Use of Emergency Provisions in Manipur and India's Federal Structure

For Prelims: [Emergency provisions](#), [Articles 355](#), [Article 356](#), [President's rule](#), [Seventh Schedule to the Constitution of India](#), [Supreme Court of India](#), [National Emergency](#)

For Mains: [Manipur internal crises](#), India's Federal Structure and Emergency Provisions, Indian Constitution

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Why in News?

The recent violence in Manipur has reignited the debate on **Centre-State relations and the Centre's role in handling [Manipur internal crises](#)**, highlighting the use of [emergency provisions](#) in such situations.

What are Emergency Provisions for the Centre to Protect State?

- **Constitutional Basis:** [Articles 355](#) and 356, located in **Part XVIII of the Indian Constitution** (from Article 352 to 360) define the roles of the Centre and State governments during emergencies.
 - **Article 355:** Mandates that the **Centre protect States from external and internal disturbances (internal crises) and** ensure that State governments operate constitutionally.
 - Article 356: Allows imposition of [President's rule in a State](#) when its government is unable to function according to the Constitution, thus enabling the Centre to assume control directly.

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Articles Related to Emergency Provisions at a Glance

Article No.	Subject-matter
352.	Proclamation of Emergency
353.	Effect of Proclamation of Emergency
354.	Application of provisions relating to distribution of revenues while a Proclamation of Emergency is in operation
355.	Duty of the Union to protect states against external aggression and internal disturbance
356.	Provisions in case of failure of constitutional machinery in states
357.	Exercise of legislative powers under proclamation issued under Article 356
358.	Suspension of provisions of Article 19 during Emergencies
359.	Suspension of the enforcement of the rights conferred by Part III during Emergencies
359A.	Application of this part to the state of Punjab (Repealed)
360.	Provisions as to Financial Emergency

Note: India is a [federation with governments at the Centre and the States](#). The **Seventh Schedule to the Indian Constitution** distributes the power between the Union and the States.

- **'Police' and 'Public Order'** are State subjects under the [Seventh Schedule to the Constitution of India](#), and therefore, it is the primary duty of the State Governments to prevent, detect, register and investigate crime and prosecute the criminals.

How does the Emergency Provision Apply to the Situation in Manipur?

- **Severity of the Crisis:** The widespread violence in Manipur, including attacks on civilians and the looting of police armouries, indicates that the **situation surpasses a typical breakdown of law and order**.
 - This severity suggests that the circumstances might justify the invocation of emergency provisions.
- **Non-Imposition of President's Rule:** Despite the critical nature of the violence, the **President's rule under Article 356 has not been imposed**.
 - The non-application of Article 356 raises concerns about **whether political factors are affecting the response to the crisis**.
- **Application of Article 355:** The Centre has been **taking steps under Article 355**, which requires it to ensure that States are protected and governed constitutionally.
 - However, critics argue that the actions so far **may not be sufficient to address the scale of the crisis effectively**.
 - The application of Article 355 in this case highlights the need for more decisive measures to restore order and address the ongoing violence.

What are the Judgements Regarding the Articles 355 and 356?

- **Historical Misuse:** Dr. [B.R. Ambedkar](#), a key architect of the Indian Constitution, hoped that **Articles 355 and 356 would remain unused and become "dead letters."**
 - Despite this intention, **Article 356 has been misused on several occasions**, leading to the **dismissal of elected State governments** under various pretexts, including political motivations and law and order issues.
- **S R Bommai Case, 1994:** This landmark [Supreme Court of India](#) judgement significantly restricted the misuse of Article 356. The Court ruled that **President's rule should be imposed only in cases of a breakdown of constitutional machinery**, not merely for law and order issues.
 - It also established that such impositions are subject to **judicial review, ensuring that Article 356 is not used for political purposes.**
 - The Supreme Court stated that the breakdown of constitutional machinery meant that **carrying out administration in a state was a genuine impossibility, not a simple hardship.**
- **Expansion of Article 355:** While Article 356 faced judicial restrictions, the scope of Article 355 has been expanded. Initially, the Supreme Court's interpretation of Article 355 was narrow, often linking it to the employment of Article 356.
 - However, in cases like **Naga People's Movement of Human Rights Vs Union of India, 1998, Sarbananda Sonowal Vs Union of India, 2005, and H.S. Jain Vs Union of India, 1997**, the Court broadened the interpretation.
 - The revised view allows the Union to take a wider range of actions to protect States and ensure their governance aligns with constitutional principles.

What are the Recommendations Regarding Article 355 and Article 356?

- [Sarkaria Commission \(1987\)](#): This **Commission** headed by Justice Ranjeet Singh Sarkaria recommended that **Article 356 be used very cautiously, only in the rarest of rare scenarios** and as a last remedy after exhausting all possible alternatives to resolve and avert any circumstance where the constitutional machinery has collapsed in a state.
- **National Commission to Review the Working of the Constitution (2002) and Punchhi Commission (2010)**: Have opined that Article 355 imposes a duty on the Union and grants it the power to take necessary actions, and that imposition of the President's rule under Article 356 must be used as a last resort.
 - The [Punchhi commission](#) proposes "**localising emergency provisions**" under Articles 355 and 356, allowing localised areas, like a district or parts of it, to be placed under Governor's rule instead of the entire state. This localised emergency should not last more than three months.

What is the Difference Between President's Rule and National Emergency?

President's Rule (Article 356)	National Emergency (Article 352)
It can be proclaimed when the government of a state cannot be carried on in accordance with the provisions of the Constitution due to reasons which may not have any connection with war, external aggression or armed rebellion	National Emergency can be proclaimed only when the security of India or a part of it is threatened by war, external aggression or armed rebellion.
During its operation, the state executive is dismissed and the state legislature is either suspended or dissolved. <ul style="list-style-type: none"> ▪ The president administers the state through the governor and the Parliament makes laws for the state. ▪ In brief, the executive and legislative powers of the state are assumed by the Centre. 	During its operation, the state executive and legislature continue to function and exercise the powers assigned to them under the Constitution. <ul style="list-style-type: none"> ▪ Its effect is that the Centre gets concurrent powers of administration and legislation in the state.

Under this, Parliament can delegate law-making power for the state to the President or another specified authority. <ul style="list-style-type: none"> Typically, the President makes laws for the state in consultation with its members of Parliament (MPs). These laws are called President's Acts. 	The Parliament can make laws on State List subjects only by itself and cannot delegate this power to any other body or authority.
There is a maximum period prescribed for its operation, that is, three years. <ul style="list-style-type: none"> Thereafter, it must come to an end and the normal constitutional machinery must be restored in the state 	There is no maximum period prescribed for its operation. <ul style="list-style-type: none"> It can be continued indefinitely with the approval of Parliament for every six months.
Under this, the relationship of only the state under emergency with the Centre undergoes a modification.	Under this, the relationship of the Centre with all the states undergoes a modification.
Every resolution of Parliament approving its proclamation or its continuance can be passed only by a simple majority .	Every resolution of Parliament approving its proclamation or its continuance must be passed by a special majority.
It has no effect on Fundamental Rights of the citizens.	It affects fundamental rights of the citizens.
It can be revoked by the President only on his own.	Lok Sabha can pass a resolution for its revocation.

Conclusion

The violence in Manipur has spotlighted the debate on Centre-State relations and emergency provisions. While Article 355 allows the Centre to act in crises, Article 356 provides for President's rule but should be used cautiously. The situation in Manipur highlights the need for decisive action to address severe violence while respecting constitutional guidelines.

Drishti Mains Question:

Q. Examine the constitutional provisions for addressing internal disturbances of a State. How are these provisions applicable to the recent violence in Manipur?

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UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q) Which of the following is/are the exclusive power(s) of Lok Sabha?(2022)

- To ratify the declaration of Emergency
- To pass a motion of no-confidence against the Council of Ministers
- To impeach the President of India

Select the correct answer using the code given below:

(a) 1 and 2

(b) 2 only

(c) 1 and 3

(d) 3 only

Ans: (b)

Q) With reference to the constitution of India, prohibition or limitations or provisions contained in ordinary laws cannot act as prohibitions or limitations on the constitutional powers under Article 142. It could mean which one of the following?(2019)

(a) The decisions taken by the Election Commission of India while discharging its duties can not be challenged in any court of law.

(b) The Supreme Court of India is not constrained in the exercise of its powers by laws made by the parliament.

(c) In the event of grave financial crises in the country, the President of India can declare Financial Emergency without the counsel from the cabinet.

(d) State Legislatures can not make laws on certain matters without the concurrence of the Union legislature.

Ans: (b)

Q) If the President of India exercises his power as provided under Article 356 of the Constitution in respect of a particular State, then(2018)

(a) the Assembly of the State is automatically dissolved.

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

(c) Article 19 is suspended in that State.

(d) the President can make laws relating to that State.

Ans: (b)

Mains

Q) Under what circumstances can the Financial Emergency be proclaimed by the President of India? What consequences follow when such a declaration remains in force? (2018)