

THE CONSTITUTION (SIXTY-FOURTH AMENDMENT) ACT, 1990

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Statement of Objects and Reasons appended to the Constitution (Sixty-fifth Amendment) Bill, 1990 which was enacted as THE CONSTITUTION (Sixty-fourth Amendment) Act, 1990

STATEMENT OF OBJECTS AND REASONS

Under clause (4) of article 356 of the Constitution, no Proclamation issued under that article and approved by both the Houses of Parliament shall remain in force for more than three years. However, under clause (5) of the said article a resolution approving the continuance in force of a Proclamation issued under clause (1) of that article beyond a period of one year cannot be passed by either House of Parliament unless the two conditions relating to a Proclamation of Emergency being in operation in the whole or any part of the State and the certificate by the Election Commission that the continuation of the Proclamation issued under clause (1) is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State as specified in that clause are met. The three year period in the case of Proclamation issued on 11th May, 1987 with respect to the State of Punjab would be over on 10th May, 1990 and the said two conditions are also not fulfilled. The prevailing circumstances in the State do not hold out good prospects for free and peaceful elections to the State Legislative Assembly. The representatives of various political parties who attended the All-Party Meeting convened by the Governor of Punjab at Chandigarh recently were also of the view that congenial conditions should be created first before holding the elections to the State Legislative Assembly. Clauses (4) and (5) of article 356 of the Constitution are, therefore, proposed to be amended so as to facilitate the extension of the said Proclamation up to a total period of three years and six months in relation to the State of Punjab.

2.The Bill seeks to achieve the above objects.

NEW DELHI; MUFTI MOHAMMED SAYEED.

The 2nd April, 1990.

THE CONSTITUTION (SIXTY-FOURTH AMENDMENT) ACT, 1990

[16th April, 1990.]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:-

1. Short title.-This Act may be called the Constitution (Sixty-fourth Amendment) Act, 1990.

2. Amendment of article 356.-In article 356 of the Constitution,-

(a) in clause (4), after the second proviso, the following proviso shall be inserted, namely:-

`Provided also that in the case of the Proclamation issued under clause (1) on the 11th day of May, 1987 with respect to the State of Punjab, the reference in the first proviso to this clause to "three years" shall be construed as a reference to "three years and six months".';

(b) in clause (5), the following proviso shall be inserted at the end, namely:-

"Provided that nothing in this clause shall apply to the Proclamation issued under clause (1) on the 11th day of May, 1987 with respect to the State of Punjab."