

would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years:

Provided further that if the dissolution of the House of the People takes place during any such period of ¹[six months] and a resolution approving the continuance in force of such Proclamation has been passed by the Council of States, but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period of thirty days a resolution approving the continuance in force of the Proclamation has been also passed by the House of the People:

²[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 ³[five years].]

⁴[(5) Notwithstanding anything contained in clause (4), a resolution with respect to the continuance in force of a Proclamation approved under clause (3) for any period beyond the expiration of one year from the date of issue of such Proclamation shall not be passed by either House of Parliament unless—

(a) a Proclamation of Emergency is in operation, in the whole of India or, as the case may be, in the whole or any part of the State, at the time of the passing of such resolution, and

¹Subs. by the Constitution (Forty-fourth Amendment) Act, 1978, s. 38, for “one year” (w.e.f. 20-6-1979). The words “one year” were subs. for the original words “six months” by the Constitution (Forty-second Amendment) Act, 1976, s. 50 (w.e.f. 3-1-1977).

²Ins. by the Constitution (Sixty-fourth Amendment) Act, 1990, s. 2.

³Successively subs. by the Constitution (Sixty-seventh Amendment) Act, 1990, s. 2 and the Constitution (Sixty-eighth Amendment) Act, 1991, s. 2 to read as above.

⁴Subs by the Constitution (Forty-fourth Amendment) Act, 1978, s. 38, for cl. (5) (w.e.f. 20-6-1979). Cl. (5) was ins. by the Constitution (Thirty-eighth Amendment) Act, 1975, s. 6 (retrospectively).

(Part XVIII.—Emergency Provisions.—Arts. 356-357.)

(b) the Election Commission certifies that the continuance in force of the Proclamation approved under clause (3) during the period specified in such resolution is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State concerned:]

¹[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.]

357. (1) Where by a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent—

Exercise of legislative powers under Proclamation issued under article 356.

(a) for Parliament to confer on the President the power of the Legislature of the State to make laws, and to authorise the President to delegate, subject to such conditions as he may think fit to impose, the power so conferred to any other authority to be specified by him in that behalf;

(b) for Parliament, or for the President or other authority in whom such power to make laws is vested under sub-clause (a), to make laws conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Union or officers and authorities thereof;

(c) for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the State pending the sanction of such expenditure by Parliament.

⁵[(2) Any law made in exercise of the power of the Legislature of the State by Parliament or the President or other authority referred to in sub-clause (a) of clause (1)

¹Omitted by the Constitution (Sixty-third Amendment) Act, 1989, s. 2 (w.e.f. 6-1-1990). Ins. by the Constitution (Sixty-fourth Amendment) Act, 1990, s. 2.

²Subs. by the Constitution (Forty-second Amendment) Act, 1976, s. 51, for cl. (2) (w.e.f. 3-1-1977).