

THE CONSTITUTION (SIXTY-THIRD AMENDMENT) ACT, 1989

India

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Act 063 of 1989

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Statement of Objects and Reasons appended to the Constitution (Sixty-third Amendment) Bill, 1989 which was enacted as THE CONSTITUTION (Sixty-third Amendment) Act, 1990
STATEMENT OF OBJECTS AND REASONS
The Constitution (Fifty-ninth Amendment) Act, 1988 was passed in March, 1988, making certain changes in regard to making a Proclamation of Emergency in Punjab and to the duration of President's rule in that State.

2. On reconsideration, the Government is of the view that there is no need for the special powers in regard to the Proclamation of Emergency in Punjab as envisaged in the amendment. It is also considered that the amendment to article 356 made by the said Act is no longer needed. It is, therefore, considered that the amendments made by the aforesaid Act should be repealed.

3. As regards President's Proclamation issued on 11-5-1987 under clause (1) of article 356 of the Constitution, this has been approved by both the Houses of Parliament in October, 1989.

4. The Bill seeks to achieve the above objects.

An Act further to amend the Constitution of India. BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Constitution (Sixty-third Amendment) Act, 1989.

(2) It shall come into force with immediate effect.

2. Amendment of article 356.-In article 356 of the Constitution, in clause (5), the proviso shall be omitted.

3. Omission of article 359A.- Article 359A of the Constitution shall be omitted.

[The Constitution (Sixty-Third Amendment) Act of 1989, nullified the 59th Amendment of the Indian Constitution of 1988, which granted the governmental power to declare a state of emergency in Punjab. To address the deteriorating terrorist threat in Punjab, the government intended to declare an emergency under the 59th Amendment to the Constitution, which was hurriedly passed by both houses of Parliament. When considered essential, it gave the Central Government the power to declare an emergency in Punjab. The amendment guarantees an extension of a maximum of three years of the President's rule. Previously, two years was the previous maximum time frame. Also Refer]