



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 11] नई दिल्ली, सोमवार, मार्च 11, 1991/फाल्गुन 20, 1912
No. 11] NEW DELHI, MONDAY, MARCH 11, 1991/PHALGUNA 20, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 11th March, 1991:—

BILL No. 48 OF 1991

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Seventy-fifth Amendment) Act, 1991.

Short
title.

2. In article 356 of the Constitution, in clause (4), in the third proviso, for the words "four years", the words "five years" shall be substituted.

Amend-
ment of
article
356.

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 was extended to three years and six months by the Constitution (Sixty-fourth Amendment) Act, 1990 and clause (5) of article 356 was also suitably amended by that Act in the expectation that it would be possible to hold elections to the Legislative Assembly of that State. In October, 1990 it was felt that it was not conducive to hold free and fair elections to the Punjab State Legislative Assembly. Therefore, clause (4) of article 356 was again amended by the Constitution (Sixty-seventh) Amendment Act, 1990 to enable extension of President's Proclamation issued on 11th May, 1987 for a total period of four years.

2. Despite pressure from the security forces, the terrorist violence has been continuing in Punjab. Therefore, the prevailing circumstances still do not hold out prospects for fair, free and peaceful elections to the Legislative Assembly of Punjab. Clause (4) of article 356 of the Constitution is, therefore, proposed to be amended so as to facilitate the extension of the said Proclamation up to a total period of five years in relation to the State of Punjab.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 7th March, 1991.

SUBODH KANT