

>

Title: Statutory resolution regarding approval of continuance of proclamation by president in relation to the state of Karnataka.

MR. DEPUTY-SPEAKER: Now we will take up item No. 25; Shri Shivraj V. Patil.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Mr. Deputy-Speaker, Sir, I beg to move the following Resolution:

"That this House approves the continuance in force of the Proclamation, dated the 20th November, 2007 in respect of the State of Karnataka, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 20th May, 2008."

As the House is aware, the President issued a Proclamation imposing President's Rule under article 356 of the Constitution in the State of Karnataka on 20th November, 2007, keeping the Legislative Assembly under suspended animation. The Resolutions, seeking approval to the Proclamation were approved by the Lok Sabha and the Rajya Sabha on 26th November, 2007. Subsequently, when it became clear that no party or combination of parties was in a position to form a Government and the only option left was to seek fresh mandate of the people, the Legislative Assembly of the State was dissolved on 28th November, 2007.

As the Hon. Members are aware, under clause (4) of article 356 of the Constitution, a Proclamation issued by the President and duly approved by the Parliament shall, unless revoked, cease to operate on the expiration of a period of six months from the date of issue of the Proclamation unless a Resolution approving the continuance in force of such a Proclamation is passed by both the Houses in which case the Proclamation shall continue for a further period of six months. Accordingly, the Proclamation in relation to the State of Karnataka shall cease to operate on 19th May, 2008, unless we in this House decide to extend it for a further period of six months. We must, therefore, either have an elected Government in place by the 19th May, 2008 or extend the duration of President's Rule.

Here, I would like to clarify, in terms of the first proviso of the clause (4) of article 356 of the Constitution, President's Rule in a State can be extended for a period of six months only. However, the Proclamation can be revoked at any time before the expiration of the six months period, if so required.

The Election Commission of India has issued the Schedule for general elections to the Legislative Assembly of Karnataka in three phases i.e. 10.5.2008 for 89 Assembly constituencies, 16.5.2008 for 66 Assembly constituencies and 22.5.2008 for 69 Assembly constituencies. The counting of all places will be on 25.5.2008 and the election shall be completed by 28.5.2008.

It is evident from the above that it would be necessary to extend the President's Rule in Karnataka beyond 19th May, 2008, as the General Elections to constitute the new Legislative Assembly cannot be completed before 19th May, 2008.

In view of the above, it is proposed that President's Rule in Karnataka may be continued for a further period of six months with effect from 20th May, 2008.

I seek the approval of this august House to the Resolutions moved by me.

उपाध्यक्ष महोदय : मैं चाहता हूँ कि इसे ऐसे ही एडॉप्ट कर लिया जाए। इसमें कोई बात नहीं है क्योंकि इलैवशन हो जाएंगे।[\[N33\]](#)

SHRI BRAJA KISHORE TRIPATHY (PURI): This happens because the Government had not taken any action. The Government should have taken proper action to conduct the election in due time. The Election Commission has announced the schedule because Karnataka is under the Governor's Rule. It is the fault of the Union Government, which could not achieve the target for election preparation. (Interruptions)

MR. DEPUTY SPEAKER: The question is:

"That this House approves the continuance in force of the Proclamation, dated the 20th November, 2007 in respect of the State of Karnataka, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 20th May, 2008."

The motion was adopted.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, this is not a proper course. This extension is not due to our fault.
...(Interruptions)

MR. DEPUTY SPEAKER: Now, that item is over. You have missed the bus. Please sit down.