

THE CONSTITUTION (FORTY-EIGHTH AMENDMENT) ACT, 1984

India

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Act 48 of 1984

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Statement of Objects and Reasons appended to the Constitution (Fiftieth Amendment) Bill, 1984 which was enacted as THE CONSTITUTION (Forty-eighth Amendment) Act, 1984

STATEMENT OF OBJECTS AND REASONS

The Proclamation issued by the President under article 356 of the Constitution on the 6th day of October, 1983 with respect to the State of Punjab cannot be continued in force for more than one year unless the special conditions mentioned in clause (5) of article 356 of the Constitution are satisfied. Although the Legislative Assembly is in suspended animation and a popular government can be installed, having regard to the prevailing situation in the State, the continuance of the Proclamation beyond 5th October, 1984 may be necessary. To facilitate the adoption of a resolution by the two Houses of Parliament approving the continuance in force of the Proclamation beyond 5th October, 1984, it is necessary to amend article 356 of the Constitution. It is therefore proposed to amend clause (5) of article 356 so as to make the conditions mentioned therein inapplicable for the purposes of the continuance in force of the said Proclamation up to a period of two years from the date of its issue. An Act further to amend the Constitution of India. BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:-

1. Short title.-This Act may be called the Constitution (Forty-eighth Amendment) Act, 1984.

2. Amendment of article 356.-

In article 356 of the Constitution, in clause (5), the following proviso shall be inserted at the end namely:- 'Provided that in the case of the Proclamation issued under clause (1) on the 6th day of October, 1983 with respect to the State of Punjab, the reference in this clause to "any period beyond the expiration of one year" shall be construed as a reference to "any period beyond the expiration of two years"'. [The Constitution (Forty-Eighth Amendment) Act, 1984, inserted a new proviso in clause (5) of article 356 of the Constitution in order to provide that in the case of the Proclamation

issued by the President on 6 October 1983 with respect to the State of Punjab, Parliament may pass any resolution with respect to the continuance in force of the Proclamation for a period up to two years. Also Refer]