

NATIONAL EMERGENCY – ARTICLE 352

- National emergency can be declared on the basis of external aggression or armed rebellion in the whole of India or a part of its territory. Such an emergency was declared in India in 1962 (China war), 1971 (Pakistan war), and 1975 (declared by Indira Gandhi). The President can declare such an emergency only on the basis of a written request by the Cabinet headed by the **Prime Minister**. Such a proclamation must be laid before both houses of Parliament, and the state of emergency expires after one month unless approved within that time by both houses sitting and voting separately.
- During a national emergency, many Fundamental Rights of Indian citizens can be suspended. The six freedoms under Right to Freedom are automatically suspended. By contrast, the Right to Life and Personal Liberty cannot be suspended according to the original Constitution.
- National emergency can be declared by the President of India if he is satisfied that the situation is very serious and the security of India or any part thereof is threatened or is likely to be threatened.
- In January 1977, during the emergency declared controversially by **Indira Gandhi**, the government decided to suspend even the Right to Life and Personal Liberty by dispensing with Habeas corpus
- National Emergency has been declared three times.

| S.No | Date and Year | Emergency | Prime Minister | Reason |
|------|-------------------------|-------------------|----------------|--|
| 1 | October 26, (1962-1968) | India - China War | Indira Gandhi | China attacked our borders in the North East. This National Emergency lasted till 10 January 1968. |

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| 2 | December 3, (1971-1977) | India - Pakistan War | Indira Gandhi | After partition the East Wing of Bengal had joined Pakistan as East Pakistan and between the two parts of Pakistan was about 1200 miles of Indian Territory. Also, Pakistan's military government did not pay much attention to East Pakistan and Urdu was imposed upon it. The immediate source of conflict was denial of the office of Premier to Sheikh Mujibur Rehman of East Bengal whose party had won 160 out of 300 seats in the 1970 elections. Pakistani leader Z.A Bhutto and President Yahya Khan denied rights to East Bengal. |
| 3 | June 25, (1975-1977) | Internal Emergency | Indira Gandhi | Strikes and protests everywhere and the rise of a political opposition were responsible for the economic tumble. |