

**ANNEXURE (A)**

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**TEXTS OF THE CONSTITUTION  
AMENDMENT ACTS  
(First to Ninety-fourth)**

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I

**THE CONSTITUTION (FIRST AMENDMENT) ACT, 1951**

*An Act further to amend the Constitution of India*

[18th June, 1951]

BE it enacted by Parliament as follows:—

1. This Act may be called the Constitution (First Amendment) Act, 1951. Short title.
2. To article 15 of the Constitution, the following clause shall be added:— Amendment of article 15.

“(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes”.
3. (1) in Article 19 of the Constitution— Amendment of article 19 and validation of certain laws.
  - (a) for clause (2), the following clause shall be substituted, and the said clause shall be deemed always to have been enacted in the following form, namely:—

“(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence”.

(b) in clause (6), for the beginning with the words “nothing in the said sub-clause” and ending with the words “occupation, trade or business”, the following shall be substituted, namely:—

“nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law, relating to—

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise”.

(2) No law in force in the territory of India immediately before the commencement of the Constitution which is consistent with the provisions of article 19 of the Constitution as amended by sub-section (1) of this section shall be deemed to be void, or ever to have become void on the ground only that, being a law which takes away or abridges the right conferred by sub-clause (a) of clause (1) of the said article, its operation was not saved by clause (2) of that article as originally enacted.

*Explanation*—In this sub-section, expression “law in force” has the same meaning as in clause (1) of article 13 of the Constitution.

4. After article 31 of the Constitution, the following article shall be inserted, and shall be deemed always to have been inserted, namely:—

Insertion  
of new  
article  
31A.

“31A. *Saving of laws providing for acquisition of estates, etc.—*

(1) Notwithstanding anything in the foregoing provisions of the part, no law providing for the acquisition by the State of any estate or of any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part:

Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.

(2) In this article—

- (a) the expression “estate” shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area and shall also include any *jagir*, *inam* or *muafi* or other similar grant;
- (b) the expression “rights”, in relation to an estate shall include any rights vesting in a proprietor, sub-proprietor, under-proprietor, tenure-holder or other intermediary and any rights or privileges in respect of land revenue.”

Insertion  
of new  
article  
31B.

5. After article 31A of the Constitution as inserted by section 4, the following article shall be inserted, namely:—

“31B. *Validation of certain Acts and Regulations*—Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this part, and notwithstanding any judgement, decree or order of any court or tribunal to the contrary, each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force.”

Amend-  
ment of  
article 85.

6. For article 85 of the Constitution, the following article shall be substituted namely:—

“85. *Sessions of Parliament, prorogation and dissolution*—(1) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

- (2) the President may from time to time—

- (a) prorogue the House or either House;
- (b) dissolve the House of the People”.

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7. The article 87 of the Constitution— Amend-  
ment of  
article 87.
- (1) in clause (1), for the words “every session” the words “the first session after each general election to the House of the People and at the commencement of the first session of each year” shall be substituted;
- (2) in clause (2), the words “and for the precedence of such discussion over other business of the House” shall be omitted.
8. For article 174 of the Constitution, the following article shall be substituted, namely:— Amend-  
ment of  
article  
174.
- “174. *Session of the State Legislature, prorogation and dissolution.*—(1) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.
- (2) The Governor may from time to time—
- (a) prorogue the House or either House;
- (b) dissolve the Legislative Assembly.”
9. In article 176 of the Constitution— Amend-  
ment of  
Article  
176.
- (1) in clause (1), for the words “every session” the words “the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year” shall be substituted;

(2) in clause (2), the words “and for the precedence of such discussion over other business of the House” shall be omitted.

Amendment of Article 341.

10. In clause (1) of article 341 of the Constitution, for the words “may, after consultation with the Governor or Rajpramukh of a State”, the words “may with respect to any State, and where it is a State-specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof;” shall be substituted.

Amendment of Article 342.

11. In clause (1) of article 342 of the Constitution, for the words “may, after consultation with the Governor or Rajpramukh of a State,” the words “may with respect to any State, and where it is a State specified in Part A or Part B of the First Schedule, after consultation with the Governor or Rajpramukh thereof;” shall be substituted.

Amendment of Article 372.

12. In sub-clause (a) of clause (3) of article 372 of the Constitution, for the words “two years”, the words “three years” shall be substituted.

Amendment of Article 376.

13. At the end of clause (1) of article 376 of the Constitution, the following shall be added, namely:—

“Any such Judge shall, notwithstanding that he is not a citizen of India, be eligible for appointment as Chief Justice of such High Court, or as Chief Justice or other Judge of any other High Court.”

14. After the Eighth Schedule to the Constitution, the following Schedule shall be added, namely:—

Addition  
of Ninth  
Schedule.

#### NINTH SCHEDULE

[Article 31B]

1. The Bihar Land Reforms Act, 1950 (Bihar Act XXX of 1950).
2. The Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay Act LXVII of 1948).
3. The Bombay Maleki Tenure Abolition Act, 1949 (Bombay Act LXI of 1949).
4. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bombay Act LXII of 1949).
5. The Panch Mahals Mehwassi Tenure Abolition Act, 1949 (Bombay Act LXIII of 1949).
6. The Bombay Khoti Abolition Act, 1950 (Bombay Act VI of 1950).
7. The Bombay Paragana and Kulkarni Watan Abolition Act, 1950 (Bombay Act LX of 1950).
8. The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (Madhya Pradesh Act 1 of 1951).
9. The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).
10. The Madras Estates (Abolition and Conversion, into Ryotwari) Amendment Act, 1950 (Madras Act 1 of 1950).
11. The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act 1 of 1951).
12. The Hyderabad (Abolition of Jagirs) Regulation, 1358F. (No LXIX of 1358, Fasli).
13. The Hyderabad Jagirs (Commutation) Regulation, 1359F. (No XXV of 1359, Fasli).



**II****THE CONSTITUTION (SECOND AMENDMENT)  
ACT, 1952***An Act further to amend the Constitution of India**[1st May, 1953]*

BE it enacted by Parliament as follows:—

- |                                  |  |
|----------------------------------|--|
| Short title.                     | 1. This Act may be called the Constitution (Second Amendment) Act, 1952.   |
| Amend-<br>ment of<br>Article 81. | 2. In sub-clause (b) of clause (1) of article 81 of the Constitution; the words and figures “not less than one member for every 750,000 of the population and” shall be omitted. |

**III****THE CONSTITUTION (THIRD AMENDMENT)  
ACT, 1954***An Act further to amend the Constitution of India**[22nd February, 1955]*

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

- |  |  |
|--|--|
| Short title.                                     | 1. This Act may be called the Constitution (Third Amendment) Act, 1954.  |
| Amend-<br>ment of<br>the<br>Seventh<br>Schedule. | 2. In the Seventh Schedule to the Constitution, for entry 33 of List III, the following entry shall be substituted, namely:—<br><br>“33. Trade and commerce in, and the production, supply and distribution of—<br><br>(a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be |

- expedient in the public interest, and imported goods of the same kind as such products;
- (b) foodstuffs, including edible oilseeds and oils;
  - (c) cattle fodder, including oilcakes and other concentrates;
  - (d) raw cotton, whether ginned or unginned, and cotton seed; and
  - (e) raw jute.”

#### IV

### THE CONSTITUTION (FOURTH AMENDMENT) ACT, 1955

*An Act further to amend the Constitution of India*

*[27th April, 1955]*

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Fourth Amendment) Act, 1955. Short title.
2. In article 31 of the Constitution, for clause (2), the following clauses shall be substituted, namely:— Amendment of Article 31.

(2) “No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of the compensation or specifies the principles on which and the manner in which, the compensation is to be determined and given; and no such law shall be called in question in any court on the ground that the

compensation provided by that law is not adequate.

(2A) Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property, notwithstanding that it deprives any person of his property.”

Amend-  
ment of  
Article  
31A.

3. In article 31A of the Constitution—

(a) for clause (1), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

“(1) Notwithstanding anything contained in article 13, no law providing for—

- (a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or
- (b) the taking over of the management of any property by the State for a limited period either in the public interest or in order to secure the proper management of the property, or
- (c) the amalgamation of two or more corporations either in the public interest or in order to secure the proper management of any of the corporations, or
- (d) the extinguishment or modification of any rights of managing agents, secretaries and treasurers, managing directors, directors or managers of corporations, or of any voting rights of shareholders thereof, or

- (e) the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning, any mineral or mineral oil, or the premature termination or cancellation of any such agreement, lease or licence,

shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31:

Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.”; and

- (b) in clause (2)—

- (i) in sub-clause (a) after the word “grant”, the words “and in the States of Madras and Travancore-Cochin, any *janmam right*” shall be, and shall be deemed always to have been, inserted; and

- (ii) in sub-clause (b), after the word “tenure holder”, the words “raiyat, under-raiyat” shall be, and shall be deemed always to have been, inserted.

4. For article 305 of the Constitution, the following article shall be substituted, namely:—
- “305. *Saving of existing laws and laws providing for State monopolies*—Nothing in

Substitu-  
tion of  
new  
article for  
article  
305.

articles 301 and 303 shall affect the provisions of any existing law except in so far as the President may by order otherwise direct; and nothing in article 301 shall affect the operation of any law made before the commencement of the Constitution (Fourth Amendment) Act, 1955, in so far as it relates to, or prevent Parliament or the Legislature of a State from making any law relating to, any such matter as is referred to in sub-clause (ii) of clause (6) of article 19”.

Amend-  
ment of  
the Ninth  
Schedule.

5. In the Ninth Schedule to the Constitution, after entry 13, the following entries shall be added, namely:—

- “14. The Bihar Displaced Persons Rehabilitation (Acquisition of Land) Act, 1950 (Bihar Act XXXVIII of 1950).
15. The United Provinces Land Acquisition (Rehabilitation of Refugees) Act, 1948 (U.P. Act XXVI of 1948).
16. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (Act LX of 1948).
17. Sections 52A to 52G of the Insurance Act, 1938 (Act IV of 1938), as inserted by section 42 of the Insurance (Amendment) Act, 1950 (Act XLVII of 1950).
18. The Railway Companies (Emergency Provisions) Act, 1951 (Act LI of 1951).
19. Chapter III-A of the Industries (Development and Regulation) Act, 1951 (Act LXV of 1951), as inserted by section 13 of the Industries (Development and Regulation) Amendment Act, 1953 (Act XXVI of 1953).

20. The West Bengal Land Development and Planning Act, 1948 (West Bengal Act XXI of 1948), as amended by West Bengal Act XXIX of 1951.”

## V

### THE CONSTITUTION (FIFTH AMENDMENT) ACT, 1955

*An Act further to amend the Constitution of India*

*[24th December, 1955]*

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Fifth Amendment) Act, 1955. Short title.
2. In article 3 of the Constitution, for the proviso, the following proviso shall be substituted, namely:— Amendment of article 3.

“Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States specified in Part A or Part B of the First Schedule, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.”

## VI

**THE CONSTITUTION (SIXTH AMENDMENT)  
ACT, 1956**

*An Act further to amend the Constitution of India*

*[11th September, 1956]*

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

- |                                |  |
|--------------------------------|--|
| Short title.                   | 1. This Act may be called the Constitution (Sixth Amendment) Act, 1956.  |
| Amendment of Seventh Schedule. | <p>2. In the Seventh Schedule of the Constitution—</p> <p>(a) in the Union List, after entry 92, the following entry shall be inserted, namely:—</p> <p align="center">“92A. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce”; and</p> <p>(b) in the State List, for entry 54, the following entry shall be substituted, namely:—</p> <p align="center">“54. Taxes on the sale or purchase of goods other than newspapers, subject to the provisions of entry 92A of List 1.”</p> |
| Amendment of Article 269.      | <p>3. In article 269 of the Constitution—</p> <p>(a) in clause (1) after sub-clause (f), the following sub-clause shall be inserted, namely:—</p> <p align="center">“(g) taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce”; and</p>  |

(b) after clause (2), the following clause shall be inserted, namely:—

“(3) Parliament may by law formulate principles for determining when a sale or purchase of goods takes place in the course of inter-State trade or commerce.”

4. In article 286 of the Constitution,—

Amend-  
ment of  
article  
286.

(a) in clause (1), the Explanation shall be omitted; and

(b) for clauses (2) and (3), the following clauses shall be substituted, namely:—

“(2) Parliament may by law formulate principles for determining when a sale or purchase of goods takes place in any of the ways mentioned in clause (1).

(3) Any law of a State shall in so far as it imposes, or authorises the imposition of, a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce, be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify.”

## VII

### THE CONSTITUTION (SEVENTH AMENDMENT) ACT, 1956

*An Act further to amend the Constitution of India*

*[19th October, 1956]*

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Seventh Amendment) Act, 1956.

Short title  
and  
commence-  
ment.



Amend-  
ment of  
article 1  
and First  
Schedule.

(2) It shall come into force on the 1st day of November, 1956.

2. (1) In article 1 of the Constitution—

(a) for clause (2), the following clause shall be substituted, namely:—

“(2) The States and the territories thereof shall be as specified in the First Schedule.”; and

(b) in clause (3) for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) the Union territories specified in the First Schedule; and”.

(2) For the First Schedule to the Constitution as amended by the States Reorganisation Act, 1956, and the Bihar and West Bengal (Transfer of Territories) Act, 1956, the following Schedule shall be substituted, namely:—

FIRST SCHEDULE  
(Articles 1 and 4)

Sl.No.	Name	Territories
1	2	3

I. THE STATES

- |                   |  |
|-------------------|--|
| 1. Andhra Pradesh | The territories specified in sub-section (i) of section 3 of the Andhra State Act, 1953 and the territories specified in sub-section 3 of the States Reorganisation Act, 1956. |
| 2. Assam          | The territories which immediately before the   |

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1	2	3
		commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951.
3. Bihar		The territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province but excluding the territories specified in the sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.
4. Bombay		The territories specified in sub-section (1) of section 8 of the States Reorganisation Act, 1956.
5. Kerala		The territories specified in sub-section (1) of section 5 of the States Reorganisation Act, 1956.
6. Madhya Pradesh		The territories specified in sub-section (1) of

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1	2	3
		section 9 of the States Reorganisation Act, 1956.
	7. Madras	The territories which immediately before the commencement of this Constitution were either comprised in the Province of Madras or were being administered as if they formed Part of that Province and the territories specified in section 4 of the States Reorganisation Act, 1956, but excluding the territories specified in sub-section (1) of section 3 and sub-section (1) of section 4 of the Andhra State Act, 1953 and the territories specified in clause (b) of sub-section (1) of section 5, section 6 and clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956.
	8. Mysore	The territories specified in sub-section (1) of section 7 of the States Reorganisation Act, 1956.
	9. Orissa	The territories which immediately before the

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1	2	3
		commencement of this Constitution were either comprised in the Province of Orissa or were being administered as if they formed part of that Province.
10. Punjab		The territories specified in section 11 of the States Reorganisation Act, 1956.
11. Rajasthan		The territories specified in section 10 of the States Reorganisation Act, 1956.
12. Uttar Pradesh		The territories which immediately before the commencement of this Constitution were either comprised in the Province known as the United Provinces or were being administered as if they formed part of that Province.
13. West Bengal		The territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that province and the territory

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1	2	3
		of Chander Nagore as defined in clause (c) of section 2 of the Chander Nagore (Merger) Act, 1954 and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.
14.	Jammu and Kashmir	The territory which immediately before the commencement of this Constitution was comprised in the Indian State of Jammu and Kashmir.

## II. THE UNION TERRITORIES

1. Delhi
 

The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's province of Delhi.
2. Himachal Pradesh
 

The territories which immediately before the commencement of this Constitution were being administered as if they were Chief Commissio-

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1	2	3
		ner's Provinces under the names of Himachal Pradesh and Bilaspur.
3.	Manipur	The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Manipur.
4.	Tripura	The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Tripura.
5.	The Andaman and Nicobar Islands	The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of the Andaman and Nicobar Islands.
6.	The Laccadive, Minicoy and Amindivi Islands	The territory specified in section 6 of the States Reorganisation Act, 1956."

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Amend-  
ment of  
article 80  
and Fourth  
Schedule.

3. In article 80 of the Constitution—

- (a) in sub-clause (b) of clause (1), after word “States”, the words “and of the Union territories” shall be added;
- (b) in clause (2), after the words “of the States” the words “and of the Union territories” shall be inserted;
- (c) in clause (4), the words and letters “specified in Part A or Part B of the First Schedule” shall be omitted; and
- (d) in clause (5), for the words and letter “States specified in Part C of the First Schedule”, the words “Union territories” shall be substituted.

(2) For the Fourth Schedule to the Constitution as amended by the States Reorganisation Act, 1956, and the Bihar and West Bengal (Transfer of Territories) Act, 1956, the following Schedule shall be substituted, namely:—

FOURTH SCHEDULE  
[Articles 4 (1) and 80 (2)]

ALLOCATION OF SEATS IN THE  
COUNCIL OF STATES

To each State or Union territory specified in the first column of the following table, there shall be allotted the number of seats specified in the second column thereof opposite to that State or that Union territory, as the case may be.

TABLE

1.	Andhra Pradesh	18
2.	Assam	7
3.	Bihar	22
4.	Bombay	27
5.	Kerala	9
6.	Madhya Pradesh	16
7.	Madras	17
8.	Mysore	12
9.	Orissa	10
10.	Punjab	11
11.	Rajasthan	10
12.	Uttar Pradesh	34
13.	West Bengal	16
14.	Jammu & Kashmir	4
15.	Delhi	3
16.	Himachal Pradesh	2
17.	Manipur	1
18.	Tripura	1
	Total	220

4. For articles 81 and 82 of the Constitution, the following articles be substituted, namely:—

“81. *Composition of the House of the People*—

Substitution of new article for articles 81 and 82.

(1) Subject to the provisions of article 331, the House of the People shall consist of—

(a) not more than five hundred members chosen by direct election from territorial constituencies in the States; and



- (b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.
- (2) For the purposes of sub-clause (a) of clause (1)—
- (a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and
  - (b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State.
- (3) In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

82. *Readjustment after each census*—Upon the completion of each census, the allocation of seats in the House of the People to the States and division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House.”

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5. In article 131 of the Constitution for the proviso, the following proviso shall be substituted, namely:— Amendment of article 131.
- “Provided that the said jurisdiction shall not extend to a dispute arising out of any treaty, agreement, covenant, engagement, *sanad* or other similar instrument which having been entered into or executed before the commencement of this Constitution, continues in operation after such commencement, or which provides that the said jurisdiction shall not extend to such a dispute”.
6. To article 153 of the Constitution, the following proviso shall be added, namely:— Amendment of article 153.
- “Provided that nothing in this article shall prevent the appointment of the same person as Governor for two or more States”.
7. In article 158 of the Constitution, after clause (3), the following clause shall be inserted, namely:— Amendment of article 158.
- “(3A) Where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine.”
8. (1) In clause (1) of article 168 of the Constitution in sub-clause (a), after the word “Madras”, the word “Mysore” shall be inserted. Amendment of article 168.
- (2) In the said sub-clause, as from such date as the President may, by public notification, appoint after the word “Bombay”, the words “Madhya Pradesh” shall be inserted.

Substitution of new article for article 170.

9. For article 170 of the Constitution, the following article shall be substituted, namely:—

“170. *Composition of the Legislative Assemblies—*

(1) Subject to the Provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty members chosen by direct election from territorial constituencies in the State.

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

*Explanation—*In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.”

Amendment of article 171.

10. In clause (1) of article 171 of the Constitution, for the word “one-fourth”, the word “one-third” shall be substituted.

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|---|---|
| <p>11. In article 216 of the Constitution, the proviso shall be omitted.</p>  | <p>Amendment of article 216.</p>                    |
| <p>12. In article 217 of the Constitution, in clause (1), for the words “shall hold office until he attains the age of sixty years”, the following words and figures shall be substituted, namely:—</p> <p style="padding-left: 40px;">“shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty years”.</p>   | <p>Amendment of article 217.</p>                    |
| <p>13. For article 220 of the Constitution, the following article shall be substituted, namely:—</p> <p style="padding-left: 40px;"><i>“220. Restriction on practice after being a permanent judge—No person who, after the commencement of this Constitution, has held office as a permanent Judge of a High Court shall plead or act in any court or before any authority in India except the Supreme Court and the other High Courts.</i></p> <p style="padding-left: 40px;"><i>Explanation—In this article, the expression “High Court” does not include a High Court for a State specified in Part B of the First Schedule as it existed before the commencement of the Constitution (Seventh Amendment) Act, 1956”.</i></p> | <p>Substitution of new article for article 220.</p> |
| <p>14. In article 222 of the Constitution—</p> <p style="padding-left: 40px;">(a) in clause (1), the words “within the territory of India” shall be omitted; and</p> <p style="padding-left: 40px;">(b) clause (2) shall be omitted.</p>  | <p>Amendment of article 222.</p>                    |

Substitution of new article for article 224.

15. For article 224 of the Constitution, the following article shall be substituted, namely:—

“224. *Appointment of additional and acting Judges—*

(1) If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify.

(2) When any Judge of a High Court other than the Chief Justice is by reason of absence or for any other reason unable to perform the duties of his office or is appointed to act temporarily as Chief Justice, the President may appoint a duly qualified person to act as a judge of that Court until the permanent Judge has resumed his duties.

(3) No person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty years.”.

Substitution of new articles for articles 230, 231 and 232.

16. For articles 230, 231 and 232 of the Constitution, the following articles shall be substituted, namely:—

“230. *Extension of jurisdiction of High Courts to Union territories—*(1) Parliament may by law extend the jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from, any Union territory.

(2) Where the High Court of a State exercises jurisdiction in relation to a Union territory—

(a) nothing in this Constitution shall be construed as empowering the Legislature of the State to increase, restrict or abolish that jurisdiction; and

(b) the reference in article 227 to the Governor shall, in relation to any rules, forms or tables for subordinate courts in that territory, be construed as a reference to the President.

231. *Establishment of a common High Court for two or more States*—(1) Notwithstanding anything contained in the preceding provisions of this Chapter, Parliament may by law establish a common High Court for two or more States or for two or more States and a Union territory.

(2) In relation to any such High Court—

(a) the reference in article 217 to the Governor of the State shall be construed as a reference to the Governors of all the States in relation to which the High Court exercises jurisdiction;

(b) the reference in article 227 to the Governor shall, in relation to any rules, forms or tables for subordinate courts, be construed as a reference to the Governor of the State in which the subordinate courts are situated; and

(c) the references in articles 219 and 229 to the State shall be construed as a reference to the State in which the High Court has its principal seat:

Provided that if such principal seat is in a Union territory, the references in articles 219 and 229 to the Governor, Public Service Commission, Legislature and Consolidated Fund of the State shall be construed respectively as references to the President, Union Public Service Commission, Parliament and Consolidated Fund of India.”

Amend-  
ment of  
Part VIII.

17. In Part VIII of the Constitution:—

(a) for the heading “THE STATES IN PART C OF THE FIRST SCHEDULE”, the heading “THE UNION TERRITORIES” shall be substituted; and

(b) for articles 239 and 240, the following articles shall be substituted, namely:—

“239. *Administration of Union territories—*

(1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.

(2) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union territory, and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

240. *Power of President to make regulations for certain Union territories.*—(1) The President may make

regulations for the peace, progress and good government of the Union territory of—

- (a) the Andaman and Nicobar Islands;
- (b) the Laccadive, Minicoy and Amindivi Islands.

(2) Any regulation so made may repeal or amend any Act made by Parliament or any existing law which is for the time being applicable to the Union territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory”.

18. After article 258 of the Constitution, the following article shall be inserted, namely:—

Insertion  
of new  
article  
258A.

“258A. *Power of State to entrust functions to the Union*—Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power or the State extends”.

19. After article 290 of the Constitution, the following article shall be inserted, namely:—

Insertion  
of article  
290A.

“290A. *Annual payment to certain Devaswom Funds*—A sum of forty-six lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Kerala every year to the Travancore *Devaswom* Fund; and a sum of thirteen lakhs



and fifty thousand rupees shall be charged on and paid out of, the Consolidated Fund of the State of Madras every year to the *Devaswom* Fund established in that State for the maintenance of Hindu temples and shrines in the territories transferred to that State on the 1st day of November, 1956, from the State of Travancore-Cochin.”

Substitution of new article for article 298. 20. For article 298 of the Constitution, the following article shall be substituted, namely:—

“298. *Power to carry on trade, etc.*—The executive power of the Union and of each State shall extend to the carrying on of any trade or business and to the acquisition, holding and disposal of property and the making of contracts for any purpose:

Provided that—

(a) the said executive power of the Union shall, in so far as such trade or business or such purpose is not one with respect to which Parliament may make laws, be subject in each State to legislation by the State; and

(b) the said executive power of each State shall, in so far as such trade or business or such purpose is not one with respect to which the State Legislature may make laws, be subject to legislation by Parliament”.

Insertion of new articles 350A and 350B. 21. After Article 350 of the Constitution, the following articles shall be inserted, namely:—

“350A. *Facilities for instruction in mother tongue at primary stage*—It shall be the endeavour of State and of every local authority within the State to provide adequate

facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.

350B. *Special Officer for linguistic minorities*—(1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.”.

22. For article 371 of the Constitution, the following article shall be substituted, namely:—

“371. *Special provision with respect to the States of Andhra Pradesh, Punjab and Bombay*—(1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Andhra Pradesh or Punjab, provide for the constitution and functions of regional committees of the Legislative Assembly of the State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in

Substitution of new article for article 371.

order to secure the proper functioning for the regional committees.

(2) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Bombay, provide for any special responsibility of the Governor for—

(a) the establishment of separate development boards for Vidarbha, Marathwada, the rest of Maharashtra, Saurashtra, Kutch and the rest of Gujarat with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

(b) the equitable allocation of funds for developmental expenditure over the said areas, subject to the requirements of the State as a whole; and

(c) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the said areas, subject to the requirements of the State as a whole.”

Insertion  
of new  
article  
372A.

23. After article 372 of the Constitution, the following article shall be inserted, namely:—

“372A. *Power of the President to adopt laws—*

(1) For the purposes of bringing the provisions of any law in force in India or in any part thereof, immediately before the

commencement of the Constitution (Seventh Amendment) Act 1956, into accord with the provisions of this Constitution as amended by that Act, the President, may by order made before the 1st day of November, 1957, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law.

(2) Nothing in clause (1) shall be deemed to prevent a competent legislature or other competent authority from repealing or amending any law adapted or modified by the President under the said clause.”

24. After article 378 of the Constitution, the following article shall be inserted, namely:—

Insertion  
of new  
article  
378A.

“378A. *Special provision as to duration of Andhra Pradesh Legislative Assembly*—Notwithstanding anything contained in article 172, the Legislative Assembly of the State of Andhra Pradesh as constituted under the provisions of sections 28 and 29 of the States Reorganisation Act, 1956, shall, unless sooner dissolved, continue for a period of five years from the date referred to in the said section 29 and no longer and the expiration of the said period shall operate as a dissolution of that Legislative Assembly.”

25. In the Second Schedule to Constitution—
- (a) in the heading of Part D, the words and letter “in States in Part A of the First Schedule” shall be omitted;

Amend-  
ment of  
Second  
Schedule.

(b) in sub-paragraph (1) of paragraph 9, for the words “shall be reduced by the amount of that pension”, the following shall be substituted, namely:—

“shall be reduced—

(a) by the amount of that pension, and

(b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the committed value thereof, by the amount of that portion of the pension, and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity”;

(c) in paragraph 10—

(i) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—

“(1) There shall be paid to the Judges of High Courts, in respect of time spent on actual service, salary at the following rates *per mensem*, that is to say—

The Chief Justice..... 4,000 rupees

Any other Judge..... 3,500 rupees:

Provided that if a Judge of a High Court at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, his salary in respect of service in the High Court shall be reduced—

- (a) by the amount of that pension, and
- (b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and
- (c) if he has, before, such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity”; and
- (ii) for sub-paragraphs (3) and (4), the following sub-paragraph shall be substituted, namely:—

“(3) Any person who, immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, was holding office as the Chief Justice of the High Court of a State specified in Part B of the First Schedule and has on such commencement become the Chief Justice of the High Court of a State specified in the said Schedule as amended by the said Act, shall, if he was immediately before such commencement drawing any amount as allowance in addition to his salary, be entitled to receive in respect of time spent on actual service as such Chief Justice, the same amount as allowance in addition to the salary specified in sub-paragraph (1) of this paragraph.”

26. In the Seventh Schedule to the Constitution entry 33 of the Union List and entry 36 of the State List shall be omitted and for entry 42 of the Concurrent List, the following entry shall be substituted, namely:—
- “42. Acquisition and requisitioning of property.”
- Modifica-  
tion of  
entries in  
the lists  
relating to  
acquisition  
and  
requisi-  
tioning of  
property.

Amend-  
ment of  
certain  
provisions  
relating to  
ancient  
and  
historical  
monu-  
ments etc.

27. In each of the following provisions of the Constitution, namely:—

- (i) entry 67 of the Union List,
- (ii) entry 12 of the State List,
- (iii) entry 40 of the Concurrent List, and
- (iv) article 49,

for the words “declared by Parliament by law”, the words “declared by or under law made by Parliament” shall be substituted.

Amend-  
ment of  
entry 24  
of State  
List.

28. In the Seventh Schedule to the Constitution, in entry 24 of the State List, for the word and figures “entry 52”, the words and figures “entries 7 and 52” shall be substituted.

Conse-  
quential  
and minor  
amend-  
ment and  
repeals  
and  
Savings.

29. (1) The consequential and minor amendments and repeals directed in the Schedule shall be made in the Constitution and in the Constitution (Removal of Difficulties) Order, No. VIII made under article 392 of the Constitution.

(2) Notwithstanding the repeal of article 243 of the Constitution by the said Schedule, all regulations made by the President under that article and in force immediately before the commencement of this Act shall continue in force until altered or repealed or amended by a competent Legislature or other competent authority.

#### THE SCHEDULE (See section 29)

#### CONSEQUENTIAL AND MINOR AMENDMENTS AND REPEALS IN THE CONSTITUTION

*Article 3*—In the proviso, omit “specified in Part A or Part B of the First Schedule”.

*Article 16*—In clause (3), for “under any State specified in the First Schedule or any local or other authority within its territory any requirement as to residence within that State” substitute —

“under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory”.

*Article 31A*—In sub-clause (a) of clause (2), for “Travancore-Cochin” substitute “Kerala”.

*Article 58A*—In the *Explanation*, omit “or Rajpramukh or Uparajpramukh”.

*Article 66*— In the *Explanation*, omit “or Rajpramukh or Uparajpramukh”.

*Article 72*— In clause (3), omit “or Rajpramukh”.

*Article 73*— In the proviso to clause (1), omit “specified in Part A or Part B of the First Schedule”.

*Article 101*— In clause (2), omit “specified in Part A or Part B of the First Schedule”, and for “such a State” substitute “a State”.

*Article 112*— In sub-clause (d) (iii) of clause (3), for “a Province corresponding to a State specified in Part A of the First Schedule”, substitute “a Governor’s Province of the Dominion of India”.

*Article 143* — In clause (2), omit “clause (i) of” and for “said clause” substitute “said proviso”.

*Article 151*— In clause (2), omit “or Rajpramukh”.

*Part VI*—In the heading, omit “IN PART A OF THE FIRST SCHEDULE”.



*Article 152*— For “means a State specified in Part A of the First Schedule” substitute “does not include the State of Jammu & Kashmir”.

*Article 214*— Omit “(1)” and clauses (2) and (3).

*Article 217*— In sub-clause (b) of clause (2), omit “in any State specified in the First Schedule”.

*Article 219*— Omit “in a State”.

*Article 229*— In the proviso to clause (1) and in the proviso to clause (2), omit “in which the High Court has its principal seat”.

Omit Part VII.

*Article 241*—(a) In clause (1), for “State specified in Part C of the First Schedule”, substitute “Union territory”, and for “such State”, substitute “such territory”.

(b) for clauses (3) and (4), substitute—

“(3) Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, in relation to any Union territory shall continue to exercise such jurisdiction in relation to that territory after such commencement.

(4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court for a State to, or from any Union territory or part thereof.”

Omit article 242.

Omit Part IX

*Article 244*— Omit “specified in Part A or Part B of the First Schedule”.

*Article 246*— In clauses (2) and (3), omit “specified in Part A or Part B of the First Schedule” and in clause (4), for “in Part A or Part B of the First Schedule” substitute “in a State”.

*Article 254*— In clause (2), omit “specified in Part A or Part B of the First Schedule”.

*Article 255*— Omit “specified in Part A or B of the First Schedule”.

Omit article 259.

*Article 264*— For article 264, substitute—

“264. *Interpretation*—In this Part, ‘Finance Commission’ means a Finance Commission constituted under article 280”.

*Article 267*— In clause (2), omit “or Rajparamukh”.

*Article 268*— In clause, (1), for “State specified in Part C of the First Schedule” substitute “Union territories”.

*Article 269*— In clause (2), for “States specified in Part C of the First Schedule” substitute “Union territories”.

*Article 270*— In clause (3), omit sub-clause (c) and re-letter sub-clause (d) as sub-clause (c).

Omit article 278.

*Article 280*— In clause (3), omit sub-clause (c) and re-letter sub-clause (d) as sub-clause (c).

*Article 283*— In clause (2), omit “or Rajpramukh”.

*Article 291*—Omit “(1)” and clause (2).

*Article 299*—In clause (1), omit “or the Rajpramukh”, and in clause (2), omit “nor the Rajpramukh”.

*Article 304*— In clause (a) after “other States”, insert “or the Union territories”.

Omit article 306.

*Article 308*—For “means a State specified in Part A or Part B of the First Schedule”, substitute “does not include the State of Jammu and Kashmir”.

*Article 309*—Omit “or Rajpramukh”.

*Article 310*— In clause (1), omit “or, as the case may be, the Rajpramukh”, and in clause (2) omit “or Rajpramukh” and “or the Rajpramukh”.

*Article 311*—In clause (2), omit “or Rajpramukh”.

*Article 315*—In clause (4), omit “or Rajpramukh”.

*Article 316*—In clauses (1) and (2), omit “or Rajpramukh”.

*Article 317*—In clause (2), omit “or Rajpramukh”.

*Article 318*—Omit “or Rajpramukh”.

*Article 320*— In clause (3), omit “or Rajpramukh and “or Rajpramukh, as the case may be”, and in clause (5), omit “or Rajpramukh”.

*Article 323*— In clause (2), omit “or Rajpramukh” and “or Rajpramukh, as the case may be”.

*Article 324*—In clause (6) omit “or Rajpramukh”.

*Article 330*— In clause (2), after “State” wherever it occurs, insert “or Union territory”.

*Article 332*— In clause (1), omit “specified in Part A or Part B of the First Schedule”.

*Article 333*— Omit “or Rajpramukh”.

*Article 337*— Omit “specified in Part A or Part B of the First Schedule”.

*Article 339*— In clause (1), omit “specified in Part A and Part B of the First Scheduled” and in clause (2), for “any such State” substitute “a State”.

*Article 341*— In clause (1), after “any State” insert “or Union territory”, omit “specified in Part A or Part B of the First Schedule”, omit “or Rajpramukh” and after “that State” insert “or Union territory, as the case may be”.

*Article 342*— In clause (1), after “any State” insert “or Union territory”. Omit “specified in Part A or Part B of the First Schedule”, omit “or Rajpramukh” and after “that State” insert “or Union territory, as the case may be”.

*Article 348*— Omit “or Rajpramukh”.

*Article 356*— In clause (1), omit “or Rajpramukh” and “or Rajpramukh, as the case may be”.

*Article 361*—In clauses (2), (3) and (4), omit “or Rajpramukh” and in clause (4), omit “or the Rajpramukh”.

*Article 362*— Omit “clause (1) of”.

*Article 366*— Omit clause (21), and for clause (30), substitute—

“(30) ‘Union territory’ means Union territory specified in the First Schedule and includes any other territory comprised within the territory of India but not specified in that Schedule”.

*Article 367*— In clause (2), omit “specified in Part A or Part B of the First Schedule” and “or Rajpramukh”.

*Article 368*— Omit “specified in Parts A and B of the First Schedule”.

Omit articles 378 to 391, *both inclusive*.

*Second Schedule*.— (a) In the heading of Part A and in paragraph 1, omit “specified in Part A of the First Schedule”.

(b) in paragraph 2, omit “so specified”;

(c) in paragraph 3, for “such States” substitute “the States”;

(d) Omit Part B;

(e) in the heading of Part C, omit “of a State in Part A of the First Schedule”, and for “any such State” substitute “a State”; and

(f) in paragraph 8, omit “of a State specified in Part A of the First Schedule”, and for “such State” substitute “a State”.

*Fifth Schedule*.—(a) In paragraph 1, omit “means a State specified in Part A or Part B of the First Schedule but”;

(b) in paragraph 3, omit “or Rajpramukh”;

(c) in paragraph 4, in sub-paragraph (2), omit “or Rajpramukh as the case may be” and in sub-paragraph (3), omit “or Rajpramukh”;

(d) in paragraph 5, in sub-paragraphs (1), and (2), omit “or Rajpramukh, as the case may be”,

in sub-paragraph (3), omit “or Rajpramukh” and in sub-paragraph (5), omit “or the Rajpramukh”.

*Sixth Schedule.*—In paragraph 18, in sub-paragraph (2), for ‘Part IX’ substitute “article 240”, and for “territory specified in Part D of the First Schedule” substitute “Union territory specified in that article”.

*Seventh Schedule.*—In List I—

(a) in entry 32, omit, “specified in Part A or Part B of the First Schedule”; and

(b) for entry 79, substitute—

“79. Extension of the jurisdiction of a High Court to, and exclusion of the jurisdiction of a High Court from, any Union territory.”

CONSEQUENTIAL AMENDMENTS IN THE  
CONSTITUTION (REMOVAL OF DIFFICULTIES)  
ORDER NO. VIII

In the Constitution (Removal of Difficulties) Order No. VIII, for sub-paragraphs (1), (2) and (3) of paragraph 2, substitute —

“(1) in article 81—

(a) in sub-clause (b) of clause (1), after the words “Union territories”, the words, letter and figures” and the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule” shall be inserted; and

(b) to clause (2), the following proviso shall be added, namely:—

“Provided that the constituencies into which the State of Assam is divided shall not comprise the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule.”

(2) In clause (2) of article 170, after the words “throughout the State” the following proviso shall be inserted, namely:—

“Provided that the constituencies into which the State of Assam is divided shall not comprise the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule.”

### VIII

#### THE CONSTITUTION (EIGHTH AMENDMENT) ACT, 1960

*An Act further to amend the Constitution of India*

*[5th January, 1960]*

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

- |                           |   |
|---------------------------|---|
| Short title.              | 1. This Act may be called the Constitution (Eighth Amendment) Act, 1960.  |
| Amendment of article 334. | 2. In article 334 of the Constitution, for the words “ten years” the words “twenty years” shall be substituted. |

### IX

#### THE CONSTITUTION (NINTH AMENDMENT) ACT, 1960

*An Act further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan*

*[28th December, 1960]*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

- |              |   |
|--------------|---|
| Short title. | 1. This Act may be called the Constitution (Ninth Amendment) Act, 1960. |
|--------------|---|

2. In this Act —

Defini-  
tions.

- (a) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint as the date for the transfer of territories to Pakistan in pursuance of the Indo-Pakistan agreements, after causing the territories to be so transferred and referred to in the First Schedule demarcated for the purpose, and different dates may be appointed for the transfer of such territories from different States and from the Union territory of Tripura;
- (b) “Indo-Pakistan agreements” mean the Agreements dated the 10th day of September, 1958 the 23rd day of October, 1959 and the 11th day of January, 1960 entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;
- (c) “transferred territory” means so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being transferred to Pakistan in pursuance of the said agreements.

3. As from the appointed day, in the First Schedule to the Constitution —

Amend-  
ment of  
the First  
Schedule  
to the  
Constitu-  
tion.

- (a) in the paragraph relating to the territories of the State of Assam, the words, brackets and figures “and the territories referred to in Part I of the First Schedule to the Constitution (Ninth Amendment) Act, 1960” shall be added at the end;



- (b) in the paragraph relating to the territories of the State of Punjab, the words, brackets and figures “but excluding the territories referred to in Part II of the First Schedule to the Constitution (Ninth Amendment) Act, 1960” shall be added at the end;
- (c) in the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures “but excluding the territories referred to in Part III of the First Schedule to the Constitution (Ninth Amendment) Act, 1960” shall be added at the end;
- (d) in the paragraph relating to the extent of the Union territory of Tripura, the words, brackets and figures “but excluding the territories referred to in Part IV of the First Schedule to the Constitution (Ninth Amendment) Act, 1960” shall be added at the end.

#### THE FIRST SCHEDULE

[See sections 2 (a), 2 (c) and 3]

##### PART I

The transferred territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and item (i) of paragraph 6 of the Agreement dated the 23rd day of October, 1959.

##### PART II

The transferred territory in relation to items (i) and (iv) of paragraph 1 of the Agreement dated the 11th day of January, 1960.

## PART III

The transferred territory in relation to items (3), (5) and (10) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

## PART IV

The transferred territory in relation to item (8) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

## THE SECOND SCHEDULE

[See section 2 (b)]

1. EXTRACTS FROM THE NOTE CONTAINING THE AGREEMENT DATED THE 10TH DAY OF SEPTEMBER, 1958.

\*            \*            \*            \*            \*

2. As a result of the discussions, the following agreements were arrived at:—

(3) *Berubari Union No. 12*

This will be so divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal, starting from the north-east corner of Debiganj thana.

The division should be made in such a manner that the Cooch Behar enclaves between Pachagar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain with India. The Cooch Behar enclaves lower down between Boda thana of East Pakistan and Berubari Union No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.

\*            \*            \*            \*            \*

(5) *24 Parganas-Khulna Boundary**24 Parganas-Jessor Disputes.*

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river).

\* \* \* \* \*

- (7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

\* \* \* \* \*

- (8) Government of India agree to give in perpetual right to Pakistan the land belonging to Tripura State to the west of the railway line as well as the land appurtenant to the railway line at Bhagalpur.

\* \* \* \* \*

- (10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

\* \* \* \* \*

(Sd/-) M.S.A. BAIG,  
*Foreign Secretary,*  
*Ministry of Foreign Affairs*  
*& Commonwealth Relations,*  
*Government of Pakistan.*

(Sd/-) M.J. DESAI,  
*Commonwealth*  
*Secretary, Ministry*  
*of External Affairs,*  
*Government of India.*

NEW DELHI;

September: 10, 1958.

2. EXTRACTS FROM AGREEMENT ENTITLED “AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-EAST PAKISTAN BORDER AREAS” DATED THE 23RD DAY OF OCTOBER, 1959.

\* \* \* \* \*

4. *West Bengal-East Pakistan Boundary*

Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record of rights.

\* \* \* \* \*

6. *Assam-East Pakistan Boundary*

\* \* \* \* \*

(i) The dispute concerning Bagge Award III has been settled by adopting the following rational boundary in the Patharia Forest Reserve region:

From a point marked X (H522558) along the Radcliffe Line BA on the old Patharia Reserve Boundary as shown in the topographical map sheet No. 83D/5, the boundary line shall run in close proximity and parallel to the cart road to its south to a point A (H531554); thence in a southerly direction up the spur and along the ridge to hill top marked B (H523539); thence in a south-easterly direction along

the ridge down the spur across a stream to a hill top marked C (H532523); thence in a southerly direction to a point D (H530517); thence in a south-westerly direction to a flat top E (H523507); thence in a southerly direction to a point F (H524500); thence in a south-easterly direction in a straight line to the midstream point of the Gandhai Nala marked G (H 540494); thence in a south-westerly direction up the midstream of Gandhai Nala to a point H (H 533482); thence in south-westerly direction up a spur and along the ridge to a point I (517460); thence in a southerly direction to a point on the ridge marked J (H 518455); thence in a south-westerly direction along the ridge to a point height 364 then continues along the same direction along the same ridge to a point marked K (H 500428); thence in a south and south-westerly direction along the same ridge to a point marked L (H 496420); thence in a south-easterly direction along the same ridge to a point marked M (H 499417); thence a south-westerly direction along the ridge to a point on the bridle path with a height 587; then up the spur to the hill top marked N (H 487393); then in a south-easterly and southerly direction along the ridge to the hill top with height 692; thence in a southerly direction down the spur to a point on Buracherra marked O (H 484344); thence in a south-westerly direction up the spur along the ridge to the trigonometrical survey station with

height 690; thence in a southerly direction along the ridge to a point height 490 (H 473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y (H 473263); along the Radcliffe Line BA.

The line described above has been plotted on two copies of topographical map sheets Nos. 83D/5, 83/6 and 83D/2.

The technical experts responsible for the ground demarcation will have the authority to make minor adjustments in order to make the boundary alignment agree with the physical features as described.

The losses and gains to either country as a result of these adjustments with respect to the line marked on the map will be balanced by the technical experts.

\* \* \* \* \*

Sd/- (J.G. KHARAS)  
Acting Foreign Secretary,  
Ministry of Foreign Affairs  
and Commonwealth Relations,  
Karachi.

Sd/- (M.J. DESAI)  
Commonwealth Secretary,  
Ministry of External Affairs,  
NEW DELHI.

NEW DELHI;  
October: 23, 1959.

3. EXTRACTS FROM THE AGREEMENT ENTITLED  
“AGREED DECISIONS AND PROCEDURES TO END  
DISPUTES AND INCIDENTS ALONG THE INDO-WEST  
PAKISTAN BORDER AREAS”, DATED THE  
11TH DAY OF JANUARY, 1960.

“1. *West Pakistan-Punjab border*—Of the total of 325 miles of the border in this sector, demarcation has been completed along about

252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

- (i) *The Sarja Merja Rakh Hardit Singh and Pathanke (Amritsar-Lahore border)*.—The Governments of India and Pakistan agree that the boundary between West Pakistan and India in this region should follow the boundary between the Tehsils of Lahore and Kasur as laid down under Punjab Government Notification No. 2183-E, dated 2nd June, 1939. These three villages will in consequence, fall within the territorial jurisdiction of the Government of Pakistan.

\* \* \* \* \*

- (iv) *Suleimanke (Ferozpur-Montgomery border)*.—

The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached Schedule and as shown in the map appended thereto as Annexure 1.

(Sd.) M.J. DESAI  
Commonwealth Secretary,  
Ministry of External  
Affairs, Government of  
India.

(Sd.) J.G. KHARAS,  
Joint Secretary,  
Ministry of Foreign  
Affairs and Commonwealth  
Relations, Government of Pakistan.

NEW DELHI;  
January: 11, 1960

**X**

**THE CONSTITUTION (TENTH AMENDMENT)  
ACT, 1961**

*An Act further to amend the Constitution of India*

*[16th August, 1961]*

BE it enacted by Parliament in the Twelfth year of the Republic of India as follows:—

- |  |  |  |
|--|--|--|
| <p>1. (1) This Act may be called the Constitution (Tenth Amendment) Act, 1961.</p> <p>(2) It shall be deemed to have come into force on the 11th day of August, 1961.</p> <p>2. In the First Schedule to the Constitution under the heading “THE UNION TERRITORIES”, after entry 6, the following entry shall be inserted, namely:—</p> <p>“7. Dadra and Nagar Haveli.</p> | <p>The territory which immediately before the eleventh day of August 1961 was comprised in Free Dadra and Nagar Haveli”.</p> | <p>Short title and commencement.</p> <p>Amendment of the First Schedule to the Constitution.</p> |
| <p>3. In article 240 of the Constitution, in clause (1), after entry (b), the following entry shall be inserted, namely:—</p> <p>“(c) Dadra and Nagar Haveli.”</p>   |  | <p>Amendment of article 240.</p>   |

**XI**

**THE CONSTITUTION (ELEVENTH AMENDMENT)  
ACT, 1961**

*An Act further to amend the Constitution of India*

*[19th December, 1961]*

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

- |   |                     |
|---|---------------------|
| <p>1. This Act may be called the Constitution (Eleventh Amendment) Act, 1961.</p> | <p>Short title.</p> |
|---|---------------------|



- Amend-  
ment of  
article 66.
2. In article 66 of the Constitution, in clause (1), for the words “members of both Houses of Parliament assembled at a joint meeting”, the words “members of an electoral college consisting of the members of the House of Parliament” shall be substituted.
- Amend-  
ment of  
article 71.
3. In article 71 of the Constitution, after clause (3), the following clause shall be inserted, namely:—
- “(4) The election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him”.

## XII

### THE CONSTITUTION (TWELFTH AMENDMENT) ACT, 1962

*An Act further to amend the Constitution of India*

*[27th March, 1962]*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

- Short title  
and  
com-  
mence-  
ment.
1. (1) This Act may be called the Constitution (Twelfth Amendment) Act, 1962.
- (2) It shall be deemed to have come into force on the 20th day of December, 1961.
- Amend-  
ment of  
the First  
Schedule  
to the  
Constitu-  
tion.
2. In the First Schedule to the Constitution, under the heading “THE UNION TERRITORIES”, after entry 7, the following entry shall be inserted, namely:—
- “8. Goa, Daman and Diu. The territories which immediately before the twentieth day of December, 1961 were comprised in Goa, Daman and Diu”.

3. In article 240 of the Constitution, in clause (1), after entry (c), the following entry shall be inserted, namely:—
- Amendment of article 240.
- “(d) Goa, Daman and Diu”.

**XIII**

**THE CONSTITUTION (THIRTEENTH AMENDMENT) ACT, 1962**

*An Act further to amend the Constitution of India*

*[28th December, 1962]*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Thirteenth Amendment) Act, 1962. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In PART XXI of the Constitution—
- (a) for the heading, the following heading shall be substituted, namely:—
- Amendment of Part XXI.
- “TEMPORARY TRANSITIONAL AND SPECIAL PROVISIONS”.
- (b) after article 371, the following article shall be inserted, namely:—
- “371A. (1) Notwithstanding anything in this Constitution —
- (a) no Act of Parliament in respect of—
- (i) religious or social practices of the Nagas, Special provision with respect to the State of Nagaland.
- (ii) Naga customary law and procedure,
- (iii) administration of civil and criminal justice involving decisions according to Naga customary law,

- (iv) ownership and transfer of land and its resources, shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides;
- (b) the Government of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgement as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this sub-clause required to act in the exercise of his individual judgement, the decisions of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgement:

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Nagaland, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order;

- (c) in making his recommendation with respect to any demand for a grant, the Governor of

Nagaland shall ensure that any money provided by the Government of India out of the Consolidated Fund of India for any specific service or purpose is included in the demand for a grant relating to that service or purpose and not in any other demand;

(d) as from such date as the Governor of Nagaland may by public notification in this behalf specify, there shall be established a regional council for the Tuensang district consisting of thirty-five members and the Governor shall in his discretion make rules providing for—

(i) the composition of the regional council and the manner in which the members of the regional council shall be chosen:

Provided that the Deputy Commissioner of the Tuensang district shall be the Chairman *ex officio* of the regional council and the Vice-Chairman of the regional council shall be elected by the members thereof from amongst themselves;

(ii) the qualification for being chosen as, and for being, members of the regional council;

(iii) the term of office of, and the salaries and allowances, if any, to be paid to members of the regional council;

(iv) the procedure and conduct of business of the regional council;

(v) the appointment of officers and staff of the regional council and their conditions of service; and

(vi) any other matter in respect of which it is necessary to make rules for the constitution and proper functioning of the regional council.

(2) Notwithstanding anything in this Constitution, for a period of ten years from the date of the formation of the State of Nagaland or for such further period as the Governor may, on the recommendation of the regional council, by public notification specify in this behalf,

(a) the administration of the Tuensang district shall be carried on by the Governor;

(b) where any money is provided by the Government of India to the Government of Nagaland to meet the requirements of the State of Nagaland to meet the requirements of the State of Nagaland as a whole, the Governor shall in his discretion arrange for an equitable allocation of that money between the Tuensang district and the rest of the State;

(c) no Act of the Legislature of Nagaland shall apply to the Tuensang district unless the Governor, on the recommendation of the regional council, by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall in its application to the Tuensang district or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council:

Provided that any direction given under this sub-clause may be given so as to have retrospective effect;

- 
- (d) the Governor may make regulations for the peace, progress and good government of the Tuensang district and any regulations so made may repeal or amend with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district;
  - (e) (i) one of the members representing the Tuensang district in the Legislative Assembly of Nagaland shall be appointed Minister for Tuensang affairs by the Governor on the advice of the Chief Minister, and the Chief Minister in tendering his advice shall act on the recommendation of the majority of the members as aforesaid;  
(ii) the Minister for Tuensang affairs shall deal with and have, direct access to the Governor on all matters relating to the Tuensang district but he shall keep the Chief Minister informed about the same;
  - (f) notwithstanding anything in the foregoing provision of this clause the final decision on all matters relating to the Tuensang district shall be made by the Governor in his discretion;
  - (g) in article 54 and 55 and clause (4) of article 80, references to the elected members of the Legislative Assembly of a State or to each such member shall include references to the members or members of the Legislative Assembly of Nagaland elected by the regional council established under this article;
  - (h) in article 170 —
    - (i) clause (1) shall, in relation to the Legislative Assembly of Nagaland, have effect as if for the word “sixty”, the words “forty-six” had been substituted;

- (ii) in the said clause, the reference to direct election from territorial constituencies in the State shall include election by the members of the regional council established under this article;
  - (iii) in clauses (2) and (3), references to territorial constituencies shall mean references to territorial constituencies in the Kohima and Mokokchung district;
3. If any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may by order do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty:

Provided that no such order shall be made after the expiration of three years from the date of the formation of the State of Nagaland.

*Explanation*—In this article, the Kohima, Mokokchung and Tuensang districts shall have the same meanings as in the State of Nagaland Act, 1962.

#### XIV

### THE CONSTITUTION (FOURTEENTH AMENDMENT) ACT, 1962

*An Act further to amend the Constitution of India*

*[28th December, 1962]*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Constitution (Fourteenth Amendment) Act, 1962.

- 
2. In article 81 of the Constitution, in sub-clause (b) of clause (1), for the words “twenty members”, the words “twenty-five members” shall be substituted. Amendment of article 81.
3. In the First Schedule to the Constitution, under the heading “II. THE UNION TERRITORIES”, after entry 8, the following entry shall be inserted, namely:—  
 “9. Pondicherry—The territories which immediately before the sixteenth day of August, 1962, were comprised in the French Establishment in India known as Pondicherry, Karikal, Mahe and Yanam”. Amendment of the First Schedule.
4. After article 239 of the Constitution, the following article shall be inserted, namely:—  
 “239A. (1) Parliament may by law create for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry—  
 (a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or  
 (b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law. Insertion of new article 239A.  
Creation of local Legislatures or Council of Ministers or both for certain Union territories.
- (2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purpose of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution”.



- Amend-  
ment of  
article  
240.
5. In article 240 of the Constitution in clause (1) —
- (a) after entry (d), the following entry shall be inserted, namely:—  
“(e) Pondicherry”;
- (b) the following proviso shall be inserted at the end, namely:—  
“Provided that when any body is created under article 239A to function as a Legislature for the Union territory of Goa, Daman and Diu or Pondicherry, the President shall not make any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature.”
- Amend-  
ment of  
the Fourth  
Schedule.
6. In the Fourth Schedule to the Constitution, in the Table —
- (a) after entry 20, the entry, “21. Pondicherry. I” shall be inserted;
- (b) for the figures “225”, the figures “226” shall be substituted.
- Retrospective  
operation of  
certain  
provisions.
7. Section 3 and clause (a) of section 5 shall be deemed to have come into force on the 16th day of August, 1962.

## XV

### THE CONSTITUTION (FIFTEENTH AMENDMENT) ACT, 1963

*An Act further to amend the Constitution of India*

*[5th October, 1963]*

BE it enacted by Parliament in the Fourteenth  
Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Constitution  
(Fifteenth Amendment) Act, 1963.

2. In article 124 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

Amendment of article 124.

“(2A) The age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide”.

3. In article 128 of the Constitution, after the words “Federal Court”, the words “or who has held the office of a Judge of a High Court and is duly qualified for appointment as a Judge of the Supreme Court” shall be inserted.

Amendment of article 128.

4. In article 217 of the Constitution—

Amendment of article 217.

(a) in clause (1), for the words “sixty years”, the words “sixty-two years” shall be substituted;

(b) after clause (2), the following clause shall be inserted and shall be deemed always to have been inserted, namely:—

“(3) If any question arises as to the age of a Judge of a High Court, the question shall be decided by the President after consultation with the Chief Justice of India and the decision of the President shall be final”.

5. In article 222 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

Amendment of article 222.

“(2) When a Judge has been or is so transferred, he shall, during the period he serves, after the commencement of the Constitution (Fifteenth Amendment) Act, 1963, as a Judge of the other High Court, be entitled to receive in addition to his salary

such compensatory allowance as may be determined by Parliament by law and, until so determined, such compensatory allowance as the President may by order fix”.

Amendment of article 224.

6. In article 224 of the Constitution, in clause (3) for the words “sixty years”, the words “sixty two years” shall be substituted.

Insertion of new article 224A.

7. After article 224 of the Constitution, the following article shall be inserted, namely:—

Appointment of retired Judges at sittings of High Courts.

“224A. Notwithstanding anything in this Chapter, the Chief Justice of a High Court for any State may at any time, with the previous consent of the President, request any person, who has held the office of a Judge of that Court or of any other High Court to sit and act as a Judge of the High Court for that State, and every such person so requested shall, while so sitting and acting, be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that High Court:

Provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as Judge of that High Court unless he consents so to do”.

Amendment of article 226.

8. In article 226 of the Constitution—  
(a) after clause (1), the following clause shall be inserted, namely:—

“(1A) The power conferred by clause (1) to issue directions, orders or writs to any Government authority or person may also be exercised by any High Court exercising

jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories”.

(b) in clause (2), for the words, brackets and figure “clause (1)”, the words, brackets, figures and letter “clause (1) or clause (1A)” shall be substituted.

9. In article 297 of the Constitution, after the words “territorial waters”, the words “or the continental shelf” shall be inserted. Amendment of article 297.

10. In article 311 of the Constitution, for clauses (2) and (3) the following clause shall be substituted, namely:— Amendment of article 311.

“(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry:

Provided that this clause shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

- (b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or
- (c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.
- (e) If, in respect of any such person as aforesaid a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final”.

Amend-  
ment of  
article  
316.

11. In article 316 of the Constitution, clause (1) the following clause shall be inserted, namely:—

“(1A) if the office of the Chairman of the Commission becomes vacant or if any such Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under clause (1) to the vacant office has entered on the duties thereof, or as the case may be, until the Chairman has, resumed his duties, be performed by such one of the other members of the Commission as the President, in the case of the Union Commission or a Joint Commission, and the Governor of the State in the State in the case of a State Commission, may appoint for the purpose.”

12. In the Seventh Schedule to the Constitution, in List 1, in entry 78, after the word “organisation”, the brackets and words (including vacations)” shall be inserted and shall be deemed always to have been inserted. Amend-  
ment of  
the  
Seventh  
Schedule.

## XVI

### THE CONSTITUTION (SIXTEENTH AMENDMENT) ACT, 1963

*An Act further to amend the Constitution of India*

*[5th October, 1963]*

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Sixteenth Amendment) Act, 1963. Short title.
2. In article 19 of the Constitution— Amend-  
ment of  
article 19.
  - (a) in clause (2), after the words “in the interests of” the words “the sovereignty and integrity of India”, shall be inserted;
  - (b) in clauses (3) and (4), after the words “in the interests of” the words “the sovereignty and integrity of India or” shall be inserted.
3. In article 84 of the Constitution, for clause (a), the following clause shall be substituted, namely:— Amend-  
ment of  
article 84.

“(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule.”.

Amend-  
ment of  
article  
173.

4. In article 173 of the Constitution, for clause (a) the following clause shall be substituted, namely:

“(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule,”.

Amend-  
ment of  
Third  
Schedule.

5. In the Third Schedule to the Constitution—
- (a) in form I, after the words “Constitution of India as by law established.” the words “that I will uphold the sovereignty and integrity of India,” shall be inserted;
- (b) for Form III, the following shall be substituted, namely:—

### III

#### A

Form of oath or affirmation to be made by a candidate for election to Parliament:

“I, A.B., having been nominated as a candidate to fill a seat in the Council of States (or the House of the People) do

Swear in the name of God

Solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India”.

#### B

Form of oath or affirmation to be made by a member of Parliament:—

“I, A.B., having been elected (or nominated) a member of the Council of

States (or the House of the People) do

Swear in the name of God

Solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter”;

(c) In forms IV, V and VIII, after the words “the Constitution of India as by law established,” the words “that I will uphold the sovereignty and integrity of India”, shall be inserted;

(d) for Form VII, the following shall be substituted, namely:—

## VII

### A

Form of oath or affirmation to be made by a candidate for election to the Legislature of a State:—

“I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly (or Legislative Council), do

Swear in the name of God

Solemnly Affirm

that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India”.

### B

Form of oath or affirmation to be made by a member of the Legislature of a State:—

“I, A.B., having been elected (or nominated) a member of the Legislative



Assembly (or Legislative Council), do

Swear in the name of God

Solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”

## XVII

### THE CONSTITUTION (SEVENTEENTH AMENDMENT) ACT, 1964

*An Act further to amend the Constitution of India*

*[20th June, 1964]*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Seventeenth Amendment) Act, 1964.

Amend-  
ment of  
article  
31A. 2. In article 31A of the Constitution—  
(i) in clause (1), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or

structure, provides for payment of compensation at a rate which shall not be less than the market value thereof.”;

(ii) in clause (2), for sub-clause (a), the following sub-clause shall be substituted and shall be deemed always to have been substituted, namely:—

(a) the expression “estate” shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area and shall also include—

(i) any *jagir*, *inam* or *muafi* or other similar grant and in the States of Madras and Kerala, any *janmam* right;

(ii) any land held under raiyatwari settlement;

(iii) any land held or let for purpose of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans;

3. In the Ninth Schedule to the Constitution, after entry 20, the following entries shall be added, namely:—

Amend-  
ment of  
Ninth  
Schedule.

“21. The Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961 (Andhra Pradesh Act X of 1961).

22. The Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands (Validation) Act, 1961 (Andhra Pradesh Act XXI of 1961)

23. The Andhra Pradesh (Telangana Area) Ijara and Kowli Land Cancellation of Irregular Pattas and Abolition of Concessional Assessment Act, 1961 (Andhra Pradesh Act XXXVI of 1961).
24. The Assam State Acquisition of Lands Belonging to Religious or Charitable Institution of Public Nature Act, 1959 (Assam Act IX of 1961).
25. The Bihar Land Reforms (Amendment) Act, 1953 (Bihar Act XX of 1954).
26. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus land) Act, 1961 (Bihar Act XII of 1962), (except section 28, of this Act).
27. The Bombay Taluqdari Tenure Abolition (Amendment) Act, 1954 (Bombay Act I of 1955).
28. The Bombay Taluqdari Tenure Abolition (Amendment) Act, 1957 (Bombay Act XVIII of 1958.)
29. The Bombay Inams (Kutch Area) Abolition Act, 1958 (Bombay Act XCVIII of 1958).
30. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1960 (Gujarat Act XVI of 1960).
31. The Gujarat Agricultural Lands Ceiling Act, 1960 (Gujarat Act XXVII of 1961).
32. The Sagbara and Mehwassi Estates (Proprietary Rights Abolition, etc.) Regulation, 1962 (Gujarat Regulation 1 of 1962).

33. The Gujarat Surviving Alienation Abolition Act, 1963 (Gujarat Act XXXIII of 1963), except in so far as this Act relates to an alienation referred to in sub-clause (d) of clause (3) of section 2 thereof.
34. The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Maharashtra Act XXVII of 1961).
35. The Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validation and Further Amendment) Act, 1961 (Maharashtra Act XLV of 1961).
36. The Hyderabad Tenancy and Agricultural Lands Act, 1950 (Hyderabad Act XXI of 1950).
37. The Jenmikaram Payment (Abolition) Act, 1960 (Kerala Act III of 1961).
38. The Kerala Land Tax Act, 1961 (Kerala Act XIII of 1961).
39. The Kerala Land Reforms Act, 1963 (Kerala Act 1 of 1964).
40. The Madhya Pradesh Land Revenue Code, 1959 (Madhya Pradesh Act XX of 1959).
41. The Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (Madhya Pradesh Act XX of 1960).
42. The Madras Cultivating Tenants (Protection) Act, 1955 (Madras Act XXV of 1955).
43. The Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956).
44. The Madras Occupants of Kudiyruppu (Protection from Eviction) Act, 1961 (Madras Act XXXVII of 1961).

45. The Madras Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Madras Act LVII of 1961).
46. The Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act LVIII of 1961).
47. The Mysore Tenancy Act, 1952 (Mysore Act XIII of 1952).
48. The Coorg Tenants Act, 1957 (Mysore Act XIV of 1957).
49. The Mysore Village Offices Abolition Act, 1961 (Mysore Act XIV of 1961).
50. The Hyderabad Tenancy and Agricultural Lands (Validation) Act, 1961 (Mysore Act XXXVI of 1961).
51. The Mysore Land Reforms Act, 1961 (Mysore Act X of 1962).
52. The Orissa Land Reforms Act, 1960 (Orissa Act XVI of 1960).
53. The Orissa Merged Territories (Village Offices Abolition) Act, 1963 (Orissa Act X of 1963).
54. The Punjab Security of Land Tenures Act, 1953 (Punjab Act X of 1953).
55. The Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955).
56. The Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act VIII of 1959).
57. The Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960 (Uttar Pradesh Act XVII of 1960).

58. The Uttar Pradesh Imposition on Ceiling on Land Holdings Act, 1960 (Uttar Pradesh Act 1 of 1961).
59. The West Bengal Estates Acquisition Act, 1953 (West Bengal Act 1 of 1954).
60. The West Bengal Land Reforms Act 1955 (West Bengal Act X of 1956).
61. The Delhi Land Reforms Act, 1954 (Delhi Act VIII of 1954).
62. The Delhi Land Holdings (Ceiling) Act, 1960 (Central Act 24 of 1960).
63. The Manipur Land Revenue and Land Reforms Act, 1960 (Central Act 33 of 1960).
64. The Tripura Land Revenue and Land Reforms Act, 1960 (Central Act 43 of 1960).

*Explanation.*—Any acquisition made under the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955), in contravention of the second proviso to clause (1) of article 31A shall, to the extent of the contravention, be void ”.

### XVIII

#### THE CONSTITUTION (EIGHTEENTH AMENDMENT) ACT, 1966

*An Act further to amend the Constitution of India*

*[27th August, 1966]*

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:

1. This Act may be called the Constitution Short title.  
(Eighteenth Amendment) Act, 1966.

Amend-  
ment of  
article 3.

2. In article 3 of the Constitution, the following Explanations shall be inserted at the end, namely:—

*“Explanation I—In this article in clauses (a) to (e), “State” includes a Union territory, but in the proviso, “State” does not include a Union territory.*

*Explanation II—The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory”.*

### **XIX**

#### **THE CONSTITUTION (NINETEENTH AMENDMENT) ACT, 1966**

*An Act further to amend the Constitution of India*

*[11th December, 1966]*

BE it enacted by Parliament in the Seventeenth Year of the Republic of India a follows:—

Short title.

1. This Act may be called the Constitution (Nineteenth Amendment) Act, 1966.

Amend-  
ment of  
article  
324.

2. In article 324 of the Constitution, in clause (1), the words “including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States” shall be omitted.

### **XX**

#### **THE CONSTITUTION (TWENTIETH AMENDMENT) ACT, 1966**

*An Act further to amend the Constitution of India*

*[22nd December, 1966]*

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Twentieth Amendment) Act, 1966.

2. After article 233 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 233A.

“233A Notwithstanding any judgment, decree or order of any court—

Validation of appointments of, and judgements etc., delivered by, certain district judges.

(a) (i) no appointment of any person already in the Judicial service of a State or of any person who has been for not less than seven years an advocate or a pleader, to be a district judge in that State, and

(ii) no posting, promotion or transfer of any such person as a district judge, made at any time before the commencement of the Constitution (Twentieth Amendment) Act, 1966, otherwise than in accordance with the provisions of article 233 or article 235 shall be deemed to be illegal or void or ever to have become illegal or void by reason only of the fact that such appointment, posting, promotion or transfer was not made in accordance with the said provisions;

(b) no jurisdiction exercised, no judgment, decree, sentence or order passed or made, and no other act or proceeding done or taken, before the commencement of the Constitution (Twentieth Amendment) Act, 1966 by, or before, any person appointed, posted, promoted or transferred as a district judge in any State otherwise than in accordance with the provisions of article 233 or article 235 shall be deemed to be illegal or invalid or ever to have become illegal or invalid by reason only of the fact that such appointment, posting, promotion or transfer was not made in accordance with the said provisions.”



**XXI****THE CONSTITUTION (TWENTY-FIRST AMENDMENT)  
ACT, 1967***An Act further to amend the Constitution of India**[10th April, 1967]*

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

- |                               |  |
|-------------------------------|--|
| Short title.                  | 1. This Act may be called the Constitution (Twenty-first Amendment) Act, 1967.   |
| Amendment of Eighth Schedule. | 2. In the Eighth Schedule to the Constitution— <ul style="list-style-type: none"> <li>(a) entries 12 to 14, shall be re-numbered as entries 13 to 15 respectively, and</li> <li>(b) before entry “13” as so re-numbered, the entry “12. Sindhi”. shall be inserted.</li> </ul> |

**XXII****THE CONSTITUTION (TWENTY-SECOND AMENDMENT) ACT, 1969***An Act further to amend the Constitution of India**[25th September, 1969]*

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

- |   |   |
|---|---|
| Short title.  | 1. This Act may be called the Constitution (Twenty-second Amendment) Act, 1969.   |
| Insertion of new article 244A.<br>Formation of an autonomous State comprising certain | 2. In Part X of the Constitution, after article 244, the following article shall be inserted, namely:— <p>“244A. (1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (Whether wholly or in part) all or any of the tribal areas specified in</p> |

- 
- Part A of the table appended to paragraph 20 of the Sixth Schedule and create therefor—
- (a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or
- (b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law.
- (2) Any such law as is referred to in clause (1) may, in particular—
- (a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;
- (b) define the matters with respect to which the executive power of the autonomous State shall extend;
- (c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;
- (d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and
- (e) make such supplemental, incidental and consequential provisions as may be deemed necessary.
- tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.

- (3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.
- (4) Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution”.

Amend-  
ment of  
article  
275.

3. In article 275 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

“(1A) On and from the formation of the autonomous State under article 244A—

- (i) any sums payable under clause (a) of the second proviso to clause (1) shall, if the autonomous State comprises all the tribal areas referred to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify;
- (ii) there shall be paid out of the Consolidated Fund of India as grant-in-aid of the revenues of the autonomous State sums, capital and recurring equivalent to the costs of such schemes of development as may be undertaken by the autonomous

State with the approval of the Government of India for the purpose of raising the level of administration of that State to that of the administration of the rest of the State of Assam”.

4. After article 371A of the Constitution the following article shall be inserted, namely:—
- “371B. Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Assam, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and such number of other members of that Assembly as may be specified in the order and for the modifications to be made in the rules of procedure of that Assembly for the constitution and proper functioning of such committee”.

Insertion of new article 371B. Special provision with respect to the State of Assam.

### XXIII

#### THE CONSTITUTION (TWENTY-THIRD AMENDMENT) ACT, 1969

*An Act further to amend the Constitution of India*

*(23rd January, 1970)*

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Twentieth amendment) Act, 1969. Short title.
2. In article 330 of the Constitution in sub-clause (b) of clause (1), for the words “except the Scheduled Tribes in the tribal areas of Assam”, the words “except the Scheduled Tribes in the tribal areas of Assam and in Nagaland” shall be substituted. Amendment of article 330.

Amend-  
ment of  
article  
332.

3. In article 332 of the Constitution, in clause (1), for the words “except the Scheduled Tribes in the tribal areas of Assam”, the words “except the Scheduled Tribes in the tribal areas of Assam and in Nagaland” shall be substituted.

Amend-  
ment of  
article  
333.

4. (1) In article 333 of the Constitution, for the words “nominate such number of members of the community to the Assembly as he considers appropriate”, the words “nominate one member of that community to the Assembly” shall be substituted.

(2) Nothing contained in sub-section (1) shall affect any representation of the Anglo-Indian community in the Legislative Assembly of any State existing at the commencement of this Act until the dissolution of that Assembly.

Amend-  
ment of  
article  
334.

5. In article 334 of Constitution, for the words “twenty years”, the words “thirty years” shall be substituted.

## XXIV

### THE CONSTITUTION (TWENTY-FOURTH AMENDMENT) ACT, 1971

*An Act further to amend the Constitution of India*

*[5th November, 1971]*

BE it enacted by Parliament in the Twenty-second year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Twenty-fourth Amendment), Act, 1971.

2. In article 13 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

Amendment of article 13.

“(4) Nothing in this article shall apply to any amendment of this Constitution made under article 368.”

3. Article 368 of the Constitution shall be re-numbered as clause (2) thereof, and—

Amendment of article 368.

- (a) for the marginal heading to that article, the following marginal heading shall be substituted, namely:—

“Power of Parliament to amend the Constitution and procedure therefor.”;

- (b) before clause (2) as so re-numbered, the following clause shall be inserted, namely:—

“(1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.”;

- (c) in clause (2) as so re-numbered, for the words “it shall be presented to the President for his assent and upon such assent being given to the Bill”, the words “it shall be presented to the President who shall give his assent to the Bill and thereupon” shall be substituted;

- (d) after clause (2) as so re-numbered, the following clause shall be inserted namely:—

(3) Nothing in article 13 shall apply to any amendment made under this article”.

**XXV****THE CONSTITUTION (TWENTY-FIFTH AMENDMENT)  
ACT, 1971***An Act further to amend the Constitution of India**[20th April, 1972]*

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

- |                                  |  |
|----------------------------------|--|
| Short title.                     | 1. This Act may be called the Constitution (Twenty-fifth Amendment) Act, 1971.   |
| Amend-<br>ment of<br>article 31. | <p>2. In article 31 of the Constitution—</p> <p>(a) for clause (2A), the following clause shall be substituted, namely:—</p> <p>“(2) No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for acquisition or requisitioning of the property for an amount which may be fixed by such law or which may be determined in accordance with such principles and given in such manner as may be specified in such law; and no such law shall be called in question in any court on the ground that the amount so fixed or determined is not adequate or that the whole or any part of such amount is to be given otherwise than in cash:</p> <p>Provided that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1) of article 30, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property</p> |

is such as would not restrict or abrogate the right guaranteed under that clause”;

(b) after clause (2A), the following clause shall be inserted, namely:—

“(2B) Nothing in sub-clause (f) of clause (1) of article 19 shall affect any such law as is referred to in clause (2)”.

3. After article 31B of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 31C.

“31C. Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing the principles specified in clause (b) or clause (c) of article 39 shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31; and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy:

Saving of laws giving effect to certain directive principles.

Provided that where such law is made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.”

## XXVI

### THE CONSTITUTION (TWENTY-SIXTH AMENDMENT) ACT, 1971

*An Act further to amend the Constitution of India*

*(28th December, 1971)*

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Twenty-sixth Amendment) Act, 1971. Short title.



- 
- |   |   |
|---|---|
| Omission of articles 291 and 362.   | 2. Articles 291 and 362 of the Constitution shall be omitted.   |
| Insertion of new article 363A.  | 3. After article 363 of the Constitution, the following article shall be inserted, namely:—   |
| Recognition granted to Rulers of Indian States to cease and privy purses to be abolished. | <p>“363A. Notwithstanding anything, in this Constitution or in any law for the time being in force—</p> <p>(a) The Prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the Ruler of an Indian State or any person who, at any time before such commencement, was recognised by the President as the successor of such Ruler shall, on and from such commencement, cease to be recognised as such Ruler or the successor of such Ruler;</p> <p>(b) on and from the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, privy purse is abolished and all rights, liabilities and obligations in respect of privy purse are extinguished and, accordingly the Ruler or, as the case may be, successor of such Ruler, referred to in clause (a) or any other person shall not be paid any sum as privy purse”.</p> |
| Amendment of article 366.   | 4. In article 366 of the Constitution, for clause (22), the following clause shall be substituted, namely:—   |
|   | ‘(22) “Ruler” means the Prince, Chief or other person who, at any time before the   |

commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the Ruler of an Indian State or any person who at any time before such commencement, was recognised by the President as the successor of such Ruler’;

## XXVII

### THE CONSTITUTION (TWENTY-SEVENTH AMENDMENT) ACT, 1971

*An Act further to amend the Constitution of India*

*[30th December, 1971]*

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Twenty-seventh Amendment) Act, 1971. Short title and commencement.  
(2) This section and section 3 shall come into force at once and the remaining provisions of this Act shall come into force on such date, being a date not earlier than the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 239A of the Constitution, in clause (1), for the words “Goa, Daman and Diu, and Pondicherry”, the words “Goa, Daman and Diu, Pondicherry and Mizoram” shall be substituted. Amendment of article 239A.

Insertion  
of new  
article  
239B.

Power of  
adminis-  
trator to  
promul-  
gate  
Ordi-  
nances  
during  
recess of  
Legis-  
lature.

3. After article 239A of the Constitution, the following article shall be inserted, namely:—

“239B. (1) If at any time, except when the Legislature of a Union territory referred to in clause (1) of article 239A is in session, the administrator thereof is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that no such Ordinance shall be promulgated by the administrator except after obtaining instructions from the President in that behalf:

Provided further that whenever the said Legislature is dissolved, or its functioning remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the administrator shall not promulgate any Ordinance during the period of such dissolution or suspension.

(2) An Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the Union territory which has been duly enacted after complying with the provisions in that behalf contained in any such law is referred to in clause (1) of article 239A but every such Ordinance—

(a) shall be laid before the Legislature of the Union territory and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature or if, before the expiration of that period, a resolution

disapproving it is passed by the Legislature, upon the passing of the resolution; and

(b) may be withdrawn at any time by the administrator after obtaining instructions from the President in that behalf.

(3) If and so far as an Ordinance under this article makes any provisions which would not be valid if enacted in an Act of the Legislature of the Union territory made after complying with the provisions in that behalf contained in any such law as it referred to in clause (1) of article 239A, it shall be void.”

4. In article 240 of the Constitution—

(a) in clause (1)—

(i) after entry (e), the following entries shall be inserted, namely:—

“(f) Mizoram;

(g) Arunachal Pradesh:”;

(ii) in the proviso, for the words “Union territory of Goa, Daman and Diu or Pondicherry”, the words “Union territory of Goa, Daman and Diu, Pondicherry or Mizoram” shall be substituted;

(iii) after the proviso as so amended, the following further proviso shall be inserted, namely:—

“Provided further that whenever the body functioning as a Legislature for the Union territory of Goa, Daman and Diu, Pondicherry or Mizoram is dissolved, or the functioning of that body as such Legislature remains suspended on account

Amend-  
ment of  
article  
240.

of any action taken under any such law as referred to in clause (1) of article 239A, the President may, during the period of such dissolution or suspension, make regulations for the peace, progress and good government of that Union territory.”;

- (b) in clause (2), for the words “ any existing law”, the words “any other law” shall be substituted.

Insertion of new article 371C. Special provision with respect to the State of Manipur.

5. After article 371B of the Constitution, the following article shall be inserted, namely:—

“371C. (1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Manipur, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the Hill Areas of that State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of such committee.

(2) The Governor shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

*Explanation*—In this article, the expression “Hill Areas” means such areas as the President may, by order, declare to be Hill Areas.”.

**XXVIII**

**THE CONSTITUTION (TWENTY-EIGHTH AMENDMENT) ACT, 1972**

*An Act further to amend the Constitution of India*

*[27th August, 1972]*

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

- |  |   |
|--|---|
| <p>1. (1) This Act may be called the Constitution (Twenty-eighth Amendment) Act, 1972.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>   | <p>Shrot title and commencement.</p>  |
| <p>2. After article 312 of the Constitution, the following article shall be inserted, namely:—</p> <p>“312A. (1) Parliament may by law—</p> <p>(a) vary or revoke, whether prospectively or retrospectively, the conditions of service as respects remuneration, leave and pension and the rights as respects disciplinary matters of persons who, having been appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India before the commencement of this Constitution, continue on and after the commencement of the Constitution (Twenty-eighth Amendment) Act, 1972, to serve under the Government of India or of a State in any service or post;</p> <p>(b) vary or revoke, whether prospectively or retrospectively, the conditions of service</p> | <p>Insertion of new article 312A.</p> <p>Power of Parliament to vary or revoke conditions of service of officers of certain services.</p> |

as respects pension of persons who, having been appointed by the Secretary of State or Secretary of State in council to a civil service of the Crown in India before the commencement of this Constitution, retired or otherwise ceased to be in service at any time before the commencement of the Constitution (Twenty-eighth Amendment) Act, 1972:

Provided that in the case of any such person who is holding or has held the office of the Chief Justice or other Judge of the Supreme Court or a High Court, the Comptroller and Auditor-General of India, the Chairman or other member of the Union or a State Public Service Commission or the Chief Election Commissioner, nothing in sub-clause (a) or sub-clause (b) shall be construed as empowering Parliament to vary or revoke, after his appointment to such post, the conditions of his service to his disadvantage except in so far as such conditions of service are applicable to him by reason of his being a person appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India.

- (2) Except to the extent provided for by Parliament by law under this article, nothing in this article shall affect the power of any Legislature or other authority under any other provision of this Constitution to regulate the conditions of service of persons referred to in clause (1).

(3) Neither the Supreme Court nor any other court shall have jurisdiction in—

(a) any dispute arising out of any provision of, or any endorsement on, any covenant, agreement or other similar instrument which was entered into or executed by any person referred to in clause (1), or arising out of any letter issued to such person, in relation to his appointment to any civil service of the Crown in India or his continuance in service under the Government of the ‘Dominion of India or a Province thereof’;

(b) any dispute in respect of any right, liability or obligation under article 314 as originally enacted.

(4) The provisions of this article shall have effect notwithstanding anything in article 314 as originally enacted or in any other provision of this Constitution.”

3. Article 314 of the Constitution shall be omitted. Omission of article 314.

## XXIX

### THE CONSTITUTION (TWENTY-NINTH AMENDMENT) ACT, 1972

*An Act further to amend the Constitution of India*

*[9th June, 1972]*

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution Short title.  
(Twenty-ninth Amendment) Act, 1972.



Amend-  
ment of  
Ninth  
Schedule.

2. In the Ninth Schedule to the Constitution, after entry 64 and before the *Explanation*, the following entries shall be inserted, namely:—

“65. The Kerala Land Reforms (Amendment) Act, 1969 (Kerala Act 35 of 1969).

66. The Kerala Land Reforms (Amendment) Act, 1971 (Kerala Act 25 of 1971).”.

### XXX

## THE CONSTITUTION (THIRTIETH AMENDMENT) ACT, 1972

*An Act further to amend the Constitution of India*

*[22nd February, 1973]*

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title  
and  
com-  
mence-  
ment.

1. (1) This Act may be called the Constitution (Thirtieth Amendment) Act, 1972.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
article  
133.

2. In article 133 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

(1) An appeal shall lie to the Supreme Court from any judgement, decree or final order in a civil proceeding of a High Court in the territory of India if the High Court certifies—

“(a) that the case involves a substantial question of law of general importance; and

(b) that in the opinion of the High Court the said question needs to be decided by the Supreme Court.”

3. (1) Nothing in this Act shall affect—

Special provision as to pending proceedings etc.

(a) any appeal under sub-clause (a) or sub-clause (b) or sub-clause (c) of clause (1) of article 133 of the Constitution which immediately before the commencement of this Act was pending before the Supreme Court; or

(b) any appeal preferred on or after the commencement of this Act against any judgement, decree or final order in a civil proceeding of a High Court by virtue of a certificate given by the High Court before the commencement of this Act under sub-clause (a) or sub-clause (b) or sub-clause (c) of clause (1) of article 133;

and every such appeal may be heard and disposed of or, as the case may be, entertained, heard and disposed of by the Supreme Court as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), no appeal shall lie to the Supreme Court under clause (1) of article 133 of the Constitution from any judgement, decree or final order arising out of a suit or other civil proceeding which was instituted or commenced in any court before the commencement of this Act unless such appeal satisfies the provisions of that clause as amended by this Act.

## XXXI

**THE CONSTITUTION (THIRTY-FIRST AMENDMENT)  
ACT, 1973**

*An Act further to amend the Constitution of India*

*[17th October, 1973]*

BE it enacted by Parliament in the Twenty-fourth  
Year of the Republic of India as follows:—

- |                                      |  |
|--------------------------------------|--|
| Short title.                         | 1. This Act may be called the Constitution (Thirty-first Amendment) Act, 1973.   |
| Amend-<br>ment of<br>article 81.     | <p>2. In article 81 of the Constitution—</p> <p>(a) in clause (1)—</p> <p>(i) in sub-clause (a), for the words “five hundred members”, the words “five hundred and twenty-five members” shall be substituted; and</p> <p>(ii) in sub-clause (b), for the words “twenty-five members”, the words “twenty members” shall be substituted;</p> <p>(b) in clause (2), after sub-clause (b), the following proviso shall be inserted namely:—</p> <p>“Provided that the provisions of sub-clause (a) of this clause shall not be applicable for the purpose of allotment of seats in the House of the People to any State so long as the population of that State does not exceed six millions.”</p> |
| Amend-<br>ment of<br>article<br>330. | <p>3. (1) In article 330 of the Constitution—</p> <p>(a) in sub-clause (b) of clause (1), for the words “except the Scheduled Tribes in the tribal areas of Assam and in Nagaland; and”, the following shall be substituted, namely:—</p>  |

“except the Scheduled Tribes—

(i) in the tribal areas of Assam;

(ii) in Nagaland;

(iii) in Meghalaya;

(iv) in Arunachal Pradesh; and

(v) in Mizoram; and”;

(b) after clause (2), the following clause shall be inserted, namely:—

“(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.”

(2) The amendment made to article 330 of the Constitution by sub-section (1) shall not affect any representation in the House of the People until the dissolution of the House of the People existing at the commencement of this Act.

4. (1) In article 332 of the Constitution, in clause (1), for the words “except the Scheduled Tribes in the tribal areas of Assam and in Nagaland”, the words “except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya” shall be substituted. Amend-  
ment of  
article  
332.

(2) The amendment made to article 332 of the Constitution by sub-section (1) shall not affect any representation in the Legislative

Assembly of the State of Meghalaya until the dissolution of that Legislative Assembly existing at the commencement of this Act.

### XXXII

## THE CONSTITUTION (THIRTY-SECOND AMENDMENT) ACT, 1973

*An Act further to amend the Constitution of India*

*[3rd May, 1974]*

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

- |   |   |
|---|---|
| Short title and commencement.                                   | 1. (1) This Act may be called the Constitution (Thirty-second Amendment) Act, 1973.<br>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.   |
| Amendment of article 371.                                       | 2. Clause (1) of article 371 of the Constitution shall be omitted, and in the marginal heading to that article, the words “Andhra Pradesh,” shall be omitted.   |
| Insertion of new articles 371D and 371E.                        | 3. After article 371C of the Constitution, the following articles shall be inserted, namely:—   |
| Special provisions with respect to the State of Andhra Pradesh. | “371D. (1) The President may by order made with respect to the State of Andhra Pradesh provide, having regard to the requirements of the State as a whole, for equitable opportunities and facilities for the people belonging to different parts of the State, in the matter of public employment and in the matter of education, and different provisions may be made for various parts of the State. |

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- (2) An order made under clause (1) may, in particular—
- (a) require the State Government to organise any class or classes of posts in a civil service of, of any class or classes or civil posts under the State into different local cadres for different parts of the State and allot in accordance with such principles and procedure as may be specified in the order the persons holding such posts to the local cadres so organised;
  - (b) specify any part or parts of the State which shall be regarded as the local area—
    - (i) for direct recruitment to posts in any local cadre (whether organised in pursuance of an order under this article or constituted otherwise) under the State Government;
    - (ii) for direct recruitment to posts in any cadre under any local authority within the State; and
    - (iii) for the purposes of admission to any University within the State or to any other educational institution which is subject to the control of the State Government;
  - (c) specify the extent to which, the manner in which and the conditions subject to which, preference or reservation shall be given or made—
    - (i) in the matter of direct recruitment to posts in any such cadre referred to in sub-clause (b) as may be specified in this behalf in the order;

- (ii) in the matter of admission to any such University or other educational institution referred to in sub-clause (b) as may be specified in this behalf in the order,

to or in favour of candidates who have resided or studied for any period specified in the order in the local area in respect of such cadre, University or other educational institution, as the case may be.

(3) The President may, by order, provide for the constitution of an Administrative Tribunal for the State of Andhra Pradesh to exercise such jurisdiction, powers and authority [including any jurisdiction, power and authority] which immediately before the commencement of the Constitution (Thirty-second Amendment) Act, 1973, was exercisable by any court (other than the Supreme Court) or by any tribunal or other authority as may be specified in the order with respect to the following matters, namely:—

- (a) appointment, allotment or promotion to such class or classes of posts in a civil service of the State, or to such class or classes of civil posts under the State, or to such class or classes of posts under the control of any local authority within the State, as may be specified in the order;
- (b) seniority of persons appointed, allotted or promoted to such class or classes of posts in any civil service of the State, or to such class or classes of civil posts under the State, or to such class or classes of posts under the control

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of any local authority within the State, as may be specified in the order;

- (c) such other conditions of service of persons appointed, allotted or promoted to such class or classes of posts in any civil services of the State or to such class or classes of civil posts under the State or to such class or classes of posts under the control of any local authority within the State, as may be specified in the order.

(4) An order made under clause (3) may—

- (a) authorise the Administrative Tribunal to receive representations for the redress of grievances relating to any matter within its jurisdiction as the President may specify in the order and to make such orders thereon as the Administrative Tribunal deems fit;
- (b) contain such provisions with respect to the powers and authorities and procedure of the Administrative Tribunal (including provisions with respect to the powers of the Administrative Tribunal to punish for contempt of itself) as the President may deem necessary;
- (c) provide for the transfer to the Administrative Tribunal of such classes of proceedings, being proceedings relating to matters within its jurisdiction and pending before any court (other than the Supreme Court) or tribunal or other authority immediately before the commencement of such order, as may be specified in the order;



(d) contain such supplemental, incidental, and consequential provisions (including provisions as to fees and as to limitation, evidence or for the application of any law for the time being in force subject to any exceptions or modifications) as the President may deem necessary.

(5) The order of the Administrative Tribunal finally disposing of any case shall become effective upon its confirmation by the State Government or on the expiry of three months from the date on which the order is made, whichever is earlier:

Provided that the State Government may, by special order made in writing and for reasons to be specified therein, modify or annul any order of the Administrative Tribunal before it becomes effective and in such a case the order of the Administrative Tribunal shall have effect only in such modified form or be of no effect, as the case may be.

(6) Every special order made by the State Government under the proviso to clause (5) shall be laid, as soon as may be after it is made, before both Houses of the State Legislature.

(7) The High Court for the State shall not have any powers of superintendence over the Administrative Tribunal and no court (other than the Supreme Court) or tribunal shall exercise any jurisdiction, power or authority in respect of any matter subject to the jurisdiction, power of authority of, or in relation to, the Administrative Tribunal.

- 
- (8) If the President is satisfied that the continued existence of the Administrative Tribunal, is not necessary, the President may by order abolish the Administrative Tribunal and make such provisions in such order as he may deem fit for the transfer and disposal of cases pending before the Tribunal immediately before such abolition.
- (9) Notwithstanding any judgement, decree or order of any court, tribunal or other authority—
- (a) no appointment, posting, promotion or transfer, of any person—
- (i) made before the 1st day of November, 1956, to any post under the Government of, or any local authority within the State of Hyderabad as it existed before that date; or
- (ii) made before the commencement of the Constitution (Thirty-second Amendment) Act, 1973, to any post under the Government of, or any local or other authority within, the State of Andhra Pradesh; and
- (b) no action taken or thing done by or before any person referred to in sub-clause (a), shall be deemed to be illegal or void or ever to have become illegal or void merely on the ground that the appointment, posting, promotion or transfer of such person was not made in accordance with any law, then in force, providing for any requirement as to residence within the State of Hyderabad or, as the case may be, within any part of

the State of Andhra Pradesh, in respect of such appointment, posting, promotion or transfer.

(10) The provisions of this article and of any order made by the President thereunder shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

Establishment of Central University in Andhra Pradesh.

371E. Parliament may by law provide for the establishment of a University in the State of Andhra Pradesh.”

Amendment of Seventh Schedule.

4. In the Seventh Schedule to the Constitution, in List-1, in entry 63 for the words “Delhi University, and”, the words, figures and letter “Delhi University; the University established in pursuance of article 371E,” shall be substituted.

### XXXIII

## THE CONSTITUTION (THIRTY-THIRD AMENDMENT) ACT, 1974

*An Act further to amend the Constitution of India.*

*[19th May, 1974]*

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Thirty-third Amendment) Act, 1974.

Amendment of article 101. 2. In article 101 of the Constitution, in clause (3)—

(1) for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and his resignation is accepted by the Chairman or the Speaker, as the case may be.”

(2) the following proviso shall be inserted at the end, namely:—

“Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Chairman or the Speaker, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.”

3. In article 190 of the Constitution, in clause (3)—

Amend-  
ment of  
article  
190.

(1) for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be, and his resignation is accepted by the Speaker or the Chairman, as the case may be”;

(2) the following proviso shall be inserted at the end, namely:—

“Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Speaker or the Chairman, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.”

**XXXIV****THE CONSTITUTION (THIRTY-FOURTH  
AMENDMENT) ACT, 1974**

*An Act further to amend the Constitution of India.*

*[7th September, 1974]*

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Constitution (Thirty-fourth Amendment) Act, 1974.
- Amend-  
ment of  
Ninth  
Schedule. 2. In the Ninth Schedule to the Constitution, after entry 66 and before the *Explanation*, the following entries shall be inserted, namely:—
- “67. The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (Andhra Pradesh Act I of 1973).
68. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land, Amendment) Act, 1972 (Bihar Act I of 1973).
69. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land, Amendment) Act, 1973 (Bihar Act IX of 1973).
70. The Bihar Land Reforms (Amendment) Act, 1972 (Bihar Act V of 1972).
71. The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1972 (Gujarat Act 2 of 1974).
72. The Haryana Ceiling on Land Holdings Act, 1972 (Haryana Act 26 of 1972).

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73. The Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Himachal Pradesh Act 19 of 1973).
  74. The Kerala Land Reforms (Amendment) Act, 1972 (Kerala Act 17 of 1972).
  75. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1972 (Madhya Pradesh Act 12 of 1974).
  76. The Madhya Pradesh Ceiling on Agricultural Holdings (Second Amendment) Act, 1972 (Madhya Pradesh Act 13 of 1974).
  77. The Mysore Land Reforms (Amendment) Act, 1973 (Karnataka Act 1 of 1974).
  78. The Punjab Land Reforms Act, 1972 (Punjab Act 10 of 1973).
  79. The Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973).
  80. The Gudalur Janmam Estate (Abolition and Conversion into Ryotwari) Act, 1969 (Tamil Nadu Act 24 of 1969).
  81. The West Bengal Land Reforms (Amendment) Act, 1972 (West Bengal Act XII of 1972).
  82. The West Bengal Estates Acquisition (Amendment) Act, 1964 (West Bengal Act XXII of 1964).
  83. The West Bengal Estates Acquisition (Second Amendment) Act, 1973 (West Bengal Act XXXIII of 1973).
  84. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment) Act, 1972 (Gujarat Act 5 of 1973).

85. The Orissa Land Reforms (Amendment) Act, 1974 (Orissa Act 9 of 1974).

86. The Tripura Land Revenue and Land Reforms (Second Amendment) Act, 1974 (Tripura Act 7 of 1974).”

### XXXV

## THE CONSTITUTION (THIRTY-FIFTH AMENDMENT) ACT, 1974

*An Act further to amend the Constitution of India.*

*[22nd February, 1975]*

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

- |   |  |
|---|--|
| Short title, and commencement.  | 1. (1) This Act may be called the Constitution (Thirty-fifth Amendment) Act, 1974.<br><br>(2) It shall come into force on such date as the Central Government may, by notification in Official Gazette, appoint.   |
| Insertion of New Article 2A.<br><br>Sikkim to be associated with the Union. | 2. After article 2 of the Constitution, the following article shall be inserted, namely:—<br><br>“2A. Sikkim, which comprises the territories specified in the Tenth Schedule, shall be associated with the Union on the terms and conditions set out in that Schedule.” |
| Amendment of article 80.  | 3. In article 80 of the Constitution, in clause (1), for the words “The Council of States”, the words and figure “Subject to the provisions of paragraph 4 of the Tenth Schedule, the Council of States” shall be substituted.   |
| Amendment of article 81.  | 4. In article 81 of the Constitution, in clause (1), for the words and figures “Subject to the provisions of article 331”, the words   |

and figures “Subject to the provisions of article 331 and paragraph 4 of the Tenth Schedule” shall be substituted.

5. After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely:—
- Addition  
of Tenth  
Schedule.

#### TENTH SCHEDULE

[Articles 2A, 80 (1) And 81 (1)]

#### PART A

Territories of Sikkim

- 1. Sikkim**—Sikkim comprises the following territories, namely:—

The territories which, immediately before the coming into force of the Government of Sikkim Act, 1974 were comprised in Sikkim.

#### PART B

Terms and Conditions of Association of  
Sikkim with the Union

- 2. Responsibilities of the Government of India**—The Government of India—

- (1) (a) shall be solely responsible for the defence and territorial integrity of Sikkim and for the conduct and regulation of the external relations of Sikkim, whether political, economic or financial;
- (b) shall have the exclusive right of constructing, maintaining and regulating the use of railways, aerodromes, landing grounds and air navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim;



(c) shall be responsible for securing the economic and social development of Sikkim and for ensuring good administration and for the maintenance of communal harmony therein;

(d) shall be responsible for providing facilities for students from Sikkim in institutions for higher learning in India and for the employment of people from Sikkim in the public services of India (including the All-India Services), at par with those available to citizens of India;

(e) shall be responsible for providing facilities for the participation and representation of the people of Sikkim in the political institutions of India.

(2) The provisions contained in this paragraph shall not be enforceable by any court.

**3. Exercise of certain powers by the President.**—The President may, by general or special order, provide—

(a) for the inclusion of the planned development of Sikkim within the ambit of the planning authority of India while that authority is preparing plans for the economic and social development of India, and for appropriately associating officials from Sikkim in such work;

(b) for the exercise of all or any of the powers vested or sought to be vested in the Government of India in or in relation to Sikkim under the Government of Sikkim Act, 1974.

**4. Representation in Parliament.—**

Notwithstanding anything in this Constitution—

- (a) there shall be allotted to Sikkim one seat in the Council of States and one seat in the House of the People;
- (b) the representative of Sikkim in the Council of States shall be elected by the members of the Sikkim Assembly;
- (c) the representative of Sikkim in the House of the People shall be chosen by direct election, and for this purpose, the whole of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim:

Provided that the representative of Sikkim in the House of the People in existence at the commencement of the Constitution (Thirty-fifth Amendment) Act, 1974, shall be elected by the members of the Sikkim Assembly:—

- (d) there shall be one general electoral roll for the parliamentary constituency for Sikkim and every person whose name is for the time being entered in the electoral roll of any constituency under the Government of Sikkim Act, 1974, shall be entitled to be registered in the general electoral roll for the parliamentary constituency for Sikkim;
- (e) a person shall not be qualified to be the representative of Sikkim in the Council of States or the House of the People unless he is also qualified to be chosen

to fill a seat in the Sikkim Assembly and in the case of any such representative—

- (i) clause (a) of article 84 shall apply as if the words “is a citizen of India, and” had been omitted therefrom;
  - (ii) clause (3) of article 101 shall apply as if sub-clause (a) had been omitted therefrom;
  - (iii) sub-clause (d) of clause (1) of article 102 shall apply as if the words “is not a citizen of India, or”, had been omitted therefrom;
  - (iv) article 103 shall not apply;
- (f) every representative of Sikkim in the Council of States or in the House of the People shall be deemed to be a member of the Council of States or the House of the People, as the case may be for all the purposes of this Constitution except as respect the election of the President or the Vice-President;

Provided that in the case of any such representative, clause (2) of article 101 shall apply as if for the words “a House of the Legislature of a State”, in both the places where they occur, and for the words “the Legislature of the State”, the words “the Sikkim Assembly” had been substituted;

- (g) if a representative of Sikkim being a member of the Council of States or the House of the People, becomes subject to any of the disqualifications for being a member of the Sikkim Assembly or for

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being the representative of Sikkim in the Council of States or the House of the People, his seat as a member of the Council of States or the House of the People, as the case may be, shall thereupon become vacant;

- (h) if any question arises as to whether a representative of Sikkim, being a member of the Council of States or the House of the People, has become subject to any of the disqualifications mentioned in clause (g) of this paragraph, the question shall be referred for the decision of the President and his decision shall be final:

Provided that before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion;

- (i) the superintendence, direction and control of the preparation of the electoral rolls for and the conduct of elections to Parliament under this paragraph of the representatives of Sikkim shall be vested in the Election Commission and the provisions of clauses (2), (3), (4) and (6) of article 324 shall, so far as may be, apply to and in relation to all such elections;
- (j) Parliament may, subject to the provisions of this paragraph, from time to time by law make provision with respect to all matters relating to, or in connection with, such elections to either House of Parliament;

- (k) no such election to either House of Parliament shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by Parliament.

*Explanation*—In this paragraph, the expression “the Sikkim Assembly” shall mean the Assembly for Sikkim constituted under the Government of Sikkim Act, 1974.

- 5. Schedule not to derogate from agreements, etc.**—The provisions of this Schedule shall be in addition to, and not in derogation of, any other power, jurisdiction, rights and authority which the Government of India has or may have in or in relation to Sikkim under any agreement, grant usage, sufferance or other lawful arrangement.’

### XXXVI

## THE CONSTITUTION (THIRTY-SIXTH AMENDMENT) ACT, 1975

*An Act further to amend the Constitution of India*

[16th May, 1975]

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title,  
and  
commen-  
cement.

1. (1) This Act may be called the Constitution (Thirty-sixth Amendment) Act, 1975.
- (2) It shall be deemed to have come into force on the date on which the Bill for this Act [introduced in the House of the People as the Constitution (Thirty-eighth

Amendment) Bill, 1975] as passed by the House of the People, is passed by the Council of States.

2. In the First Schedule to the Constitution, under the heading “I. THE STATES”, after entry 21, the following entry shall be inserted, namely:—

Amendment of First Schedule.

“22. Sikkim—The territories which immediately before the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975, were comprised in Sikkim.”

3. After article 371E of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 371F.

“371F. Notwithstanding anything in this Constitution—

Special provisions with respect to the State of Sikkim.

- (a) the Legislative Assembly of the State of Sikkim shall consist of not less than thirty members;

- (b) as from the date of commencement of the Constitution (Thirty-sixth Amendment) Act, 1975 (hereinafter in this article referred to as the appointed day)—

- (i) the Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 with thirty-two members elected in the said elections (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution;

- (ii) the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution; and

- (iii) the said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under this Constitution;
- (c) in the case of the Assembly deemed to be the Legislative Assembly of the State of Sikkim under clause (b), the references to the period of five years in clause (1) of article 172 shall be construed as references to a period of four years and the said period of four years shall be deemed to commence from the appointed day;
- (d) until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of the People and the State of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim;
- (e) the representative of the State of Sikkim in House of the People in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim;
- (f) Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim;

- 
- (g) the Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time, deem fit to issue, act in his discretion;
  - (h) all property and assets (whether within or outside the territories comprised in the State of Sikkim) which immediately before the appointed day were vested in the Government of Sikkim or in any other authority or in any person for the purposes of the Government of Sikkim, shall, as from the appointed day, vest in the Government of the State of Sikkim;
  - (i) the High Court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall, on and from the appointed day, be deemed to be the High Court for the State of Sikkim;
  - (j) all courts of civil, criminal and revenue jurisdiction, all authorities and all officers, judicial—executive and ministerial, throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provisions of this Constitution;
  - (k) all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority;



- (l) for the purpose of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim and for the purpose of bringing the provisions of any such law into accord with the provisions of this Constitution, the President may, within two years from the appointed day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon, every such law shall have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law;
- (m) neither the Supreme Court nor any other court shall have jurisdiction in respect of any dispute or other matter arising out of any treaty, agreement, engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any of its predecessor Governments was a party, but nothing in this clause shall be construed to derogate from the provisions of article 143;
- (n) the President may, by public notification, extend with such restrictions or modifications as he thinks fit to the State of Sikkim, any enactment which is in force in a State in India at the date of the notification;
- (o) if any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may, by order do anything (including any adaptation or modification of

any other article) which appears to him to be necessary for the purpose of removing that difficulty:

Provided that no such order shall be made after the expiry of two years from the appointed day;

- (p) all things done and all actions taken in or in relation to the State of Sikkim or the territories comprised therein during the period commencing on the appointed day and ending immediately before the date on which the Constitution (Thirty-sixth Amendment) Act, 1975, receives the assent of the President shall, in so far as they are in conformity with the provisions of this Constitution as amended by the Constitution (Thirty-sixth Amendment) Act, 1975, be deemed for all purposes to have been validly done or taken under this Constitution as so amended”.
4. In the Fourth Schedule to the Constitution, in the Table—
- Amend-  
ment of  
Fourth  
Schedule.
- (a) after entry 21, the following entry shall be inserted, namely:—  
“22. Sikkim. .... I”;
- (b) existing entries 22 to 25 shall be renumbered as entries 23 to 26 respectively;
- (c) for the figures “231”, the figures “232” shall be substituted.
5. The following consequential amendments shall be made in the Constitution, namely:—
- Conse-  
quential  
amend-  
ments.
- (a) article 2A shall be omitted;
- (b) in article 80, in clause (1), the words and figure “Subject to the provisions of paragraph 4 of the Tenth Schedule”, shall be omitted;

(c) in article 81, in clause (1), the words and figure “and paragraph 4 of the Tenth Schedule” shall be omitted;

(d) the Tenth Schedule shall be omitted.

### XXXVII

#### THE CONSTITUTION (THIRTY-SEVENTH AMENDMENT) ACT, 1975

*An Act further to amend the Constitution of India*

*[3rd May, 1975]*

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

- |                            |  |
|----------------------------|--|
| Short title.               | 1. This Act may be called the Constitution (Thirty-seventh Amendment) Act, 1975.   |
| Amendment of article 239A. | 2. In article 239A of the Constitution, in clause(1), for the words “Pondicherry and Mizoram”, the words “Pondicherry, Mizoram and Arunachal Pradesh” shall be substituted.                    |
| Amendment of article 240.  | 3. In article 240 of the Constitution, in clause(1), in both the provisos, for the words “Pondicherry or Mizoram”, the words “Pondicherry, Mizoram or Arunachal Pradesh” shall be substituted. |

### XXXVIII

#### THE CONSTITUTION (THIRTY-EIGHTH AMENDMENT) ACT, 1975

*An Act further to amend the Constitution of India*

*[1st August, 1975]*

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

- |              |   |
|--------------|---|
| Short title. | 1. This Act may be called the Constitution (Thirty-eighth Amendment) Act, 1975. |
|--------------|---|

2. In article 123 of the Constitution, after clause (3), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

Amendment of article 123.

“(4) Notwithstanding anything in this Constitution, the satisfaction of the President mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground.”

3. In article 213 of the Constitution, after clause (3), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

Amendment of article 213.

“(4) Notwithstanding anything in this Constitution, the satisfaction of the Governor mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground.”

4. In article 239B of the Constitution, after clause (3), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

Amendment of article 239B.

“(4) Notwithstanding anything in this Constitution, the satisfaction of administrator mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground.”

5. In article 352 of the Constitution, after clause (3), the following clauses shall be inserted, and shall be deemed always to have been inserted, namely:—

Amendment of article 352.

“(4) The power conferred on the President by this article shall include the power to issue different Proclamations on different grounds,

being war or external aggression or internal disturbance or imminent danger of war or external aggression or internal disturbance, whether or not there is a Proclamation already issued by the President under clause (1) and such Proclamation is in operation.

(5) Notwithstanding anything in this Constitution—

(a) the satisfaction of the President mentioned in clause (1) and clause (3) shall be final and conclusive and shall not be questioned in any court on any ground;

(b) subject to the provisions of clause (2), neither the Supreme Court nor any other court shall have jurisdiction to entertain any question, on any ground, regarding the validity of—

(i) a declaration made by Proclamation by the President to the effect stated in clause (1); or

(ii) the continued operation of such Proclamation.”

Amend-  
ment of  
article  
356.

6. In article 356 of the Constitution, after clause (4), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

“(5) Notwithstanding anything in this Constitution, the satisfaction of the President mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground.”.

Amend-  
ment of  
article  
359.

7. In article 359 of the Constitution, after clause (1), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

“(1A) While an order made under clause (1) mentioning any of the rights conferred by

Part III is in operation, nothing in that Part conferring those rights shall restrict the power of the State as defined in the said Part to make any law or to take any executive action which the State would but for the provisions contained in that Part be competent to make or to take, but any law so made shall, to the extent of the incompetency, cease to have effect as soon as the order aforesaid ceases to operate, except as respects things done or omitted to be done before the law so ceases to have effect.”

8. In article 360 of the Constitution, after clause (4), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

Amend-  
ment of  
article  
360.

“(5) Notwithstanding anything in this Constitution—

- (a) the satisfaction of the President mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground;
- (b) subject to the provisions of clause (2), neither the Supreme Court nor any other court shall have jurisdiction to entertain any question, on any ground, regarding the validity of—
  - (i) a declaration made by Proclamation by the President to the effect stated in clause (1); or
  - (ii) the continued operation of such Proclamation.”

## XXXIX

**THE CONSTITUTION (THIRTY-NINTH AMENDMENT)  
ACT, 1975**

*An Act further to amend the Constitution of India*

*[10th August, 1975]*

BE it enacted by Parliament in the Twenty-sixth  
Year of the Republic of India as follows:—

- |  |   |
|--|---|
| Short title.   | 1. This Act may be called the Constitution (Thirty-ninth Amendment) Act, 1975.  |
| Substitution of new article for article 71.  | 2. For article 71 of the Constitution, the following article shall be substituted, namely:—<br>“71. (1) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President, including the grounds on which such election may be questioned:<br><br>Provided that the election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him.<br><br>(2) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by such authority or body and in such manner as may be provided for by or under any law referred to in clause (1).<br><br>(3) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court. |
| Matters relating to or connected with the election of a President or Vice-President. |   |

(4) If the election of a person as President or Vice-President is declared void under any such law as is referred to in clause (1), acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of such declaration shall not be invalidated by reason of that declaration.”

3. In article 329 of the Constitution, for the words “Notwithstanding anything in this Constitution —”, the words, figures and letter “Notwithstanding anything in this Constitution but subject to the provisions of article 329A—” shall be substituted.

Amendment of article 329.

4. In Part XV of the Constitution, after article 329, the following article shall be inserted, namely:—

Insertion of new article 329A.

“329A. (1) Subject to the provisions of Chapter II of Part V [except sub-clause (e) of clause (1) of article 102], no election —

Special provision as to elections to Parliament in the case of Prime Minister and Speaker.

(a) to either House of Parliament of a person, who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election;

(b) to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election:

shall be called in question, except before such authority [not being any such authority as is referred to in clause (b) of



article 329] or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

- (2) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.
- (3) Where any person is appointed as Prime Minister or, as the case may be, chosen to the office of the Speaker of the House of the People, while an election petition referred to in clause (b) of article 329 in respect of his election to either House of Parliament or, as the case may be, to the House of the People is pending, such election Petition shall abate upon such person being appointed as Prime Minister or, as the case may be, being chosen to the office of the Speaker of the House of the People, but such election may be called in question under any such law as is referred to in clause (1).
- (4) No law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament and such election shall not be deemed to

be void or ever to have become void on any ground on which such election could be declared to be void or has, before such commencement, been declared to be void under any such law and notwithstanding any order made by any court, before such commencement, declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect.

- (5) Any appeal or cross appeal against any such order of any court as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, before the Supreme Court shall be disposed of in conformity with the provisions of clause (4).
- (6) The provisions of this article shall have effect notwithstanding anything contained in this Constitution”.
5. In the Ninth Schedule to the Constitution, after entry 86 and before the *Explanation*, the following entries shall be inserted, namely:—
- Amend-  
ment of  
the Ninth  
Schedule.
- “87. The Representation of the People Act, 1951 (Central Act 43 of 1951), the Representation of the People (Amendment) Act, 1974 (Central Act 58 of 1974) and the Election Laws (Amendment) Act, 1975 (Central Act 40 of 1975).

88. The Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951).
89. The Requisitioning and Acquisition of Immovable Property Act, 1952 (Central Act 30 of 1952).
90. The Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957).
91. The Monopolies and Restrictive Trade Practices Act, 1969 (Central Act 54 of 1969).
92. The Maintenance of Internal Security Act, 1971 (Central Act 26 of 1971).
93. The Coking Coal Mines (Emergency Provisions) Act, 1971 (Central Act 64 of 1971).
94. The Coking Coal Mines (Nationalisation) Act, 1972 (Central Act 36 of 1972).
95. The General Insurance Business (Nationalisation) Act, 1972 (Central Act 57 of 1972).
96. The Indian Copper Corporation (Acquisition of Undertaking) Act, 1972 (Central Act 58 of 1972).
97. The Sick Textile Undertakings (Taking Over of Management) Act, 1972 (Central Act 72 of 1972).
98. The Coal Mines (Taking Over of Management) Act, 1973 (Central Act 15 of 1973).
99. The Coal Mines (Nationalisation) Act, 1973 (Central Act 26 of 1973).

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100. The Foreign Exchange Regulation Act, 1973 (Central Act 46 of 1973).
  101. The Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973 (Central Act 56 of 1973).
  102. The Coal Mines (Conservation and Development) Act, 1974 (Central Act 28 of 1974).
  103. The Additional Emoluments (Compulsory Deposit) Act, 1974 (Central Act 37 of 1974).
  104. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974).
  105. The Sick Textile Undertakings (Nationalisation) Act, 1974 (Central Act 57 of 1974).
  106. The Maharashtra Agricultural Lands (Ceiling on Holdings, Amendment) Act, 1964 (Maharashtra Act XVI of 1965).
  107. The Maharashtra Agricultural Lands (Ceiling on Holdings, Amendment) Act, 1965 (Maharashtra Act XXXII of 1965).
  108. The Maharashtra Agricultural Lands (Ceiling on Holdings, Amendment) Act, 1968 (Maharashtra Act XVI of 1968).
  109. The Maharashtra Agricultural Lands (Ceiling on Holdings, Second Amendment) Act, 1968 (Maharashtra Act XXXIII of 1968).
  110. The Maharashtra Agricultural Lands (Ceiling on Holdings, Amendment) Act, 1969 (Maharashtra Act XXXVII of 1969).

111. The Maharashtra Agricultural Lands (Ceiling on Holdings, Second Amendment) Act, 1969 (Maharashtra Act XXXVIII of 1969).
112. The Maharashtra Agricultural Lands (Ceiling on Holdings, Amendment) Act, 1970 (Maharashtra Act XXVII of 1970).
113. The Maharashtra Agricultural Lands (Ceiling on Holdings, Amendment) Act, 1972 (Maharashtra Act XIII of 1972).
114. The Maharashtra Agricultural Lands (Ceiling on Holdings, Amendment) Act, 1973 (Maharashtra Act L of 1973).
115. The Orissa Land Reforms (Amendment) Act, 1965 (Orissa Act 13 of 1965).
116. The Orissa Land Reforms (Amendment) Act, 1966 (Orissa Act 8 of 1967).
117. The Orissa Land Reforms (Amendment) Act, 1967 (Orissa Act 13 of 1967).
118. The Orissa Land Reforms (Amendment) Act, 1969 (Orissa Act 13 of 1969).
119. The Orissa Land Reforms (Amendment) Act, 1970 (Orissa Act 18 of 1970).
120. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972 (Uttar Pradesh Act 18 of 1973).
121. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974 (Uttar Pradesh Act 2 of 1975).
122. The Tripura Land Revenue and Land Reforms (Third Amendment) Act, 1975 (Tripura Act 3 of 1975).

123. The Dadra and Nagar Haveli Land Reforms Regulation, 1971 (3 of 1971).

124. The Dadra and Nagar Haveli Land Reforms (Amendment) Regulation, 1973 (5 of 1973).

## XL

### THE CONSTITUTION (FORTIETH AMENDMENT) ACT, 1976

*An Act further to amend the Constitution of India*

*[27th May, 1976]*

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Fortieth Amendment) Act, 1976. Short title.
2. For article 297 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 297.

“297. (1) All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone of India shall vest in the Union and be held for the purposes of the Union. Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union.

(2) All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

(3) The limits of the territorial waters, the continental shelf, the exclusive economic

zone, and other maritime zones, of India shall be such as may be specified, from time to time, by or under any law made by Parliament.”

Amend-  
ment of  
the Ninth  
Schedule.

3. In the Ninth Schedule to the Constitution, after entry 124 and before the *Explanation*, the following entries shall be inserted, namely:—

“125. Section 66A and Chapter IVA of the Motor Vehicles Act, 1939 (Central Act 4 of 1939).

126. The Essential Commodities Act, 1955 (Central Act 10 of 1955).

127. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (Central Act 13 of 1976).

128. The Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976).

129. The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976 (Central Act 20 of 1976).

130. The Prevention of Publication of Objectionable Matter Act, 1976 (Central Act 27 of 1976).

131. The Levy Sugar Price Equalisation Fund Act, 1976 (Central Act 31 of 1976).

132. The Urban Land (Ceiling and Regulation) Act, 1976 (Central Act 33 of 1976).

133. The Departmentalisation of Union Accounts (Transfer of Personnel) Act, 1976 (Central Act 59 of 1976).

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134. The Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act I of 1957).
  135. The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bombay Act XCIX of 1958).
  136. The Gujarat Private Forests (Acquisition) Act, 1972 (Gujarat Act 14 of 1973).
  137. The Haryana Ceiling on Land Holdings (Amendment) Act, 1976 (Haryana Act 17 of 1976).
  138. The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Himachal Pradesh Act 8 of 1974).
  139. The Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974 (Himachal Pradesh Act 18 of 1974).
  140. The Karnataka Land Reforms (Second Amendment and Miscellaneous Provisions) Act, 1974 (Karnataka Act 31 of 1974).
  141. The Karnataka Land Reforms (Second Amendment) Act, 1976 (Karnataka Act 27 of 1976).
  142. The Kerala Prevention of Eviction Act, 1966 (Kerala Act 12 of 1966).
  143. The Thiruppuvaram Payment (Abolition) Act, 1969 (Kerala Act 19 of 1969).
  144. The Sreepadam Lands Enfranchisement Act, 1969 (Kerala Act 20 of 1969).
  145. The Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971 (Kerala Act 20 of 1971).



146. The Kerala Private Forests (Vesting and Assignment) Act, 1971 (Kerala Act 26 of 1971).
147. The Kerala Agricultural Workers Act, 1974 (Kerala Act 18 of 1974).
148. The Kerala Cashew Factories (Acquisition) Act, 1974 (Kerala Act 29 of 1974).
149. The Kerala Chitties Act, 1975 (Kerala Act 23 of 1975).
150. The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 (Kerala Act 31 of 1975).
151. The Kerala Land Reforms (Amendment) Act, 1976 (Kerala Act 15 of 1976).
152. The Kanam Tenancy Abolition Act, 1976 (Kerala Act 16 of 1976).
153. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1974 (Madhya Pradesh Act 20 of 1974).
154. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1975 (Madhya Pradesh Act 2 of 1976).
155. The West Khandesh Mahwassi Estates (Proprietary Rights Abolition, etc.) Regulation, 1961 (Maharashtra Regulation I of 1962).
156. The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Maharashtra Act XIV of 1975).
157. The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Maharashtra Act XXI of 1975).

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158. The Maharashtra Private Forests (Acquisition) Act, 1975 (Maharashtra Act XXIX of 1975).
  159. The Maharashtra Agricultural Lands (Ceiling on Holdings and Amendment) Act, 1975 (Maharashtra Act XLVII of 1975).
  160. The Maharashtra Agricultural Lands (Ceiling on Holdings and Amendment) Act, 1975 (Maharashtra Act II of 1976).
  161. The Orissa Estates Abolition Act, 1951 (Orissa Act I of 1952).
  162. The Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954).
  163. The Rajasthan Land Reforms and Acquisition of Land-owners' Estates Act, 1963 (Rajasthan Act 11 of 1964).
  164. The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1976 (Rajasthan Act 8 of 1976).
  165. The Rajasthan Tenancy (Amendment) Act, 1976 (Rajasthan Act 12 of 1976).
  166. The Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970 (Tamil Nadu Act 17 of 1970).
  167. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1971 (Tamil Nadu Act 41 of 1971).
  168. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1972 (Tamil Nadu Act 10 of 1972).
  169. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972 (Tamil Nadu Act 20 of 1972).

170. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Act, 1972 (Tamil Nadu Act 37 of 1972).
171. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fourth Amendment Act, 1972 (Tamil Nadu Act 39 of 1972).
172. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Sixth Amendment Act, 1972 (Tamil Nadu Act 7 of 1974).
173. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fifth Amendment Act, 1972 (Tamil Nadu Act 10 of 1974).
174. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1974 (Tamil Nadu Act 15 of 1974).
175. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Act, 1974 (Tamil Nadu Act 30 of 1974).
176. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1974 (Tamil Nadu Act 32 of 1974).
177. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1975 (Tamil Nadu Act 11 of 1975).
178. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1975 (Tamil Nadu Act 21 of 1975).
179. Amendments made to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act 1 of 1951) by the Uttar Pradesh Land Laws (Amendment) Act, 1971 (Uttar Pradesh Act 21 of 1971) and the Uttar Pradesh Land Laws (Amendment) Act, 1974 (Uttar Pradesh Act 34 of 1974).
180. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1976 (Uttar Pradesh Act 20 of 1976).

181. The West Bengal Land Reforms (Second Amendment) Act, 1972 (West Bengal Act XXVIII of 1972).
182. The West Bengal Restoration of Alienated Land Act, 1973 (West Bengal Act XXIII of 1973).
183. The West Bengal Land Reforms (Amendment) Act, 1974 (West Bengal Act XXXIII of 1974).
184. The West Bengal Land Reforms (Amendment) Act, 1975 (West Bengal Act XXIII of 1975).
185. The West Bengal Land Reforms (Amendment) Act, 1976 (West Bengal Act XII of 1976).
186. The Delhi Land Holdings (Ceiling) Amendment Act, 1976 (Central Act 15 of 1976).
187. The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Goa, Daman and Diu Act 1 of 1976).
188. The Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 (Pondicherry Act 9 of 1974).”

## XLI

### THE CONSTITUTION (FORTY-FIRST AMENDMENT) ACT, 1976

*An Act further to amend the Constitution of India*

*[7th September, 1976]*

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution Short title.  
(Forty-first Amendment) Act, 1976.

- Amend-  
ment of  
article  
316.
2. In article 316 of the Constitution, in clause (2) for the words “sixty years”, the words “sixty-two years” shall be substituted.

## XLII

### THE CONSTITUTION (FORTY-SECOND AMENDMENT) ACT, 1976

*An Act further to amend the Constitution of India*

*[18th December, 1976]*

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

- Short title  
and  
com-  
mence-  
ment.
1. (1) This Act may be called the Constitution (Forty-second Amendment) Act, 1976.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.
- Amend-  
ment of  
the  
Preamble.
2. In the preamble to the Constitution,—
- (a) for the words “SOVEREIGN DEMOCRATIC REPUBLIC”, the words “SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC” shall be substituted; and
- (b) for the words “unity of the Nation”, the words “unity and integrity of the Nation” shall be substituted.
- Insertion  
of new  
sub-  
heading  
after  
article 31.
3. After article 31 of the Constitution, the following sub-heading shall be inserted, namely:—
- “Saving of Certain Laws”*

- |   |  |
|---|--|
| <p>4. In article 31C of the Constitution, for the words, brackets, letters and figures “the principles specified in clause (b) or clause (c) of article 39”, the words and figures “all or any of the principles laid down in Part IV” shall be substituted.</p>  | <p>Amendment of article 31C.</p>   |
| <p>5. After article 31C of the Constitution and before the sub-heading “<i>Right to Constitutional Remedies</i>”, the following article shall be inserted, namely:—</p> <p>‘31D. (1) Notwithstanding anything contained in article 13, no law providing for—</p> <p>(a) the prevention or prohibition of anti-national activities; or</p> <p>(b) the prevention of formation of, or the prohibition of, anti-national associations,</p> <p style="padding-left: 40px;">shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by, article 14, article 19 or article 31.</p> <p>(2) Notwithstanding anything in this Constitution, Parliament shall have, and the Legislature of a State shall not have power to make laws with respect to any of the matter referred to in sub-clause (a) or sub-clause (b) of clause (1).</p> <p>(3) Any law with respect to any matter referred to in sub-clause (a) or sub-clause (b) of clause (1) which is in force immediately before the commencement of section 5 of the Constitution (Forty-second Amendment) Act, 1976, shall continue in force until altered or repealed or amended by Parliament.</p> | <p>Insertion of new article 31D.</p> <p>Saving of laws in respect of anti-national activities.</p> |

(4) In this article—

- (a) “association” means an association of persons;
- (b) “anti-national activity”, in relation to an individual or association, means any action taken by such individual or association—
  - (i) which is intended, or which supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India or which incites any individual or association to bring about such cession or secession;
  - (ii) which disclaims, questions, threatens, disrupts or is intended to threaten or disrupt the sovereignty and integrity of India or the security of the State or the unity of the nation;
  - (iii) which is intended or which is part of a scheme which is intended, to overthrow by force the Government as by law established;
  - (iv) which is intended, or which is part of a scheme which is intended, to create internal disturbance or the disruption of public services;
  - (v) which is intended or which is part of a scheme which is intended to threaten or disrupt harmony between different religious, racial, language or regional groups or castes or communities;

- (c) “anti-national association”; means an association—
- (i) which has for its object any anti-national activity;
  - (ii) which encourages or aids persons to undertake or engage in any anti-national activity;
  - (iii) the members whereof undertake or engage in any anti-national activity.’
6. After article 32 of the Constitution, the following article shall be inserted, namely:—
- Insertion of new article 32A.
- “32A. Notwithstanding anything in article 32, the Supreme Court shall not consider the constitutional validity of any State law in any proceedings under that article unless the constitutional validity of any Central law is also in issue in such proceedings.”
- Constitutional validity of State laws not to be considered in proceedings under article 32.
7. In article 39 of the Constitution, for clause (f), the following clause shall be substituted, namely:—
- Amendment of article 39.
- “(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”
8. After article 39 of the Constitution, the following article shall be inserted, namely:—
- Insertion of new article 39A.
- “39A. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and
- Equal justice and free legal aid.



shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”

Insertion of new article 43A.

Participation of workers in management of industries.

9. After article 43 of the Constitution, the following article shall be inserted, namely:—

“43A. The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.”

Insertion of new article 48A.

Protection and improvement of environment and safeguarding of forests and wild life.

10. After article 48 of the Constitution, the following article shall be inserted, namely:—

“48A. The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”

Insertion of new Part-IVA.

11. After Part IV of the Constitution, the following Part shall be inserted, namely:—

### **PART-IVA**

#### **FUNDAMENTAL DUTIES**

Fundamental duties.

51A. It shall be the duty of every citizen of India—

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion of living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.”

12. In article 55 of the Constitution, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Amend-  
ment of  
article 55.

“*Explanation*—In this article, the expression ‘Population’ means the population as

ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in the *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.”

Amend-  
ment of  
article 74.

13. In article 74 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.”.

Amend-  
ment of  
article 77.

14. In article 77 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

“(4) No court or other authority shall be entitled to require the production of any rules made under clause (3) for the more convenient transaction of the business of the Government of India.”.

Amend-  
ment of  
article 81.

15. In article 81 of the Constitution, to clause (3), the following proviso shall be added, namely:—

“Provided that the reference in this clause to the last preceding census of which the relevant figures have been published shall until, the relevant figures, for the first census

taken after the year 2000 have been published, be construed as a reference to the 1971 census.”.

16. In article 82 of the Constitution, after the proviso, the following proviso shall be inserted, namely:— Amendment of article 82.

“Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the House may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures of the first census taken after the year 2000 have been published, it shall not be necessary to readjust the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies under this article.”.

17. (1) In article 83 of the Constitution, in clause (1), for the words “five years” in the two places where they occur, the words “six years” shall be substituted. Amendment of article 83.

(2) The amendments made by sub-section (1) to clause (2) of article 83 shall apply also to the House of the People in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of that House under the proviso to that clause.

18. In article 100 of the Constitution, clauses (3) and (4) shall be omitted. Amendment of article 100.

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- Amend-  
ment of  
article  
102.
19. In article 102 of the Constitution, for sub-clause (a) or clause (1), the following sub-clause shall be substituted, namely:—
- “(a) if he holds any such office of profit under the Government of India or the Government of any State as is declared by Parliament by law to disqualify its holder.”.
- Substitution  
of new  
article  
for  
article 103.
20. For article 103 of the Constitution, the following article shall be substituted, namely:—
- Decision  
on  
questions  
as to  
disqualifi-  
cation.
- “103. (1) if any question arises—
- (a) as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, or
- (b) as to whether a person, found guilty of a corrupt practice at an election to a House of Parliament under any law made by Parliament, shall be disqualified for being chosen as, and for being, a member of either House of Parliament, or of a House of the Legislature of a State, or as to the period for which he shall be so disqualified, or as to the removal of, or the reduction of the period of, such disqualification,
- the question shall be referred for the decision of the President and his decision shall be final.
- (2) Before giving any decision on any such question, the President shall consult the Election Commission and the Election Commission may, for this purpose, make such inquiry as it thinks fit.”.

21. In article 105 of the Constitution, for clause (3), the following clause shall be substituted, namely:—
- Amendment of article 105.
- “(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be those of that House, and of its members and committees at the commencement of section 21 of the Constitution (Forty-second Amendment) Act, 1976, and as may be evolved by such House of Parliament from time to time.”.
22. In article 118 of the Constitution, in clause (1), after the words “its procedure”, the brackets and words “(including the quorum to constitute a meeting of the House)” shall be inserted.
- Amendment of article 118.
23. After article 131 of the Constitution, the following article shall be inserted, namely:—
- Insertion of new article 131A.
- “131A. (1) Notwithstanding anything contained in any other provision of this Constitution the Supreme Court shall, to the exclusion of any other court, have jurisdiction to determine all questions relating to the constitutional validity of any Central law.
- Exclusive jurisdiction of the Supreme Court in regard to questions as to constitutional validity of Central laws.
- (2) Where a High Court is satisfied—
- (a) that a case pending before it or before a court subordinate to it involves questions as to the constitutional validity of any Central law or, as the case may be, of both Central and State laws; and
- (b) that the determination of such question is necessary for the disposal of the case, the High Court shall refer the questions for the decision of the Supreme Court.

(3) Without prejudice to the provisions of clause (2), where, on an application made by the Attorney-General of India, the Supreme Court is satisfied —

(a) that a case pending before a High Court or before a court subordinate to a High Court involves questions as to the constitutional validity of any Central law, or as the case may be, of both Central and State laws; and

(b) that the determination of such questions is necessary for the disposal of the case, the Supreme Court may require the High Court to refer the questions to it for its decision.

(4) When a reference is made under clause (2) or clause (3), the High Court shall stay all proceedings in respect of the case until the Supreme Court decides the questions so referred.

(5) The Supreme Court shall, after giving the parties an opportunity of being heard, decide the questions so referred, and may—

(a) either dispose of the case itself; or

(b) return the case to the High Court together with a copy of its judgement on such questions for disposal of the case in conformity with such judgement by the High Court or, as the case may be, the court subordinate to it.”.

Insertion of new article 139A.  
Transfer of certain cases.

24. After article 139 of the Constitution, the following article shall be inserted, namely:—

“139A. (1) if, on an application made by the Attorney-General of India, the Supreme Court

is satisfied that cases involving the same or substantially the same questions of law are pending before it and one or more High Courts or before two or more High Courts and that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all cases itself.

(2) The Supreme Court may, if it deems it expedient so to do for the ends of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court”.

25. After article 144 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 144A.

“144A. (1) The minimum number of Judges of the Supreme Court, who shall sit for the purpose of determining any question as to the constitutional validity of any Central law or State law shall be seven.

Special provisions as to disposal of questions relating to constitutional validity of laws.

(2) A Central law or a State law shall not be declared to be constitutionally invalid by the Supreme Court unless a majority of not less than two-thirds of the Judges sitting for the purpose of determining the question as to the constitutional validity of such law hold it to be constitutionally invalid.”.

26. In article 145 of the Constitution—

Amendment of article 145.

(a) in clause (1), after sub-clause (c), the following sub-clause shall be inserted, namely:—

“(cc) rules as to the proceedings in the Court under articles 131A and 139A;”



(b) in clause (2), for the words, brackets and figure “provisions of clause (3)”, the words, figures, letter and brackets “provisions of article 144A and of clause (3)” shall be substituted;

(c) in clause (3), for the words “The minimum number”, the words, figures and letter “Subject to the provisions of article 144A, the minimum number” shall be substituted.

Substitution of new article 150.

27. For article 150 of the Constitution, the following article shall be substituted, namely:—

Form of accounts of the Union and of the States.

“150. The accounts of the Union and of the State shall be kept in such form as the President may, after consultation with the Comptroller and Auditor-General of India, prescribe.”.

Amendment of article 166.

28. In article 166 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

“(4) No court or other authority shall be entitled to require the production of any rules made under clause (3) for more convenient transaction of the business of the Government of the State.”

Amendment of article 170.

29. In article 170 of the Constitution—

(a) in clause (2), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

“*Explanation*—In this clause, the expression ‘Population’ means the population as ascertained at the last

preceding census of which the relevant figures have been published:

Provided that the reference in the *explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census’;

- (b) in clause (3), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the total number of seats in the Legislative Assembly of each State and the division of such State into territorial constituencies under this clause”.

30. (1) In article 172 of the Constitution, in clause (1), for the words “five years” in the two places where they occur, the words “six years” shall be substituted. Amendment of article 172.

- (2) The amendments made by sub-section (1) to clause (1) of article 172 shall apply also

to every Legislative Assembly (including the Legislative Assembly of the State of Kerala) in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of such Assembly under the proviso to that clause.

Amendment of article 189.

31. In article 189 of the Constitution, clauses (3) and (4) shall be omitted.

Amendment of article 191.

32. In article 191 of the Constitution, for sub-clause (a) of clause (1), the following sub-clause shall be substituted, namely:—

“(a) if he holds any such office of profit under the Government of India or the Government of any State specified in the First Schedule as is declared by Parliament by law to disqualify its holder;”.

Substitution of new article for article 192.

33. For article 192 of the Constitution, the following article shall be substituted, namely:—

Decision on questions as to disqualification.

“192. (1) if any question arises—

(a) as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, or

(b) as to whether a person, found guilty of a corrupt practice at an election to a House of the Legislature of a State under any law made by Parliament, shall be disqualified for being chosen as, and for being a member of either House of Parliament or of a House of the Legislature of a State, or as to the period

for which he shall be so disqualified, or as to the removal of, or the reduction of the period of, such disqualification,

the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question the President shall consult the Election Commission and the Election Commission may, for this purpose, make such inquiry as it thinks fit.”.

34. In article 194 of the Constitution, for clause (3), the following clause shall be substituted, namely:—

Amend-  
ment of  
article  
194.

(3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be those of that House and of its members and committees, at the commencement of section 34 of the Constitution (Forty-second Amendment) Act, 1976, and as may be evolved by such House of the Legislature of a State, so far as may be, in accordance with those of the House of the People, and of its members and committees where such House is the Legislative Assembly and in accordance with those of the Council of States, and of its members and committees where such House is the Legislative Council.

35. In article 208 of the Constitution, in clause (1), after the words “its procedure”, the brackets and words “(including the quorum to constitute a meeting of the House)” shall be inserted.

Amend-  
ment of  
article  
208.

- 
- Amend-  
ment of  
article  
217.
36. In article 217 of the Constitution, in clause (2)—
- (a) in sub-clause (b), the word “or” shall be inserted at the end;
- (b) after sub-clause (b), the following sub-clause shall be inserted, namely:—  
“(c) is, in the opinion of the President, a distinguished jurist.”;
- (c) in the *Explanation*, in clause (a), for the words “has held judicial office”, the words “has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law” shall be substituted.
- Amend-  
ment of  
article  
225.
37. In article 225 of the Constitution, the proviso shall be omitted.
- Substitution  
of new  
article for  
article 226.
38. For article 226 of the Constitution, the following article shall be substituted, namely:—
- Power of  
High Courts  
to issue  
certain  
writs.
- “226. (1) Notwithstanding anything in article 32 but subject to the provisions of article 131A and article 226A, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them—
- (a) for the enforcement of any of the rights conferred by the provisions of Part III;  
or

- 
- (b) for the redress of any injury of a substantial nature by reason of the contravention of any other provision of this Constitution or any provision of any enactment or Ordinance or any order, rule, regulation, bye-law or other instrument made thereunder; or
  - (c) for the redress of any injury by reason of any illegality in any proceedings by or before any authority under any provision referred to in sub-clause (b) where such illegality has resulted in substantial failure of justice.
- (2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.
  - (3) No petition for the redress of any injury referred to in sub-clause (b) or sub-clause (c) of clause (1) shall be entertained if any other remedy for such redress is provided for by or under any other law for the time being in force.
  - (4) No interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to a petition under clause (1) unless—
    - (a) copies of such petition and of all documents in support of the plea for such

interim order are furnished to the party against whom such petition is filed or proposed to be filed; and

(b) opportunity is given to such party to be heard in the matter.

- (5) The High Court may dispense with the requirements of sub-clauses (a) and (b) of clause (4) and make an interim order as an exceptional measure if it is satisfied for reasons to be recorded in writing that it is necessary so to do for preventing any loss being caused to the petitioner which cannot be adequately compensated in money but any such interim order shall, if it is not vacated earlier, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the High Court has continued the operation of the interim order.
- (6) Notwithstanding anything in clause (4) or clause (5), no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, a petition under clause (1) where such order will have the effect of delaying any inquiry into a matter of public importance or any investigation or inquiry into an offence punishable with imprisonment or any action for the execution of any work or project of public utility, or the acquisition of any property for such acquisition of any property for such execution, by the government or any corporation owned or controlled by the Government.

(7) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32.”.

39. After article 226 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 226A.

“226. Notwithstanding anything in article 226, the High Court shall not consider the constitutional validity of any Central law in any proceedings under that article.”.

Constitutional validity of Central laws not to be considered in proceedings under article 226.

40. In article 227 of the Constitution —

Amendment of article 227.

(a) for clause (1), the following clause shall be substituted, namely:—

“(1) Every High Court shall have superintendence over all courts subject to its appellate jurisdiction.”

(b) after clause (4), the following clause shall be inserted, namely:—

“(5) Nothing in this article shall be construed as giving to a High Court any jurisdiction to question any judgement of any inferior court which is not otherwise subject to appeal or revision.”.

41. In article 228 of the Constitution, for the words “it shall withdraw the case and may.....”, words, figures and letter “it shall withdraw the case and subject to the provisions of article 131A, may—” shall be substituted.

Amendment of article 228.



Special provisions as to disposal of questions relating to constitutional validity of state laws.

42. After article 228 of the Constitution, the following article shall be inserted, namely:—

“228A. (1) No High Court shall have jurisdiction to declare any Central law to be constitutionally invalid.

(2) Subject to the provisions of article 131A, the High Court may determine all questions relating to the constitutional validity of any State law.

(3) The minimum number of Judges who shall sit for the purpose of determining any question as to the constitutional validity of any State law shall be five:

Provided that where the High Court consists of less than five Judges, all the Judges of the High Court may sit and determine such question.

(4) A State law shall not be declared to be constitutionally invalid by the High Court unless —

(a) where the High Court consists of five Judges or more, not less than two-thirds of the Judges sitting for the purpose of determining the validity of such law, hold it to be constitutionally invalid; and

(b) where the High Court consists of less than five Judges, all the Judges of the High Court sitting for the purpose hold it to be constitutionally invalid.

(5) The provisions of this article shall have effect notwithstanding anything contained in this Part.

*Explanation*—In computing the number of Judges of a High Court for the purposes of

this article, a Judge who is disqualified by reason of personal or pecuniary bias shall be excluded.”.

43. After article 257 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 257A.

“257A. (1) The Government of India may deploy any armed force of the Union or any other force subject to the control of the Union for dealing with any grave situation of law and order in any State.

(2) Any armed force or other force or any contingent or unit thereof deployed under clause (1) in any State shall act in accordance with such directions as the Government of India may issue and shall not, save as otherwise provided in such directions, be subject to the superintendence or control of the State Government or any officer or authority subordinate to the State Government.

Assistance to States, deployment of armed forces or other forces of the Union.

(3) Parliament may, by law, specify the powers, functions, privileges and liabilities of the members of any force or any contingent or unit thereof deployed under clause (1) during the period of such deployment.”

44. In article 311 of the Constitution, in clause

(2) —

Amendment of article 311.

(a) the words “and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry” shall be omitted;

- (b) for the words “Provided that this clause shall not apply—”, the following shall be substituted, namely:—

“Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply —”.

Amend-  
ment of  
article  
312.

45. In article 312 of the Constitution —

- (a) in clause (1) —

(i) for the word and figures “Part XI”, the words and figures “Chapter VI of Part VI or Part XI” shall be substituted;

(ii) after the words “all-India services”, the brackets and words “(including an all-India judicial service)” shall be inserted;

- (b) after clause (2), the following clauses shall be inserted, namely:—

“(3) The all-India judicial service referred to in clause (1) shall not include any post inferior to that of a district judge as defined in article 236.

(4) The law providing for the creation of the all-India judicial service aforesaid may contain such provisions for the amendment of Chapter VI of Part VI as

may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.”

46. After Part XIV of the Constitution, the following Part shall be inserted, namely:—

Insertion  
of new  
Part XIV A.

#### PART XIV A

#### TRIBUNALS

323A. (1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.

Adminis-  
trative  
tribunals.

(2) A law made under clause (1) may —

- (a) provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States;
- (b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;
- (c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;

(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to the disputes or complaints referred to in clause (1);

(e) provide for the transfer to each such administrative tribunal of any cases pending before any court or other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment;

(f) repeal or amend any order made by the President under clause (3) of article 371D;

(g) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as Parliament may deem necessary for the effective functioning of, for the speedy disposal of cases by, and enforcement of the orders of, such tribunals.

(3) The provisions of this article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

Tribunals  
for other  
matters.

323B. (1) The appropriate Legislature may, by law, provide for the adjudication or trial by tribunals of any disputes, complaints or offences with respect to all or any of the matters specified in clause (2) with respect to which such Legislature has power to make laws.

- 
- (2) The matters referred to in clause (1) are the following, namely:—
- (a) levy, assessment, collection and enforcement of any tax;
  - (b) foreign exchange, import and export across customs frontiers;
  - (c) industrial and labour disputes;
  - (d) land reforms by way of acquisition by the State of any estate as defined in article 31A or of any rights therein or the extinguishment or modification of any such rights or by way of ceiling on agricultural land or in any other way;
  - (e) ceiling on urban property;
  - (f) elections to either House of Parliament or the House or either House of the Legislature of a State, but excluding the matters referred to in article 329 and article 329A;
  - (g) production, procurement, supply and distribution of food-stuffs (including edible oilseeds and oils) and such other goods as the President may, by public notification, declare to be essential goods for the purpose of this article and control of prices of such goods;
  - (h) offences against laws with respect to any of the matters specified in sub-clauses (a) to (g) and fees in respect of any of those matters;
  - (i) any matter incidental to any of the matters specified in sub-clauses (a) to (h).

- (3) A law made under clause (1) may —
- (a) provide for the establishment of a hierarchy of tribunals;
  - (b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;
  - (c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;
  - (d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to all or any of the matters falling within the jurisdiction of the said tribunals;
  - (e) provide for the transfer to each such tribunal of any cases pending before any court or any other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment;
  - (f) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as the appropriate Legislature may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.
- (4) The provisions of this article shall have effect notwithstanding anything in any other provisions of this Constitution or in any other law for the time being in force.

*“Explanation — In this article, ‘appropriate Legislature’, in relation to any matter, means Parliament or, as the case may be, a State Legislature competent to make laws with respect to such matter in accordance with the provisions of Part XI.”*

47. In article 330 of the Constitution, the following *Explanation* shall be inserted at the end, namely:—

Amend-  
ment of  
article  
330.

*“Explanation — In this article and in article 332, the expression ‘population’ means the population as ascertained at the last preceding census of which the relevant figures have been published:*

*Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.’.*

48. In article 352 of the Constitution —
- (a) in clause (1), after the words “make a declaration to that effect”, the following shall be inserted, namely:—
- “in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation”;
- (b) In clause (2), in sub-clause (a), after the word “revoked”, the words “or varied” shall be inserted;
- (c) after clause (2), the following clause shall be inserted, namely:—
- “(2A) Where a Proclamation issued under clause (1) is varied by a subsequent

Amend-  
ment of  
article  
352.



Proclamation, the provisions of clause (2) shall, so far as may be, apply in relation to such subsequent Proclamation as they apply in relation to a Proclamation issued under clause (1).”

Amend-  
ment of  
article  
353.

49. To article 353 of the Constitution, the following proviso shall be added, namely:—

“Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India—

(i) The executive power of Union to give directions under clause (a), and

(ii) the powers of Parliament to make laws under clause (b), shall also extend to any State other than a State in which or in any part of which the Proclamation of Emergency is in operation if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.”.

Amend-  
ment of  
article  
356.

50. In article 356 of the Constitution, in clause (4), for the words “six months”, wherever they occur, the words “one year” shall be substituted.

Amend-  
ment of  
article  
357.

51. (1) In article 357 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

“(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) which Parliament or the

President or such other authority would not, but for the issue of a Proclamation under article 356, have been competent to make shall, after the Proclamation has ceased to operate, continue in force until altered or repealed or amended by a competent Legislature or other authority”.

- (2) The amendment made by sub-section (1) shall apply also to any law referred to in clause (2) of article 357 of the Constitution which is in force immediately before the coming into force of this section.

52. To article 358 of the Constitution, the following proviso shall be added, namely:—

Amend-  
ment of  
article  
358.

“Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India, any such law may be made, or any such executive action may be taken, under this article in relation to or in any State or Union territory in which or in any part of which the Proclamation of Emergency is not in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.”

53. In article 359 of the Constitution—

Amend-  
ment of  
article  
359.

- (a) to clause (1A), the following proviso shall be added, namely:—

“Provided that where a Proclamation of Emergency is in operation only in any

part of the territory of India, any such law may be made, or any such executive action may be taken, under this article in relation to or in any State or Union territory in which or in any part of which the Proclamation of Emergency is not in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.”

- (b) to clause (2), the following proviso shall be added, namely:—

“Provided that where a Proclamation of Emergency is in operation only in a part of the territory of India, any such order shall not extend to any other part of the territory of India unless the President, being satisfied that the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation, considers such extension to be necessary.”

Amend-  
ment of  
article  
366.

54. In article 366 of the Constitution—

- (a) after clause (4), the following clause shall be inserted, namely:—

“(4A) ‘Central law’ means any law other than a State law but does not include any amendment of this Constitution made under article 368;”

(b) after clause (26), the following clause shall be inserted, namely:—

‘(26A) “State law” means—

- (a) a State Act or an Act of the Legislature of a Union territory;
- (b) an Ordinance promulgated by the Governor of a State under article 213 or by the administrator of a Union territory under article 239B.
- (c) any provision with respect to a matter in the State in a Central Act made before the commencement of this Constitution;
- (d) any provision with respect to a matter in the State List or the Concurrent List in a Provincial Act;
- (e) any notification, order, scheme, rule, regulation or bye-law or any other instrument having the force of law made under any Act, Ordinance or provisions referred to in sub-clause (a), sub-clause (b), sub-clause (c) or sub-clause (d);
- (f) any notification, order, scheme, rule, regulation or bye-law or any other instrument having the force of law, not falling under sub-clause (e), and made by a State Government or the administrator of a Union territory or an officer or authority subordinate to such Government or administrator; and
- (g) any other law (including any usage or custom having the force of law) with respect to a matter in the State List.”

55. In article 368 of the Constitution, after clause (3), the following clauses shall be inserted, namely:—

Amend-  
ment of  
article  
368.

“(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this

article [whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976] shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.”

Amend-  
ment of  
article  
371F.

56. In article 371F of the Constitution, in clause (c), for the words “five years”, the words “six years” shall be substituted and for the words “four years” in the two places where they occur, the words “five years” shall be substituted.

Amend-  
ment of  
the  
Seventh  
Schedule.

57. In the Seventh Schedule to the Constitution—

(a) in List I—Union List, after entry 2, the following entry shall be inserted, namely:—

“2A. Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment.”;

(b) in List II—State List—

(i) in entry 1, for the words “the use of naval, military or air forces or any other armed forces of the Union”, the words “the use of any naval, military

or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof” shall be substituted;

- (ii) for entry 2, the following entry shall be substituted, namely:—

“2. Police (including railway and village police) subject to the provisions of entry 2A of List I”;

- (iii) in entry 3, the words “Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Courts;” shall be omitted;

- (iv) entries 11, 19, 20 and 29 shall be omitted;

- (v) in entry 55, the words “and advertisement broadcast by radio or television” shall be inserted at the end;

(c) In List III—Concurrent List—

- (i) after entry 11, the following entry shall be inserted, namely:—

“11A. Administration of Justice; constitution and organisation of all courts, except the Supreme Court and the High Courts.”;

- (ii) after entry 17, the following entries shall be inserted, namely:—

“17A. Forests.

17B. Protection of wild animals and birds”;

(iii) after entry 20, the following entry shall be inserted, namely:—

“20A. Population control and family planning.”;

(iv) for entry 25, the following entry shall be substituted, namely:—

“25. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.”;

(v) after entry 33, the following entry shall be inserted, namely:—

“33A. Weights and measures except establishment of standards.”

Special provisions as to pending petitions under article 226.

58. (1) Notwithstanding anything contained in the Constitution, every petition made under article 226 of the Constitution before the appointed day and pending before any High Court immediately before that day (such petition being referred to in this section as a pending petition) and any interim order (whether by way of injunction or stay or in any other manner) made on, or in any proceedings relating to, such petition before that day shall be dealt with in accordance the provisions of article 226 as substituted by section 38.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), every pending petition before a High Court which would not have been admitted by the High Court under the

provisions of article 226 as substituted by section 38, if such petition had been made after the appointed day, shall abate and any interim order (whether by way of injunction or stay or in any other manner) made on, or in any proceedings relating to, such petition, shall stand vacated:

Provided that nothing contained in this sub-section shall affect the right of the petitioner to seek relief under any other law for the time being in force in respect of the matters to which such petition relates and in computing the period of limitation, if any, for seeking such relief, the period during which the proceedings relating to such petition were pending in the High Court shall be excluded.

- (3) Every interim order (whether by way of injunction or stay or in any other manner) which was made before the appointed day, on, or in any proceedings relating to a pending petition [not being a pending petition which has abated under sub-section (2)], and which is in force on that day, shall, unless before the appointed day copies of such pending petition and of documents in support of the plea for such interim order had been furnished to the party against whom such interim order was made and an opportunity had been given to such party to be heard in the matter, cease to have effect (if not vacated earlier)—
  - (a) on the expiry of a period of one month from the appointed day, if the copies of such pending petition and the documents in support of the plea for the interim order



are not furnished to such party before the expiry of the said period of one month; or

- (b) on the expiry of a period of four months from the appointed day, if the copies referred to in clause (a) have been furnished to such party within the period of one month referred to in that clause but such party has not been given an opportunity to be heard in the matter before the expiry of the said period of four months.

(4) Notwithstanding anything contained in sub-section (3), every interim order (whether by way of injunction or stay or in any other manner) which was made before the appointed day, on, or in any proceedings relating to, a pending petition [not being a pending petition which has abated under sub-section (2)], and which is in force on that day, shall, if such order has the effect of delaying any inquiry into a matter of public importance or any investigation or inquiry into an offence punishable with imprisonment or any action for the execution of any work or project of public utility, or the acquisition of any property for such execution, by the Government or any corporation owned or controlled by the government stand vacated.

*Explanation*—In this section, “appointed day” means the date on which section 38 comes into force.

Power of the President to remove difficulties.

59. (1) If any difficulty arises in giving effect to the provisions of the Constitution as amended by this Act (including any difficulty in relation to the transition from the provisions

of the Constitution as they stood immediately before the date of the President's assent to this Act to the provisions of the Constitution as amended by this Act), the President may, by order, make such provisions, including any adaptation or modification of any provision of the Constitution, as appear to him to be necessary or expedient for the purpose or removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of such assent.

(2) Every order made under sub-section (1), shall, as soon as may be after it is made, be laid before each House of Parliament.

### XLIII

## THE CONSTITUTION (FORTY-THIRD AMENDMENT) ACT, 1977

*An Act further to amend the Constitution of India*

*[13th April, 1978]*

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution Short title.  
(Forty-third Amendment) Act, 1977.
2. Article 31D of the Constitution shall be Omission of  
omitted. article 31D.
3. (1) Article 32A of the Constitution shall be Omission of  
omitted. article 32A.

(2) Any proceedings pending before the Supreme Court under article 32 of the Constitution immediately before the commencement of this Act may be dealt with by the Supreme Court as if the said article

- 
- 32A had been omitted with effect on and from the 1st day of February, 1977.
- Omission of article 131A.
4. (1) Article 131A of the Constitution shall be omitted.
- (2) Notwithstanding anything contained in sub-section (1), where immediately before the commencement of this Act any reference made by a High Court under the said article 131A is pending before the Supreme Court, the Supreme Court may, having regard to—
- (a) the stage at which the reference is so pending; and
- (b) the ends of justice,
- either deal with the case as if that article had not been omitted or return the case to the High Court for disposal as if that article had been omitted with effect on and from the 1st day of February, 1977.
- Omission of article 144A.
5. (1) Article 144A of the Constitution shall be omitted.
- (2) Any case pending before the Supreme Court immediately before the commencement of this Act may be dealt with by the Supreme Court as if the said article 144A had been omitted with effect on and from the 1st day of February, 1977.
- Amendment of article 145.
6. In article 145 of the Constitution—
- (a) in clause (1), in sub-clause (cc), for the words, figures and letters “articles 131A and 139A”, the words, figures and letter “article 139A” shall be substituted;

- (b) in clause (2), the words, figures and letter “article 144A and of” shall be omitted;
- (c) in clause (3), the words, figures and letter “Subject to the provisions of article 144A,” shall be omitted.
7. In article 226 of the Constitution in clause (1), the words, figures and letters “but subject to the provisions of article 131A and article 226A” shall be omitted. Amendment of article 226.
8. (1) Article 226A of the Constitution shall be omitted. Omission of article 226A.
- (2) Any proceedings pending before a High Court under article 226 of the Constitution immediately before the commencement of this Act may be dealt with by the High Court as if the said article 226A had been omitted with effect on and from the 1st day of February, 1977.
9. In article 228 of the Constitution, in the opening portion, the words, figures and letter “subject to the provisions of article 131A,” shall be omitted. Amendment of article 228.
10. (1) Article 228A of the Constitution shall be omitted. Omission of article 228A.
- (2) Any case pending before a High Court immediately before the commencement of this Act may be dealt with by High Court as if the said article 228A had been omitted with effect on and from the 1st day of February, 1977.
11. In article 366 of the Constitution clause (4A) and clause (26A) shall be omitted. Amendment of article 366.

## XLIV

**THE CONSTITUTION (FORTY-FOURTH AMENDMENT) ACT, 1978***An Act further to amend the Constitution of India**[30th April, 1979]*

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Forty-fourth Amendment) Act, 1978.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Amendment of article 19.

2. In article 19 of the Constitution—
  - (a) in clause (1)—
    - (i) in sub-clause (e), the word “and” shall be inserted at the end;
    - (ii) sub-clause (f) shall be omitted;
  - (b) in clause (5), for the words, brackets and letter “sub-clauses (d), (e) and (f)”, the words, brackets and letters “sub-clauses (d) and (e)” shall be substituted.

Amendment of article 22.

3. In article 22 of the Constitution,—
  - (a) for clause (4), the following clause shall be substituted, namely:—
 

“(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than two months unless an advisory Board

constituted in accordance with the recommendations of the Chief Justice of the appropriate High Court has reported before the expiration of the said period of two months that there is in its opinion sufficient cause for such detention:

Provided that an Advisory Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges of any High Court:

Provided further that nothing in this clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (a) of clause (7).

*Explanation*—In this clause, “appropriate High Court means—

- (i) in the case of the detention of a person in pursuance of an order of detention made by the Government of India or an officer or authority subordinate to that Government, the High Court for the Union Territory of Delhi;
- (ii) in the case of the detention of a person in pursuance of an order of detention made by the Government of any State (other than a Union territory), the High Court for that State; and
- (iii) in the case of the detention of a person in pursuance of an order of detention

made by the administrator of a Union territory or an officer or authority subordinate to such administrator, such High Court as may be specified by or under any law made by Parliament in this behalf;

(b) in clause (7)—

(i) sub-clause (a) shall be omitted;

(ii) sub-clause (b) shall be re-lettered as sub-clause (a); and

(iii) sub-clause (c) shall be re-lettered as sub-clause (b) and in the sub-clause as so re-lettered, for the words, brackets, letter and figure “sub-clause (a) of clause (4)”, the word, brackets and figure “clause (4)” shall be substituted.

Amend-  
ment of  
article 30.

4. In article 30 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

“(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause”.

Omission  
of sub-  
heading  
after  
article 30.

5. The sub-heading “*Right to Property*” occurring after article 30 of the Constitution shall be omitted.

- |  |  |
|--|--|
| 6. Article 31 of the Constitution shall be omitted.  | Omission of article 31.  |
| 7. In article 31A of the Constitution, in clause (1), for the words and figures “article 14, article 19 or article 31”, the words and figures “article 14 or article 19” shall be substituted.   | Amendment of article 31A.  |
| 8. In article 31C of the Constitution, for the words and figures” “article 14, article 19 or article 31”, the words and figures “article 14 or article 19” shall be substituted.   | Amendment of article 31C.  |
| 9. Article 38 of the Constitution shall be renumbered as clause (1) thereof and after the clause so renumbered, the following clause shall be inserted, namely:—<br><br>“(2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst groups of people residing in different areas or engaged indifferent vocations.”  | Amendment of article 38.   |
| 10. For article 71 of the Constitution, the following article shall be substituted, namely:—<br><br>“71 (1) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.<br><br>(2) If the election of a person as President or Vice-President is declared void by the Supreme Court, acts done by him in the exercise and performance of the powers and duties of the office of President or | Substitution of new article for article 71.<br><br>Matters relating to, or connected with the election of a President or Vice-President. |



Vice-President as the case may be, on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration.

(3) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.

(4) The election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college elected him”.

Amend-  
ment of  
article 74.

11. In article 74 of the Constitution in clause (1), the following proviso shall be inserted at the end, namely:—

“Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration”.

Amend-  
ment of  
article 77.

12. In article 77 of the Constitution, clause (4) shall be omitted.

Amend-  
ment of  
article 83.

13. (1) In article 83 of the Constitution in clause (2) for the words “six years” in both the places where they occur, the words “five years” shall be substituted.

(2) The amendments made by sub-clause (1) to clause (2) of article 83 shall apply also to the House of the People in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of that House under the proviso to that clause.

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14. For article 103 of the Constitution, the following article shall be substituted, namely:—
- Substitution of new article for article 103.
- “103. (1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.
- Decision on questions as to disqualifications of members.
- (2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion”.
15. In article 105 of the Constitution, in clause (3), for the words “shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution”, the words, figures and brackets “shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978” shall be substituted.
- Amendment of article 105.
16. In article 123 of the Constitution, clause (4) shall be omitted.
- Amendment of article 123.
17. In article 132 of the Constitution—
- Amendment of article 132.
- (a) in clause (1), for the words “if the High Court certifies”, the words, figures and letter “if the High Court certifies under article 134A” shall be substituted;

- 
- (b) clause (2) shall be omitted;
- (c) in clause (3), the words, “or such leave is granted”, and the words “and with the leave of the Supreme Court, on any other ground” shall be omitted.
- Amendment of article 133. 18. In article 133 of the Constitution, in clause (1), for the words “if the High Court certifies—”, the words, figures and letter “if the High Court certifies under article 134A—” shall be substituted.
- Amendment of article 134. 19. In article 134 of the Constitution, in sub-clause (c) of clause (1), for the word “certifies”, the words, figures and letter “certifies under article 134A” shall be substituted.
- Insertion of new article 134A. 20. After article 134 of the Constitution, the following article shall be inserted, namely:—
- Certificate for appeal to the Supreme Court. “134A. Every High Court, passing or making a judgement, decree, final order, or sentence, referred to in clause (1) of article 132 or clause (1) of article 133, or clause (1) of article 134—
- (a) may, if it deems fit so to do, on its own motion; and
- (b) shall, if an oral application is made, by or on behalf of the party aggrieved, immediately after the passing or making of such judgement, decree, final order or sentence,
- determine, as soon as may be after such passing or making the question whether

a certificate of the nature referred to in clause (1) of article 132, or clause (1) of article 133 or, as the case may be, sub-clause (c) of clause (1) of article 134, may be given in respect of that case”.

21. In article 139A of the Constitution, for clause (1) the following clause shall be substituted, namely:—

Amend-  
ment of  
article  
139A.

“(1) Where case involving the same or substantively the same questions of law are pending before the Supreme Court and one or more High Courts or before two or more High Courts and the Supreme Court is satisfied on its own motion or on an application made by the Attorney-General of India or by a party to any such case that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all cases itself.

Provided that the Supreme Court may after determining the said questions of law return any case so withdrawn together with a copy of its judgement on such questions to the High Court from which the case has been withdrawn, and the High Court shall on receipt thereof, proceed to dispose of the case in conformity with such judgement”.

22. In article 150 of the Constitution, for the words “after consultation with”, the words “on the advice of” shall be substituted.

Amend-  
ment of  
article  
150.

23. In article 166 of the Constitution, clause (4) shall be omitted.

Amend-  
ment of  
article  
166.

Amend-  
ment of  
article  
172.

24. (1) In article 172 of the Constitution, in clause (1) for the words “six years” in both the places where they occur, the words “five years” shall be substituted.

(2) The amendments made by sub-section (1) to clause (1) of article 172—

(a) shall not apply to any existing State Legislative Assembly the period of existence whereof as computed from the date appointed for its first meeting to the date of coming into force of this section (both dates inclusive) is more than four years and eight months but every such Assembly shall, unless sooner dissolved, stand dissolved on the expiry of—

(i) a period of four months from the date of coming into force of this section;  
or

(ii) a period of six years from the date appointed for its first meeting.

whichever period expires earlier;

(b) shall apply to every other existing State Legislative Assembly without prejudice to the power of Parliament with respect to the extension of duration of such Assembly under the proviso to the said clause (1).

*Explanation 1*—In its application to the Legislative Assembly of the State of Sikkim referred to in clause (b) of article 371F of the Constitution, this sub-section shall have effect as if—

(i) the date appointed for the first meeting of that Assembly were the 26th day of April, 1975; and

- (ii) the references in clause (a) of this sub-section to “four years and eight months” and “six years” were references to “three years and eight months” and “five years” respectively.

*Explanation II*—In this sub-section, “existing State Legislative Assembly” means the Legislative Assembly of a State in existence on the date of coming into force of this section.

- 25. For article 192 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 192.

“192. (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

Decision on questions as to disqualification of members.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion”.

- 26. In article 194 of the Constitution, in clause (3), for the words “shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution”, the words, figures and brackets “shall be those of that House and of its members and committees immediately before the coming into force of section 26 of the Constitution (Forty-fourth Amendment) Act, 1978” shall be substituted.

Amendment of article 194.

- Amendment of article 213.
27. In article 213 of the Constitution, clause (4) shall be omitted.
- Amendment of article 217.
28. In article 217 of the Constitution, in clause (2)—
- (a) in sub-clause (b), the word “or” occurring at the end shall be omitted;
  - (b) sub-clause (c) shall be omitted;
  - (c) In the *Explanation*, clause (a) shall be re-lettered as clause (aa) and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:—  
  
“(a) in computing the period during which a person has held judicial office in the territory of India, there shall be included any period, after he has held any judicial office, during which the person has been an advocate of a High Court or has held the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law;”.
- Amendment of article 225.
29. In article 225 of the Constitution, the following proviso shall be inserted at the end, namely:—  
  
“Provided that any restriction to which the exercise of original jurisdiction by any of the High Courts with respect to any matter concerning the revenue or concerning any act ordered or done in the collection thereof was subject immediately before the commencement of this Constitution shall no longer apply to the exercise of such jurisdiction”.

## 30. In article 226 of the Constitution—

Amend-  
ment of  
article  
226.

(a) in clause (1), for the portion beginning with the words “writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them” and ending with the words “such illegality has resulted in substantial failure of justice”, the following shall be substituted, namely:—

“writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the right conferred by Part III and for any other purpose.”;

(b) for clauses (3), (4), (5) and (6), the following clause shall be substituted, namely:—

“(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without—

(a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

(b) giving such party an opportunity of being heard,

makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or



from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or as the case may be, the expiry of the said next day, stand vacated”;

(c) clause (7) shall be renumbered as clause (4).

Amend-  
ment of  
article  
227.

31. In article 227 of the Constitution—

(a) for clause (1), the following clause shall be substituted, namely:—

“(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.”;

(b) clause (5) shall be omitted.

Amend-  
ment of  
article  
239B.

32. In article 239B of the Constitution, clause (4) shall be omitted.

Omission  
of article  
257A.

33. Article 257A of the Constitution shall be omitted.

Insertion  
of new  
Chapter  
IV in Part  
XII

34. In Part XII of the Constitution, after Chapter III, the following Chapter shall be inserted, namely:—

“CHAPTER IV—RIGHT TO PROPERTY”

Persons  
not to be  
deprived  
of prop-  
erty save  
by  
authority  
of law.

“300A. No person shall be deprived of his property save by authority of law”.

- |   |                                  |
|---|----------------------------------|
| <p>35. In article 329 of the Constitution, in the opening portion, the words, figures and letter “but subject to the provisions of article 329A” shall be omitted.</p>  | <p>Amendment of article 329.</p> |
| <p>36. Article 329A of the Constitution shall be omitted.</p>   | <p>Omission of article 329A.</p> |
| <p>37. In article 352 of the Constitution—</p> <p>(a) in clause (1)—</p> <p style="padding-left: 40px;">(i) for the words “internal disturbance”, the words “armed rebellion” shall be substituted;</p> <p style="padding-left: 40px;">(ii) the following <i>Explanation</i> shall be inserted at the end, namely:—</p> <p style="padding-left: 80px;"><i>“Explanation—A Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external aggression or by armed rebellion may be made before the actual occurrence of war or of any such aggression or rebellion, if the President is satisfied that there is imminent danger thereof”;</i></p> <p>(b) for clauses (2), (2A) and (3), the following clause shall be substituted, namely:—</p> <p style="padding-left: 40px;">“(2) A Proclamation issued under clause (1) may be varied or revoked by a subsequent Proclamation.</p> <p style="padding-left: 40px;">(3) The President shall not issue a Proclamation under clause (1) or a Proclamation varying such Proclamation unless the decision of the Union Cabinet</p> | <p>Amendment of article 352.</p> |

(that is to say, the Council consisting of the Prime Minister and other Ministers of Cabinet rank appointed under article 75) that such a Proclamation may be issued has been communicated to him in writing.

(4) Every Proclamation issued under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of one month unless before the expiration of that period it has been approved by resolution of both Houses of Parliament:

Provided that if any such Proclamation (not being a Proclamation revoking a previous Proclamation) is issued at a time when the House of the People has been dissolved, or the dissolution of the House of the People takes place during the period of one month referred to in this clause, and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that 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 Proclamation has been also passed by the House of the People.

(5) A Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of the passing of the second of the resolutions approving the Proclamation under clause (4):

Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for further period of six months from the date on which it would otherwise have ceased to operate under this clause:

Provided further that if the dissolution of the House of the People takes place during any such period of 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.

(6) For the purpose of clauses (4) and (5), a resolution may be passed by either House of Parliament only by a majority

of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting.

(7) Notwithstanding anything contained in the foregoing clauses, the President shall revoke a Proclamation issued under clause (1) or a Proclamation varying such Proclamation if the House of the People passes a resolution disapproving, or, as the case may be disapproving the continuance in force of such Proclamation.

(8) Where a notice in writing signed by not less than one-tenth of the total number of members of the House of the People has been given of their intention to move a resolution for disapproving, or as the case may be, for disapproving the continuance in force of, a Proclamation issued under clause (1) or a Proclamation varying such Proclamation—

- (a) to the Speaker, if the House is in session; or
- (b) to the President, if the House is not in session, a special sitting of the House shall be held within fourteen days from the date on which such notice is received by the Speaker, or, as the case may be, by the President, for the purpose of considering such resolution”;
- (c) clause (4) shall be renumbered as clause (9) and in the clause as so renumbered, for the words “internal

disturbance” in both the places where they occur, the words “armed rebellion” shall be substituted;

(d) clause (5) shall be omitted.

38. In article 356 of the Constitution—

Amend-  
ment of  
article  
356.

(a) in clause (4)—

(i) for the words, brackets and figure “one year from the date of the passing of the second of the resolutions approving the Proclamation under clause (3)”, the words “six months from the date of issue of the Proclamation” shall be substituted;

(ii) in the first proviso, for the words “one year” the words “six months” shall be substituted;

(iii) in the second proviso, for the words “one year” the words “six months” shall be substituted;

(b) for clause (5), the following clause shall be substituted, namely:—

“(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

(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”.

Amend-  
ment of  
article  
358.

39. Article 358 of the Constitution shall be renumbered as clause (1) of that article, and—

(a) in clause (1) as so renumbered—

(i) in the opening portion, for the words “While a Proclamation of Emergency is in operation”, the words “While a Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external aggression is in operation” shall be substituted;

(ii) in the proviso, for the words “where a Proclamation of Emergency”, the words “where such Proclamation of Emergency” shall be substituted;

(b) after clause (1) as so renumbered, the following clause shall be inserted, namely:—

“(2) Nothing in clause (1) shall apply—

(a) to any law which does not contain a recital to the effect that such law is in relation to the Proclamation of Emergency in operation when it is made; or

(b) to any executive action taken otherwise than under a law containing such a recital.”

- 
40. In article 359 of the Constitution— Amend-  
ment of  
article  
359.
- (a) in clauses (1) and (1A), for the words and figures “the rights conferred by Part III”, the words, figures and brackets “the rights conferred by Part III (except articles 20 and 21)” shall be substituted;
- (b) after clause (1A), the following clause shall be inserted, namely:—  
“(1B) Nothing in clause (1A) shall apply—
- (a) to any law which does not contain a recital to the effect that such law is in relation to the Proclamation of Emergency in operation when it is made; or
- (b) to any executive action taken otherwise than under a law containing such recital.”
41. In article 360 of the Constitution— Amend-  
ment of  
article  
360.
- (a) for clause (2), the following clause shall be substituted, namely:—  
“(2) A Proclamation issued under clause (1)—
- (a) may be revoked or varied by a subsequent Proclamation;
- (b) shall be laid before each House of Parliament;
- (c) shall cease to operate at the expiration of two months, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:
- Provided that if any such Proclamation is issued at a time when the House of the



People has been dissolved or the dissolution of the House of the People takes place during the period of two months referred to in sub-clause (c), and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that 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 Proclamation has been also passed by the House of the People;”

(b) clause (5) shall be omitted.

Insertion  
of new  
article  
361A.

Protection  
of publica-  
tion of  
proceed-  
ings of  
Parliament  
and State  
Legisla-  
tures.

42. After article 361 of the Constitution, the following article shall be inserted, namely:—

“361A (1) No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or as the case may be, either House of the Legislature, of a State, unless the publication is proved to have been made with malice:

Provided that nothing in this clause shall apply to the publication of any report of the proceedings of a secret sitting of either House of Parliament or the Legislative Assembly, or as the case may be, either House of the Legislature of a State.

(2) Clause (1) shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station as it applies in relation to reports or matters published in a newspaper.

*Explanation*—In this article, “newspaper” includes a new agency report containing material for publication in a newspaper.”

- |  |  |
|--|--|
| <p>43. In article 371F of the Constitution, in clause (c) for the words “six years”, the words “five years” shall be substituted, and for the words “five years” in both the places where they occur, the words “four years” shall be substituted.</p> | <p>Amendment of article 371F.</p>                                    |
| <p>44. In the Ninth Schedule to the Constitution, entries 87, 92 and 130 shall be omitted.</p>   | <p>Amendment of the Ninth Schedule.</p>                              |
| <p>45. In the Constitution (Forty-second Amendment) Act, 1976, sections 18, 19, 21, 22, 31, 32, 34, 35, 58 and 59 shall be omitted.</p>  | <p>Amendment of Constitution (Forty-second Amendment) Act, 1976.</p> |

**XLV**

**THE CONSTITUTION (FORTY-FIFTH AMENDMENT) ACT, 1980**

*An Act further to amend the Constitution of India.*

*[14th April, 1980]*

BE it enacted by Parliament in the Thirtieth year of the Republic of India as follows:—

- |  |                                      |
|--|--------------------------------------|
| <p>1. (1) This Act may be called the Constitution (Forty-fifth Amendment) Act, 1980.</p> | <p>Short title and commencement.</p> |
|--|--------------------------------------|

(2) It shall be deemed to have come into force on the 25<sup>th</sup> day of January, 1980.

Amend-  
ment of  
article  
334.

2. In article 334 of the Constitution, for the words “thirty years”, the words “forty years” shall be substituted.

### XLVI

## THE CONSTITUTION (FORTY-SIXTH AMENDMENT) ACT, 1982

*An Act further to amend the Constitution of India.*

*[2nd February, 1983]*

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Forty-sixth Amendment) Act, 1982.

Amend-  
ment of  
article  
269.

2. In article 269 of the Constitution.  
(a) in clause (1), after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce”;

- (b) in clause (3), for the words, “sale or purchase of goods”, the words “sale or purchase of, or consignment of goods” shall be substituted.

Amend-  
ment of  
article  
286.

3. In article 286 of the Constitution, for clause (3), the following clause shall be substituted, namely:—

“(3) Any law of a State shall, in so far as it imposes, or authorises the imposition of,—

(a) a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce; or

(b) a tax on the sale or purchase of goods, being a tax of the nature referred to in sub-clauses (b), (c) or sub-clause (d) of clause (29A) of article 366;

be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify.”

4. In article 366 of the Constitution, after clause (29), the following clause shall be inserted, namely:—

Amend-  
ment of  
article  
366.

“(29A) ‘tax on the sale or purchase of goods’ includes—

(a) a tax on the transfer, otherwise than in pursuance of a contract, of property in any goods for cash, deferred payment or other valuable consideration;

(b) a tax on the transfer to property in goods (whether as goods or in some other form) involved in the execution of a works contract;

(c) a tax on the delivery of goods on hire-purchase or any system of payment by instalments;

(d) a tax on the transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration;

(e) a tax on the supply of goods by any unincorporated association or body of persons to a member thereof for cash, deferred payment or other valuable consideration;

(f) a tax on the supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink (whether or not intoxicating), where such supply or service is for cash, deferred payment or other valuable consideration;

and such transfer, delivery or supply of any goods shall be deemed to be a sale of those goods by the person making the transfer, delivery or supply and a purchase of those goods by the person to whom such transfer, delivery or supply is made.”

Amend-  
ment of  
Seventh  
Schedule.

5. In the Seventh Schedule to the Constitution, in List 1—Union List, after entry 92A, the following entry shall be inserted, namely:—

“92B. Taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce.”

Validation  
and  
exemption.

6. (1) For the purpose of every provision of the Constitution in which the expression “tax on the sale or purchase of goods” occurs, and for the purposes of any law passed or made, or purporting to have been passed or made, before the commencement of this Act, in pursuance of any such Provision—

(a) the said expressions shall be deemed to include, and shall be deemed always to

have included, a tax (hereafter in this section referred to as the aforesaid tax) on the supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink (whether or not intoxicating) for cash, deferred payment or other valuable consideration; and

- (b) every transaction by way of supply of the nature referred to in clause (a) made before such commencement shall be deemed to be, and shall be deemed always to have been, a transaction by way of sale, with respect to which the person making such supply is the seller and the person to whom such supply is made, is the purchaser,

and notwithstanding any judgement, decree or order of any court, tribunal or authority, no law which was passed or made before such commencement and which imposed or authorised the imposition of or purported to impose or authorise the imposition of, the aforesaid tax shall be deemed to be invalid or ever to have been invalid on the ground merely that the Legislature or other authority passing or making such law did not have competence to pass or make such law, and accordingly:—

- (i) all the aforesaid taxes levied or collected or purporting to have been levied or collected under any such law before the commencement of this Act shall be deemed always to have been validly levied or collected in accordance with law;

(ii) no suit or other proceeding shall be maintained or continued in any court or before any tribunal or authority for the refund of and no enforcement shall be made by any court, tribunal or authority of any decree or order directing the refund of, any such aforesaid tax which has been collected;

(iii) recoveries shall be made in accordance with the provisions of such law of all amounts which would have been collected thereunder as such aforesaid tax if this section had been in force at all material times.

(2) Notwithstanding anything contained in sub-section (1), any supply of the nature referred to therein shall be exempt from the aforesaid tax—

(a) where such supply has been made, by any restaurant or eating house (by whatever name called), at any time on or after the 7<sup>th</sup> day of September, 1978 and before the commencement of this Act and the aforesaid tax has not been collected on such supply on the ground that no such tax could have been levied or collected at that time; or

(b) where such supply, not being any such supply by any restaurant or eating house (by whatever name called), has been made at any time on or after the 4<sup>th</sup> day of January, 1972 and before the commencement of this Act and the aforesaid tax has not been collected on such supply on the ground that no such tax could have been levied or collected at that time:

Provided that the burden of proving that the aforesaid tax was not collected on any supply of the nature referred to in clause (a) or, as the case may be clause (b), shall be on the person claiming the exemption under this sub-section.

(3) For the removal of doubts it is hereby declared that—

(a) nothing in sub-section (1) shall be construed as preventing any person—

(i) from questioning in accordance with the provisions of any law referred to in that sub-section, the assessment, reassessment, levy or collection of the aforesaid tax, or

(ii) from claiming refund of the aforesaid tax paid by him in excess of the amount due from him under any such law; and

(b) no act or omission on the part of any person, before the commencement of this Act, shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

## XLVII

### THE CONSTITUTION (FORTY-SEVENTH AMENDMENT) ACT, 1984

*An Act further to amend the Constitution of India.*

*[26th August, 1984]*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

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



Amend-  
ment of  
the Ninth  
Schedule.

2. In the Ninth Schedule to the Constitution, after entry 188 and before the Explanation, the following entries shall be inserted, namely:—

“189. The Assam (Temporarily Settled Areas) Tenancy Act, (Assam Act XXIII of 1971).

190. The Assam (Temporarily Settled Areas) Tenancy (Amendment) Act, 1974 (Assam Act XVIII of 1974).

191. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land, Amendment) (Amending) Act, 1974 (Bihar Act 13 of 1975).

192. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land, Amendment) Act, 1976 (Bihar Act 22 of 1976).

193. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land, Amendment) Act, 1978 (Bihar Act VII of 1978).

194. The Land Acquisition (Bihar Amendment) Act, 1979 (Bihar Act 2 of 1980).

195. The Haryana Ceiling on Land Holdings (Amendment) Act, 1977 (Haryana Act 14 of 1977).

196. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1978 (Tamil Nadu Act 25 of 1978).

197. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1979 (Tamil Nadu Act 11 of 1979).

198. The Uttar Pradesh Zamindari Abolition Laws (Amendment) Act, 1978 (Uttar Pradesh Act 15 of 1978).
199. The West Bengal Restoration of Alienated Land (Amendment) Act, 1978 (West Bengal Act XXIV of 1978).
200. The West Bengal Restoration of Alienated Land (Amendment) Act, 1980 (West Bengal Act LVI of 1980).
201. The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Goa, Daman and Diu Act 7 of 1964).
202. The Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Act, 1976 (Goa, Daman and Diu Act 17 of 1976).”.

### XLVIII

## THE CONSTITUTION (FORTY-EIGHTH AMENDMENT) ACT, 1984

*An Act further to amend the Constitution of India*

*[26th August, 1984]*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Forty-eighth Amendment) Act, 1984. Short title.
2. In article 356 of the Constitution, in clause (5), the following proviso shall be inserted at the end, namely:— Amendment of article 356.

“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”.

### XLIX

## THE CONSTITUTION (FORTY-NINTH AMENDMENT) ACT, 1984

*An Act further to amend the Constitution of India*

*[11th September, 1984]*

BE it enacted by Parliament in the Thirty-Fifth Year of the Republic of India as follows:

Short title  
and  
com-  
mence-  
ment.

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

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
article  
244.

2. In article 244 of the Constitution in clauses (1) and (2), for the word “and Meghalaya”, the words, “Meghalaya and Tripura” shall be substituted.

Amend-  
ment of  
the Fifth  
Schedule.

3. In Fifth Schedule to the Constitution, in paragraph 1, for the words “and Meghalaya”, the words “Meghalaya and Tripura” shall be substituted.

Amend-  
ment of  
the Sixth  
Schedule.

4. In the Sixth Schedule to the Constitution—

(a) in the heading, for the words “and Meghalaya”, the words, “Meghalaya and Tripura” shall be substituted;

(b) in sub-paragraph (1) of paragraph 1, for the words and figures “Parts I and II”, the words, figures and letter “Parts I, II and IIA” shall be substituted;

(c) after paragraph 12A, the following paragraph shall be inserted, namely:—

**“12AA. Application of Acts of Parliament and of the Legislature of the State of Tripura to the autonomous district and autonomous regions in the State of Tripura—**Notwithstanding anything in the Constitution—

(a) if any provision of a law made by the District or a Regional Council in the State of Tripura with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by the District Council or a Regional Council in that State under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the State of Tripura with respect to that matter then, the law or regulation made by the District Council or, as the case may be, the Regional Council whether made before or after the law made by the Legislature of the State of Tripura, shall, to the extent of repugnancy, be void and the law made by the Legislature of the State of Tripura shall prevail;

(b) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to the autonomous district or an autonomous region in the State of Tripura, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.”

(d) in paragraph 17, after the words “or Meghalaya”, at both the places where they occur, the words “or Tripura” shall be inserted;

(e) in paragraph 20—

(i) in sub-paragraph (1)—

(A) after the words and figures “in Parts I, II”, the figures and letter, “IIA” shall be inserted;

(B) after the words “the State of Meghalaya” the words, “the State of Tripura” shall be inserted;

(ii) in sub-paragraph (2), for the words “Any reference in the table below”, the words and figures “Any reference in Part I, Part II or Part III of the table below” shall be substituted;

(iii) after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:—

“(3) The reference in Part IIA in the table below to the “Tripura Tribal Areas District” shall be construed as a reference to the territory comprising the tribal areas specified in the First Schedule to the Tripura Tribal Areas Autonomous District Council Act, 1979.”

- (f) in the Table, after Part II and the entries relating thereto, the following Part shall be inserted, namely:—

“PART IIA  
Tripura Tribal Areas District”.

**L**

**THE CONSTITUTION (FIFTIETH AMENDMENT)  
ACT, 1984**

*An Act further to amend the Constitution of India*

*[11th September, 1984]*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

- |  |   |
|--|---|
| <p>1. This Act may be called the Constitution (Fiftieth Amendment) Act, 1984.</p>  | <p>Short title.</p>   |
| <p>2. For article 33 of the Constitution, the following article shall be substituted, namely:—</p> <p>“33. Parliament may, by law, determine to what extent any of the rights conferred by this Part shall, in their application to,—</p> <p>(a) the members of the Armed Forces; or</p> <p>(b) the members of the Forces charged with the maintenance of public order; or</p> | <p>Substitution of article 33.</p> <p>Power of Parliament to modify the rights conferred by this Part in their application to Forces etc.</p> |

(c) persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence; or

(d) persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organisation referred to in clauses (a) to (c),

be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.”.

## LI

### THE CONSTITUTION (FIFTY-FIRST AMENDMENT) ACT, 1984

*An Act further to amend the Constitution of India*

*[29th April, 1985]*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title  
and  
commen-  
cement.

1. (1) This Act may be called the Constitution (Fifty-first Amendment) Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
article  
330.

2. (1) In article 330 of the Constitution, in clause (1), for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and”.

(2) The amendment made to article 330 of the Constitution by sub-section (1) shall not affect any representation in the House of the People until the dissolution of the House of the People existing at the commencement of this Act.

3. (1) In article 332 of the Constitution, in clause (1), for the words “except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya”, the words “except the Scheduled Tribes in the autonomous districts of Assam” shall be substituted.

Amend-  
ment of  
article  
332.

(2) The amendment made to article 332 of the Constitution by sub-section (1) shall not affect any representation in the Legislative Assembly of the State of Nagaland or the Legislative Assembly of the State of Meghalaya until the dissolution of the Legislative Assembly of the State of Nagaland or the Legislative Assembly of the State of Meghalaya existing at the commencement of this Act.

## LII

### THE CONSTITUTION (FIFTY-SECOND AMENDMENT) ACT, 1985

*An Act further to amend the Constitution of India*

*[15th February, 1985]*

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Fifty-second Amendment) Act, 1985.

Short title  
and  
commen-  
cement.



- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- Amendment of article 101.
2. In article 101 of the Constitution, in sub-clause (a) of clause (3), for the words, brackets and figures “clause (1) of article 102” the words, brackets and figures “clause (1) or clause (2) of article 102” shall be substituted.
- Amendment of article 102.
3. In article 102 of the Constitution—
- (a) for the brackets, figure and words “(2) For the purposes of this article”, the words “*Explanation*—For the purposes of this clause” shall be substituted;
- (b) the following clause shall be inserted at the end, namely:—
- “(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.”.
- Amendment of article 190.
4. In article 190 of the Constitution, in sub-clause (a) of clause (3), for the words, brackets and figures “clause (1) of article 191” the words, brackets and figures, “clause (1) or clause (2) of article 191” shall be substituted.
- Amendment of article 191.
5. In article 191 of the Constitution—
- (a) for the brackets, figure and words “(2) For the purposes of this article”, the words “*Explanation*— For the purposes of this clause” shall be substituted;
- (b) the following clause shall be inserted at the end, namely:—
- “(2) A person shall be disqualified for being a member of the Legislative Assembly or

Legislative Council of a State if he is so disqualified under the Tenth Schedule”.

6. After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely:—

Addition  
of Tenth  
Schedule.

“TENTH SCHEDULE  
[Articles 102 (2) and 191 (2)]

*Provisions as to disqualification on ground of defection*

1. **Interpretation**—In this Schedule, unless the context otherwise requires—

(a) “House” means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State;

(b) “legislature party”, in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or paragraph 3 or, as the case may be, paragraph 4 means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions;

(c) “original political party”, in relation to a member of a House, means the political party to which he belongs for the purposes of subparagraph (1) of paragraph 2;

(d) “paragraph” means a paragraph of this Schedule.

2. **Disqualification on ground of defection.**—

(1) Subject to the provisions of paragraphs 3, 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House—

- (a) if he has voluntarily given up his membership of such political party; or
- (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

*Explanation*—For the purposes of this sub-paragraph—

- (a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;
  - (b) a nominated member of a House shall—
    - (i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;
    - (ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.
- (2) An elected member of a House who has been elected as such otherwise than

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as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

(3) A nominated member of a House shall be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a member of a House (whether elected or nominated as such) shall—

(i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party;

(ii) in any other case, be deemed to be elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph or, as the case may be, deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

**3. Disqualification on ground of defection not to apply in case of split—**

Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party—

(a) he shall not be disqualified under sub-paragraph (1) of paragraph 2 on the ground—

(i) that he has voluntarily given up his membership of his original political party; or

(ii) that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this paragraph.

**4. Disqualification on ground of defection not to apply in case of merger—**

(1) A member of a House shall not be disqualified under

sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other members of his original political party—

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group,

and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger.

5. **Exemption**—Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a

State, shall not be disqualified under this Schedule—

- (a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continued to hold such office thereafter, rejoin that political party or become a member of another political party; or
- (b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

**6. Decision on questions as to disqualification on ground of defection—**(1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be,

proceedings in the Legislature of a State within the meaning of article 212.

7. **Bar of jurisdiction of courts**—Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.
8. **Rules**—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for—
  - (a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;
  - (b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;
  - (c) the reports which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished, and
  - (d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.



- (2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.
- (3) The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, article 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.

### LIII

## THE CONSTITUTION (FIFTY-THIRD AMENDMENT) ACT, 1986

*An Act further to amend the Constitution of India*

*[14th August, 1986]*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title  
and  
com-  
mence-  
ment.

1. (1) This Act may be called the Constitution (Fifty-third Amendment) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 371F of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 371 G.

“371G. Notwithstanding anything in this Constitution,

Special provision with respect to the State of Mizoram.

(a) no Act of Parliament in respect of—

(i) religious or social practices of the Mizos,

(ii) Mizo customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Mizo customary law,

(iv) ownership and transfer of land,

shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides:

Provided that nothing in this clause shall apply to any Central Act in force in the Union territory of Mizoram immediately before the commencement of the Constitution (Fifty-third Amendment) Act, 1986;

(b) the Legislative Assembly of the State of Mizoram shall consist of not less than forty members.”

## LIV

**THE CONSTITUTION (FIFTY-FOURTH AMENDMENT)  
ACT, 1986**

*An Act further to amend the Constitution of India*

*[14th March, 1987]*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Fifty-fourth Amendment) Act, 1986.
- (2) It shall be deemed to have come into force on the 1st day of April, 1986.

Amendment of article 125.

2. In article 125 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) There shall be paid to the Judge of the Supreme Court such salaries as may be determined by Parliament by law and, until provision in that behalf is so made, such salaries as are specified in the Second Schedule.”

Amendment of article 221.

3. In article 221 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) There shall be paid to the Judges of each High Court such salaries as may be determined by Parliament by law, and, until provision in that behalf is so made, such salaries as are specified in the Second Schedule.”

4. In the Second Schedule to the Constitution, in Part D— Amend-  
ment of  
Second  
Schedule.
- (a) in sub-paragraph (1) of paragraph 9—
- (i) for the figures and word “5,000 rupees”, the figures and word “10,000 rupees” shall be substituted;
- (ii) for the figures and word “4,000 rupees”, the figures and word “9,000 rupees” shall be substituted;
- (b) in sub-paragraph (1) of paragraph 10—
- (i) for the figures and word “4,000 rupees” the figures and word “9,000 rupees” shall be substituted;
- (ii) for the figures and word “3,500 rupees”, the figures and word “8,000 rupees” shall be substituted;

**LV**

**THE CONSTITUTION (FIFTY-FIFTH AMENDMENT)  
ACT, 1986**

*An Act further to amend the Constitution of India*

*[23rd December, 1986]*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Fifty-fifth Amendment) Act, 1986. Short title  
and  
commen-  
cement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of  
new article  
371H.

Special  
provision  
with  
respect to  
the State of  
Arunachal  
Pradesh.

2. After article 371G of the Constitution, the following article shall be inserted, namely:—

“371H. Notwithstanding anything in this Constitution—

(a) the Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the State of Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgement as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this clause required to act in the exercise of his individual judgement, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgement:

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Arunachal Pradesh, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order;

(b) the Legislative Assembly of the State of Arunachal Pradesh shall consist of not less than thirty members”.

**LVI****THE CONSTITUTION (FIFTY-SIXTH AMENDMENT)  
ACT, 1987***An Act further to amend the Constitution of India**[23rd May, 1987]*

BE it enacted by Parliament in the Thirty-eighth  
Year of the Republic of India as follows:—

- |   |   |
|---|---|
| 1. (1) This Act may be called the Constitution (Fifty-sixth Amendment) Act, 1987.   | Short title and commencement.                       |
| (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.                          |   |
| 2. After article 371H of the Constitution, the following article shall be inserted, namely:—  | Insertion of new article 371-I.                     |
| “371-I. Notwithstanding anything in this Constitution, the Legislative Assembly of the State of Goa shall consist of not less than thirty members”. | Special provision with respect to the State of Goa. |

**LVII****THE CONSTITUTION (FIFTY-SEVENTH  
AMENDMENT) ACT, 1987***An Act further to amend the Constitution of India**[15th September, 1987]*

BE it enacted by Parliament in the Thirty-eighth  
Year of the Republic of India as follows:—

- |   |                               |
|---|-------------------------------|
| 1. (1) This Act may be called the Constitution (Fifty-seventh Amendment) Act, 1987. | Short title and commencement. |
|---|-------------------------------|

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
article  
332.

2. (1) In article 332 of the Constitution after clause (3) the following clause shall be inserted, namely:—

“(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2000, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be—

(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.”.

(2) The amendment made to article 332 of the Constitution by sub-section (1) shall not affect any representation in the Legislative Assembly of the State of Arunachal Pradesh or the Legislative Assembly of the State of Meghalaya or the Legislative Assembly of

the State of Mizoram or the Legislative Assembly of the State of Nagaland until the dissolution of the Legislative Assembly of the State of Arunachal Pradesh or the Legislative Assembly of the State of Meghalaya or the Legislative Assembly of the State of Mizoram or the Legislative Assembly of the State of Nagaland existing at the commencement of this Act.

### LVIII

## THE CONSTITUTION (FIFTY-EIGHTH AMENDMENT) ACT, 1987

*An Act further to amend the Constitution of India*

*[9th December, 1987]*

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Fifty-eighth Amendment) Act, 1987. Short title.
2. In Part XXII of the Constitution, in the heading, after the word “COMMENCEMENT”, the words “AUTHORITATIVE TEXT IN HINDI” shall be inserted. Amendment of the heading of Part XXII.
3. After article 394 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 394A.

“394A. (1) The President shall cause to be published under his authority,— Authoritative text in the Hindi language.

(a) the translation of this Constitution in the Hindi language, signed by the members of the Constituent Assembly,



with such modifications as may be necessary to bring it in conformity with the language, style and terminology adopted in the authoritative texts of Central Acts in the Hindi language, and incorporating therein all the amendments of this Constitution made before such publication; and

(b) the translation in Hindi language of every amendment of this Constitution made in the English language.

(2) The translation of this Constitution and of every amendment thereof published under clause (1) shall be construed to have the same meaning as the original thereof and if any difficulty arises in so construing any part of such translation, the President shall cause the same to be revised suitably.

(3) The translation of this Constitution and of every amendment thereof published under this article shall be deemed to be, for all purposes, the authoritative text thereof in the Hindi language.”

## LIX

### THE CONSTITUTION (FIFTY-NINTH AMENDMENT) ACT, 1988

*An Act further to amend the Constitution of India*

*[30th March, 1988]*

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Constitution (Fifty-ninth Amendment) Act, 1988.

2. In article 356 of the Constitution, in clause (5), for the proviso, the following proviso shall be substituted, namely:—
- Amend-  
ment of  
article  
356.
- “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”.
3. (1) After article 359 of the Constitution, the following article shall be inserted, namely:—
- Insertion of  
new article  
359A.
- “359A. Notwithstanding anything in this Constitution, this Part shall, in relation to the State of Punjab, be subject to the following modifications, namely:—
- Application  
of this Part  
to the State  
of Punjab.
- (a) in article 352—
- (1) in clause (1)—
- (A) for the opening portion, the following shall be substituted, namely:—
- “If the President is satisfied that a grave emergency exists whereby—
- (a) the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion; or
- (b) The integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab, he may, by proclamation, make a declaration to that effect in respect of the whole of Punjab or of such part of the territory thereof as may be specified in the Proclamation.”;
- (B) in the *Explanation*—
- (1) after the words “armed rebellion”, the words “or that the integrity of India is

threatened by internal disturbance in the whole or any part of the territory of Punjab”, shall be inserted;

(2) after the words “or rebellion”, the words “or disturbance” shall be inserted;

(ii) in clause (9), after the words “armed rebellion”, at both the places where they occur, the words “or internal disturbance” shall be inserted;

(b) in article 358, in clause (1), after the words “or by external aggression”, the words “or by armed rebellion, or that the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab,” shall be inserted;

(c) in article 359, for the words and figures “articles 20 and 21”, at both the places where they occur, the word and figures “article 20” shall be substituted”.

(2) The amendment made to the Constitution by sub-section (1) shall cease to operate on the expiry of a period of two years from the commencement of this Act, except as respects things done or omitted to be done before such cesser.

## LX

### THE CONSTITUTION (SIXTIETH AMENDMENT) ACT, 1988

*An Act further to amend the Constitution of India*

*[20th December, 1988]*

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short title. 1. The Act may be called the Constitution (Sixtieth Amendment) Act, 1988.

2. In article 276 of the Constitution, in clause (2)—

(a) for the words “two hundred and fifty rupees”, the words “two thousand and five hundred rupees” shall be substituted;

(b) the proviso shall be omitted.

Amend-  
ment of  
article  
276.

### LXI

## THE CONSTITUTION (SIXTY-FIRST AMENDMENT) ACT, 1988

*An Act further to amend the Constitution of India*

[28th March, 1989]

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Sixty-first Amendment) Act, 1988.

Short title.

2. In article 326 of the Constitution, for the words “twenty-one years”, the words “eighteen years” shall be substituted.

Amend-  
ment of  
article  
326.

The above Bill has been passed by the Houses of Parliament in accordance with the provisions of article 368 of the Constitution and has also been ratified by the Legislature of not less than one-half of the States by resolutions to that effect as required under the proviso to clause (2) of the said article.

### LXII

## THE CONSTITUTION (SIXTY-SECOND AMENDMENT) ACT, 1989

*An Act further to amend the Constitution of India*

[25th January, 1990]

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Sixty-second Amendment) Act, 1989.

Short title  
and  
commen-  
cement.

(2) It shall be deemed to have come into force on the date on which the Bill for this Act is introduced in the Council of States.

Amend-  
ment of  
article  
334.

2. In article 334 of the Constitution, for the words “forty years”, the words “fifty years” shall be substituted.

### LXIII

#### THE CONSTITUTION (SIXTY-THIRD AMENDMENT) ACT, 1989

*An Act further to amend the Constitution of India*

[6th January, 1990]

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

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

Short title  
and  
commen-  
cement.

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

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

Amendment  
of article  
356.

3. Article 359A of the Constitution shall be omitted.

Omission  
of article  
359A.

### LXIV

#### THE CONSTITUTION (SIXTY-FOURTH AMENDMENT) ACT, 1990

*An Act further to amend the Constitution of India*

[16th April, 1990]

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

- Short title. 1. (i) This Act may be called the Constitution (Sixty-fourth Amendment) Act, 1990.

2. In article 356 of the Constitution— Amend-  
ment of  
article  
356.
- (a) in clause (4), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that in the case of the Proclamation issued under clause (1) on the 11<sup>th</sup> 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 “three years and six months”.

- (b) in clause (5), the following proviso shall be inserted at the end, namely:—

“Provided that nothing in this clause shall apply to the Proclamation issued under clause (1) on the 11<sup>th</sup> day of May, 1987 with respect to the State of Punjab.”

**LXV**

**THE CONSTITUTION (SIXTY-FIFTH AMENDMENT)  
ACT, 1990**

*An Act further to amend the Constitution of India*

[7th June, 1990]

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Sixty-fifth Amendment) Act, 1990. Short title  
and  
commen-  
cement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 338 of the Constitution— Amend-  
ment of  
article  
338.

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“National Commission for Scheduled Castes and Scheduled Tribes.”

(b) for clauses (1) and (2), the following clauses shall be substituted, namely:—

- “(1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes.
- (2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and five other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.
- (3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
- (4) The Commission shall have the power to regulate its own procedure.
- (5) It shall be the duty of the Commission—
- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the

- 
- Government and to evaluate the working of such safeguards;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;
  - (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
  - (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
  - (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and
  - (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (6) The President shall cause all such reports to be laid before each House of



Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

- (7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any of any, of such recommendations.
- (8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
  - (b) requiring the discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court or office;

- (e) issuing commissions for the examination of witnesses and documents;
  - (f) any other matter which the President may, by rule, determine.
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.”;
- (c) existing clause (3) shall be renumbered as clause (10).

## LXVI

### THE CONSTITUTION (SIXTY-SIXTH AMENDMENT) ACT, 1990

*An Act further to amend the Constitution of India*

[7th June, 1990]

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution Short title.  
(Sixty-sixth Amendment) Act, 1990.
2. In the Ninth Schedule to the Constitution, Amend-  
after entry 202 and before the Explanation, ment of  
the following entries shall be inserted, the Ninth  
namely:— Schedule.  
“203. The Andhra Pradesh Scheduled Areas  
Land Transfer Regulation, 1959 (Andhra  
Pradesh Regulation 1 of 1959).  
204. The Andhra Pradesh Scheduled Areas  
Laws (Extension and Amendment)  
Regulation, 1963 (Andhra Pradesh  
Regulation 2 of 1963).

205. The Andhra Pradesh Scheduled Areas Laws Transfer (Amendment) Regulation, 1970 (Andhra Pradesh Regulation 1 of 1970).
206. The Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1971 (Andhra Pradesh Regulation 1 of 1971).
207. The Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1978 (Andhra Pradesh Regulation 1 of 1978).
208. The Bihar Tenancy Act, 1985 (Bihar Act 8 of 1985).
209. The Chota Nagpur Tenancy Act, 1908 (Bengal Act 6 of 1908) Chapter VIII—sections 46, 47, 48, 48A and 49; Chapter X—sections 71, 71A and 71B; and Chapter XVIII—sections 240, 241 and 242).
210. The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act 4 of 1949) except section 53.
211. The Bihar Scheduled Areas Regulation, 1969 (Bihar Regulation 1 of 1969).
212. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land, Amendment) Act, 1982 (Bihar Act 55 of 1982).
213. The Gujarat *Devasthan Inams* Abolition Act, 1969 (Gujarat Act 16 of 1969).
214. The Gujarat Tenancy Laws (Amendment) Act, 1976 (Gujarat Act 37 of 1976).

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215. The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1976 (President's Act 43 of 1976).
  216. The Gujarat *Devasthan Inams* Abolition (Amendment) Act, 1977 (Gujarat Act 27 of 1977).
  217. The Gujarat Tenancy Laws (Amendment) Act, 1977 (Gujarat Act 30 of 1977).
  218. The Bombay Land Revenue (Gujarat Second Amendment) Act, 1980 (Gujarat Act 37 of 1980).
  219. The Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Act, 1982 (Gujarat Act 8 of 1982).
  220. The Himachal Pradesh Transfer of Land (Regulation) Act, 1968 (Himachal Pradesh Act 15 of 1969).
  221. The Himachal Pradesh Transfer of Land (Regulation, Amendment) Act, 1986 (Himachal Pradesh Act 16 of 1986).
  222. The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain Lands) Act, 1978 (Karnataka Act 2 of 1979).
  223. The Kerala Land Reforms (Amendment) Act, 1978 (Kerala Act 13 of 1978).
  224. The Kerala Land Reforms (Amendment) Act, 1981 (Kerala Act 19 of 1981).
  225. The Madhya Pradesh Land Revenue Code (Third Amendment) Act, 1976 (Madhya Pradesh Act 61 of 1976).

226. The Madhya Pradesh Land Revenue Code (Amendment) Act, 1980 (Madhya Pradesh Act 15 of 1980).
227. The Madhya Pradesh Akrishik Jot Uchchatam Seema Adhiniyam, 1981 (Madhya Pradesh Act 11 of 1981).
228. The Madhya Pradesh Ceiling on Agricultural Holdings (Second Amendment) Act, 1976 (Madhya Pradesh Act 1 of 1984).
229. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1984 (Madhya Pradesh Act 14 of 1984).
230. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1989 (Madhya Pradesh Act 8 of 1989).
231. The Maharashtra Land Revenue Code, 1966 (Maharashtra Act 41 of 1966), sections 36, 36A and 36B.
232. The Maharashtra Land Revenue Code and the Maharashtra Restoration of Lands to Scheduled Tribes (Second Amendment) Act, 1976 (Maharashtra Act 30 of 1977).
233. The Maharashtra Abolition of Subsisting Proprietary Rights to Mines and Minerals in certain Land Act, 1985 (Maharashtra Act 16 of 1985).
234. The Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956 (Orissa Regulation 2 of 1956).

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235. The Orissa Land Reforms (Second Amendment) Act, 1975 (Orissa Act 29 of 1976).
  236. The Orissa Land Reforms (Amendment) Act, 1976 (Orissa Act 30 of 1976).
  237. The Orissa Land Reforms (Second Amendment) Act, 1976 (Orissa Act 44 of 1976).
  238. The Rajasthan Colonisation (Amendment) Act, 1984 (Rajasthan Act 12 of 1984).
  239. The Rajasthan Tenancy (Amendment) Act, 1984 (Rajasthan Act 13 of 1984).
  240. The Rajasthan Tenancy (Amendment) Act, 1987 (Rajasthan Act 21 of 1987).
  241. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land Second Amendment) Act, 1979 (Tamil Nadu Act 8 of 1980).
  242. The Tamil Nadu Land Reforms (Fixation of Ceiling of Land Amendment) Act, 1980 (Tamil Nadu Act 21 of 1980).
  243. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land Amendment) Act, 1981 (Tamil Nadu Act 59 of 1981).
  244. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land Second Amendment) Act, 1983 (Tamil Nadu Act 2 of 1984).
  245. The Uttar Pradesh Land Laws (Amendment) Act, 1982 (Uttar Pradesh Act 20 of 1982).
  246. The West Bengal Land Reforms (Amendment) Act, 1965 (West Bengal Act 18 of 1965).

247. The West Bengal Land Reforms (Amendment) Act, 1966 (West Bengal Act 11 of 1966).
248. The West Bengal Land Reforms (Second Amendment) Act, 1969 (West Bengal Act 23 of 1969).
249. The West Bengal Estate Acquisition (Amendment) Act, 1977 (West Bengal Act 36 of 1977).
250. The West Bengal Land Holding Revenue Act, 1979 (West Bengal Act 44 of 1979).
251. The West Bengal Land Reforms (Amendment) Act, 1980 (West Bengal Act 41 of 1980).
252. The West Bengal Land Holding Revenue (Amendment) Act, 1981 (West Bengal Act 33 of 1981).
253. The Calcutta Thikka Tenancy (Acquisition and Regulation) Act, 1981 (West Bengal Act 37 of 1981).
254. The West Bengal Land Holding Revenue (Amendment) Act, 1982 (West Bengal Act 23 of 1982).
255. The Calcutta Thikka Tenancy (Acquisition and Regulation, Amendment) Act, 1984 (West Bengal Act 41 of 1984).
256. The Mahe Land Reforms Act, 1968 (Pondicherry Act 1 of 1968).
257. The Mahe Land Reforms (Amendment) Act, 1980 (Pondicherry Act 1 of 1981).”

**LXVII****THE CONSTITUTION (SIXTY-SEVENTH AMENDMENT) ACT, 1990**

*An Act further to amend the Constitution of India*

[4th October, 1990]

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution Short title.  
(Sixty-seventh Amendment) Act, 1990.
2. In article 356 of the Constitution, in clause (4), Amend-  
in the third proviso, for the words “three years ment of  
and six months”, the words “four years” shall article  
be substituted. 356.

**LXVIII****THE CONSTITUTION (SIXTY-EIGHTH AMENDMENT) ACT, 1991**

*An Act further to amend the Constitution of India*

[12th March, 1991]

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution Short title.  
(Sixty-eighth Amendment) Act, 1991.
2. In article 356 of the Constitution, in clause (4), Amend-  
in the third proviso, for the words “four ment of  
years”, the words “five years” shall be article  
substituted. 356.



**LXIX****THE CONSTITUTION (SIXTY-NINTH AMENDMENT)  
ACT, 1991***An Act further to amend the Constitution of India**[21st December, 1991]*

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title  
and  
commen-  
cement.

1. (1) This Act may be called the Constitution (Sixty-ninth Amendment) Act, 1991.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion  
of new  
articles  
239AA  
and  
239AB.

2. After article 239A of the Constitution, the following articles shall be inserted, namely:—

“239AA. (1) As from the date of commencement of the Constitution (Sixty-ninth Amendment) Act, 1991, the Union territory of Delhi shall be called the National Capital Territory of Delhi (hereafter in this part referred to as the National Capital Territory) and the administrator thereof appointed under article 239 shall be designated as the Lieutenant Governor.

(2) (a) There shall be a Legislative Assembly for the National Capital Territory and the seats in such Assembly shall be filled by members chosen by direct election from territorial constituencies in the National Capital Territory.

(b) The total number of seats in the Legislative Assembly, the number of seats reserved for Scheduled Castes, the division of the National Capital Territory into territorial constituencies (including the basis for such division) and all other matters relating to the functioning of the Legislative Assembly shall be regulated by law made by Parliament.

(c) The provisions of articles 324 to 327 and 329 shall apply in relation to the National Capital Territory, the Legislative Assembly of the National Capital Territory and the members thereof as they apply, in relation to a State, the Legislative Assembly of a State and the members thereof respectively; and any reference in articles 326 and 329 to “appropriate Legislature” shall be deemed to be a reference to Parliament.

(3) (a) Subject to the provisions of the Constitution, the Legislative Assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in so far as any such matter is applicable to Union territories except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18.

(b) Nothing in sub-clause (a) shall derogate from the powers of Parliament under this Constitution to make laws with respect to any matter for a Union territory or any part thereof.

(c) If any provision of a law made by the Legislative Assembly with respect to any matter, whether passed before or after the law made by the Legislative Assembly, or of an earlier law, other than made by the Legislative Assembly, then, in either case, the law made by Parliament, or as the case may be, such earlier law, shall prevail and the law made by the Legislative Assembly shall, to the extent of the repugnancy, be void:

Provided that, if any such law made by the Legislative Assembly has been reserved for the consideration of the President and has received his assent, such law shall prevail in the National Capital Territory:

Provided further that, nothing in this sub-clause shall prevent Parliament from enacting at any time, any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly.

(4) There shall be a Council of Ministers consisting of not more than ten per cent of the total number of members in the Legislative Assembly, with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise of his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, required to act in his discretion:

Provided that in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant Governor shall refer it to the President for

decision and act according to the decision given thereon by the President and pending such decision it shall be competent for the Lieutenant Governor in any case where the matter, in his opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

(5) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the President.

(6) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(7) Parliament may by law, make provisions for giving effect to, or supplementing the provisions contained in the foregoing clauses and for all matters incidental or consequential thereto.

(8) The provisions of article 239B shall, so far as may be, apply in relation to the National Capital Territory, the Lieutenant Governor and the Legislative Assembly, as they apply in relation to the Union Territory of Pondicherry, the administrator and its Legislature, respectively; and any reference in that article to “clause (1) of article 239A” shall be deemed to be a reference to this article or article 239AB, as the case may be.

Provision in case of failure of Constitutional machinery.

239AB. If the President, on receipt of a report from the Lieutenant Governor or otherwise, is satisfied—

(a) that a situation has arisen in which the administration of the National Capital

Territory cannot be carried on in accordance with the provisions of article 239AA or of any law made in pursuance of that article; or

(b) that for the proper administration of the National Capital Territory it is necessary or expedient so to do,

the President may by order suspend the operation of any provision of article 239AA or of all or any of the provisions of any law made in pursuance of that article for such period and subject to such conditions may be specified in such law and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the National Capital Territory in accordance with the provisions of article 239 and article 239AA.”

## LXX

### THE CONSTITUTION (SEVENTIETH AMENDMENT) ACT, 1992

*An Act further to amend the Constitution of India*

[12th August, 1992]

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Seventieth Amendment) Act, 1992.
- (2) Section 3 of this Act shall be deemed to have come into force on the 21<sup>st</sup> day of December, 1991 and section 2 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 54 of the Constitution, the following *Explanation* shall be inserted at the end, namely:—

Amendment of article 54.

“*Explanation*—In this article and in article 55, “State” includes the National Capital Territory of Delhi and the Union territory of Pondicherry.”

3. In article 239AA of the Constitution—

Amendment of article 239AA.

(i) in clause (7), for the brackets and figure “(7)”, the brackets, figure and letter “(7)(a)” shall be substituted;

(ii) in clause (7) as so amended, the following sub-clause shall be inserted, namely:—

“(b) Any such law as is referred to in sub-clause (a) shall not be deemed to be an Amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending, this Constitution.”

## LXXI

### THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) ACT, 1992

*An Act further to amend the Constitution of India*

[31st August, 1992]

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution Short title. (Seventy-first Amendment) Act, 1992.

Amend-  
ment of  
Eighth  
Schedule.

2. In the Eighth Schedule to the Constitution—

- (a) existing entry 7 shall be re-numbered as entry 8, and before entry 8 as so re-numbered, the entry “7, Konkani” shall be inserted;
- (b) existing entry 8 shall be re-numbered as entry 10, and before entry 10 as so renumbered, the entry “9, Manipuri.” shall be inserted;
- (c) existing entries 9 to 15 shall be renumbered as entries 12 to 18 respectively, and before entry 12 as so re-numbered, the entry “11, Nepal.” shall be inserted.

## LXXII

### THE CONSTITUTION (SEVENTY-SECOND AMENDMENT) ACT, 1992

*An Act further to amend the Constitution of India*

[4th December, 1992]

BE it enacted by Parliament in the Forty-Second Year of the Republic of India as follows:—

Short title  
and  
commen-  
cement.

- 1. (i) This Act may be called the Constitution (Seventy-second Amendment) Act, 1992.
- (ii) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
article  
332.

- 2. (1) In article 332 of the Constitution, after clause (3A), the following clause shall be inserted, namely:—

“3(B) Notwithstanding anything contained in clause (3), until the re-adjustment, under

article 170, takes effect on the basis of the first census after the year 2000, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.”

3. The Amendment made to article 332 of the Constitution by sub-section (i) shall not affect any representation in the Legislative Assembly of the State of Tripura until the dissolution of the Legislative Assembly existing at the commencement of this Act.

### LXXIII

## THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

*An Act further to amend the Constitution of India*

[20th April, 1993]

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



Insertion  
of new  
Part IX.

2. After Part VIII of the Constitution, the following Part shall be inserted, namely:—

### **PART IX**

#### THE PANCHAYATS

243. In this Part, unless the context otherwise requires—

Defini-  
tions.

- (a) “district” means a district in a State;
- (b) “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- (c) “intermediate level” means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- (d) “Panchayat” means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;
- (e) “Panchayat area” means the territorial area of Panchayat;
- (f) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) “village” means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

Gram  
Sabha.

243A. A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law provide.

243 B. (1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

Constitu-  
tion of  
Panchayats.

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243C. (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Composi-  
tion of  
Panchayats.

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by Law, provide for the representation:—

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate

- level, in the Panchayats at the district level;
- (b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;
  - (c) of the members of the House, of the People, and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;
  - (d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—
    - (i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;
    - (ii) a Panchayat area at the district level, in Panchayat at the district level.
- (4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of a Panchayat.
- (5) The Chairperson of—
- (a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and
  - (b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243D. (1) Seats shall be reserved for—

Reserva-  
tion of  
seats.

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes;

in every Panchayat and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in the Panchayat area bears to the total population of that area and such seats may be allotted to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes

and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or the Scheduled Tribes in the State bears to the total population of the State:

Provided further that no less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

Duration  
of  
Panchayats,  
etc.

243E. (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No Amendment of any law for the time being in force shall have the effect of causing

dissolution of a Panchayat at any level, which is functioning immediately before such Amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed—

(a) before the expiry of its duration specified in clause (1):

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayats for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had not been so dissolved.

243F. (1) A person shall be disqualified for being chosen as, and for being a member of Panchayat— (a) If he is so disqualified by or under any law for the time being in force for the purpose of elections to the Legislature of the State concerned:

Disqualifications for membership.

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years.

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

Powers, authority and responsibility of Panchayats.

243G. Subject to the provisions of the Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to—

- (a) the preparation of plans for economic development and social justice;
- (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

Powers to impose taxes by, and Funds of, the Panchayats.

243H. The Legislature of a State may, by law,—

- (a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for constitution of such funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom,

as may be specified in the law.

243-I. (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifty year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to—

Constitution of Finance Commission to review financial position.

(a) the principles which should govern—

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this part and the allocation between the Panchayats at the levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;



(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

Audit of  
accounts  
of  
Panchayats.

243J. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

Elections  
of the  
Panchayats.

243K. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine;

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, election to the Panchayats.

243L. The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the reference, to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and reference to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Applica-  
tion to  
Union  
territories.

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

Part not to apply to certain areas.

243M. (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2) of article 244.

(2) Nothing in this part shall apply to—

(a) the States of Nagaland, Meghalaya and Mizoram;

(b) the Hill Areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part—

(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution—

(a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled

Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243 N. Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by the competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Continu-  
ance of  
existing  
laws and  
panchayats.

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243-O. Notwithstanding anything in this Constitution —

Bar to  
interfer-  
ence by  
courts in  
electoral  
matters.

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in

such manner as is provided for by or under any law made by the Legislature of a State.

Amendment of article 280.

3. In clause (3) of article 280 of the Constitution, after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State.”

Addition of Eleventh Schedule.

4. After the Tenth Schedule to the Constitution, the following Schedule shall be added, namely:—

#### “ELEVENTH SCHEDULE

*(Article 243G)*

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.

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11. Drinking water.
  12. Fuel and fodder.
  13. Roads, culverts, bridges, ferries, waterways and other means of communication.
  14. Rural electrification, including distribution of electricity.
  15. Non-conventional energy sources.
  16. Poverty alleviation programme.
  17. Education, including primary and secondary schools.
  18. Technical training and vocational education.
  19. Adult and non-formal education.
  20. Libraries.
  21. Cultural activities.
  22. Markets and fairs.
  23. Health and sanitation, including hospitals, primary health centres and dispensaries.
  24. Family welfare.
  25. Women and child development.
  26. Social welfare, including welfare of the handicapped and mentally retarded.
  27. Welfare of the weaker sections, and in particular of the Scheduled Castes and the Scheduled Tribes.
  28. Public distribution system.
  29. Maintenance of community assets.”

## LXXIV

**THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992***An Act further to amend the Constitution of India**[20th April 1993]*

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Seventy-fourth Amendment) Act, 1992.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new Part IXA.

2. After Part IX of the Constitution the following Part shall be inserted, namely:—

**PART IXA****THE MUNICIPALITIES**

Definitions.

243P. In this Part, unless the context otherwise requires—

- (a) “Committee” means a Committee constituted under article 243S;
- (b) “district” means a district in a State;
- (c) “Metropolitan area” means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;
- (d) “Municipality” means the territorial area of a Municipality as is notified by the Governor;

(e) “Municipality area” an institution of self-government constituted under article 243Q;

(f) “Panchayat” means a Panchayat constituted under article 243B;

(g) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

243Q. (1) There shall be constituted in every State—

Constitu-  
tion of  
Municipalities.

(a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area,

(b) a Municipal Corporation for a smaller urban area, and

(c) a Municipal Corporation for a larger urban area,

in accordance with the provisions of this Part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, “a transitional area”, “a smaller urban area” or “a larger urban area”



means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

Composi-  
tion of  
Municipi-  
palities.

243R. (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose to be known as wards.

(2) The Legislature of a State may, by law, provide—

(a) for the representation in a Municipality of—

- (i) persons having special knowledge or experience in Municipal administration.
- (ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;
- (iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;
- (iv) the Chairpersons of the Committee constituted under clause (5) of article 243S:

Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;

(b) the manner of election of the Chairperson of Municipality.

243S. (1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

Constitu-  
tion and  
composi-  
tion of  
Wards  
Commit-  
tee, etc.

(2) The Legislature of a State may, by law, make provision with respect to—

(a) the composition and the territorial area of a Wards Committee;

(b) the manner in which the seats in Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.

(4) Where a Wards Committee consists of—

(a) one ward, the member representing that ward in the Municipality; or

(b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee,

shall be Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

243T. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats

Reserva-  
tion of  
seats.

so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clause (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any

provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

243U. (1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Duration of Municipalities, etc.

Provided that a Municipality, shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the

Disqualifications for membership.	dissolved Municipality would have continued under clause (1) had it not been so dissolved.
	243V. (1) A person shall be disqualified for being chosen as and for being a member of a Municipality—
	<ul style="list-style-type: none"> <li>(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:</li> </ul>
	<p style="margin-left: 40px;">Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;</p>
	<ul style="list-style-type: none"> <li>(b) if he is so disqualified by or under any law made by the Legislature of the State.</li> </ul>
	(2) If any question arises as to whether a member of a Municipality has become subject to any disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.
Powers, authority and responsibilities of Municipalities, etc.	243W. Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow—
	<ul style="list-style-type: none"> <li>(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—</li> </ul>
	<ul style="list-style-type: none"> <li>(i) the preparation of plans for economic development and social justice;</li> </ul>

(ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

243X. The Legislature of a State may, by law,— Power to impose taxes by, and Funds of, the Municipalities.

(a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom, as may be specified in the law.

243Y. (1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and Finance Commission.

make recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Municipalities;

(iii) the grant-in-aid to the Municipalities from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Municipalities;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

Audit of accounts of Municipalities.

243Z. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the auditing of such accounts.

Elections to the Municipalities.

243ZA. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to

the Municipalities shall be vested in the State Election Commission referred to in article 243K.

(2) Subject to the provisions of the Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

243ZB. The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to the Legislative Assembly:

Applica-  
tion to  
Union  
territories.

Provided that the President may, by public notification, direct that the provisions of the Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243ZC. (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

Part not to  
apply to  
certain  
areas.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.



(3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part of the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

Committee  
for district  
planning.

243ZC. (1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to—

- (a) the composition of the District Planning Committees;
- (b) the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

- (c) the functions relating to district planning which may be assigned to such Committees;
- (d) the manner in which the Chairpersons of such Committee shall be chosen.

(3) Every District Planning Committee shall, in-preparing the draft development plan—

(a) have regard to—

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZE. (1) There shall be constituted in every Metropolitan area, a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole. Committee for Metropolitan planning.

(2) The Legislature of a State may, by law, make provision with respect to—

(a) the composition of the Metropolitan Planning Committees;

(b) the manner in which the seats in such Committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in

proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

- (c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees;
- (d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;
- (e) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan—

- (a) have regard to—
  - (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;
  - (ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
  - (iii) the overall objectives and priorities set by the Government of India and the Government of the State;
  - (iv) the extent and nature of investments likely to be made in the Metropolitan

area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZF. Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Continu-  
ance of  
existing  
laws and  
Municipalities.

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of the State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243ZG. Notwithstanding anything in this Constitution—

Bar to  
interfer-  
ence by  
courts in  
electoral  
matters.

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats of such constituencies made or

purporting to be made under article 243ZA shall not be called in question in any court;

(b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

Amend-  
ment of  
article  
280.

3. In clause (3) of article 280 of the Constitution, sub-clause (c) shall be relettered as sub-clause (d) and before sub-clause (d) as so relettered, the following sub-clause shall be inserted, namely:—

“(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State”.

Addition  
of Twelfth  
Schedule.

4. After the Eleventh Schedule to the Constitution, the following Schedule shall be added, namely:—

#### “TWELFTH SCHEDULE

*(Article 243W)*

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.

7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle ponds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.”

## LXXV

### THE CONSTITUTION (SEVENTY-FIFTH AMENDMENT) ACT, 1994

*An Act further to amend the Constitution of India.*

*[5th February, 1994]*

BE it enacted by Parliament in the Forty-fourth year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Seventy-fifth Amendment) Act, 1994. Short title and commencement.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- Amend-  
ment of  
article  
323B.
2. In article 323B of the Constitution, in clause (2)—
- (a) sub-clauses (h) and (i) shall be re-lettered as sub-clauses (i) and (j) and before sub-clause (i) as re-lettered, the following sub-clause shall be inserted, namely:—
- “(h) rent, its regulation and control and tenancy issues including the right title and interest of landlords and tenants;”
- (b) in sub-clause (i) as so re-lettered, for the brackets and letter “(g)” brackets and letter “(h)” shall be substituted.
- (c) in sub-clause (j), as so re-lettered, for the brackets and letter “(h)”, the brackets and letter “(i)” shall be substituted.

## LXXVI

### THE CONSTITUTION (SEVENTY-SIXTH AMENDMENT) ACT, 1994

*An Act further to amend the Constitution of India.*

*[31st August, 1994]*

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Constitution (Seventy-sixth Amendment) Act, 1994.
- Amend-  
ment of  
the Ninth  
Schedule.
2. In the Ninth Schedule to the Constitution, after entry 257 and before *Explanation*, the following entry shall be inserted, namely:—
- “257A. The Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational

Institutions and of appointments or posts in the Services under the State) Act, 1993 (Tamil Nadu Act, 45 of 1994).”

### LXXVII

## THE CONSTITUTION (SEVENTY-SEVENTH AMENDMENT) ACT, 1995

*An Act further to amend the Constitution of India.*

[17th June, 1995]

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Seventy-seventh Amendment) Act, 1995. Short title.
2. In article 16 of the Constitution after clause (4), the following clause shall be inserted, namely:— Amendment of article 16.

“(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.”

### LXXVIII

## THE CONSTITUTION (SEVENTY-EIGHTH AMENDMENT) ACT, 1995

*An Act further to amend the Constitution of India.*

[30th August 1995]

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Seventy-eighth Amendment) Act, 1995. Short title.



Amend-  
ment of  
the Ninth  
Schedule.

2. In the Ninth Schedule to the Constitution, after entry 257A and before the *Explanation*, the following entries shall be inserted, namely:—

“258. The Bihar Privileged Persons Homestead Tenancy Act, 1947 (Bihar Act 4 of 1948).

259. The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (Bihar Act 22 of 1956).

260. The Bihar Consolidation of Holdings and Prevention of Fragmentation (Amendment) Act, 1970 (Bihar Act 7 of 1970).

261. The Bihar Privileged Persons Homestead Tenancy (Amendment) Act, 1970 (Bihar Act 9 of 1970).

262. The Bihar Consolidation of Holdings and Prevention of Fragmentation (Amendment) Act, 1973 (Bihar Act 27 of 1975).

263. The Bihar Consolidation of Holdings and Prevention of Fragmentation (Amendment) Act, 1981 (Bihar Act 35 of 1982).

264. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1987 (Bihar Act 21 of 1987).

265. The Bihar Privileged Persons Homestead Tenancy (Amendment) Act, 1989 (Bihar Act 11 of 1989).

266. The Bihar Land Reforms (Amendment) Act, 1989 (Bihar Act 11 of 1990).

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267. The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) (Amendment) Act, 1984 (Karnataka Act 3 of 1984).
  268. The Kerala Land Reforms (Amendment) Act, 1989 (Kerala Act 16 of 1989).
  269. The Kerala Land Reforms (Second Amendment) Act, 1989 (Kerala Act 2 of 1990).
  270. The Orissa Land Reforms (Amendment) Act, 1989 (Orissa Act 9 of 1990).
  271. The Rajasthan Tenancy (Amendment) Act, 1979 (Rajasthan Act 16 of 1979).
  272. The Rajasthan Colonisation (Amendment) Act, 1987 (Rajasthan Act 2 of 1987).
  273. The Rajasthan Colonisation (Amendment) Act, 1989 (Rajasthan Act 12 of 1989).
  274. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1983 (Tamil Nadu Act 3 of 1984).
  275. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1986 (Tamil Nadu Act 57 of 1986).
  276. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1987 (Tamil Nadu Act 4 of 1988).
  277. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) (Amendment) Act, 1989 (Tamil Nadu Act 30 of 1989).
  278. The West Bengal Land Reforms (Amendment) Act, 1981 (West Bengal Act 50 of 1981).

279. The West Bengal Land Reforms (Amendment) Act, 1986 (West Bengal Act 5 of 1986).
280. The West Bengal Land Reforms (Second Amendment) Act, 1986 (West Bengal Act 19 of 1986).
281. The West Bengal Land Reforms (Third Amendment) Act, 1986 (West Bengal Act 35 of 1986).
282. The West Bengal Land Reforms (Amendment) Act, 1989 (West Bengal Act 23 of 1989).
283. The West Bengal Land Reforms (Amendment) Act, 1990 (West Bengal Act 24 of 1990).
284. The West Bengal Land Reforms Tribunal Act, 1991 (West Bengal Act 12 of 1991).”

### LXXIX

## THE CONSTITUTION (SEVENTY-NINTH AMENDMENT) ACT, 1999

*An Act further to amend the Constitution of India*

[21st January, 2000]

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Seventy-ninth Amendment) Act, 1999.
- (2) It shall come into force on the 25th day of January, 2000.

Amendment of article 334.

2. In article 334 of the Constitution, for the words “fifty years”, the words “sixty years” shall be substituted.

**LXXX**  
**THE CONSTITUTION (EIGHTIETH AMENDMENT)**  
**ACT, 2000**

*An Act further to amend the Constitution of India*

[9th June, 2000]

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Eightieth Amendment) Act, 2000. Short title.
2. In article 269 of the Constitution, for clauses (1) and (2), the following clauses shall be substituted, namely:— Amendment of article 269.

‘(1) Taxes on the sale or purchase of goods and taxes on the consignment of goods shall be levied and collected by the Government of India but shall be assigned and shall be deemed to have been assigned to the States on or after the 1st day of April, 1996 in the manner provided in clause (2).

*Explanation*—For the purposes of this clause,—

- (a) the expression “taxes on the sale or purchase of goods” shall mean taxes on sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce;
- (b) the expression “taxes on the consignment of goods” shall mean taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), whether such consignment takes place in the course of inter-State trade or commerce.

(2) The net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Union territories, shall not form part of the Consolidated Fund of India, but shall be assigned to the States within which that tax is leviable in that year, and shall be distributed among those States in accordance with such principles of distribution as may be formulated by Parliament by law.’.

Substitution of new article for article 270.

Taxes levied and distributed between the Union and the States.

3. For article 270 of the Constitution, the following article shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1996, namely:—

‘270. (1) All taxes and duties referred to in the Union List, except the duties and taxes referred to in articles 268 and 269, respectively, surcharge on taxes and duties referred to in article 271 and any cess levied for specific purposes under any law made by Parliament shall be levied and collected by the Government of India and shall be distributed between the Union and the States in the manner provided in clause (2).

(2) Such percentage, as may be prescribed, of the net proceeds of any such tax or duty in any financial year shall not form part of the Consolidated Fund of India, but shall be assigned to the States within which that tax or duty is leviable in that year, and shall be distributed among those States in such manner and from such time as may be prescribed in the manner provided in clause (3).

(3) In this article, “prescribed” means,—

- (i) until a Finance Commission has been constituted, prescribed by the President by order, and
- (ii) after a Finance Commission has been constituted, prescribed by the President by order after considering the recommendations of the Finance Commission.’

4. (1) Article 272 of the Constitution shall be omitted.

Omission  
of article  
272.

(2) Notwithstanding anything contained in sub-section (1), where any sum equivalent to the whole or any part of the net proceeds of the Union duties of excise including additional duties of excise which are levied and collected by the Government of India and which has been distributed as grants-in-aid to the States after the 1st day of April, 1996, but before the commencement of this Act, such sum shall be deemed to have been distributed in accordance with the provisions of article 270, as if article 272 had been omitted with effect from the 1st day of April, 1996.

(3) Any sum equivalent to the whole or any part of the net proceeds of any other tax or duty that has been distributed as grants-in-aid to the States after the 1st day of April, 1996 but before the commencement of this Act shall be deemed to have been distributed in accordance with the provisions of article 270.

**LXXXI****THE CONSTITUTION (EIGHTY-FIRST AMENDMENT)  
ACT, 2000***An Act further to amend the Constitution of India.*

[9th June, 2000]

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Constitution (Eighty-first Amendment) Act, 2000.
- Amend-  
ment of  
article 16. 2. In article 16 of the Constitution, after clause (4A), the following clause shall be inserted, namely:—

“(4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.”.

**LXXXII****THE CONSTITUTION (EIGHTY-SECOND  
AMENDMENT) ACT, 2000***An Act further to amend the Constitution of India.*

[8th September, 2000]

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Constitution (Eighty-second Amendment) Act, 2000.

2. In article 335 of the Constitution, the following proviso shall be inserted at the end, namely:—

Amend-  
ment of  
article  
335.

“Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.”.

### LXXXIII

## THE CONSTITUTION (EIGHTY-THIRD AMENDMENT) ACT, 2000

*An Act further to amend the Constitution of India.*

[8th September, 2000]

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Eighty-third Amendment) Act, 2000.
2. In article 243M of the Constitution, after clause (3), the following clause shall be inserted, namely:—

Short title.

Amend-  
ment of  
article  
243M.

“(3A) Nothing in article 243D, relating to reservation of seats for the Scheduled Castes, shall apply to the State of Arunachal Pradesh.”.



## LXXXIV

**THE CONSTITUTION (EIGHTY-FOURTH AMENDMENT) ACT, 2001***An Act further to amend the Constitution of India.*

[21st February, 2002]

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- |                                  |   |
|----------------------------------|---|
| Short title.                     | 1. This Act may be called the Constitution (Eighty-fourth Amendment) Act, 2001.   |
| Amend-<br>ment of<br>article 55. | 2. In article 55 of the Constitution, in the proviso to the <i>Explanation</i> , for the figures “2000”, the figures “2026” shall be substituted.   |
| Amend-<br>ment of<br>article 81. | 3. In article 81 of the Constitution, in the proviso to clause (3),— <ul style="list-style-type: none"> <li>(i) for the figures “2000”, the figures “2026” shall be substituted;</li> <li>(ii) for the words and figures “be construed as a reference to the 1971 census.”, the following shall be substituted, namely:—             <ul style="list-style-type: none"> <li>“be construed,—                 <ul style="list-style-type: none"> <li>(i) for the purposes of sub-clause (a) of clause (2) and the proviso to that clause, as a reference to the 1971 census; and</li> <li>(ii) for the purposes of sub-clause (b) of clause (2) as a reference to the 1991 census.”.</li> </ul> </li> </ul> </li> </ul> |
| Amend-<br>ment of<br>article 82. | 4. In article 82 of the Constitution, in the third proviso,— <ul style="list-style-type: none"> <li>(i) for the figures “2000”, the figures “2026” shall be substituted;</li> </ul>   |

- (ii) for the words “readjust the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies under this article.”, the following shall be substituted, namely:—

“readjust—

- (i) the allocation of seats in the House of the People to the States as readjusted on the basis of the 1971 census; and
- (ii) the division of each State into territorial constituencies as may be readjusted on the basis of the 1991 census,

under this article.”.

5. In article 170 of the Constitution,—

Amend-  
ment of  
article  
170.

- (a) in clause (2), in the proviso the *Explanation*, for the figures “2000” and “1971”, the figures “2026” and “1991” shall respectively be substituted;

(b) in the third proviso to clause (3),—

- (i) for the figures “2000”, the figures “2026” shall be substituted;
- (ii) for the words “readjust the total number of seats in the Legislative Assembly of each State and the division of such State into territorial constituencies under this clause.”, the following shall be substituted, namely:—

“readjust—

- (i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1971 census; and

- (ii) the division of such State into territorial constituencies as may be readjusted on the basis of the 1991 census,

under this clause.”.

Amendment of article 330.

6. In article 330 of the Constitution, in the proviso to the *Explanation*, for the figures “2000” and “1971”, the figures “2026” and “1991” shall respectively be substituted.

Amendment of article 332.

7. In article 332 of the Constitution,—
- (a) in clause (3A), for the figures “2000”, the figures “2026” shall be substituted;
- (b) in clause (3B), for the figures “2000”, the figures “2026” shall be substituted.

## LXXXV

### THE CONSTITUTION (EIGHTY-FIFTH AMENDMENT) ACT, 2001

*An Act further to amend the Constitution of India*

[4th January, 2002]

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Eighty-fifth Amendment) Act, 2001.
- (2) It shall be deemed to have come into force on the 17th day of June, 1995.

Amendment of article 16.

2. In article 16 of the Constitution, in clause (4A), for the words “in matters of promotion to any class”, the words “in matters of promotion, with consequential seniority, to any class” shall be substituted.

**LXXXVI**  
**THE CONSTITUTION (EIGHTY-SIXTH AMENDMENT)**  
**ACT, 2002**

*An Act further to amend the Constitution of India.*

[12th December, 2002]

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

- |   |   |
|---|---|
| <p>1. (1) This Act may be called the Constitution (Eighty-sixth Amendment) Act, 2002.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>   | <p>Short title and commencement.</p>  |
| <p>2. After article 21 of the Constitution, the following article shall be inserted, namely:—</p> <p>“21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.”.</p>      | <p>Insertion of new article 21A.<br/>Right to education.</p>  |
| <p>3. For article 45 of the Constitution, the following article shall be substituted, namely:—</p> <p>“45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.”.</p>                                 | <p>Substitution of new article for article 45.<br/>Provision for early childhood care and education to children below the age of six years.</p> |
| <p>4. In article 51A of the Constitution, after clause (j), the following clause shall be added, namely:—</p> <p>“(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.”.</p> | <p>Amendment of article 51A.</p>  |

## LXXXVII

**THE CONSTITUTION (EIGHTY-SEVENTH  
AMENDMENT) ACT, 2003**

*An Act further to amend the Constitution of India*

[22nd June, 2003]

BE it enacted by Parliament in the Fifty-fourth  
Year of the Republic of India as follows:—

- |                                      |  |
|--------------------------------------|--|
| Short title.                         | 1. This Act may be called the Constitution (Eighty-seventh Amendment) Act, 2003.   |
| Amend-<br>ment of<br>article 81.     | 2. In article 81 of the Constitution, in clause (3), in the proviso, in clause (ii), for the figures “1991”, the figures “2001” shall be substituted.  |
| Amend-<br>ment of<br>article 82.     | 3. In article 82 of the Constitution, in the third proviso, in clause (ii), for the figures “1991”, the figures “2001” shall be substituted.   |
| Amend-<br>ment of<br>article<br>170. | 4. In article 170 of the Constitution,—<br><br>(i) in clause (2), in the <i>Explanation</i> , in the proviso, for the figures “1991”, the figures “2001” shall be substituted;<br><br>(ii) in clause (3), in the third proviso, in clause (ii), for the figures “1991”, the figures “2001” shall be substituted. |
| Amend-<br>ment of<br>article<br>330. | 5. In article 330 of the Constitution, in the <i>Explanation</i> , in the proviso, for the figures “1991”, the figures “2001” shall be substituted.  |

**LXXXVIII**

**THE CONSTITUTION (EIGHTY-EIGHTH AMENDMENT) ACT, 2003**

*An Act further to amend the Constitution of India.*

[15th January, 2004]

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

- |  |                               |
|--|-------------------------------|
| 1. (1) This Act may be called the Constitution (Eighty-eighth Amendment) Act, 2003.  | Short title and commencement. |
| (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. |                               |

- |   |                                |
|---|--------------------------------|
| 2. After article 268 of the Constitution, the following shall be inserted, namely:— | Insertion of new article 268A. |
|---|--------------------------------|

“268A. (1) Taxes on services shall be levied by the Government of India and such tax shall be collected and appropriated by the Government of India and the States in the manner provided in clause (2).	Service tax levied by Union and collected and appropriated by the Union and the States.
--	---

(2) The proceeds in any financial year of any such tax levied in accordance with the provisions of clause (1) shall be—	
---	--

(a) collected by the Government of India and the States;	
--	--

(b) appropriated by the Government of India and the States,	
---	--

in accordance with such principles of collection and appropriation as may be formulated by Parliament by law.”.

- |  |                           |
|--|---------------------------|
| 3. In article 270 of the Constitution, in clause (1), for the words and figures “articles 268 and 269”, the words, figures and letter “articles 268, 268A and 269” shall be substituted. | Amendment of article 270. |
|--|---------------------------|

Amend-  
ment of  
Seventh  
Schedule.

4. In the Seventh Schedule to the Constitution, in **List-I—Union List**, after entry 92B, the following entry shall be inserted, namely:—  
“92C. Taxes on services.”.

### LXXXIX

## THE CONSTITUTION (EIGHTY-NINTH AMENDMENT) ACT, 2003

*An Act further to amend the Constitution of India.*

[28th September, 2003]

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title  
and  
commen-  
cement.

1. (1) This Act may be called the Constitution (Eighty-ninth Amendment) Act, 2003.  
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
article  
338.

2. In article 338 of the Constitution,—  
(a) for the marginal heading, the following marginal heading shall be substituted, namely:—  
“National Commission for Scheduled Castes.”;  
(b) for clauses (1) and (2), the following clauses shall be substituted, namely:—  
“(1) There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.  
(2) Subject to the provisions of any law made in this behalf by Parliament, the

Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.”;

(c) in clauses (5), (9) and (10), the words “and Scheduled Tribes”, wherever they occur, shall be omitted.

3. After article 338 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 338A.

“338A. (1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.

National Commission for Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for



- the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;
  - (c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
  - (d) to present to the President, annually and such other times as the Commission may deem fit, reports upon the working of those safeguards;
  - (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and
  - (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

- 
- (7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.
- (8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
  - (b) requiring the discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court or office;
  - (e) issuing commissions for the examination of witnesses and documents;
  - (f) any other matter which the President may, by rule, determine.
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.”.

**XC****THE CONSTITUTION (NINETIETH AMENDMENT)  
ACT, 2003***An Act further to amend the Constitution of India.*

[28th September, 2003]

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

- |                           |   |
|---------------------------|---|
| Short title.              | 1. This Act may be called the Constitution (Ninetieth Amendment) Act, 2003.                             |
| Amendment of article 332. | 2. In article 332 of the Constitution, in clause (6), the following proviso shall be inserted, namely:— |

“Provided that for elections to the Legislative Assembly of the State of Assam, the representation of the Scheduled Tribes and non-Scheduled Tribes in the constituencies included in the Bodoland Territorial Areas District, so notified, and existing prior to the constitution of the Bodoland Territorial Areas District, shall be maintained.”.

**XCI****THE CONSTITUTION (NINETY-FIRST AMENDMENT)  
ACT, 2003***An Act further to amend the Constitution of India.*

[1st January, 2004]

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

- |              |  |
|--------------|--|
| Short title. | 1. This Act may be called the Constitution (Ninety-first Amendment) Act, 2003. |
|--------------|--|

2. In article 75 of the Constitution, after clause (1), the following clauses shall be inserted, namely:—

Amend-  
ment of  
article 75.

“(1A) The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent. of the total number of members of the House of the People.

(1B) A member of either House of Parliament belonging to any political party who is disqualified for being a member of that House under paragraph 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to either House of Parliament before the expiry of such period, till the date on which he is declared elected, whichever is earlier.”.

3. In article 164 of the Constitution, after clause (1), the following clauses shall be inserted, namely:—

Amend-  
ment of  
article  
164.

“(1A) The total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen per cent. of the total number of members of the Legislative Assembly of that State:

Provided that the number of Ministers, including the Chief Minister, in a State shall not be less than twelve:

Provided further that where the total number of Ministers, including the Chief Minister, in the Council of Ministers in any State at the

commencement of the Constitution (Ninety-first Amendment) Act, 2003 exceeds the said fifteen per cent. or the number specified in the first proviso, as the case may be, then, the total number of Ministers in that State shall be brought in conformity with the provisions of this clause within six months from such date as the President may by public notification appoint.

(1B) A member of the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council belonging to any political party who is disqualified for being a member of that House under paragraph 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council, as the case may be, before the expiry of such period, till the date on which he is declared elected, whichever is earlier.”.

Insertion of new article 361B.

Disqualification for appointment on remunerative political post.

4. After article 361A of the Constitution, the following article shall be inserted, namely:—

‘361B. A member of a House belonging to any political party who is disqualified for being a member of the House under paragraph 2 of the Tenth Schedule shall also be disqualified to hold any remunerative political post for duration of the period

commencing from the date of his disqualification till the date on which the term of his office as such member would expire or till the date on which he contests an election to a House and is declared elected, whichever is earlier.

*Explanation.*—For the purposes of this article,—

- (a) the expression “House” has the meaning assigned to it in clause (a) of paragraph 1 of the Tenth Schedule;
- (b) the expression “remunerative political post” means any office—
  - (i) under the Government of India or the Government of a State where the salary or remuneration for such office is paid out of the public revenue of the Government of India or the Government of the State, as the case may be; or
  - (ii) under a body, whether incorporated or not, which is wholly or partially owned by the Government of India or the Government of a State and the salary or remuneration for such office is paid by such body,

except where such salary or remuneration paid is compensatory in nature.’.

- 5. In the Tenth Schedule to the Constitution,—
  - (a) in paragraph 1, in clause (b), the words and figure “paragraph 3 or, as the case may be,” shall be omitted;
  - (b) in paragraph 2, in sub-paragraph (1), for the words and figures “paragraphs 3, 4

Amend-  
ment of  
the Tenth  
Schedule.

and 5”, the words and figures “paragraphs 4 and 5” shall be substituted;

(c) paragraph 3 shall be omitted.

## XCII

### THE CONSTITUTION (NINETY-SECOND AMENDMENT) ACT, 2003

*An Act further to amend the Constitution of India.*

[8th January, 2004]

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

- |                               |  |
|-------------------------------|--|
| Short title.                  | 1. This Act may be called the Constitution (Ninety-second Amendment) Act, 2003.  |
| Amendment of Eighth Schedule. | <p>2. In the Eighth Schedule to the Constitution,—</p> <p>(a) existing entry 3 shall be re-numbered as entry 5, and before entry 5 as so re-numbered, the following entries shall be inserted, namely:—</p> <p>“3. Bodo.</p> <p>4. Dogri.”;</p> <p>(b) existing entries 4 to 7 shall respectively be re-numbered as entries 6 to 9;</p> <p>(c) existing entry 8 shall be re-numbered as entry 11 and before entry 11 as so re-numbered, the following entry shall be inserted, namely:—</p> <p>“10. Maithili.”;</p> <p>(d) existing entries 9 to 14 shall respectively be re-numbered as entries 12 to 17;</p> <p>(e) existing entry 15 shall be re-numbered as entry 19 and before entry 19 as so re-</p> |

numbered, the following entry shall be inserted, namely:—

“18. Santhali.”;

(f) existing entries 16 to 18 shall respectively be re-numbered as entries 20 to 22.

### XCIII

## THE CONSTITUTION (NINETY-THIRD AMENDMENT) ACT, 2005

*An Act further to amend the Constitution of India.*

[20th January, 2006]

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Ninety-third Amendment) Act, 2005. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 15 of the Constitution, after clause (4), the following clause shall be inserted, namely:— Amendment of article 15.

“(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.”.



**XCIV****THE CONSTITUTION (NINETY-FOURTH  
AMENDMENT) ACT, 2006**

*An Act further to amend the Constitution of India.*

[12th June, 2006]

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

- |                           |   |
|---------------------------|---|
| Short title.              | 1. This Act may be called the Constitution (Ninety-fourth Amendment) Act, 2006.   |
| Amendment of article 164. | 2. In article 164 of the Constitution, in clause (1), in the proviso, for the word “Bihar”, the words “Chhattisgarh, Jharkhand” shall be substituted. |