

THE CONSTITUTION (SIXTY-SEVENTH AMENDMENT) ACT, 1990

India

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Act 067 of 1990

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Statement of Objects and Reasons appended to the Constitution (Seventy-sixth Amendment) Bill, 1990 (Bill No. 158 of 1990) which was enacted as THE CONSTITUTION (Sixty-seventh 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 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. The prevailing circumstances in the State, however, still do not hold out prospects for free and peaceful elections to the State Legislative Assembly. 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 four years in relation to the State of Punjab.

2. The Bill seeks to achieve the above objects.

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-seventh Amendment) Act, 1990.

2. Amendment of article 356.-In article 356 of the Constitution, in clause (4), in the third proviso, for the words "three years and six months", the words "four years" shall be substituted.

[The Constitution (Sixty-Seventh Amendment) Act of 1990 , amended clause (5) of Article 356 and lengthened the three-year time frame in the particular instance of the Declaration made available on May 11, 1987, with regard to the State of Punjab to 3 years and 6 months. In the hope that the State's Legislative Assembly polls were indeed able to go ahead. Unfortunately, the then-current state of affairs in the State still didn't offer much hope for fair and peaceful election polls to the State Legislative Assembly. Therefore it was recommended to change clause (4) of Article 356 of the Indian Constitution to make it easier to extend the Proclamation mentioned above in reference to the State of Punjab for a maximum of four years.Also Refer]