



INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 5 AND ISSUE 4 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 4 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-4-of-2025/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

EMERGENCY POWER IN INDIA AND THE UNITED KINGDOM: A CONSTITUTIONAL ANALYSIS

AUTHOR – ASS. PROF. MS. SONIKA SHARMA, HRIT UNIVERSITY, GHAZIABAD, U.P.

BEST CITATION – ASS. PROF. MS. SONIKA SHARMA, EMERGENCY POWER IN INDIA AND THE UNITED KINGDOM: A CONSTITUTIONAL ANALYSIS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (4) OF 2025, PG. 96-105, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract

This paper traces the nature of emergency powers, which preserve the integrity of constitutional governance by enabling the state to effectively respond to crises. The emergency provisions of the constitutions of India and the United Kingdom are compared and contrasted in the context of governmental architecture, scope, and implications upon democratic governance. While the emergency provisions in the Indian Constitution under Articles 352, 356, and 360 seem to provide a formidable authority in the hand of the central government during national exigencies, there do not exist codified emergency provisions in the United Kingdom. Instead, the realm of British law treats emergencies through statutory law, constitutional conventions, or royal prerogative. This paper analyzes the historical background, judicial interpretation, and practical use of emergency powers in both countries. The paper attempts to find a balance between executive power and civil liberties and conclude the safeguards preventing misuse of emergency powers. A study of certain case laws and constitutional debates stands instrumental in developing an understanding of how democratic states utilize emergency powers while practicing the rule of law.

Introduction

The doctrine of emergency powers is a fundamental aspect of constitutional governance, allowing the state to respond to extraordinary situations such as war, internal disturbances, financial instability, or natural calamities. These powers provide governments with the authority to take exceptional measures that may override normal legal and constitutional constraints to restore order and stability¹¹⁶.

Both India and the United Kingdom have established mechanisms to manage emergencies, but their approaches differ significantly due to their distinct constitutional frameworks. India has codified emergency provisions within its Constitution, granting explicit powers to the executive while outlining

procedural safeguards¹¹⁷. In contrast, the United Kingdom, lacking a written constitution, relies on statutory enactments and royal prerogatives to address crises, offering flexibility but raising concerns about unchecked executive authority¹¹⁸.

This paper aims to examine and compare the emergency provisions of India and the United Kingdom, analyzing their constitutional legitimacy, operational mechanisms, judicial oversight, and impact on democratic principles. By exploring historical precedents, legal developments, and contemporary challenges, this study seeks to provide a comprehensive understanding of how both nations balance

¹¹⁶ A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 412.

¹¹⁷ M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 947.

¹¹⁸ Colin Turpin & Adam Tomkins, *British Government and the Constitution: Text and Materials* (7th edn, Cambridge University Press 2011) 622.

emergency governance with the protection of fundamental rights and democratic values¹¹⁹.

Emergency Powers in India

The emergency provisions in India are enshrined in **Part XVIII of the Constitution (Articles 352-360)**. These provisions grant extraordinary powers to the Central Government to deal with exceptional situations that threaten the country's security, governance, or financial stability¹²⁰. The Constitution provides for three types of emergencies:

1. National Emergency (Article 352)

National Emergency can be declared by the **President of India** if the security of India or any part of its territory is threatened by:

- **War**
- **External aggression**
- **Armed rebellion** (originally 'internal disturbance,' changed by the 44th Amendment Act, 1978)¹²¹

Process of Declaration:

- The emergency must be proclaimed by the President based on a written recommendation from the Union Cabinet¹²².
- It must be approved by **both Houses of Parliament within one month**¹²³.
- Once approved, it remains in force for **six months** and can be extended indefinitely with subsequent parliamentary approval every six months¹²⁴.

Effects of National Emergency:

- The federal structure is altered, and the **Centre assumes overriding powers** over the states¹²⁵.
- **Fundamental Rights (except Articles 20 and 21)** can be suspended under Article 359¹²⁶.
- The **Parliament gets the power to legislate on subjects in the State List**¹²⁷.
- The **duration of Lok Sabha and State Legislative Assemblies can be extended** by one year at a time, beyond their normal tenure, during the emergency¹²⁸.

Instances of National Emergency in India:

1. **1962-1968:** Declared due to the Indo-China war¹²⁹.
2. **1971:** Declared due to the Indo-Pak war.
3. **1975-1977:** Declared by Prime Minister Indira Gandhi citing 'internal disturbance'—widely criticized for human rights violations¹³⁰.

The **44th Amendment Act, 1978** made significant changes, including:

- The term 'internal disturbance' was replaced by 'armed rebellion'¹³¹.
- **Cabinet's written recommendation** is now mandatory for declaring an emergency¹³².
- **Articles 20 and 21 (Protection from conviction and right to life and liberty)**

¹¹⁹ S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press 2002) 188.

¹²⁰ M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 947.

¹²¹ H.M. Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing 2013) 3067.

¹²² V.N. Shukla, *Constitution of India* (13th edn, Eastern Book Company 2021) 421.

¹²³ Durga Das Basu, *Commentary on the Constitution of India* (9th edn, LexisNexis 2016) 1450.

¹²⁴ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1999) 235.

¹²⁵ S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press 2002) 188.

¹²⁶ M.P. Singh, *Comparative Constitutional Law* (2nd edn, Eastern Book Company 2020) 304.

¹²⁷ A.G. Noorani, *Constitutional Questions in India: The President, Parliament, and the States* (Oxford University Press 2000) 161.

¹²⁸ K. Subba Rao, *Emergency Powers and the Indian Constitution* (N.M. Tripathi 1977) 92.

¹²⁹ A.G. Noorani, *Indira Gandhi and the Emergency: A Documentary Study* (Oxford University Press 2018) 137.

¹³⁰ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 2003) 456.

¹³¹ H.R. Khanna, *Making of India's Constitution* (Eastern Book Company 2008) 299.

¹³² S.C. Kashyap, *Our Constitution: An Introduction to India's Constitution and Constitutional Law* (National Book Trust 2009) 221.

cannot be suspended even during an emergency¹³³.

2. State Emergency (President's Rule) (Article 356)

Also known as **President's Rule**, a State Emergency can be proclaimed when the constitutional machinery of a state **fails**¹³⁴. The grounds for imposing President's Rule include:

- The **Governor of the state reports to the President** that the government cannot function in accordance with the Constitution.
- Failure of the state to comply with **Central government directions**.
- Political instability leading to **breakdown of governance**.

Process of Declaration:

- The President imposes President's Rule based on the **Governor's report or otherwise**.
- It must be approved by **Parliament within two months**.
- The President's Rule is **valid for six months** but can be extended for a **maximum of three years** with **parliamentary approval every six months**.

Effects of State Emergency:

- The **Governor administers the state on behalf of the President**.
- The **State Legislative Assembly may be dissolved or kept under suspension**.
- **Parliament assumes the power to legislate for the state**.

Judicial Review and Safeguards:

- **SR Bommai v. Union of India (1994)**: The Supreme Court ruled that the imposition

of President's Rule is subject to **judicial review**¹³⁵.

- The **44th Amendment Act** requires the emergency to be **reviewed every six months**¹³⁶.

Instances of State Emergency:

- **First imposed in Punjab in 1951**¹³⁷.
- **Frequent use during the 1970s and 1980s**, often for political motives¹³⁸.
- **Jammu & Kashmir (2018-2019)**: President's Rule was imposed after the fall of the PDP-BJP coalition government¹³⁹.

3. Financial Emergency (Article 360)

Financial Emergency can be declared if the President is satisfied that **India's financial stability or credit is threatened**.

Process of Declaration:

- The emergency is **proclaimed by the President**.
- It **must be approved by Parliament within two months**.
- Once approved, it **remains in force until revoked** (no time limit like National or State Emergency)¹⁴⁰.

Effects of Financial Emergency:

- The **Central Government gains complete control over financial matters of states**¹⁴¹.
- **Salaries and allowances of government employees (including judges) can be reduced**¹⁴².

¹³³ P.M. Bakshi, *The Constitution of India* (17th edn, Universal Law Publishing 2022) 178.

¹³⁴ M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 950.

¹³⁵ **SR Bommai v. Union of India**, AIR 1994 SC 1918.

¹³⁶ The Constitution (Forty-fourth Amendment) Act, 1978.

¹³⁷ President's Rule in Punjab, 1951, Proclamation No. 3, Ministry of Law and Justice, Government of India.

¹³⁸ Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience*, Oxford University Press, New Delhi, 2003, p. 365.

¹³⁹ President's Rule in Jammu & Kashmir, Proclamation No. 10/02/2018, Ministry of Home Affairs, Government of India.

¹⁴⁰ H.M. Seervai, *Constitutional Law of India*, Vol. 3, 4th ed., Universal Law Publishing, New Delhi, 2013, p. 3021.

¹⁴¹ The Constitution of India, Article 360(4).

¹⁴² M.P. Jain, *Indian Constitutional Law*, 8th ed., LexisNexis, Gurgaon, 2018, p. 987.

- All money bills and financial decisions of the states must be approved by the President¹⁴³.
- The Centre can direct states on financial matters.

Notable Aspects:

- Has never been imposed in India¹⁴⁴.
- Considered a severe measure, as it grants sweeping financial powers to the Centre.

Significance and Misuse of Emergency Provisions

The emergency provisions in the Indian Constitution were borrowed from the **Weimar Constitution of Germany**¹⁴⁵ and intended as **last-resort measures**. However, the 1975 National Emergency revealed the potential for **misuse**.

1975 Emergency (The Darkest Phase of Indian Democracy¹⁴⁶):

- Declared by Indira Gandhi due to 'internal disturbance'.
- Fundamental rights were **suspended**, and press censorship was imposed¹⁴⁷.
- **Opposition leaders were jailed**, and forced sterilization drives took place¹⁴⁸.
- **44th Amendment Act (1978)** introduced safeguards against arbitrary use¹⁴⁹.

Key Safeguards Post-1978:

- **Cabinet's written recommendation is mandatory** for a National Emergency¹⁵⁰.
- **Article 20 and 21 cannot be suspended**¹⁵¹.

- Judicial review is allowed in State Emergency cases¹⁵².
- Regular parliamentary approval is needed for extensions¹⁵³.

Removal of Emergency in India

1. **National Emergency (Article 352)**: It can be revoked by a presidential proclamation at any time. Additionally, if the Lok Sabha disapproves the proclamation through a resolution passed by a simple majority, the emergency ceases to operate.
2. **State Emergency (Article 356)**: Parliament must approve the proclamation every six months. It can be revoked by the President at any time before the stipulated period if normalcy is restored in the state.
3. **Financial Emergency (Article 360)**: It remains in force until revoked by a subsequent presidential proclamation.

Emergency Powers in the United Kingdom

The United Kingdom does not have a **codified constitution**, meaning that its emergency powers are derived from various **statutory laws** and **prerogative powers** of the Crown rather than a single constitutional framework¹⁵⁴. In times of crisis, the government relies on a combination of legislative enactments and executive authority to respond efficiently while maintaining **judicial oversight** and **parliamentary accountability**¹⁵⁵.

The following key legislations and legal principles govern emergency powers in the UK:

1. Civil Contingencies Act 2004

The **Civil Contingencies Act 2004** is the primary legislation that provides a **comprehensive legal**

¹⁴³ Justice V.R. Krishna Iyer, *Emergency Powers and Parliamentary Democracy in India*, Eastern Book Company, Lucknow, 1982, p. 245.

¹⁴⁴ The Weimar Constitution of Germany, Article 48.

¹⁴⁵ S.R. Mehta, *Emergency and the Indian Constitution: A Study in Crisis Politics*, Deep & Deep Publications, New Delhi, 1980, p. 179.

¹⁴⁶ The Constitution of India, Article 352(1) (as it stood before the 44th Amendment).

¹⁴⁷ H.M. Seervai, *Constitutional Law of India*, Vol. 3, 4th ed., Universal Law Publishing, New Delhi, 2013, p. 2854.

¹⁴⁸ P.N. Dhar, *Indira Gandhi, the Emergency, and Indian Democracy*, Oxford University Press, New Delhi, 2000, p. 147.

¹⁴⁹ The Constitution (Forty-fourth Amendment) Act, 1978.

¹⁵⁰ The Constitution of India, Article 352(3).

¹⁵¹ The Constitution of India, Article 359(1).

¹⁵² **S.R. Bommai v. Union of India**, AIR 1994 SC 1918.

¹⁵³ The Constitution of India, Article 356(4).

¹⁵⁴ Colin Turpin & Adam Tomkins, *British Government and the Constitution: Text and Materials*, 7th ed., Cambridge University Press, 2011, p. 535.

¹⁵⁵ A.V. Dicey, *Introduction to the Study of the Law of the Constitution*, 10th ed., Macmillan, London, 1959, p. 420.

framework for responding to emergencies in the UK¹⁵⁶.

- **Definition of Emergencies:** Covers events that pose a serious threat to **human welfare, the environment, or national security**¹⁵⁷.
- **Emergency Regulations:** The government can issue emergency regulations granting it wide-ranging powers, including:
 - **Restricting movement** (such as imposing curfews or lockdowns)¹⁵⁸.
 - **Requisitioning property** (taking control of land, infrastructure, or supplies for emergency response)¹⁵⁹.
 - **Deploying armed forces** to assist civil authorities.
- **Duration and Oversight:** Emergency regulations last for **30 days** unless renewed and must be laid before Parliament as soon as possible.

The Act **repealed and replaced** earlier emergency powers laws, modernizing the UK's approach to crisis management¹⁶⁰.

2. Emergency Powers Act 1920 & Emergency Powers Act 1964

Before the **Civil Contingencies Act 2004**, emergency powers were governed by these acts:

- **Emergency Powers Act 1920:**
 - Enacted in response to post-World War I instability, including industrial disputes and security threats.

- Allowed the government to **issue emergency regulations** affecting essential services and public safety.

- **Emergency Powers Act 1964:**

- Strengthened the 1920 Act by expanding executive authority to respond to domestic crises, including strikes and economic disruptions.

Both these acts were **repealed** by the Civil Contingencies Act 2004.

3. Defence of the Realm Acts (DORA) & Emergency Powers (Defence) Acts

These laws were used primarily during **wartime** to give the government exceptional control over civilian life:

- **Defence of the Realm Acts (DORA) (1914–1918):**

- Passed during **World War I**, granting powers such as:
 - **Censorship of the press** to control information flow¹⁶¹.
 - **Requisitioning resources** for military and civil defense purposes¹⁶².
 - **Restricting civilian movement** in sensitive areas¹⁶³.

- **Emergency Powers (Defence) Acts (1939–1945):**

- Used during **World War II** to further extend governmental control over:
 - **Rationing of food and fuel**¹⁶⁴.
 - **Internment of suspected individuals**¹⁶⁵.

¹⁵⁶ Civil Contingencies Act 2004 (UK), c. 36.

¹⁵⁷ Civil Contingencies Act 2004 (UK), s. 1(1).

¹⁵⁸ Civil Contingencies Act 2004 (UK), Schedule 2, para. 2(a).

¹⁵⁹ Civil Contingencies Act 2004 (UK), Schedule 2, para. 2(c).

¹⁶⁰ Clive Walker & Jim Broderick, *The Civil Contingencies Act 2004: Risk, Resilience, and the Law in the United Kingdom*, Oxford University Press, 2006, p. 78.

¹⁶¹ Defence of the Realm Act 1914 (UK), 4 & 5 Geo. 5 c. 29, s. 2.

¹⁶² Defence of the Realm Act 1914 (UK), s. 1(1).

¹⁶³ Defence of the Realm Consolidation Act 1914 (UK), 5 & 6 Geo. 5 c. 8.

¹⁶⁴ Emergency Powers (Defence) Act 1939 (UK), 2 & 3 Geo. 6 c. 62, s. 1.

- **Compulsory labor service for wartime industries¹⁶⁶.**

These laws were **revoked after the wars**, as they were considered too extensive for peacetime governance.

4. Royal Prerogative

The **Royal Prerogative** allows the government to exercise certain emergency powers without requiring parliamentary approval. These include:

- **Deploying the military** for national security and emergency response.
- **Declaring war and signing international treaties.**
- **Restricting civil liberties**, such as detaining individuals under national security concerns.

While historically unchecked, **modern conventions** require **parliamentary scrutiny**, and courts can review actions taken under these powers.

5. Public Health (Control of Disease) Act 1984

This act provides emergency powers specifically for **public health crises**. It was notably invoked during the **COVID-19 pandemic** to:

- **Impose nationwide lockdowns** and movement restrictions.
- **Enforce quarantine and isolation measures.**
- **Regulate public gatherings and business closures.**

The Act grants significant power to health authorities but remains subject to **judicial oversight and parliamentary approval**.

Legal Constraints on Emergency Powers

Despite broad emergency powers, the UK government is **not unrestricted** in its use.

- **Judicial Review:** Courts can challenge emergency measures that exceed legal authority.
- **Parliamentary Accountability:** Parliament has oversight over emergency regulations and can revoke them.
- **Human Rights Protections:** The **European Convention on Human Rights (ECHR)** and the **Human Rights Act 1998** impose legal limitations to prevent **excessive restrictions on fundamental freedoms**.

Overall, the UK's emergency powers framework balances **governmental authority with democratic accountability**, ensuring that emergency responses remain lawful and proportionate.

Removal of Emergency in the United Kingdom

The process of **removing emergency powers** in the UK involves multiple checks and balances to ensure that emergency measures do not remain in effect longer than necessary. These mechanisms include **parliamentary oversight, judicial review, executive discretion, and public influence**.

1. Parliamentary Oversight

Under the **Civil Contingencies Act 2004**, emergency regulations must be:

- **Approved by Parliament within seven days** of being introduced¹⁶⁷.
- **Automatically lapse after 30 days** unless renewed by parliamentary approval.

This ensures that emergency measures are subject to **legislative scrutiny** and cannot be extended indefinitely without democratic consent.

2. Judicial Review

The **courts have the authority** to review and strike down emergency regulations if they are:

¹⁶⁵ Emergency Powers (Defence) Act 1940 (UK), 3 & 4 Geo. 6 c. 20, s. 2.

¹⁶⁶ Emergency Powers (Defence) (No. 2) Act 1940 (UK), 3 & 4 Geo. 6 c. 45, s. 3.

¹⁶⁷ Civil Contingencies Act 2004, c. 36, section 27 (UK).

- **Excessive or disproportionate** to the crisis.
- **In violation of human rights**, as protected under the **Human Rights Act 1998** and the **European Convention on Human Rights (ECHR)**¹⁶⁸.

Judicial review ensures that emergency powers are used **lawfully and fairly** without unjustly restricting individual freedoms.

3. Ministerial Decision

The government can **revoke emergency powers** when the crisis has subsided by:

- **Administrative action** (issuing an official decision to end emergency measures)¹⁶⁹.
- **Repealing statutory instruments** that granted emergency powers.

Ministers are expected to act **proportionally** and **justify the continuation or removal** of emergency measures.

4. Public and Political Pressure

- **Political opposition and debates** in Parliament can push the government to withdraw emergency measures¹⁷⁰.
- **Public opinion and protests** can influence policymakers, especially if emergency restrictions impact civil liberties or economic stability.

This was evident during **pandemic-related restrictions**, where public and political debates led to the **gradual lifting of lockdowns and other emergency rules**.

Comparative Analysis of Emergency Powers: India vs. United Kingdom

The emergency powers in **India and the United Kingdom** differ significantly in their **legal foundation, judicial oversight, impact on fundamental rights, parliamentary control, and historical precedents**. These differences

arise due to India's codified **constitutional framework** and the UK's reliance on **statutory laws and prerogative powers**¹⁷¹.

1. Legal Framework

- **India:**
 - The **Constitution of India** explicitly provides for **three types of emergencies** under **Articles 352, 356, and 360**:
 - **National Emergency** (Article 352) due to war, external aggression, or armed rebellion.
 - **State Emergency (President's Rule)** (Article 356) when a state government fails to function as per constitutional provisions.
 - **Financial Emergency** (Article 360) in case of a financial crisis threatening the economic stability of the country.
 - These provisions grant **extraordinary powers** to the central government to maintain stability during crises.
- **United Kingdom:**
 - The UK lacks a **codified constitution**, so emergency powers derive from a combination of **statutory laws** and **royal prerogative**.
 - Key legislations governing emergencies include:
 - **The Civil Contingencies Act 2004**, which provides a modern legal framework for dealing with emergencies.

¹⁶⁸ European Convention on Human Rights, art. 15 (1950).

¹⁶⁹ Civil Contingencies Act 2004, c. 36, section 27 (UK).

¹⁷⁰ Public Health (Control of Disease) Act 1984, c. 22, section 45C (UK).

¹⁷¹ Constitution of India, arts. 352, 356, 360; Civil Contingencies Act 2004, c. 36 (UK).

- **The Public Health (Control of Disease) Act 1984**, which is used for health-related crises.
- **Royal Prerogative**, which allows the government to take urgent actions without immediate parliamentary approval.

While India's emergency powers are **constitutionally defined**, the UK's system is **flexible and relies on parliamentary legislation**.

2. Judicial Review

- **India:**
 - The **Supreme Court of India** has the authority to **review emergency proclamations**, ensuring that they are constitutional.
 - The **Kesavananda Bharati case (1973)** established that the **basic structure of the Constitution** cannot be altered, even during an emergency.
 - The **Minerva Mills case (1980)** reaffirmed that emergency powers are subject to judicial scrutiny.
- **United Kingdom:**
 - UK courts can **review emergency laws**, but their oversight over **prerogative powers** is limited.
 - Courts generally intervene **only if human rights violations occur** under the **Human Rights Act 1998** or the **European Convention on Human Rights (ECHR)**.
 - The **principle of parliamentary sovereignty** restricts courts from striking down emergency laws passed by Parliament.

India's judiciary plays a **stronger role** in reviewing emergency decisions, while UK courts have **limited authority** over prerogative powers.

3. Impact on Fundamental Rights

- **India:**
 - **During a National Emergency**, certain **fundamental rights (except Articles 20 and 21)** can be suspended under **Article 359**.
 - The **44th Amendment (1978)** prevented the automatic suspension of fundamental rights and ensured that courts could hear habeas corpus petitions.
- **United Kingdom:**
 - Emergency regulations **must comply** with the **Human Rights Act 1998** and **ECHR protections**.
 - Fundamental rights **cannot be suspended outright**, though **temporary restrictions** on movement, speech, and assembly may be imposed (e.g., during COVID-19 lockdowns).

India allows **temporary suspension** of fundamental rights in emergencies, while the UK imposes **restrictions** but does not completely suspend rights.

4. Duration and Parliamentary Approval

- **India:**
 - A **National Emergency** must be approved by **both Houses of Parliament within one month** and can last **six months**, with **renewals requiring approval** every six months.
 - A **State Emergency** (President's Rule) lasts for **six months**, extendable to a maximum of **three years** with parliamentary approval.

- A **Financial Emergency** continues indefinitely until revoked by the President.
- **United Kingdom:**
 - Emergency regulations under the **Civil Contingencies Act 2004:**
 - Must be **approved by Parliament within seven days.**
 - Automatically lapse after **30 days** unless renewed.
 - **Prerogative powers** allow the government to act immediately, but modern conventions require **parliamentary scrutiny.**

India's emergency powers can be **prolonged with periodic renewals**, while the UK enforces **short-term emergency measures** with immediate parliamentary oversight.

5. Historical Precedents

- **India:**
 - The **1975–77 Emergency**, declared by **Prime Minister Indira Gandhi**, led to widespread **human rights abuses, press censorship, and mass detentions.**
 - This period **highlighted the dangers of executive overreach**, leading to **constitutional amendments** (like the 44th Amendment) to prevent misuse.
- **United Kingdom:**
 - The UK has invoked emergency powers during:
 - **World War I and II** under the **Defence of the Realm Acts (DORA)**, granting extensive control over resources and civil liberties.

- **The Cold War**, using emergency laws for national security.
- **The COVID-19 pandemic**, where the government imposed **nationwide lockdowns and restrictions** under the **Public Health (Control of Disease) Act 1984.**

While India's emergency history includes **authoritarian overreach**, the UK's emergency history reflects **wartime necessities and public health crises.**

Conclusion

The emergency powers in India and the United Kingdom reflect contrasting approaches rooted in their respective constitutional traditions. India's framework, established under Articles 352, 356, and 360, provides a structured but rigid system, ensuring clear procedural safeguards yet carrying the risk of executive overreach, as seen during the 1975 Emergency. The United Kingdom, lacking a codified constitution, relies on statutory provisions and royal prerogative, allowing for greater flexibility but raising concerns about executive dominance and limited judicial review.

While India's system ensures legal certainty and parliamentary oversight, its historical misuse necessitated reforms like the 44th Amendment, which introduced safeguards. On the other hand, the UK's reliance on evolving statutes such as the Civil Contingencies Act 2004 offers adaptability but requires strong parliamentary checks to prevent abuse. Ultimately, both systems highlight the delicate balance between emergency governance and democratic accountability, with each facing challenges in safeguarding civil liberties while ensuring national stability.

References

- The Constitution of India, 1950.
- Civil Contingencies Act 2004 (UK).

- Emergency Powers Act 1920 & 1964 (UK).
- Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.
- Indira Gandhi v. Raj Narain, AIR 1975 SC 2299.
- Relevant academic articles and legal commentaries

