

(Part XVIII.—Emergency Provisions.—Art. 352.)

(6) For the purposes of clauses (4) and (5), a resolution may be passed by either House of Parliament only by a majority of the total membership of that House and by a majority of not less than two-thirds of the Members of that House present and voting.

(7) Notwithstanding anything contained in the foregoing clauses, the President shall revoke a Proclamation issued under clause (1) or a Proclamation varying such Proclamation if the House of the People passes a resolution disapproving, or, as the case may be, disapproving the continuance in force of, such Proclamation.

(8) Where a notice in writing signed by not less than one-tenth of the total number of members of the House of the People has been given, of their intention to move a resolution for disapproving, or, as the case may be, for disapproving the continuance in force of, a Proclamation issued under clause (1) or a Proclamation varying such Proclamation,—

(a) to the Speaker, if the House is in session; or

(b) to the President, if the House is not in session,

a special sitting of the House shall be held within fourteen days from the date on which such notice is received by the Speaker, or, as the case may be, by the President, for the purpose of considering such resolution.]

¹[²(9)] The power conferred on the President by this article shall include the power to issue different Proclamations on different grounds, being war or external aggression or ³[armed rebellion] or imminent danger of war or external aggression or ³[armed rebellion], whether or not there is a Proclamation already issued by the President under clause (1) and such Proclamation is in operation.

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¹Ins. by the Constitution (Thirty-eighth Amendment) Act, 1975, s. 5 (retrospectively).

²Cl. (4) re-numbered as cl. (9) by the Constitution (Forty-fourth Amendment) Act, 1978, s. 37 (w.e.f 20-6-1979).

³Subs. by s. 37, *ibid.*, for "internal disturbance" (w.e.f 20-6-1979).

⁴Cl. (5) omitted by s. 37, *ibid.* (w.e.f. 20-6-1979).

353. While a Proclamation of Emergency is in operation, then—

Effect of Proclamation of Emergency.

(a) notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised;

(b) the power of Parliament to make laws with respect to any matter shall include power to make laws conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Union or officers and authorities of the Union as respects that matter, notwithstanding that it is one which is not enumerated in the Union List:

¹[Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India,—

(i) the executive power of the Union to give directions under clause (a), and

(ii) the power of Parliament to make laws under clause (b),

shall also extend to any State other than a State in which or in any part of which the Proclamation of Emergency is in operation if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.]

354. (1) The President may, while a Proclamation of Emergency is in operation, by order direct that all or any of the provisions of articles 268 to 279 shall for such period, not extending in any case beyond the expiration of the financial year in which such Proclamation ceases to operate, as may be specified in the order, have effect subject to such exceptions or modifications as he thinks fit.

Application of provisions relating to distribution of revenues while a Proclamation of Emergency is in operation.

¹Ins. by the Constitution (Forty-second Amendment) Act 1976, s. 49 (w.e.f. 3-1-1977).