

# Amendments to the Constitution of India

## TABLE OF CONTENTS

Amd. No.	Articles amended	Date of Assent	Date of Effect
1	Amend articles 15, 19, 85, 87, 174, 176, 341, 342, 372 and 376 Insert articles 31A and 31B Insert Schedule 9	18/06/1951	Date of Assent
2	Amend article 81(1)(b)	01/05/1953	-do-
3	Amend Schedule 7	22/02/1955	-do-
4	Amend articles 31 and 31A Substitute article 305 Amend Schedule 9	27/04/1955	-do-
5	Amend article 3	24/12/1955	-do-
6	Amend articles 269 and 286 Amend Schedule 7	11/09/1956	-do-
7	Amend articles 1, 3, 16, 31A, 49, 58, 66, 72, 73, 80, 101, 112, 131, 143, 151, 152, 153, 158, 168, 171, 214, 216, 217, 219, 222, 229, 241, 244, 246, 254, 255, 267, 268, 269, 270, 280, 283, 291, 299, 304, 308, 309, 310, 311, 315, 316, 317, 318, 320, 323, 324, 330, 332, 333, 337, 339, 341, 342, 348, 356, 361, 362, 366, 367, 368 Substitute articles 81, 82, 170, 220, 224, 239, 240, 264, 298, 371 and schedules 1, 4 Substitute articles 230, 231 and 232 as 230 and 231 Insert articles 258A, 290A, 350A, 350B, 372A and 378A Amend headings of Parts 6, 8 Amend schedules 2, 5, 6, 7 Delete Parts 7, 9 and articles 242, 259, 278, 306, 379-391 Amend the Constitution (Removal of Difficulties) Order 8 (Constitution Order 24 dated 25.10.1950)	19/10/1956	01/11/1956 [vide # 1(2) of the Act]
8	Amend article 334	05/01/1960	Date of Assent
9	Amend Schedule 1	28/12/1960	17.01.1961 for Part 2 of Schedule 1 (vide G.S.R. 73 dated 14.01.1961)
9	Enforcement order dated 14.01.1961		
10	Amend article 240	16/08/1961	11.08.1961

Amd. No.	Articles amended	Date of Assent	Date of Effect
	Amend Schedule 1		[vide # 1(2) of the Act]
11	Amend articles 66 and 71	19/12/1961	Date of Assent
12	Amend article 240	27/03/1962	20.12.1961
	Amend Schedule 1		[vide # 1(2) of the Act]
13	Amend articles 54, 55, 80, 170	28/12/1962	01.12.1963
	Insert new article 371A		(vide G.S.R. 1734 dated
	Substitute heading of Part 21		30.10.1963)
14	Amend articles 81 and 240	28/12/1962	16.08.1962 for # 3 &
	Insert article 239A		5(a)
	Amend schedules 1 and 4		(vide # 7 of the Act)
			Date of Assent for
			other sections
15	Amend articles 124, 128, 217, 222, 224, 226, 297, 311 and 316	05/10/1963	Date of Assent
	Insert article 224A		
	Amend Schedule 7		
16	Amend articles 19, 84 and 173	05/10/1963	-do-
	Amend Schedule 3		
17	Amend article 31A	20/06/1964	-do-
	Amend Schedule 9		
18	Amend article 3	27/08/1966	-do-
19	Amend article 324	11/12/1966	-do-
20	Insert article 233A	22/12/1966	-do-
21	Amend Schedule 8	10/04/1967	-do-
22	Amend article 275	25/09/1969	-do-
	Insert articles 244A and 371B		
23	Amend articles 330, 332, 333 and 334	23/01/1970	-do-
24	Amend articles 13 and 368	05/11/1971	-do-
25	Amend article 31	20/04/1972	-do-
	Insert article 31C		
	(portion of Art. 31C barring judicial scrutiny quashed by the Supreme Court in <i>Kesavananda Bharati vs. The State of Kerala</i> , 1973)		
26	Amend article 366	28/12/1971	-do-
	Insert article 363A		
	Remove articles 291 and 362		
27	Amend articles 239A and 240	30/12/1971	# 1 & 3 from Date of Assent
	Insert articles 239B and 371C		[vide # 1(2) of the Act]
			Other sections from
			15.02.1972
			[vide G.S.R. 73(E) dated
			14.02.1972]
27	Enforcement order dated 14/02/1972		
28	Insert article 312A	27/08/1972	29.08.1972
	Remove article 314		[vide G.S.R. 391(E) dated 29.08.1972]

Amd. No.	Articles amended	Date of Assent	Date of Effect
28	Enforcement order dated 29/08/1972		
29	Amend Schedule 9	09/06/1972	Date of Assent
30	Amend article 133	22/02/1973	27.02.1973 [vide G.S.R. 73(E) dated 27.02.1973]
30	Enforcement order dated 27/02/1973		
31	Amend articles 81, 330 and 332	17/10/1973	Date of Assent
32	Amend article 371 Insert articles 371D and 371E (clause 5 of Art. 371D, along with its proviso, quashed by the Supreme Court in <i>P. Sambamurthy and others vs. State of Andhra Pradesh and another</i> , 1987)	03/05/1974	01.07.1974 [vide G.S.R. 297(E) dated 01.07.1974]
32	Amend Schedule 7		
32	Enforcement order dated 01/07/1974		
33	Amend articles 101 and 190	19/05/1974	Date of Assent
34	Amend Schedule 9	07/09/1974	-do-
35	Amend articles 80 and 81 Insert article 2A Insert schedule 10	22/02/1975	01.03.1975 [vide G.S.R. 61(E) dated 28.02.1975]
36	Amend articles 80 and 81 Insert article 371F Remove article 2A Amend schedules 1 and 4 Remove Schedule 10	16/05/1975	26.04.1975 [vide # 1(2) of the Act]
37	Amend articles 239A and 240	03/05/1975	Date of Assent
38	Amend articles 123, 213, 239B, 352, 356, 359 and 360	01/08/1975	-do-
39	Amend articles 71 and 329 Insert article 329A Amend Schedule 9	10/08/1975	-do-
40	Substitute article 297 Amend Schedule 9	27/05/1976	-do-
41	Amend article 316	07/09/1976	-do-
42	Amend articles 31, 31C, 39, 55, 74, 77, 81, 82, 83, 100, 102, 105, 118, 145, 166, 170, 172, 189, 191, 194, 208, 217, 225, 227, 228, 311, 312, 330, 352, 353, 356, 357, 358, 359, 366, 368 and 371F Insert articles 31D, 32A, 39A, 43A, 48A, 131A, 139A, 144A, 226A, 228A and 257A Insert Parts 4A and 14A Amend Schedule 7 Amend the Preamble Substitute articles 103, 150, 192, 226	18/12/1976	03.01.1977 for # 2 to 5, 7 to 17, 20, 28, 29, 30, 33, 36, 43 to 53, 55, 56, 57 and 59 01.02.1977 for # 6, 23 to 26, 37 to 42, 54 and 58 01.04.1977 for # 27 [vide G.S.R. 2(E) dated 03.01.1977] # 4 and 55 quashed by the Supreme Court in <i>Minerva Mills v. Union of India</i> on 31.07.1980
42	Enforcement order dated 03/01/1977		

Amd. No.	Articles amended	Date of Assent	Date of Effect
43	Amend articles 145, 226, 228 and 366 Remove articles 31D, 32A, 131A, 144A, 226A and 228A	13/04/1978	Date of Assent For removal of articles except 31D, retrospective effect from 01.02.1977
44	Amend articles 19, 22, 30, 31A, 31C, 38, 74, 77, 83, 105, 123, 132, 133, 134, 139A, 150, 166, 172, 194, 213, 217, 225, 226, 227, 239B, 329, 352, 356, 358, 359, 360 and 371F Insert articles 134A and 361A Remove articles 31, 257A and 329A Substitute articles 71, 103, 192 Insert Chapter 4 in Part 12 Amend Schedule 9 Repeal sections 18, 19, 21, 22, 31, 32, 34, 35, 58 and 59 of the 42 <sup>nd</sup> Amendment	30/04/1979	20.06.1979 for # 2, 4 to 16, 22, 23, 25 to 29, 31 to 42, 44 and 45 [vide G.S.R. 383(E) dated 19.06.1979] 01.08.1979 for # 17 to 21 and 30 [vide G.S.R. 383(E) dated 19.06.1979] 06.09.1979 for # 24 and 43 [vide G.S.R. 529(E) dated 05.09.1979] # 3 yet to be notified
44	Enforcement order dated 19/06/1979		
44	Enforcement order dated 05/09/1979		
45	Amend article 334	14.04.1980	25.01.1980 [vide # 1(2) of the Act]
46	Amend articles 269, 286 and 366 Amend Schedule 7	02/02/1983	Date of Assent
47	Amend Schedule 9	26/08/1984	-do-
48	Amend article 356	26/08/1984	-do-
49	Amend article 244 Amend schedules 5 and 6	11/09/1984	01.04.1985 [vide S.O. 184(E) dated 11.03.1985]
50	Amend article 33	11/09/1984	Date of Assent
51	Amend articles 330 and 332	29/04/1985	16.06.1986 [vide G.S.R. 871(E) dated 16.06.1986]
51	Enforcement order dated 16.06.1986		
52	Amend articles 101, 102, 190 and 191 Insert Schedule 10 (paragraph 7 of Sch. 10 quashed by the Supreme Court in <i>Kihoto Hollohon Vs. Zachilhu and others</i> , 1992)	15/02/1985	01.03.1985 [vide G.S.R. 131(E) dated 01.03.1985]
52	Enforcement order dated 01.03.1985		
53	Insert article 371G	14/08/1986	20.02.1987 [vide S.O. 71(E) dated 11.02.1987]
54	Amend articles 125 and 221 Amend Schedule 2	14/03/1987	01.04.1986 [vide # 1(2) of the Act]
55	Insert article 371H	23/12/1986	20.02.1987 [vide S.O. 73(E) dated



Amd. No.	Articles amended	Date of Assent	Date of Effect
			11.02.1987]
53 & 55 56	Enforcement orders dated 11.02.1987 Insert article 371I	23/05/1987	30.05.1987 [vide S.O. 517(E) dated 26.05.1987]
56 57	Enforcement order dated 26.05.1987 Amend article 332	15/09/1987	21.09.1987 [vide G.S.R. 810(E) dated 21.09.1987]
57 58	Enforcement order dated 21.09.1987 Insert article 394A Amend heading of Part 22	09/12/1987	Date of Assent
59	Amend article 356 Insert article 359A	30/03/1988	-do-
60	Amend article 276	20/12/1988	-do-
61	Amend article 326	28/03/1989	-do-
62	Amend article 334	25/01/1990	20.12.1989 [vide # 1(2) of the Act]
63	Amend article 356 Remove article 359A	06/01/1990	Date of Assent
64 65	Amend article 356 Amend article 338	16/04/1990 07/06/1990	-do- 12.03.1992 [vide S.O. 204(E) dated 12.03.1992]
65 66	Enforcement order dated 12.03.1992 Amend Schedule 9	07/06/1990	Date of Assent
67	Amend article 356	04/10/1990	-do-
68	Amend article 356	12/03/1991	-do-
69	Insert articles 239AA and 239AB	21/12/1991	01.02.1992 [vide S.O. 96(E) dated 31.01.1992]
69 70	Enforcement order dated 31.01.1992 Amend articles 54 and 239AA	12/08/1992	21.12.1991 for # 3 [vide # 1(2) of the Act] 01.06.1995 for # 2 [vide G.S.R. 375(E) dated 02.05.1995]
70 71 72	Enforcement order dated 02.05.1995 Amend Schedule 8 Amend article 332	31/08/1992 04/12/1992	Date of Assent 05.12.1992 [vide S.O. 887(E) dated 05.12.1992]
72 73	Enforcement order dated 05.12.1992 Insert Part 9 Amend article 280 Insert Schedule 11	20/04/1993	24.04.1993 [vide S.O. 267(E) dated 24.04.1993]
73	Enforcement order dated 24.04.1993		

Amd. No.	Articles amended	Date of Assent	Date of Effect
74	Insert Part 9A Insert Schedule 12 Amend article 280	20/04/1993	01.06.1993 [vide S.O. 346(E) dated 01.06.1993]
74	Enforcement order dated 01.06.1993		
75	Amend article 323B	05/02/1994	15.05.1994 [vide S.O. 372(E) dated 13.05.1994]
75	Enforcement order dated 13.05.1994		
76	Amend Schedule 9	31/08/1994	Date of Assent
77	Amend article 16	17/06/1995	-do-
78	Amend Schedule 9	30/08/1995	-do-
79	Amend article 334	21/01/2000	25.01.2000 [vide # 1(2) of the Act]
80	Amend articles 269 and 270 Remove article 272	09/06/2000	Date of Assent
81	Amend article 16	09/06/2000	-do-
82	Amend article 335	08/09/2000	-do-
83	Amend article 243M	08/09/2000	-do-
84	Amend articles 55, 81, 82, 170, 330 and 332	21/02/2002	-do-
85	Amend article 16	04/01/2002	17.06.1995 [vide # 1(2) of the Act]
86	Amend article 51A Substitute article 45 Insert article 21A	12/12/2002	01.04.2010 [vide S.O. 427(E) dated 16.02.2010]
86	Enforcement order dated 16.02.2010		
87	Amend articles 81, 82, 170 and 330	22/06/2003	Date of Assent
88	Amend article 270 Insert article 268A Amend Schedule 7	15/01/2004	Never notified. Provisions removed by 101 <sup>st</sup> Amendment
89	Amend article 338 Insert article 338A	28/09/2003	19.02.2004 [vide G.S.R. 124(E) dated 19.02.2004]
89	Enforcement order dated 19.02.2004		
90	Amend article 332	28/09/2003	Date of Assent
91	Amend articles 75 and 164 Insert article 361B Amend Schedule 10	01/01/2004	Date of Assent 07.01.2004 for provision of article 164(1A) inserted by # 3 of the Act [vide S.O. 21(E) dated 07.01.2004]
91	Notification dated 07.01.2004		
92	Amend Schedule 8	07/01/2004	Date of Assent
93	Amend article 15	20/01/2006	20.01.2006 [vide S.O. 72(E) dated 20.01.2006]
93	Enforcement order dated 20.01.2006		

Amd. No.	Articles amended	Date of Assent	Date of Effect
94	Amend article 164	12/06/2006	Date of Assent
95	Amend article 334	18/01/2010	25.01.2010 [vide # 1(2) of the Act]
96	Amend Schedule 8	23/09/2011	Date of Assent
97	Amend article 19	12/01/2012	15.02.2012
	Insert article 43B		[vide S.O. 265(E) dated 08.02.2012]
	Insert Part 9B		
97	Corrigenda dated 22.05.2019		
97	Enforcement order dated 08.02.2012		
98	Insert article 371J	01/01/2013	01.10.2013 [vide S.O. 2902(E) dated 24.09.2013]
98	Enforcement order dated 24.09.2013		
99	Insert articles 124A, 124B and 124C	31/12/2014	13.04.2015
	Amend articles 124, 127, 128, 217, 222, 224, 224A, 231		[vide S.O. 999(E) dated 13.04.2015]
99	Enforcement order dated 13.04.2015		
100	Amend Schedule 1	28/05/2015	31.07.2015 [vide S.O. 2094(E) dated 31.07.2015]
100	Enforcement order dated 31.07.2015		
101	Insert articles 246A, 269A, 279A	08/09/2016	12.09.2016 for # 12
	Remove article 268A		[vide S.O. 2915(E) dated 10.09.2016]
	Amend articles 248, 249, 250, 268, 269, 270, 271, 286, 366, 368		16.09.2016 for other sections
	Amend schedules 6 and 7		[vide S.O. 2986(E) dated 16.09.2016]
	Direct enactment of the Goods and Services Tax (Compensation to States) Act, 2017 (No. 15 of 2017)		
101	Enforcement order dated 10.09.2016		
101	Enforcement order dated 16.09.2016		
102	Amend articles 338, 366	11/08/2018	15.08.2018
	Insert articles 338B, 342A		[vide S.O. 3989(E) dated 14.08.2018]
102	Enforcement order dated 14.08.2018		
103	Amend articles 15 and 16	12/01/2019	14.01.2019 [vide S.O. 292(E) dated 14.01.2019]
103	Enforcement order dated 14.01.2019		
101/1976	Fifth Schedule to the Constitution (Amendment) Act, 1976	07/09/1976	Date of Assent
67/1988	Sixth Schedule to the Constitution (Amendment) Act, 1988	16/12/1988	-do-
42/1995	Sixth Schedule to the Constitution (Amendment) Act, 1995	12/09/1995	-do-
44/2003	Sixth Schedule to the Constitution (Amendment) Act, 2003	07/09/2003	-do-

# Constitution (Removal of Difficulties) Orders

Order No.	Constitution Order No.	Date of Issue	Date of Effect
1	1	07/01/1950	Immediate Effective for 6 months
2	5	26/01/1950	Immediate Ceased in June 1952
2 (Amendment 1)	11	10/04/1950	26.01.1950
2 (Amendment 2)	20	11/08/1950	Immediate
2 (Amendment 3)	31	16/08/1951	18.06.1951
2 (Amendment 4)	36	30/01/1952	Immediate
2 (Amendment 5)	37	13/02/1952	01.01.1952
3	6	26/01/1950	Immediate
4	16	24/05/1950	26.01.1950
5	18	06/06/1950	Immediate
6	21	02/09/1950	-do- Ceased by C.O. 31
7	23	07/10/1950	26.01.1950
7 (Amendment)	27	15/01/1951	Immediate
8	24	25/10/1950	-do-
9	38	19/02/1952	07.11.1951 Effective for 8 years
10	67	29/11/1963	01.12.1963
11	99	16/05/1975	Immediate

## Other Amending Acts

(not included)

Act No.	Name of Act	Amending sections	Amended articles
47 of 1951	Assam (Alteration of Boundaries) Act, 1951	3	Sch. 1
30 of 1953	Andhra State Act, 1953	5, 7	Sch. 1 and 4
36 of 1954	Chandernagore (Merger) Act, 1954	4	Sch. 1
37 of 1956	States Reorganisation Act, 1956	12, 23	Sch. 1 and 4
40 of 1956	Bihar and West Bengal (Transfer	4, 5	Sch. 1 and 4

	of Territories) Act, 1956		
47 of 1959	Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959	4	Sch. 1
56 of 1959	Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959	6, 8	Sch. 1 and 4
11 of 1960	Bombay Reorganisation Act, 1960	4, 6, 20, 85	Sch. 1 and 4 Art. 168, 371
64 of 1960	Acquired Territories (Merger) Act, 1960	4	Sch. 1
27 of 1962	State of Nagaland Act, 1962	4, 5	Sch. 1 and 6
31 of 1966	Punjab Reorganisation Act, 1966	7, 9, 26	Sch. 1 and 4, Art. 371
24 of 1968	Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968	4	Sch. 1
36 of 1968	Andhra Pradesh and Mysore (Transfer of Territory) Act, 1968	4	Sch. 1
53 of 1968	Madras State (Alteration of Name) Act, 1968	4 and 5	Art. 31A, 168, 290A Sch. 1 and 4
55 of 1969	Assam Reorganisation (Meghalaya) Act, 1969	74	Sch. 6
53 of 1970	State of Himachal Pradesh Act, 1970	4, 5, 46	Sch. 1 and 4 Art. 210, 239A
81 of 1971	North-Eastern Areas (Reorganisation) Act, 1971	9, 10, 71	Sch. 1, 4, 5, 6 Art. 210, 239A, 244, 244A, 275, 332, 371B
83 of 1971	Government of Union Territories (Amendment) Act, 1971	13	Sch. 6
31 of 1973	Mysore State (Alteration of Name) Act, 1973	4, 5	Art. 168, Sch. 1 and 4
34 of 1973	Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Act, 1973	4 and 5	Art. 240, Sch. 1
56 of 1974	Repealing and Amending Act, 1974	4	Sch. 6
31 of 1979	Haryana and Uttar Pradesh (Alteration of Boundaries) Act, 1979	5	Sch. 1
34 of 1986	State of Mizoram Act, 1986	4, 5, 39	Sch. 1, 4, 5, 6 Art. 210, 239A, 240, 244
69 of 1986	State of Arunachal Pradesh Act, 1986	4, 5, 42	Sch. 1 and 4 Art. 210, 239A, 240
18 of 1987	Goa, Daman and Diu Reorganisation Act, 1987	5, 6, 63	Sch. 1 and 4 Art. 81, 210, 239A, 239B, 240
28 of 2000	Madhya Pradesh Reorganisation Act, 2000	5, 7	Sch. 1 and 4

29 of 2000	Uttar Pradesh Reorganisation Act, 2000	5, 7	Sch. 1 and 4
30 of 2000	Bihar Reorganisation Act, 2000	5, 7	Sch. 1 and 4
44 of 2006	Pondicherry (Alteration of Name) Act, 2006	4, 5, 6	Part 8, Sch. 1 and 4
52 of 2006	Uttaranchal (Alteration of Name) Act, 2006	4, 5	Sch. 1 and 4
15 of 2011	Orissa (Alteration of Name) Act, 2011	4, 5, 6, 7	Art. 164, 273 Sch. 1 and 4
6 of 2014	Andhra Pradesh Reorganisation Act, 2014	10, 12, 96, 97	Sch. 1 and 4 Art. 168, 371D

THE CONSTITUTION (FIRST AMENDMENT) ACT, 1951



An Act to amend the Constitution of India.

[18th June, 1951]

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Constitution (First Amendment) Act, 1951.

2. **Amendment of article 15.**—To article 15 of the Constitution, the following clause shall be added:—

“(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. **Amendment of article 19 and validation of certain laws.**—(1) In article 19 of the Constitution,—

(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 words 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, the expression “law in force” has the same meaning as in clause (1) of article 13 of the Constitution.

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

“31A. *Saving of laws providing for acquisition of estates, etc.*—  
(1) Notwithstanding anything in the foregoing provisions of this 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.”

**5. Insertion of new article 31B.**—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 judgment, 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.”

**6. Amendment of article 85.**—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.

(8) The President may from time to time—

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

**7. Amendment of article 87.**—In article 87 of the Constitution,—

(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. Amendment of article 174.**—For article 174 of the Constitution, the following article shall be substituted, namely:—

"174. *Sessions 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. Amendment of article 176.**—In article 176 of the Constitution,—

(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.

**10. Amendment of article 341.**—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.

**11. Amendment of article 342.**—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.

**12. Amendment of article 372.**—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.

**13. Amendment of article 376.**—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. Addition of Ninth Schedule.**—After the Eighth Schedule to the Constitution, the following Schedule shall be added, namely:—

"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 I 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 I of 1950).
11. The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act I 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)."

# The Gazette of India



**EXTRAORDINARY**

**PART II—Section 1**

**PUBLISHED BY AUTHORITY**

---

**No. 11 ] NEW DELHI, FRIDAY, MAY 1, 1953**

---

**MINISTRY OF LAW**

*New Delhi, the 2nd May, 1953*

The following Act of Parliament received the assent of the President on the 1st May, 1953 and is hereby published for general information:—

**THE CONSTITUTION (SECOND AMENDMENT) ACT, 1952**

[1st May, 1953]

An Act further to amend the Constitution of India.

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Constitution (Second Amendment) Act, 1952.

**2. Amendment of article 81.**—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.

---

K. Y. BHANDARKAR,  
*Secy. to the Govt. of India.*

The Gazette  of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

---

No. 10] NEW DELHI, TUESDAY, FEBRUARY 22, 1955

---

MINISTRY OF LAW

*New Delhi, the 22nd February 1955*

The following Act of Parliament received the assent of the President on the 22nd February, 1955 and is hereby published for general information:—

THE CONSTITUTION (THIRD AMENDMENT)  
ACT, 1954

[22nd February, 1955]

An Act further to amend the Constitution of India.

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

**1. Short title.**—This Act may be called the Constitution (Third Amendment) Act, 1954.

**2. Amendment of the Seventh Schedule.**—In the Seventh Schedule to the Constitution, for entry 33 of List III, the following entry shall be substituted, namely:—

“33. Trade and commerce in, and the production, supply and distribution of.—

(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.”

K. Y. BHANDARKAR,  
*Secy. to the Govt. of*

The Gazette  of India

EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

---

No. 27] NEW DELHI, THURSDAY, APRIL 28, 1955

---

MINISTRY OF LAW

*New Delhi, the 28th April, 1955*

The following Act of Parliament received the assent of the President on the 27th April, 1955 and is hereby published for general information:—

THE CONSTITUTION (FOURTH AMENDMENT)  
ACT, 1955  
[27th April 1955]

An Act further to amend the Constitution of India

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. 1**

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.”

Amendment  
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:—

Substitution  
of new article  
for article  
305.

“305. Nothing in 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.”

Saving of  
existing laws  
and laws  
providing  
for State  
monopolies.

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

Amendment  
of the Ninth  
Schedule.

“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.”

K. Y. BHANDARKAR,  
*Secy. to the Govt. of India.*



The Gazette of India



**EXTRAORDINARY**

**PART II—Section 1**

**PUBLISHED BY AUTHORITY**

---

**No. 63 ] NEW DELHI, MONDAY, DECEMBER 26, 1955**

---

**MINISTRY OF LAW**

*New Delhi, the 26th December, 1955*

The following Act of Parliament received the assent of the President on the 24th December, 1955 and are hereby published for general information:—

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

[24th December, 1955]

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

**Enacted by Parliament in the Sixth Year of the Republic of India as follows:—**

**1. This Act may be called the Constitution (Fifth Amendment) Short title Act, 1955.**

**2. In article 3 of the Constitution, for the proviso, the following Amendment of proviso shall be substituted, namely:—**

“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.”.

K. Y. BHANDARKAR,  
*Secy. to the Govt. of India.*

---

The Gazette  of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

12-12, 56

No. 52] NEW DELHI, TUESDAY, SEPTEMBER 11, 1956

MINISTRY OF LAW

*New Delhi, the 11th September, 1956*

The following Act of Parliament received the assent of the President on the 11th September, 1956 and is hereby published for general information:—

THE CONSTITUTION (SIXTH AMENDMENT) ACT,  
1956

[11th September, 1956]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Sixth Amendment) Act, 1956. Short title.

2. In the Seventh Schedule to the Constitution,—

(a) in the Union List, after entry 92, the following entry shall be inserted, namely:—

Amendment  
of the  
Seventh  
Schedule.

“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

(b) in the State List, for entry 54, the following entry shall be substituted, namely:—

“54. Taxes on the sale or purchase of goods other than newspapers, subject to the provisions of entry 92A of List I.”.

Amendment  
of article  
269.

3. In article 269 of the Constitution,—

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

“(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

(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.”.

Amendment  
of article  
286.

4. In article 286 of the Constitution,—

(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.”.

K. Y. BHANDARKAR,  
*Secy. to the Govt. of India*

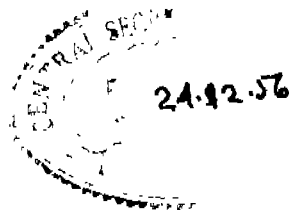
The Gazette of India



EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY



**No. 60] NEW DELHI, FRIDAY, OCTOBER 19, 1956**

**MINISTRY OF LAW**

*New Delhi, the 19th October, 1956*

The following Act of Parliament received the assent of the President on the 19th October, 1956 and is hereby published for general information:—

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

[19th October, 1956]

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

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 com-  
mencement.

(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:—

Amendment  
of article 1  
and First  
Schedule.

“(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]

#### I. THE STATES

<i>Name</i>	<i>Territories</i>
1. Andhra Pradesh . . . . .	The territories specified in sub-section (1) of section 3 of the Andhra State Act, 1953 and the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956.
2. Assam . . . . .	The territories which immediately before the 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 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 section 9 of the States Reorganisation Act, 1956.

<i>Name</i>	<i>Territories</i>
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 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 of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (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.

<i>Name</i>	<i>Territories</i>
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

<i>Name</i>	<i>Extent</i>
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 Commissioners' 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."

**Amendment  
of article 80  
and Fourth  
Schedule.**

### 3. (1) In article 80 of the Constitution,—

(a) in sub-clause (b) of clause (1), after the 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 and Kashmir	...	4
15. Delhi	...	3
16. Himachal Pradesh	..	2
17. Manipur	...	1
18. Tripura	..	1
<b>TOTAL</b>		220".

Substitution  
of new arti-  
cles for  
articles 81  
and 82.

Composition  
of the House  
of the  
People.

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

“81. (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.

Readjust-  
ment after  
each census.

82. Upon the completion of each census, the allocation of seats in the House of the People to the States 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 House of the People until the dissolution of the then existing House.”.

Amendment  
of article 131

5. In article 131 of the Constitution, for the proviso, the following proviso shall be substituted, namely:—

“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.

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

Substitution  
of new  
article for  
article 170.

“170. (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.

Composition  
of the Legis-  
lative Assem-  
blies.

(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.

Amendment of article 216. **11.** In article 216 of the Constitution, the proviso shall be omitted.

Amendment of article 217. **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:—

"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".

Substitution of new article for article 220. **13.** For article 220 of the Constitution, the following article shall be substituted, namely:—

Restriction on practice after being a permanent Judge. "220. 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.

*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."

Amendment of article 222. **14.** In article 222 of the Constitution,—  
 (a) in clause (1), the words "within the territory of India" shall be omitted; and  
 (b) clause (2) shall be omitted.

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

Appointment of additional and acting Judges. "224. (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.”.

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

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

“230. (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.

Extension of jurisdiction of High Courts to Union territories.

(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. (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.

Establishment of a common High Court for two or more States.

(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 situate; 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.”.

Amendment  
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:—

Administra-  
tion of  
Union  
territories.

"239. (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.

Power of  
President to  
make regula-  
tions for cer-  
tain Union  
territories.

240. (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."

Insertion of  
new article  
258A.

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

Power of  
the States  
to entrust  
functions to  
the Union.

"258A. 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 of the State extends."

Insertion of  
new article  
290A.

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

Annual pay-  
ment to  
certain  
Devaswom  
Funds.

"290A. 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.”.

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

Substitution of new article for article 298.

“298. 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:

Power to carry on trade, etc.

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.”.

21. After article 350 of the Constitution, the following articles shall be inserted, namely:—

Insertion of new articles 350A and 350B.

“350A. It shall be the endeavour of every 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.

Facilities for instruction in mother-tongue at primary stage.

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

Special Officer for linguistic minorities.

(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.”.

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

Special provision with respect to the States of Andhra Pradesh, Punjab and Bombay.

“371. (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 order to secure the proper functioning of 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:—

Power of the President to adapt laws.

“372A. (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:—

"378A. 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."

insertion of  
new article  
378A.  
Special  
provision  
as to duration  
of Andhra  
Pradesh  
Legislative  
Assembly.

25. In the Second Schedule to the Constitution,—

(a) in the heading of Part D, the words and letter "in States in Part A of the First Schedule" shall be omitted;

(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 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

(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.

Amendment  
of Second  
Schedule.

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.”.

Modification of entries in the Lists relating to acquisition and requisitioning of property.

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.”.

Amendment of certain provisions relating to ancient and historical monuments, 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.

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.

Amendment of entry 24 of State List.

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.

Consequential and minor amendments and repeals and savings.

(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 58.*—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 and 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 Part B of the First Schedule”.

*Omit article 259.*

*Article 264.*—For article 264, substitute—

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

Interpretation.

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

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

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

*Article 270.*—In clauses (2) and (3), for “States specified in Part C of the First Schedule” substitute “Union territories”.

*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 Schedule” 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 any 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 379 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.”

K. V. K. SUNDARAM,  
*Secy. to the Govt. of India.*



The Gazette  of India

EXTRAORDINARY  
PART II—Section 1,  
PUBLISHED BY AUTHORITY

No. 1] NEW DELHI, WEDNESDAY, JANUARY 6, 1960/PAUSA 16, 1881

MINISTRY OF LAW  
(Legislative Department)

*New Delhi, the 6th January, 1960/Pausa 16, 1881 (Saka)*

The following Act of Parliament received the assent of the President on the 5th January, 1960, and is hereby published for general information:—

THE CONSTITUTION (EIGHTH AMENDMENT) ACT,  
1959

[5th January, 1960]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Eighth Amendment) Act, 1959. Short title.
2. In article 334 of the Constitution, for the words "ten years", the words "twenty years" shall be substituted. Amendment of article 334.

G. R. RAJAGOPAL, Secy.

( 1 )

THE CONSTITUTION (NINTH AMENDMENT)  
ACT, 1960

[28th December, 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.

**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.

**Definitions.** 2. In this Act,—

(a) “appointed day” means such date<sup>1</sup> 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.

**Amendment of the First Schedule to the Constitution.**

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

(a) in the paragraph relating to the territories of the State of Assam, the words, brackets and figures “and the territories

<sup>1</sup>17-1-1961 for Pt. II of the Sch. I, *vide* Notification No. G.S.R. 73, dated 14-1-1961, Gazette of India, Pt. II, Sec. 3 (i), p. 15.

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

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

### PART III

The transferred territory in relation to item (3), item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of

---

<sup>1</sup> 17-1-1961, *vide* foot-note on pre-page.

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 }  
24 Parganas—Jessore } Boundary 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, <i>Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.</i>	(Sd.) M. J. DESAI, <i>Commonwealth Secretary, Ministry of External Affairs, Government of India.</i>
---	---

NEW DELHI, THE 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 a hill top marked B (H523529); 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 (H540494); thence in south-westerly direction up the mid-stream of Gandhai Nala to a point H (H533482); thence in a south-westerly direction up a spur and along the ridge to a point I (H517460); thence in a southerly direction to a point on the ridge marked J (H518455); 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 (H500428); thence in a south and south-westerly direction along the same ridge to a point marked L (H496420); thence in a south-easterly direction along the same ridge to a point marked M (H499417); thence in 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 (H487393); thence 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 Bura-cherra marked O (H484344); 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 (H473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y (H473263); along the Radcliffe Line BA.

The line described above has been plotted on two copies of topographical map sheets Nos. 83D/5, 83D/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 Cvril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

(i) *Theh Sarja Marja, 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 (Ferozepur—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 I.

\* \* \* \* \*

(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.

---



The Gazette  of India

EXTRAORDINARY  
PART II—Section 3—Sub-section (i)  
PUBLISHED BY AUTHORITY

---

[N. 7 NEW DELHI, SATURDAY, JANUARY 14, 1961/PAUSA 24 1882

---

MINISTRY OF EXTERNAL AFFAIRS  
NOTIFICATIONS

*New Delhi, the 14th January 1961*

**G.S.R. 73.**—In exercise of the powers conferred by Clause (a) of Section 2 of the Constitution (Ninth Amendment) Act, 1960, the Central Government hereby appoints the 17th (seventeenth) day of January, 1961, as the date for the transfer from the State of Punjab to Pakistan of the territories referred to in Part II of the First Schedule to that Act.

[No. 4(5)-Pak. III/60(I).]

**G.S.R. 74.**—In exercise of the powers conferred by Clause (b) of Section 2 of the Acquired Territories (Merger) Act, 1960 (64 of 1960), the Central Government hereby appoints the 17th (seventeenth) day of January, 1961, as the date for the merger in the State of Punjab of the acquired territories referred to in Part II of the First Schedule to that Act.

[No. 4(5)-Pak. III/60(II).]

Y. D. GUNDEVIA, Secy.

The Gazette  of India

EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

No. 35] NEW DELHI, THURSDAY, AUGUST 17, 1961/SR VANA 2 3

MINISTRY OF LAW  
(Legislative Department)

*New Delhi, the 17th August, 1961/Sravana 26, 1883 (Saka)*

The following Act of Parliament received the assent of the President on the 16th August, 1961, and is hereby published for general information:—

THE CONSTITUTION (TENTH AMENDMENT) ACT,  
1961

[16th August, 1961]

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Tenth Amendment) Act, 1961.

Short title and commencement.

(2) It shall be deemed to have come into force on the 11th day of August, 1961.

2. In the First Schedule to the Constitution, under the heading "THE UNION TERRITORIES", after entry 6, the following entry shall be inserted, namely:—

Amendment of the First Schedule to the Constitution.

"7. Dadra and Nagar Haveli. The territory which immediately before the eleventh day of August, 1961 was comprised in Free Dadra and Nagar Haveli."

Amendment  
of article  
240.

3. In article 240 of the Constitution, in clause (1), after entry (b), the following entry shall be inserted, namely:—

“(c) Dadra and Nagar Haveli.”

---

R. C. S. SARKAR,  
*Secy. to the Govt. of India.*

The Gazette  of India

EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

No. 65] NEW DELHI, WEDNESDAY, DECEMBER 20, 1961/AGRAHAYANA 29, 1883

MINISTRY OF LAW  
(Legislative Department)

New Delhi, the 20th December, 1961/Agrahayana 29, 1883 (Saka)

The following Act of Parliament received the assent of the President on the 19th December, 1961, and is hereby published for general information:—

THE CONSTITUTION (ELEVENTH AMENDMENT)  
ACT, 1961

[19th December, 1961]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Eleventh Amendment) Act, 1961. Short title.

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 both Houses of Parliament” shall be substituted. Amendment of article 66.

3. In article 71 of the Constitution, after clause (3), the following clause shall be inserted, namely:— Amendment of article 71.

“(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.”

R. C. S. SARKAR,  
Secy. to the Govt. of India.

164/6

# The Gazette of India



सत्यमेव जयते

EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

No. 6] NEW DELHI, WEDNESDAY, MARCH 28, 1962/CHAITRA 7, 1884

MINISTRY OF LAW

(Legislative Department)

*New Delhi, the 28th March, 1962/Chaitra 7, 1884 (Saka)*

The following Act of Parliament received the assent of the President on the 27th March, 1962, and is hereby published for general information:—

THE CONSTITUTION (TWELFTH AMENDMENT)  
ACT, 1962

[27th March, 1962]

An Act further to amend the Constitution of India.

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 (Twelfth Amendment) Act, 1962. Short title and commencement.

(2) It shall be deemed to have come into force on the 20th day of December, 1961.

2. In the First Schedule to the Constitution, under the heading "THE UNION TERRITORIES", after entry 7, the following entry shall be inserted, namely:— Amendment of the First Schedule to the Constitution.

"8. Goa, Daman and Diu.

The territories which immediately before the twentieth day of December, 1961 were comprised in Goa, Daman and Diu."

Amendment  
of article  
240.

3. In article 240 of the Constitution, in clause (1), after entry (c), the following entry shall be inserted, namely:—

“(d) Goa, Daman and Diu.”

---

R. C. S. SARKAR,  
*Secy. to the Govt. of India.*

# The Gazette of India



EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

No. 7a] NEW DELHI, SATURDAY, DECEMBER 29, 1962/PAUSA 8, 1884

MINISTRY OF LAW  
(Legislative Department)

New Delhi, the 29th December, 1962/Pausa 8, 1884 (Saka)

The following Acts of Parliament received the assent of the President on the 28th December, 1962, and are hereby published for general information:—

THE CONSTITUTION (THIRTEENTH AMENDMENT)  
ACT, 1962

[28th December, 1962]

An Act further to amend the Constitution of India

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:—

“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,

Amendment of Part XXI.

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 Governor 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 judgment 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 judgment, 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 judgment:

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 qualifications 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 services, 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 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 provisions 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 articles 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 member 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 districts.

(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.”

27 of 1962

## THE CONSTITUTION (FOURTEENTH AMENDMENT) ACT, 1962

[28th December, 1962]

An Act further to amend the Constitution of India

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

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

2. In article 81 of the Constitution, in sub-clause (b) of clause (1), Amendment of article 81.  
for the words "twenty members", the words "twenty-five members" shall be substituted.

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:— Amendment of the First Schedule.

"9. Pondicherry: The territories which immediately before the sixteenth day of August, 1962, were comprised in the French Establishments

in India known as Pondicherry, Karikal, Mahe and Yanam.”.

Insertion of new article 239A.

Creation of local Legislatures or Council of Ministers or both for certain Union territories.

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.

(2) Any such law as is referred to in clause (1) 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.”

Amendment 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.”

Amendment of the Fourth Schedule.

6. In the Fourth Schedule to the Constitution, in the Table,—

(a) after entry 20, the entry

“21. Pondicherry... 1” 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.

S. P. SEN-VARMA,

*Jt. Secy. to the Govt. of India.*

The Gazette  of India

EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

---

No. 31] NEW DELHI, MONDAY, OCTOBER 7, 1963/ASVINA 15, 1885

---

MINISTRY OF LAW  
(Legislative Department)

New Delhi, the 7th October, 1963/Asvina 15, 1885 (Saka)

The following Acts of Parliament received the assent of the President on the 5th October, 1963, and are hereby published for general information:—

THE CONSTITUTION (FIFTEENTH AMENDMENT)  
ACT, 1963

[5th October, 1963]

An Act further to amend the Constitution of India.

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

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

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,—

(a) in clause (1), for the words “sixty years”, the words “sixty-two years” shall be substituted; Amendment of article 217.

(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.”.

Amendment  
of article  
222.

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

“(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:—

Appoint-  
ment 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 a 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 word, 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 clauses 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.

(3) 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.”.

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

“(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 case of a State Commission, may appoint for the purpose."

Amendment  
of the  
Seventh  
Schedule.

12. In the Seventh Schedule to the Constitution, in List I, 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.

## THE CONSTITUTION (SIXTEENTH AMENDMENT) ACT, 1963

[5th October, 1963]

An Act further to amend the Constitution of India.

Enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Sixteenth Amendment) Act, 1963.

Amendment  
of  
article 19.

2. In article 19 of the Constitution,—

(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.

Amendment  
of  
article 84.

3. In article 84 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;"

Amendment  
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;"



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:—

Amend-  
ment of  
Third  
Schedule.

### 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 that I will bear true solemnly affirm 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 that I will bear true solemnly affirm 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 that I will bear true  
solemnly affirm  
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 that I will bear true  
solemnly affirm  
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.”’.

---

S. P. SEN-VARMA,  
*Special Secy. to the Govt. of India.*

The Gazette  of India

EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

---

No. 26] NEW DELHI, SATURDAY, 20, JUNE 1964/JYAISTHA 30, 1886

---

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

---

MINISTRY OF LAW  
(Legislative Department)

*New Delhi, the 20th June, 1964 /Jyaistha 30, 1886 (Saka)*

The following Act of Parliament received the assent of the President on the 20th June, 1964, and is hereby published for general information:—

THE CONSTITUTION (SEVENTEENTH AMENDMENT)  
ACT, 1964

[20th June, 1964]

An Act further to amend the Constitution of India

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

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

2. In article 31A of the Constitution,—

(i) in clause (1), after the existing proviso, the following proviso shall be inserted, namely:— Amendment of article 31A.

“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 compen-

sation 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 ryotwari settlement;

(iii) any land held or let for purposes 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;’.

Amendment  
of Ninth  
Schedule.

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

- “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 Mehwassli Estates (Proprietary Rights Abolition, etc.) Regulation, 1962 (Gujarat Regulation I of 1962).
33. The Gujarat Surviving Alienations 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 I 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 XXXVIII 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 of Ceiling on Land Holdings Act, 1960 (Uttar Pradesh Act I of 1961).

59. The West Bengal Estates Acquisition Act, 1953 (West Bengal Act I 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.”

---

S. P. SEN-VARMA,  
*Special Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड-1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

---

सं० 31] नई दिल्ली, सोमवार, अगस्त 29, 1966/भाद्र 7, 1888  
No. 31] NEW DELHI, MONDAY, AUGUST 29, 1966/BHADRA 7, 1888

---

इस भाग में भिन्न पृष्ठ सख्या दी जाती हैं जिससे कि यह खण्ड संकलन के रूप में रखा जा सके ।  
Separate paging is given to this Part in order that it may be filed as  
a separate compilation.

---

**MINISTRY OF LAW**  
(Legislative Department)

*New Delhi, the 29th August, 1966, Bhadra 7, 1888 (Saka)*

The following Act of Parliament received the assent of the President on the 27th August, 1966, and is hereby published for general information:—

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

[27th August, 1966]

An Act further to amend the Constitution of India.

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

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



Amendment  
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.’

---

S. P. SEN-VARMA,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II-खण्ड-1

PART II—Section 1

प्रतिभार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 51] नई दिल्ली, रजिस्ट्री, विसम्बर 11, 1966/अग्रहण 20, 1888 (सका)  
No. 51] NEW DELHI, SUNDAY, DECEMBER 11, 1966/Agrahayana 20, 1888 (saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW  
(Legislative Department)

*New Delhi, the 11th December, 1966/Agrahayana 20, 1888 (Saka)*

The following Act of Parliament received the assent of the President on the 11th December, 1966, and is hereby published for general information:—

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

[11th December, 1966]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Nineteenth Amend- Short title,  
ment) Act, 1966.

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

S. P. SEN-VARMA,  
Secy. to the Govt. of India.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II-खण्ड-1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 62] नई दिल्ली, शुक्रवार, दिसम्बर 23, 1966/पौष 2, 1888

No. 62) NEW DELHI, FRIDAY, DECEMBER 23, 1966/PAUSA 2, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

*New Delhi, the 23rd December, 1966/Pausa 2, 1888 (Saka)*

The following Act of Parliament received the assent of the President on the 22nd December, 1966, and is hereby published for general information:—

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

[22nd December, 1966]

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

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

1. This Act may be called the Constitution (Twentieth Amend- Short title.  
ment) Act, 1966.

Insertion  
of new  
article  
233A.

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

Validation  
of appoint-  
ments of,  
and  
judgments,  
etc.,  
delivered  
by, certain  
district  
judges.

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

(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.”

S. P. SEN-VARMA,  
*Secy. to the Govt. of India.*

#### ERRATA

In the Companies (Second Amendment) Act, 1966 (No. 37 of 1966) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 5th December, 1966, at page 549,—

(i) in the notification, for “5th December, 1966”, read “4th December, 1966”;

(ii) for “[5th December, 1966]”, read “[4th December, 1966]”.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II-खण्ड-1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 11] नई दिल्ली, सोमवार, अप्रैल 10, 1967/चैत्र 20, 1889  
No. 11] NEW DELHI, MONDAY, APRIL, 10, 1967/CHAITRA 20, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW  
(Legislative Department)

*New Delhi, the 10th April, 1967/Chaitra 20, 1889 (Saka)*

The following Act of Parliament received the assent of the President on the 10th April, 1967, and is hereby published for general information:—

**THE CONSTITUTION (TWENTY-FIRST AMENDMENT)  
ACT, 1967**

[10th April, 1967]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Twenty-first Amendment) Act, 1967. Short title.

2. In the Eighth Schedule to the Constitution,—

- (a) entries 12 to 14 shall be re-numbered as entries 13 to 15 respectively, and Amendment of Eighth Schedule.
- (b) before entry "13" as so re-numbered, the entry "12. Sindh." shall be inserted

S. P. SEN-VARMA,  
Secy. to the Govt. of India.

(99)

(B)



# भारत का राजपत्र

## The Gazette of India

प्रसाधारण  
EXTRAORDINARY

भाग II—खंड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 49]

नई दिल्ली, शुक्रवार, सितम्बर 26, 1969/अश्विन 4, 1891

No. 49]

NEW DELHI, FRIDAY, SEPTEMBER 26, 1969/ASVINA 4, 1891

इस भाग में अलग पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 26th September, 1969|Asvina 4, 1891 (Saka)

The following Act of Parliament received the assent of the President on the 25th September, 1969, and is hereby published for general information:—

THE CONSTITUTION (TWENTY-SECOND AMENDMENT)  
ACT, 1969

[25th September, 1969.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Twenty-second Amendment) Act, 1969.

Short  
title.

Insertion  
of new  
article  
244A.

2. In Part X of the Constitution, after article 244, the following article shall be inserted, namely:—

Formation  
of an  
autono-  
mous  
State  
compris-  
ing cer-  
tain tri-  
bal areas  
in Assam  
and  
creation  
of local  
Legis-  
lature  
or  
Council  
of Minis-  
ters or  
both  
there-  
for.

“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 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.

(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 grants-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:—

Insertion  
of new  
article  
371B

"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."

Special  
provision  
with  
respect  
to the  
State  
of  
Assam

N. D. P. NAMBOODIRIPAD,  
*Joint Secy. to the Govt. of India.*



  
**भारत का राजपत्र**  
**The Gazette of India**

प्रसाधारण

EXTRAORDINARY

भाग II-खंड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

No. 1] NEW DELHI, FRIDAY, JANUARY 23, 1970/MAGHA 3, 1891  
नं० 1] नई दिल्ली, शुक्रवार, जनवरी 23, 1970/साघ 3, 1891

इस भाग में अभ्य पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

*Separate paging is given to this Part in order that it may be filed  
as a separate compilation.*

MINISTRY OF LAW

(Legislative Department)

*New Delhi, the 23rd January, 1970/Magha 3, 1891 (Saka)*

The following Act of Parliament received the assent of the President on the 23rd January, 1970, and is hereby published for general information:—

THE CONSTITUTION (TWENTY-THIRD AMEND-  
MENT) ACT, 1969

[23rd January, 1970]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Twenty-third 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.

Amend-  
ment  
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 the Constitution, for the words "twenty years", the words "thirty years" shall be substituted.

N.D.P. NAMBOODIRIPAD,  
*Joint Secy. to the Govt. of India.*

Division	
Acc	1081
Dr.	5-11-71
Cal.	
Proc	
Date	



# भारत का राजपत्र The Gazette of India

प्रसाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 51] नई दिल्ली, शुक्रवार, नवम्बर 5, 1971/कार्तिक 14, 1893  
No. 51] NEW DELHI, FRIDAY, NOVEMBER 5, 1971, KARTIKA 14, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 5th November, 1971/Kartika 14, 1893 (Saka)

The following Act of Parliament received the assent of the President on the 5th November, 1971, and is hereby published for general information:—

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

[5th November, 1971.]

An Act further to amend the Constitution of India.

Enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

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

Short title.

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.”.

N. D. P. NAMBOODIRIPAD,  
*Joint Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 20]

नई दिल्ली, बुधवार, अप्रैल 20, 1972/चैत्र 31, 1894

No. 20]

NEW DELHI, THURSDAY, APRIL 20, 1972/CHAITRA 31, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th April, 1972/Chaitra 31, 1894 (Saka)

The following Act of Parliament received the assent of the President on the 20th April, 1972, and is hereby published for general information:—

THE CONSTITUTION (TWENTY-FIFTH AMENDMENT)  
ACT, 1971

An Act further to amend the Constitution of India.

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-fifth Amendment) Act, 1971. Short title.

2. In article 31 of the Constitution,—

(a) for clause (2), the following clause shall be substituted, Amendment of article 31.  
namely:—

“(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:

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 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).”.

Insertion  
of new  
article  
31C.

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

Saving  
of laws  
giving  
effect to  
certain  
directive  
principles.

“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:

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.”.

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 Legislatures 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.

**K. K. SUNDARAM,**  
*Joint Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

28  
25/12/71 2

सं० 91] नई दिल्ली, बुधवार, दिसम्बर 29, 1971/पौष 8, 1893  
No. 91] NEW DELHI, WEDNESDAY, DECEMBER 29th, 1971/PAUSA 8, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

**MINISTRY OF LAW AND JUSTICE**  
(Legislative Department)

*New Delhi, the 29th December, 1971/Pausa 8, 1893 (Saka)*

The following Act of Parliament received the assent of the President on the 28th December, 1971, and is hereby published for general information:—

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

[28th December, 1971]

An Act further to amend the Constitution of India

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.

2. Articles 291 and 362 of the Constitution shall be omitted.

3. After article 363 of the Constitution, the following article shall be inserted, namely:—

“363A. Notwithstanding anything in this Constitution or in any law for the time being in force—

(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;

Short title.

Omission of articles 291 and 362.

Insertion of new article 363A.

Recognition granted to Rulers of Indian States to cease and privy purses to be abolished.

(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, the successor of such Ruler, referred to in clause (a) or any other person shall not be paid any sum as privy purse."

Amend-  
ment of  
article  
366.

4. In article 366 of the Constitution, for clause (22), the following clause shall be substituted, namely:—

'(2) "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;'

---

N. D. P. NAMBOODIRIPAD,  
*Joint Secy. to the Govt. of India.*



  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 100] नई दिल्ली, शुक्रवार, दिसम्बर 31, 1971/पौष 10, 1893  
No. 100] NEW DELHI, FRIDAY, DECEMBER 31, 1971/PAUSA 10, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
*Separate paging is given to this Part in order that it may be filed as a separate compilation.*

**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

*New Delhi, the 31st December, 1971/Pausa 10, 1893 (Saka)*

The following Act of Parliament received the assent of the President on the 30th December, 1971, and is hereby published for general information:—

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

[ 30th December, 1971 ]

An Act further to amend the Constitution of India.

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  
commen-  
cement.

(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.

Amend-  
ment of  
article  
239A.

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

Insertion  
of new  
article  
239B.

Power of administrator to promulgate Ordinances during recess of Legislature.

"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 as 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 provision 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 is referred to in clause (1) of article 239A, it shall be void."

Amendment of article 240.

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 of any action taken under any such law as is referred to in clause (1) of article 239A, the President may, during the period of such dissolution or suspension, make regu-

lations 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.

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

insertion  
of new  
article  
371C.

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.

Special  
provision  
with res-  
pect to the  
State of  
Manipur.

(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’.

N. D. P. NAMBOODIRIPAD,  
*Joint Secy. to the Govt. of India.*

#### CORRIGENDUM

THE WEST BENGAL MOLASSES CONTROL (RE-ENACTING) ACT, 1971  
(President's Act 25 of 1971)

(As published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 30th December, 1971).

In Reasons for the Enactment, in paragraph 2 and 3, for “West Bengal State Legislature (Delegation of Powers) Act, 1970 (17 of 1970)” read “West Bengal State Legislature (Delegation of Powers) Act, 1971 (31 of 1971)”.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY  
भाग II—खण्ड 3—उपखण्ड (1)  
PART II—Section 3—Sub-section (1)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 50] नई दिल्ली, सोमवार, फरवरी 14, 1972/भाग 25, 1893  
No 50] NEW DELHI, MONDAY, FEBRUARY 14, 1972/MAGHA 25, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

**MINISTRY OF HOME AFFAIRS**  
**NOTIFICATION**

*New Delhi, the 14th February 1972*

G.A.R. 73(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Twenty-seventh Amendment) Act, 1971, the Central Government hereby appoints the 15th day of February, 1972 as the date on which the provisions of the said Act (other than sections 1 and 3 which have already come into force) shall come into force.

[No. F. 11/5/72-SR.]

M. G. PIMPUTKAR, Spl. Secy.

गृह मंत्रालय

प्रधिनियम।

नई दिल्ली, 14 फरवरी, 1972

सांकांनि० 73(ख).—संविधान (सत्ताईसवा संशोधन) अधिनियम, 1971, की धारा 1 की उप-धारा (2) द्वारा प्रबल शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, 15 फरवरी, 1972 को, ऐसी तारीख के रूप में एतद्वारा नियत करती है, जिसको उक्त अधिनियम के उपबंध (धारा 1 प्रौर 3 से भिन्न, जो पहले ही प्रवृत्त हो गई हैं) प्रवृत्त होंगे।

(सं० 11/5/72—एस० धार०)

मं० ग० पिपुटकर, विशेष सचिव।



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्रतिष्ठान से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 48] नई दिल्ली, सोमवार, अगस्त 28, 1972/भाद्र 6, 1894  
No. 48] NEW DELHI, MONDAY, AUGUST 28, 1972/BHADRA 6, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th August, 1972/Bhadra 6, 1894 (Saka)

The following Act of Parliament received the Assent of the President on the 27th August, 1972, and is hereby published for general information:—

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

[27th August, 1972]

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

Enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

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

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 312 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 312A.

“312A. (1) Parliament may by law—

Power of Parliament to vary or revoke conditions of service of officers of certain services.

(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;

(b) vary or revoke, whether prospectively or retrospectively, the conditions of service 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.

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 Legislatures 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.

K. K. SUNDARAM,

*Joint Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

---

सं० 221] नई दिल्ली, मंगलवार, अगस्त 29, 1972/भाद्र 7, 1894

No. 221] NEW DELHI, TUESDAY, AUGUST 29, 1972/BHADRA 7, 1894

---

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

---

CABINET SECRETARIAT

(Department of Personnel)

NOTIFICATION

*New Delhi, the 29th August, 1972*

**G.S.R. 391(E)**:- In exercise of the powers conferred by sub-section (2) of Section 1 of the Constitution (Twenty-eighth Amendment) Act, 1972, the Central Government hereby appoints the 29th day of August, 1972, as the date on which the said Act shall come into force.

[No. 14/2/72-AIS(II).]

SHRAVAN KUMAR, Jt. Secy.

( 1029 )



THE CONSTITUTION (TWENTY-NINTH AMENDMENT)  
ACT, 1972

[9th June, 1972]

An Act further to amend the Constitution of India.

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 (Twenty-ninth Amendment) Act, 1972. Short title.

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

“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).”



# भारत का राजपत्र The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, बुधवार, फरवरी 22, 1973/फाल्गुन 3, 1894

No. 3] NEW DELHI, THURSDAY, FEBRUARY 22, 1973/PHALGUNA 3, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग सकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 22nd February, 1973/Phalgun 3, 1894 (Saka)

The following Act of Parliament received the assent of the President on the 22nd February, 1973, and is hereby published for general information:—

THE CONSTITUTION (THIRTIETH AMENDMENT)  
ACT, 1972

[22nd February, 1973.]

An Act further to amend the Constitution of India.

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

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.

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 judgment, 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.”

Short  
title  
and com-  
mence-  
ment.

Amend-  
ment of  
article  
133.

Special  
provision  
as to  
pending  
proceed-  
ings, etc.

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

(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 judgment, 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 judgment, 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.

---

K. K. SUNDARAM,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

---

सं० 44] नई दिल्ली, मंगलवार, फरवरी 27, 1973/फाल्गुन 8, 1894  
No. 44] NEW DELHI, TUESDAY, FEBRUARY 27, 1973/PHALGUNA 8, 1894

---

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

---

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Legal Affairs)

NOTIFICATION

*New Delhi, the 27th February 1973*

G.S.R No. 73(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Thirtieth Amendment) Act, 1972, the Central Government hereby appoints the 27th day of February 1973 as the date on which the said Act shall come into force.

[No. F. 40(2)/72-J.]

P. G. GOKHALE, Jt. Secy. and Legal Adviser.

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

अधिसूचना

नई दिल्ली, 27 फरवरी, 1973

सा० का० नि० 73 (अ).—संविधान (तीसरा संशोधन) अधिनियम, 1972 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 27 फरवरी, 1973 को उस तारीख के रूप में नियत करती है जिम तारीख को उक्त अधिनियम प्रवृत्त होगा ।

[सं० फ० 40(2)/72-जे]

पी० जी० गोखले,

संयुक्त सचिव और विधि सलाहकार ।

( 235 )



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II —खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 56] नई दिल्ली, बुधवार, अक्टूबर 17, 1973/आश्विन 25, 1895  
No. 56] NEW DELHI, WEDNESDAY, OCTOBER 17, 1973/ASVINA 25, 1895

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

The following Act of Parliament received the assent of the President on the 17th October, 1973, and is hereby published for general information:—

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

[ 17th October, 1973 ]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Thirty-first Amendment) Act, 1973. Short title
2. In article 81 of the Constitution,— Amend-  
ment of  
article 81.
  - (a) in clause (1),—
    - (i) in sub-clause (a), for the words “five hundred members”, the words “five hundred and twenty-five members” shall be substituted; and
    - (ii) in sub-clause (b), for the words “twenty-five members”, the words “twenty members” shall be substituted;
  - (b) in clause (2), after sub-clause (b), the following proviso shall be inserted, namely:—
 

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.”.
3. (1) In article 330 of the Constitution -- Amend-  
ment of  
article  
330.
  - (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:—

“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 subsection (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.

Amend-  
ment of  
article  
332.

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.

(2) The amendment made to article 332 of the Constitution by subsection (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.

K. K. SUNDARAM,

*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 29] नई दिल्ली, शक्रवार, मई 3, 1974/वैशाख 13, 1896  
No. 29] NEW DELHI, FRIDAY, MAY 3, 1974/VAISAKHA 13, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

*New Delhi, the 3rd May, 1974/Vaisakha 13, 1896 (Saka)*

The following Act of Parliament received the assent of the President on the 3rd May, 1974, and is hereby published for general information:—

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

[3rd May, 1974]

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Thirty-second Amendment) Act, 1973.

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

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.

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

"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.

Short  
title and  
commence-  
ment.

Amend-  
ment of  
article  
371.

Insertion  
of new  
articles  
371D and  
371E.

Special  
provisions  
with res-  
pect to the  
State of  
Andhra  
Pradesh.

(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, or any class or classes of 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 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 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 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 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.

(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 or 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 judgment, 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.

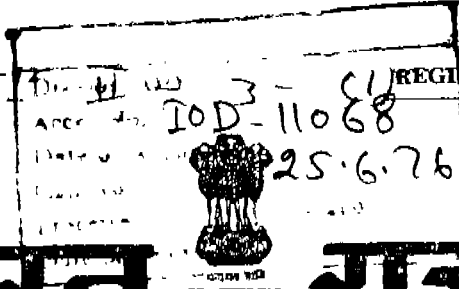
Establishment of Central University in Andhra Pradesh.

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 I, 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.

K. K. SUNDARAM,  
Secy. to the Govt. of India.



170  
12

# भारत का राजपत्र The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 169]

नई दिल्ली, सोमवार, जुलाई 1, 1974/आषाढ़ 10, 1896

No. 169]

NEW DELHI, MONDAY, JULY 1, 1974/ASADHA 10, 1896

इस भाग में भिन्न-पृष्ठ संख्या दी गयी है जिससे कि यह प्रलग्न संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF HOME AFFAIRS

NOTIFICATIONS

New Delhi, the 1st July 1974

G.S.R. 296(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Mulki Rules (Repeal) Act, 1973 (68 of 1973), the Central Government hereby appoints the 1st day of July, 1974, as the date on which the said Act shall come into force.

[No. 73/3/AP/73-POLL(K)]

गृह मंत्रालय

अधिसूचनाएं

नई दिल्ली, 1 जुलाई, 1974

सं० का० (नं० 296(अ)).—केन्द्रीय सरकार मुल्की नियम (निरसम) अधिनियम 1973 (1973 का 68) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, 1 जुलाई 1974 को उस तारीख के रूप में निश्चित करती है जिस तारीख को उक्त अधिनियम प्रवृत्त होगा।

[सं० 73/3/ए० पी०/73 पोल (के)]

**G.S.R. 297(E).**—In exercise of the powers conferred by sub-section (2) of Section 1 of the Constitution (Thirty-second Amendment) Act, 1973, the Central Government hereby appoints the 1st day of July, 1974 as the date on which the said Act shall come into force.

[No. 73/3/AP/73-POLL(K)]

T. C. A. SRINIVASAVARADAN, Addl. Secy.

सा० का० नि० 297(क)।—केन्द्रीय सरकार, संविधान (बतीसवां संशोधन) अधिनियम, 1973 की धारा 1 को उपधारा (2) द्वारा प्रदत्त मादितयों का प्रयोग करते हुए, 1 जुलाई, 1974 को उस तारीख के रूप में निश्चित करती है जिस तारीख को उक्त अधिनियम प्रवृत्त होगा।

[सं० 73/3/ए० पी०/73-पील (के)]

टी० सी० ए० श्रीनिवासवदन, प्रतिरिक्त सचिव।

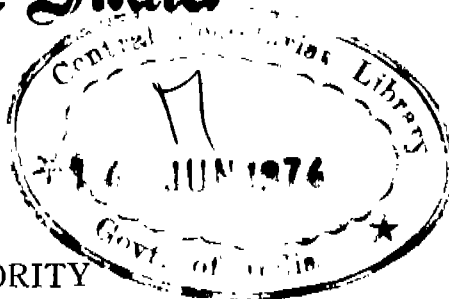


# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1  
प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



सं० 32]

नई दिल्ली, सोमवार, मई 20, 1974/वैशाख 30, 1896

No. 32]

NEW DELHI, MONDAY, MAY 20, 1974/VAISAKHA 30, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 20th May, 1974/Vaisakha 30, 1896 (Saka)

The following Act of Parliament received the assent of the President on the 19th May, 1974, and is hereby published for general information:—

THE CONSTITUTION (THIRTY-THIRD AMENDMENT)  
ACT, 1974

[19th May, 1974]

An Act further to amend the Constitution of India

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

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

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

(1) for sub-clause (b), the following sub-clause shall be substituted, namely:— Amendment of article 101.

“(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.”.

Amend-  
ment of  
article  
190.

3. In article 190 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 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.”.

---

K. K. SUNDARAM,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

प्रसाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 63]  
No. 63]

नई दिल्ली, शनिवार, सितम्बर 7, 1974/भाद्र 16, 1896  
NEW DELHI, SATURDAY, SEPTEMBER 7, 1974/BHADRA 16, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

*New Delhi, the 7th September, 1974/Bhadra 16, 1896 (Saka)*

The following Act of Parliament received the assent of the President on the 7th September, 1974, and is hereby published for general information:—

THE CONSTITUTION (THIRTY-FOURTH AMENDMENT)  
ACT, 1974

[7th September, 1974]

An Act further to amend the Constitution of India.

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

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

2. In the Ninth Schedule to the Constitution, after 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, 1 of 1973).

68. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1972 (Bihar Act I of 1973).

Short  
title.

Amend-  
ment of  
Ninth  
Schedule.

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).
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 Estates (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)."

K. K. SUNDARAM,  
*Secy. to the Govt. of India.*



THE CONSTITUTION (THIRTY-FIFTH AMENDMENT)  
ACT, 1974

[22nd February, 1975]

An Act further to amend the Constitution of India to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter-relationship.

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

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

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

Insertion of new article 2A.

“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.”

Sikkim to be associated with the Union.

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 80.

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.

Amendment of article 81.

Addition  
of Tenth  
Schedule.

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

### '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.**—(1) The Government of India—

(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 respects 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 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.

THE CONSTITUTION (THIRTY-SIXTH AMENDMENT)  
ACT, 1975

[16th May, 1975]

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Thirty-sixth Amendment) Act, 1975.

Short title and commencement.

(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."

4 26-4-1975:- The date on which the Bill, as passed by the House of People was passed by the Council of States.

Insertion  
of new  
article  
371F.

Special  
provisions  
with res-  
pect  
to the  
State of  
Sikkim.

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

“371F. Notwithstanding anything in this Constitution,—

(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 (hereafter 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 the 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 the 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.”.

Amend-  
ment of  
Fourth  
Schedule.

4. In the Fourth Schedule to the Constitution, in the Table,—

(a) after entry 21, the following entry shall be inserted, namely:—

“22. Sikkim 1”;

(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.

Conse-  
quential  
amend-  
ments.

5. The following consequential amendments shall be made in the Constitution, namely:—

(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.



THE CONSTITUTION (THIRTY-SEVENTH AMENDMENT)  
ACT, 1975

[3rd May, 1975.]

An Act further to amend the Constitution of India.

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

- |   |                            |
|---|----------------------------|
| 1. This Act may be called the Constitution (Thirty-Seventh Amendment) Act, 1975.  | Short title.               |
| 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 239A. |
| 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. | Amendment of article 240.  |



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 46] नई दिल्ली, शुक्रवार, अगस्त 1, 1975/श्रावण 10, 1897

No. 46] NEW DELHI, FRIDAY, AUGUST 1, 1975/SRAVANA 10, 1897

इस भाग में भिन्न पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 1st August, 1975/Sravana 10, 1897 (Saka)

The following Act of Parliament received the assent of the President on the 1st August, 1975, and is hereby published for general information:—

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

[1st August, 1975]

An Act further to amend the Constitution of India.

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

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

Short  
title.

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:—

Amend-  
ment 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:—

Amend-  
ment 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.”

Amend-  
ment of  
article  
239B.

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:—

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

Amend-  
ment of  
article  
352.

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:—

“(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.”.

Amend-  
ment of  
article  
360.

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:—

“(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.”.

K. K. SUNDARAM,

*Secy. to the Govt. of India.*



**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 55] नई दिल्ली, रविवार, अगस्त 10, 1975/श्रावण 19, 1897  
No. 55] NEW DELHI, SUNDAY, AUGUST 10, 1975/SRAVANA 19, 1897

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 10th August, 1975/Sravana 19, 1897 (Saka)

The following Act of Parliament received the assent of the President on the 10th August, 1975, and is hereby published for general information:—

THE CONSTITUTION (THIRTY-NINTH AMENDMENT)  
ACT, 1975

[10th August, 1975.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Thirty-ninth Amendment) Act, 1975.

Short  
title.

2. For article 71 of the Constitution, the following article shall be substituted, namely:—

Substitu-  
tion of  
new  
article  
for article  
71.

“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:

Matters  
relating  
to or  
connected  
with  
the elec-  
tion of a  
President  
or Vice-  
President.

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.

(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).

(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.

(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.”.

Amendment of article 329.

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.

Insertion of new article 329A.

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

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

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

(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:—

“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).

Amend-  
ment  
of the  
Ninth  
Schedule.

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).
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)."

---

K. K. SUNDARAM,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 83]

नई दिल्ली, बुधवार, मई 27, 1976/जेठ 6, 1898

No. 83]

NEW DELHI, THURSDAY, MAY 27, 1976/JYAISTHA 6, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 27th May, 1976/Jyaistha 6, 1898 (Saka)

The following Act of Parliament received the assent of the President on the 27th May, 1976, and is hereby published for general information:—

## THE CONSTITUTION (FORTIETH AMENDMENT) ACT, 1976

[27th May, 1976]

An Act further to amend the Constitution of India.

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.

Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union.

Amendment of the Ninth Schedule.

“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.

(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.”.

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).

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 Utilization 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 Mehwassi 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).
158. The Maharashtra Private Forests (Acquisition) Act, 1975 (Maharashtra Act XXIX of 1975).
159. The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Amendment Act, 1975 (Maharashtra Act XLVII of 1975).

160. The Maharashtra Agricultural Lands (Ceiling on Holdings) (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 Landowners' 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 I 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).

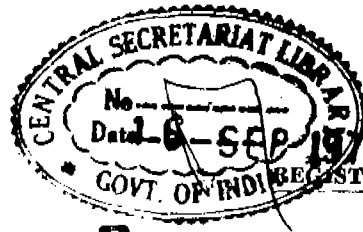
187. The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Goa, Daman and Diu Act 1 of 1976).

188. The Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 (Pondicherry Act 9 of 1974)."

---

K. K. SUNDARAM,

*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 143] नई दिल्ली, बुधवार, सितम्बर 9, 1976/भाद्र 18, 1898  
No. 143] NEW DELHI, THURSDAY, SEPTEMBER 9, 1976/BHADRA 18, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

*New Delhi, the 9th September, 1976/Bhadra 18, 1898 (Saka)*

The following Act of Parliament received the assent of the President on the 7th September, 1976, and is hereby published for general information:—

THE CONSTITUTION (FORTY-FIRST AMENDMENT)  
ACT, 1976

[7th September, 1976]

An Act further to amend the Constitution of India.

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 (Forty-first Amendment) Act, 1976.

Short  
title.

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

Amend-  
ment of  
article  
316

S. K. MAITRA,

*Jt. Secy. to the Govt. of India.*

(247)

THE CONSTITUTION (FORTY-SECOND AMENDMENT)  
ACT, 1976

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Amendment of the Preamble.
3. Insertion of new sub-heading after article 31.
4. Amendment of article 31C.
5. Insertion of new article 31D.
6. Insertion of new article 32A.
7. Amendment of article 39.
8. Insertion of new article 39A.
9. Insertion of new article 43A.
10. Insertion of new article 48A.
11. Insertion of new Part IVA.
12. Amendment of article 55.
13. Amendment of article 74.
14. Amendment of article 77.
15. Amendment of article 81.
16. Amendment of article 82.
17. Amendment of article 83.
18. ~~Amendment of article 100.~~ *omit*
19. ~~Amendment of article 102.~~ *omit*
20. Substitution of new article for article 103.
21. ~~Amendment of article 105.~~ *omit*
22. ~~Amendment of article 118.~~ *omit*
23. Insertion of new article 131A.
24. Insertion of new article 139A.
25. Insertion of new article 144A.
26. Amendment of article 145.
27. Substitution of new article for article 150.
28. Amendment of article 166.
29. Amendment of article 170.
30. Amendment of article 172.
31. ~~Amendment of article 189.~~ *omit*
32. ~~Amendment of article 191.~~ *omit*
33. Substitution of new article for article 192.
34. ~~Amendment of article 194.~~ *omit*



## SECTIONS

35. ~~Amendment of article 208.~~ (Omit)
36. Amendment of article 217.
37. Amendment of article 225.
38. Substitution of new article for article 226.
39. Insertion of new article 226A.
40. Amendment of article 227.
41. Amendment of article 228.
42. Insertion of new article 228A.
43. Insertion of new article 257A.
44. Amendment of article 311.
45. Amendment of article 312.
46. Insertion of new Part XIVA.
47. Amendment of article 330.
48. Amendment of article 352.
49. Amendment of article 353.
50. Amendment of article 356.
51. Amendment of article 357.
52. Amendment of article 358.
53. Amendment of article 359.
54. Amendment of article 366.
55. Amendment of article 368.
56. Amendment of article 371F.
57. Amendment of the Seventh Schedule.
58. ~~Special provisions as to pending petitions under article 226.~~ (Omit)
59. ~~Power of the President to remove difficulties.~~ (Omit)

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

[18th December, 1976.]

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

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

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

Short  
title  
and com-  
mence-  
ment.

(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.

2. In the Preamble to the Constitution,—

Amend-  
ment of  
the  
Preamble.

(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.

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

Inser-  
tion of  
new sub-  
heading  
after  
article  
31.

*"Saving of Certain Laws"*

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.

Amend-  
ment of  
article  
31C.

Insertion  
of new  
article  
31D.

5. After article 31C of the Constitution and before the sub-heading "*Right to Constitutional Remedies*", the following article shall be inserted, namely:—

Saving of  
laws in  
respect of  
anti-na-  
tional  
activities.

**31D. (1)** Notwithstanding anything contained in article 13, no law providing for—

- (a) the prevention or prohibition of anti-national activities;
- or
- (b) the prevention of formation of, or the prohibition of, anti-national associations,

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.

(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 matters referred to in sub-clause (a) or sub-clause (b) of clause (1).

(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.

(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 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."

Equal justice and free legal aid.

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

Insertion of new article 43A.

"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."

Participation of workers in management of industries.

Inser-  
tion of  
new arti-  
cle 48A.

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

Protec-  
tion and  
improve-  
ment of  
environ-  
ment and  
safeguard-  
ing of  
forests  
and wild  
life.

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

Inser-  
tion of  
new Part  
IVA.

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

#### “PART IVA

#### FUNDAMENTAL DUTIES

Funda-  
mental  
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 for 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.”

Amend-  
ment of  
article  
55.

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

*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 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.

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

Amendment of article 74.

“(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.”.

14. In article 77 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

Amendment of article 77.

“(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.”.

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

Amendment of article 81.

“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 provisos 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 for 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 (2), 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.

477

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

Amendment of article 100.

1. Omitted by the Const. (42<sup>nd</sup> Amend.) Act, 1978, s. 45 (ref. 20.579)

Amend-  
ment of  
article  
102.

~~19. In article 102 of the Constitution, for sub-clause (a) of clause (1), the following sub-clause shall be substituted, namely:—~~ (✓ x x x)

~~“(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;”.~~

Substitu-  
tion of  
new arti-  
cle for  
article  
103.

20. For article 103 of the Constitution, the following article shall be substituted, namely:—

“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.”

Decision  
on ques-  
tions as  
to disquali-  
fication.

Amend-  
ment of  
article  
105.

~~21. In article 105 of the Constitution, for clause (3), the following clause shall be substituted, namely:—~~ (✓ x x x)

~~“(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.”.~~

Amend-  
ment of  
article  
118.

~~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.~~ (✓ x x x)

Inser-  
tion of  
new arti-  
cle 131A;

23. After article 131 of the Constitution, the following article shall be inserted, namely:—

“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.

(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

Exclusive  
jurisdic-  
tion of  
the Sup-  
reme  
Court in  
regard  
to ques-  
tions as  
to consti-  
tutional  
validity of  
Central  
laws.

4. *Amended by Const. (44th A.A.) Act, 1978, s. 45 (w.e.f. 20.6.79)*

(b) that the determination of such questions 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 judgment on such questions for disposal of the case in conformity with such judgment by the High Court or, as the case may be, the court subordinate to it.”

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 the 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:—

“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.

(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.”

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

Insertion of new article 144A. Special provisions as to disposal of questions relating to constitutional validity of laws.



Amend-  
ment of  
article  
145.

26. In article 145 of the Constitution,—

(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.

Substitu-  
tion of  
new arti-  
cle for  
article  
150.

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

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

Form of  
accounts  
of the  
Union  
and of  
the  
States.

Amend-  
ment 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 the more convenient transaction of the business of the Government of the State.”.

Amend-  
ment 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 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.’;

(b) in clause (3), after the proviso, the following provisos 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.

147

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

~~Amendment of article 189.~~

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

~~Amendment of article 191.~~

~~"(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;"~~

33. 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—

(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

Decision on questions as to disqualification.

(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."

147

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

~~Amendment 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~~

1 Omitted by Const. (44th Amend.) Act, 1978, s. 45 (w.e.f. 20.6.79)

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."

Amendment of article 208.

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. ( 1777 )

Amendment 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) in the *Explanation*, in clause (a), for the words "has held 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.

Amendment 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 provi-

Out. by Const. (44<sup>th</sup> Amend.) Act, 1978, S. 45 (Wg. 20.6.79)

sion 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 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.

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

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

Amendment of article 227.

40. 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 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 judgment of any inferior court which is not otherwise subject to appeal or revision."

Amendment of article 228.

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

Insertion of new article 228A.

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

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

(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.

Assistance to States by deployment of armed forces or other forces of the Union.

(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.

(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—”.

45. In article 312 of the Constitution,—

Amendment of article 312.

(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.”.

Inser-  
tion of  
new  
Part  
XIVA.

46. After Part XIV of the Constitution, the following Part shall be inserted, namely:—

#### PART XIVA

#### TRIBUNALS

Adminis-  
trative  
tribu-  
nals.

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.

(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, and for the speedy disposal of cases by, and the 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.

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.

Tribunals  
for  
other

(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 provision 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.’

Amend-  
ment of  
article 330.

47. In article 330 of the Constitution, the following *Explanation* shall be inserted at the end, namely:—

*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.’

Amend-  
ment of  
article  
352.

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 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 the Union to give directions under clause (a), and

(ii) the power 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.”

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  
356.

51. (1) In article 357 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

Amend-  
ment of  
article 357

“(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 List 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:—

“(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  
368.

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.

Amendment of article 371F.

57. In the Seventh Schedule to the Constitution,—

Amendment of the Seventh Schedule.

(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 Court;" shall be omitted;

(iv) entries 11, 19, 20 and 29 shall be omitted;

(v) in entry 55, the words "and advertisements 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 60, 61, 62 and 63 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  
provi-  
sions  
as  
to  
pending  
petitions  
under  
article  
226.

~~58. (1) Notwithstanding anything contained in the Constitution, every~~ (1) 20/1/79  
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 with 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,

40-100 by the Constn. (44 15 A-21) Act, 1978, s. 45 (w/ 20.6.79)

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.

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 of removing the difficulty:

Power of the President to remove difficulties.

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.

Omit. by Consh. (4415 A.D.) Act, 1978, S. 45 (wef. 20.6.79)



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 2] नई दिल्ली, सोमवार, जनवरी 3, 1977/पौष 13 1898

No. 2] NEW DELHI, MONDAY, JANUARY 3, 1977/PAUSA 13, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

NOTIFICATION

New Delhi, the 3rd January 1977

G.S.R 2(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Forty-second Amendment) Act, 1976, the Central Government hereby appoints—

- the 3rd day of January, 1977, as the date on which sections 2 to 5 (both inclusive), 7 to 17 (both inclusive), 20, 28, 29, 30, 33, 36, 43 to 53 (both inclusive), 55, 56, 57 and 59 of the said Act shall come into force,
- the 1st day of February, 1977, as the date on which sections 6, 23 to 26 (both inclusive), 37 to 42 (both inclusive), 54 and 58 of the said Act shall come into force, and
- the 1st day of April, 1977, as the date on which section 27 of the said Act shall come into force

[No F 20030/77-Adv (B)]

P G GOKHALE, Secy

## विधि, न्याय और कश्चनी कार्य मंत्रालय

(विधि कार्य विभाग)

## अधिसूचना

नई दिल्ली, 3 जनवरी, 1977

सा० फा० नि० 2(अ).—केन्द्रीय सरकार, सविधान (बयालीसवा सशोधन) अधिनियम, 1976 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना द्वारा :—

- (क) 3 जनवरी, 1977 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम की धारा 2 से 5 तक (जिनमें ये दोनों धाराएँ भी सम्मिलित हैं), धारा 7 से 17 तक (जिनमें ये दोनों धाराएँ भी सम्मिलित हैं), धारा 20, धारा 28, धारा 29, धारा 30, धारा 33, धारा 36, धारा 43 से 53 तक (जिनमें ये दोनों धाराएँ भी सम्मिलित हैं), धारा 55, धारा 56, धारा 57 और धारा 59, प्रवृत्त होगी;
- (ख) 1 फरवरी, 1977 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम की धारा 6, धारा 23 से 26 तक (जिनमें ये दोनों धाराएँ भी सम्मिलित हैं), धारा 37 से 42 तक (जिनमें ये दोनों धाराएँ भी सम्मिलित हैं), धारा 54 और धारा 58, प्रवृत्त होगी; और
- (ग) 1 अप्रैल, 1977 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम की धारा 27 प्रवृत्त होगी।

[स० फा० 20030/77-स० अ० (बी०)]

प० गं० गोखले, सचिव।

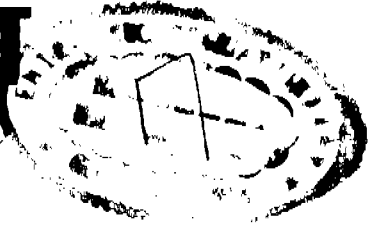
महा प्रबन्धक, भारत सरकार मन्त्रालय, मिन्टो रोड, नई दिल्ली द्वारा मुद्रित तथा  
 निबंधक, प्रकाशन विभाग, दिल्ली द्वारा प्रकाशित 1977

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD,  
 NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1977





# भारत का राजपत्र The Gazette of India



असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 14] नई दिल्ली, बुधवार, अप्रैल 13, 1978/चैत्र 23, 1900

No. 14] NEW DELHI, THURSDAY, APRIL 13, 1978/CHAITRA 23, 1900

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 13th April, 1978/Chaitra 23, 1900 (Saka)

The following Act of Parliament received the assent of the President on the 13th April, 1978, and is hereby published for general information:—

THE CONSTITUTION (FORTY-THIRD AMENDMENT)  
ACT, 1977

[13th April, 1978]

An Act further to amend the Constitution of India.

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 (Forty-third Amendment), Act, 1977.

Short  
title.

2. Article 31D of the Constitution shall be omitted.

Omission  
of article  
31D.

3. (1) Article 32A of the Constitution shall be omitted.

Omission  
of 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.

4. (1) Article 131A of the Constitution shall be omitted.

Omission  
of article  
131A.

(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.

5. (1) Article 144A of the Constitution shall be omitted.

Omission  
of article  
144A.

(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.

6. In article 145 of the Constitution,—

Amend-  
ment of  
article 145.

(a) in clause (1), in sub-clause (cc), for the words, figures and letters “articles 131A and 139A”, the word, 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.

**Amend-  
ment of  
article 226.**

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.

Omission  
of article  
226A.

8. (1) Article 226A of the Constitution shall be omitted.

(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.

Amend-  
ment of  
article  
228.

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.

Omission  
of article  
228A.

10. (1) Article 228A of the Constitution shall be omitted.

(2) Any case pending before a High Court immediately before the commencement of this Act may be dealt with by the High Court as if the said article 228A had been omitted with effect on and from the 1st day of February, 1977.

Amend-  
ment of  
article  
366.

11. In article 366 of the Constitution, clause (4A) and clause (26A) shall be omitted.

K. K. SUNDARAM,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



सं० 18] नई दिल्ली, सोमवार, अप्रैल 30, 1979/वैशाख 10, 1901  
No. 18] NEW DELHI, MONDAY, APRIL 30, 1979/VAISAKHA 10, 1901

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**  
(Legislative Department)

*New Delhi, the 30th April, 1979/Vaisakha 10, 1901 (Saka)*

The following Act of Parliament received the assent of the President on the 30th April, 1979, and is hereby published for general information:—

**THE CONSTITUTION (FORTY-FOURTH AMENDMENT)  
ACT, 1978**

[30th April, 1979]

An Act further to amend the Constitution of India.

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

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.

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 letters “sub-clauses (d), (e) and (f)”, the words, brackets and letters “sub-clauses (d) and (e)” shall be substituted.

Short  
title and  
commen-  
cement.

Amend-  
ment of  
article 19.

Amend-  
ment 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."

5. The sub-heading "*Right to Property*" occurring after article 30 of the Constitution shall be omitted.

Omission of sub-heading after article 30.

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 as so renumbered, the following clause shall be inserted, namely:—

Amendment of article 38.

"(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 individuals but also amongst groups of people residing in different areas or engaged in different vocations."

10. For article 71 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 71.

"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.

Matters relating to, or connected with, the election of a President or Vice-President.

(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 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 electing him."

11. In article 74 of the Constitution, in clause (1), the following proviso shall be inserted at the end, namely:—

Amendment of article

"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."

12. In article 77 of the Constitution, clause (4) shall be omitted.

Amendment of article

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-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.

Substitu-  
tion of  
new  
article  
for  
article  
103.

14. For article 103 of the Constitution, the following article shall be substituted, namely:—

Decision  
on ques-  
tions as to  
disqualifi-  
cations of  
members.

"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.

(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."

Amend-  
ment of  
article  
105.

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.

Amend-  
ment of  
article  
123.

16. In article 123 of the Constitution, clause (4) shall be omitted.

Amend-  
ment of  
article  
132.

17. In article 132 of the Constitution,—

(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.

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 133.
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. Amendment of article 134.
20. After article 134 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 134A.
- "134A. Every High Court, passing or making a judgment, 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,— Certificate for appeal to the Supreme Court.
- (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 judgment, 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:— Amendment of article 139A.
- "(1) Where cases involving the same or substantially 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 the 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 judgment 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 judgment."
22. In article 150 of the Constitution, for the words "after consultation with", the words "on the advice of" shall be substituted. Amendment of article 150.
23. In article 166 of the Constitution, clause (4) shall be omitted. Amendment of article 166.
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. Amendment of article 172.

(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 I.*—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.

Decision on questions as to disqualifications of members.

“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.

(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.”

Amendment of article 194.

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 213.

27. In article 213 of the Constitution, clause (4) shall be omitted.



28. In article 217 of the Constitution, in clause (2),—

Amend-  
ment of  
article  
217.

(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;"

29. In article 225 of the Constitution, the following proviso shall be inserted at the end, namely:—

Amend-  
ment of  
article  
225.

"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 rights 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.

Omis-  
sion 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 pro-  
perty save  
by au-  
thority of  
law.

300A. No person shall be deprived of his property save by authority of law.”.

Amend-  
ment of  
article  
329.

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.

Omission  
of article  
329A.

36. Article 329A of the Constitution shall be omitted.

Amend-  
ment of  
article  
352.

37. In article 352 of the Constitution,—

(a) in clause (1),—

(i) for the words “internal disturbance”, the words “armed rebellion” shall be substituted;

(ii) the following *Explanation* shall be inserted at the end, namely:—

*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.”;

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

“(2) A Proclamation issued under clause (1) may be varied or revoked by a subsequent Proclamation.

(3) The President shall not issue a Proclamation under clause (1) or a Proclamation varying such Proclamation unless the decision of the Union Cabinet (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 resolutions 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 a 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 purposes 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,—

(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.”.

39. Article 358 of the Constitution shall be renumbered as clause (1) of that article, and—

Amend-  
ment of  
article  
358.

(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 a recital.”.

**Amend-  
ment of  
article 360.**

**41. In article 360 of the Constitution,—**

(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  
361 A.**

**42. After article 361 of the Constitution, the following article shall be inserted, namely:—**

**Protection  
of publi-  
cation of  
proceed-  
ings of  
Parlia-  
ment and  
State Le-  
gisatures.**

‘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 news agency report containing material for publication in a newspaper.’.

- 
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. Amendment of article 371F.
44. In the Ninth Schedule to the Constitution, entries 87, 92 and 130 shall be omitted. Amendment of the Ninth Schedule.
45. In the Constitution (Forty-second Amendment) Act, 1976, sections 18, 19, 21, 22, 31, 32, 34, 35, 58 and 59 shall be omitted. Amendment of the Constitution (Forty-second Amendment) Act, 1976.

R. V. S. PERI SASTRI,  
*Secy. to the Govt. of India.*



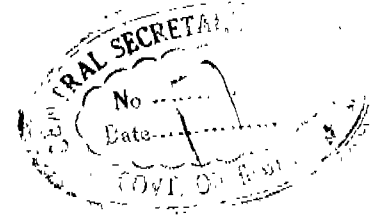
# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3(i)  
PART II—Section 3(i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



सं० 192] नई दिल्ली, मंगलवार, जून 19, 1979/ज्येष्ठ 29, 1901  
No. 192] NEW DELHI, TUESDAY, JUNE 19, 1979/JYAISTHA 29, 1901

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में  
रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate  
compilation.

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

सलाह (क) अनुभाग

अधिसूचना

नई दिल्ली, 19 जून, 1979

सा. का. नि. 383(अ.)—केंद्रीय सरकार, संविधान (सौंपालीसवां संशोधन) अधि-  
नियम, 1978 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते  
हुए —

(क) राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख के ठीक पश्चात्-  
वर्ती तारीख के उस तारीख के रूप में नियत करती हैं, जिस तारीख का



उक्त अधिनियम की धारा 2, 4 से 16 (जिसमें दोनों सम्मिलित हैं), 22, 23, 25 से 29 (जिसमें दोनों सम्मिलित हैं), 31 से 42 (जिसमें दोनों सम्मिलित हैं), 44 और 45 प्रवृत्त होंगी।

(ख) 1979 के अगस्त के प्रथम दिन को उस तारीख के रूप में नियत करती है जिस तारीख को उक्त अधिनियम की धारा 17 से 21 (जिसमें दोनों सम्मिलित हैं) और 30 प्रवृत्त होंगी।

[सं. फा. 1(8)/78-सलाह (क)]

पी. बी. वेंकटसुब्रमणियम, सचिव

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

(Department of Legal Affairs)

Advice (A) Section

NOTIFICATION

New Delhi, the 19th June, 1979

**G.S.R. 383(E).**—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Forty-fourth Amendment) Act, 1978, the Central Government hereby appoints :—

- (a) the date immediately following the date on which this notification is published in the Official Gazette, as the date on which sections 2, 4 to 16 (both inclusive), 22, 23, 25 to 29 (both inclusive), 31 to 42 (both inclusive), 44 and 45 of the said Act shall come into force;
- (b) the 1st day of August, 1979, as the date on which sections 17 to 21 (both inclusive), and 30 of the said Act shall come into force.

[No. F. 1(18)/78-Adv. (A)]

P. B. VENKATASUBRAMANIAN, Secy.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 286] नई दिल्ली, बुधवार, सितम्बर 5, 1979/भाद्र 14, 1901  
No. 286] NEW DELHI, WEDNESDAY, SEPTEMBER 5, 1979/BHADRA 14, 1901

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate  
compilation

विधि, न्याय और कम्पनी कार्य मन्त्रालय

(विधि कार्य विभाग)

सलाह (क) खण्ड

अधिसूचना

नई दिल्ली, 5 सितम्बर, 1979

सा. का. वि. 529(अ).—केन्द्रीय सरकार, संविधान (चौथालीसवां संशोधन)  
अधिनियम 1978 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का  
प्रयोग करते हुए राजपत्र में इस अधिसूचना को प्रकाशित होने की तारीख के ठीक

परन्तु तारीख को उस तारीख के रूप में नियत करती है जिस तारीख को उक्त अधिनियम की धारा 24 और 43 प्रवृत्त होंगी।

[संख्या फा. 1(8)/78-सलाह (क)]

पी. बी. वेंकटसुब्रमणियम, सचिव

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

(Department of Legal Affairs)

(Advice (A) Section)

**NOTIFICATION**

New Delhi, the 5th September, 1979

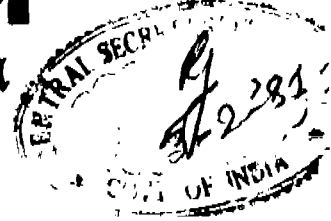
**G.S.R. 529(E).**—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Forty-fourth Amendment) Act, 1978, the Central Government hereby appoints the date immediately following the date on which this notification is published in the Official Gazette, as the date on which section 24 and 43 of the said Act shall come into force.

[No. F. 1(8)/78-Adv.(A)]

P. B. VENKATASUBRAMANIAN, Secy.



**भारत का राजपत्र**  
**The Gazette of India**



असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 25] नई दिल्ली, सोमवार, अरेज 14, 1980/ चैत्र 25, 1902  
No. 25] NEW DELHI, MONDAY, APRIL 14, 1980/CHAITRA 25, 1902

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

*New Delhi, the 14th April, 1980/Chaitra 25, 1902 (Saka)*

The following Act of Parliament received the assent of the President on the 14th April, 1980, and is hereby published for general information:—

THE CONSTITUTION (FORTY-FIFTH AMENDMENT)  
ACT, 1980

[14th April, 1980]

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Forty-Fifth Amendment) Act, 1980.

Short  
title and  
commen-  
cement.

(2) It shall be deemed to have come into force on the 25th day of January, 1980.

2. In article 334 of the Constitution for the words "thirty years"; the words "forty years" shall be substituted.

Amend-  
ment of  
article  
334.

R. V. S. PERI SASTRI,  
Secy. to the Govt. of India.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 5] नई दिल्ली, बुधस्वतिवार, फरवरी 3, 1983/माघ 14, 1904  
No. 5] NEW DELHI, THURSDAY, FEBRUARY 3, 1983/MAGHA 14, 1904

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलग संकलन  
के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**  
(Legislative Department)

*New Delhi, the 3rd February, 1983/Magha 14, 1904 (Saka)*

The following Act of Parliament received the assent of the President on the 2nd February, 1983 and is hereby published for general information:—

**THE CONSTITUTION (FORTY-SIXTH AMENDMENT)  
ACT, 1982**

[2nd February, 1983.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Forty-sixth Amendment) Act, 1982. Short title.
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. Amendment of article 269.

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-clause (b), sub-clause (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.”.

Amend-  
ment  
of article  
366.

4. In article 366 of the Constitution, after clause (29), the following clause shall be inserted, namely:—

“(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 of 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;

5. In the Seventh Schedule to the Constitution, in List I—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

Amend-  
ment of  
Seventh  
Schedule.

consignment takes place in the course of inter-State trade or commerce.”.

6. (1) For the purposes 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,—

Validation  
and ex-  
emption.

(a) the said expression 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 judgment 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 7th 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 4th 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

R. V. S. PERI SASTRI,  
*Secy. to the Govt. of India.*



THE CONSTITUTION (FORTY-SEVENTH AMENDMENT)  
ACT, 1984

[26th August, 1984.]

An Act further to amend the Constitution of India.

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

Short  
title.

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

Amend.  
ment of  
the Ninth  
Sche-  
dule.

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, 1971 (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).”

  
**भारत का राजपत्र**  
**The Gazette of India**

29/10

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 71] नई दिल्ली, रविवार, अगस्त 26, 1984/ भाद्र 4, 1906 (शक)  
No. 71] NEW DELHI, SUNDAY, AUGUST 26, 1984/BHADRA 4, 1906 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**  
(Legislative Department)

*New Delhi, the 26th August, 1984/Bhadra 4, 1906 (Saka)*

The following Act of Parliament received the assent of the President on the 26th August, 1984, and is hereby published for general information:—

**THE CONSTITUTION (FORTY-EIGHTH AMENDMENT) ACT, 1984**

[26th August, 1984]

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

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

1. 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:—

Amend-  
ment  
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".'.

R. V. S. PERI SASTRI,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

---

सं० 79] नई दिल्ली, मंगलवार, सितम्बर 11, 1984/भाद्र 20, 1906  
No. 79] NEW DELHI TUESDAY, SEPTEMBER 11, 1984/BHADRA 20, 1906

---

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

---

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**  
(Legislative Department)

*New Delhi, the 11th September, 1984/Bhadra 20, 1906 (Saka)*

The following Act of Parliament received the assent of the President on the 11th September, 1984, and is hereby published for general information:—

**THE CONSTITUTION (FORTY-NINTH AMENDMENT)  
ACT, 1984**

[11th September, 1984]

An Act further to amend the Constitution of India.

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

1. (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.

2. In article 244 of the Constitution, in clauses (1) and (2), for the words "and Meghalaya", the words "Meghalaya and Tripura" shall be substituted.

3. In the Fifth Schedule to the Constitution, in paragraph 1, for the words "and Meghalaya", the words "Meghalaya and Tripura" shall be substituted.

Short  
title  
and com-  
mence-  
ment

Amend-  
ment of  
article 244

Amend-  
ment  
of the Fifth  
Schedule.

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 this 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.”.

R. V. S. PERI SASTRI,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 80] नई दिल्ली, मंगलवार, सितम्बर 11, 1984/भाद्र 20, 1906  
No. 80] NEW DELHI, TUESDAY, SEPTEMBER 11, 1984/BHADRA 20, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 11th September, 1984/Bhadra 20, 1906 (Saka)

The following Act of Parliament received the assent of the President on the 11th September, 1984, and is hereby published for general information:—

### THE CONSTITUTION (FIFTIETH AMENDMENT) ACT, 1984 [11th September, 1984]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Fiftieth Amendment) Act, 1984.

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

“33. Parliament may, by law, determine to what extent any of the rights conferred by this Part shall, in their application to,—

(a) the members of the Armed Forces; or

(b) the members of the Forces charged with the maintenance of public order; or

(c) persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence; or

Short  
title.

Substitu-  
tion of  
article 33.  
Power of  
Parlia-  
ment to  
modify  
the rights  
conferred  
by this  
Part in  
their app-  
lication  
etc.

(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.”

R. V. S. PÉRI SASTRI,  
*Secy. to the Govt. of India.*





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 33] नई दिल्ली, सोमवार, अप्रैल 29, 1985/वैशाख 9, 1907  
No. 33] NEW DELHI, MONDAY, APRIL, 29, 1985/VAISAKHA 9, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paglag is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 29th April, 1985 (Vaisakha 9, 1907) (Saku)

The following Act of Parliament received the assent of the President on the 29th April, 1985, and is hereby published for general information:—

## THE CONSTITUTION FIFTY-FIRST AMENDMENT ACT, 1984

[29th April, 1985.]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty fifth Year of the Republic of India as follows:—

1. (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.

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 subsection (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.

Short  
title  
and  
commen-  
cement,  
Amend-  
ment of  
article  
330.

CK  
12/9/85

Amend-  
ment of  
article  
332.

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.

(2) The amendment made to article 332 of the Constitution by subsection (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.

R. V. S. PERI SASTRI,  
*Secy. to the Govt. of India.*

#### CORRIGENDA

In the Tea Companies (Acquisition and Transfer of sick Tea Units) Ordinance, 1985 (3 of 1985) as published in the Gazette of India, Extraordinary, Part II, Section 1 (No. 32), dated the 8th. April, 1985,—

(a) at page 5, in line 11, for “any”, read “and”;

(b) at page 10, in the marginal heading to section 26, after “cease”, add “to have”;

(c) at page 12, in the marginal heading to section 30, for “The companies”, read “Tea companies”; and

(d) at page 14, in line 6, for “primium”, read “premium”.



# भारत का राजपत्र The Gazette of India

OK  
25/7/86

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 296] नई दिल्ली, सोमवार, जून 16, 1986/ज्येष्ठ 26, 1908  
No. 296] NEW DELHI, MONDAY, JUNE 16, 1986/JYAISTHA 26, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as  
a separate compilation

विधि और न्याय मंत्रालय

(विधायी विभाग)

नई दिल्ली, 16 जून, 1986

प्रसिद्धि

सा.का.वि. 871(अ):-संविधान (इश्याबतवां संशोधन) अधिनियम, 1984 की धारा 1 की  
अनुच्छेद (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार 16 जून 1986  
को इस तारिख के रूप में निम्न करती है जिसे उक्त अधिनियम प्रवृत्त होगा।

[का.सं. 25(13)/85-वि. II]

एस. रामन्धा, सचिव

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 16th June, 1986

NOTIFICATION

G.S.R. 371(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Fifty-first Amendment) Act, 1984, the Central Government hereby appoints the 16th day of June, 1986, as the date on which the said Act shall come into force.

[F. No. 25(13)85-Leg. II]

S. RAMAIAH, Secy.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 9] नई दिल्ली, शुक्रवार, फरवरी 15, 1985/माघ 26, 1906  
No. 9] NEW DELHI, FRIDAY, FEBRUARY 15, 1985/MAGHA 26, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलन संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 15th February, 1985/Magha 26, 1906 (Saka)

The following Act of Parliament received the assent of the President on the 15th February, 1985, and is hereby published for general information:—

## THE CONSTITUTION (FIFTY-SECOND AMENDMENT) ACT, 1985

[15th February, 1985-]

An Act further to amend the Constitution of India.

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 commencement.
2. In article 101 of the Constitution, in sub-clause (a) of clause (3), 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;

CP  
12/9/85

(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.”.

Amend-  
ment 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.

Amend-  
ment 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.”.

Addition  
of Tenth  
Schedule.

6. After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely:—

#### 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 sub-paragraph (1) of paragraph 2;

(d) “paragraph” means a paragraph of this Schedule.

2. *Disqualification on ground of defection*.—(1) Section 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 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 an 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, 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 sub-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 continues 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. Rule.—**(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 said 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.

R. V. S. PERI SASTRI,  
*Secy. to the Govt. of India.*



**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 40] नई दिल्ली, बुधवार, अगस्त 14, 1986/भाषण 23, 1908  
No. 40] NEW DELHI, THURSDAY, AUGUST 14, 1986/SRAVANA 23, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 14th August, 1986/Sravana 23, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 14th August, 1986, and is hereby published for general information:—

**THE CONSTITUTION (FIFTY-THIRD AMENDMENT)  
ACT, 1986**

[14th August, 1986.]

An Act further to amend the Constitution of India.

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-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:—

“371G. Notwithstanding anything in this Constitution,—

(a) no Act of Parliament in respect of—

(i) religious or social practices of the Mizos,

(1)

Short  
title  
and  
commence-  
ment.

Insertion  
of new  
article  
371 G.

Special  
provision  
with res-  
pect to the  
State of  
Mizoram.

- (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,

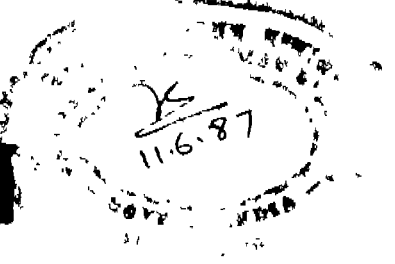
shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides:

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.”.

S. RAMAIAH,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**



असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, मंगलवार, मार्च 17, 1987/फाल्गुन 26, 1908  
No. 3] NEW DELHI, TUESDAY, MARCH 17, 1987/PHALGUNA 26, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 17th March, 1987/Phalguna 26, 1908 (Saka)

The following Act of Parliament received the assent of the President on the 14th March, 1987, and is hereby published for general information:—

**THE CONSTITUTION (FIFTY-FOURTH AMENDMENT)  
ACT, 1986**

[14th March, 1987.]

An Act further to amend the Constitution of India.

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-fourth Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 1st day of April, 1986.

2. In article 125 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) There shall be paid to the Judges of the Supreme Court such salaries as may be determined by Parliament by law and, until

Short  
title  
and  
commence-  
ment.

Amend-  
ment of  
article  
125.

provision in that behalf is so made, such salaries as are specified in the Second Schedule.”.

Amend-  
ment 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.”.

Amend-  
ment of  
Second  
Schedule.

4. In the Second Schedule to the Constitution, in Part D,—

(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.

S. RAMAIAH,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 80] नई दिल्ली, मंगलवार, दिसम्बर 23, 1986/पौष 2, 1908  
No. 80] NEW DELHI, TUESDAY, DECEMBER 23, 1986/PAUSA 2, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

**MINISTRY OF LAW AND JUSTICE**  
(Legislative Department)

*New Delhi, the 23rd December, 1986/Pausa 2, 1908 (Saka)*

The following Act of Parliament received the assent of the President on the 23rd December 1986, and is hereby published for general information:—

**THE CONSTITUTION (FIFTY-FIFTH AMENDMENT)  
ACT, 1986**

[23rd December, 1986]

An Act further to amend the Constitution of India.

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.

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

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

Short title  
and com-  
mence-  
ment.

Insertion  
of new  
article  
371H.

Special  
provision  
with res-  
pect to  
the State  
of  
Arunachal  
Pradesh.

Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment 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 judgment, 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 judgment:

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.”.

C. RAMAN MENON,  
*Additional Secy. to the Govt. of India.*





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY



सं० 58]  
No. 58]

नई दिल्ली, बुधवार, फरवरी 11, 1987/माघ 22, 1908  
NEW DELHI, WEDNESDAY, FEBRUARY 11, 1987/MAGHA 22, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as  
a separate compilation

गृह मंत्रालय

नई दिल्ली, 11 फरवरी, 1987

अधिसूचनाएं

का. आ. 71 (अ):—केन्द्रीय सरकार, संविधान (तरेपनवां संशोधन) अधिनियम, 1986 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 20 फरवरी, 1987 को, ऐसी तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम प्रवृत्त होगा।

[सं. 12013/2/86-(i) एम. आर.]

MINISTRY OF HOME AFFAIRS

New Delhi, the 11th February, 1987

NOTIFICATION

S.O. 71(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Fifty-Third Amendment) Act, 1986, the Central Government hereby appoints the 20th February, 1987, as the date on which the said Act shall come into force.

[No. 12013/2/86-(i)-SR]

का. आ. 72(अ):—केन्द्रीय सरकार, मिजोरम राज्य अधिनियम, 1986 (1986 वा 34) की धारा 2 के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के प्रयोजनों के लिए 20 फरवरी, 1987 को नियत दिनों के रूप में नियत करती है।

[सं. 12013/2/86-(ii) एम. आर.]

S.O. 72(F).—In exercise of the powers conferred by clause (b) of section 2 of the State of Mizoram Act, 1986 (34 of 1986), the Central Government hereby appoints the 20th day of February, 1987, as the appointed day for the purposes of that Act.

[No. 12013/2/86-(ii)-SR]

का. आ. 73 (अ):—केन्द्रीय सरकार, संविधान (पन्चपनवां संशोधन) अधिनियम, 1986 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 20 फरवरी, 1987 को, ऐसी तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम प्रवृत्त होगा।

[सं. 12013/5/86-(i) एम. आर.]

S.O. 73(E).—In exercise of the powers conferred by subsection (2) of Section 1 of the Constitution (Fifty-fifth Amendment) Act, 1986, the Central Government hereby appoints the 20th February, 1987, as the date on which the said Act shall come into force.

[No. 12013/5/86-(i)-SR]

का. आ. 74 (अ) :—केन्द्रीय सरकार, अरुणाचल प्रदेश राज्य अधिनियम, 1986, (1986 का 69) की धारा 2 के खंड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उस अधिनियम के प्रयोजनों के लिए 20 फरवरी, 1987 को

नियत दिन के रूप में नियत करती है।

[सं. 12013/5/86-(ii)-एम. आर.]

सुजाना चौहान, संयुक्त सचिव

S.O. 74(E).—In exercise of the powers conferred by clause (b) of section 2 of the State of Arunachal Pradesh Act, 1986 (69 of 1986), the Central Government hereby appoints the 20th day of February, 1987, as the appointed day for the purposes of that Act.

[No. 12013/5/86-(ii)-SR]

S. CHAUHAN, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 26] नई दिल्ली, सोमवार, मई 25, 1987/ज्यैष्ठ 4, 1909  
No. 26] NEW DELHI, MONDAY, MAY 25 1987/JYASTHA 4, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 25th May, 1987/Jyaistha 4, 1909 (Saka)

The following Act of Parliament received the assent of the President on the 23rd May, 1987, and is hereby published for general information:—

THE CONSTITUTION (FIFTY-SIXTH AMENDMENT)  
ACT, 1987

[23rd May, 1987.]

An Act further to amend the Constitution of India.

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.

(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:—

Short title and commencement.

Insertion of new article 371-I.

Special  
provision  
with respect  
to the State  
of Goa.

“371-I. Notwithstanding anything in this Constitution, the Legislative Assembly of the State of Goa shall consist of not less than thirty members.”.

S. RAMAIAH,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 255] नई दिल्ली, मंगलवार, मई 26, 1987/ज्येष्ठ 5, 1909  
No. 255] NEW DELHI, TUESDAY, MAY 26, 1987/JYAISTHA 5, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as  
a separate compilation

गृह मंत्रालय

नई दिल्ली, 23 मई, 1987

अधिसूचना

का. आ. 517(अ) :- केन्द्रीय सरकार संविधान (छप्पनवां संशोधन)  
अधिनियम, 1987 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग  
करते हुए, 30 मई, 1987 को उस तारीख के रूप में नियत करती है, जिसको  
उक्त अधिनियम प्रवृत्त होगा।

[फा.सं. 12013/4/87-(i)-एम आर]

MINISTRY OF HOME AFFAIRS

New Delhi, the 26th May, 1987

NOTIFICATION

S.O. 517 (E) :—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Fifty-sixth Amendment) Act, 1987, the Central Government hereby appoints the 30th May, 1987, as the date on which the said Act shall come into force.

[No. 12013/4/87-(i)-SR]

अधिसूचना

फा. आ. 518 (अ) :—केन्द्रीय सरकार गोवा, दमण और दीव पुनर्गठन अधिनियम, 1987 (1987 का 18) की धारा 2 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 30 मई, 1987 को उक्त अधिनियम के प्रयोजनार्थ "नियत दिन" नियत करती है।

[फा. सं. 12013/4/87-(ii)-एस आर]

सुजाता चौहान, संयुक्त सचिव

NOTIFICATION

S.O. 518 (E) :—In exercise of the powers conferred by clause (b) of section 2 of the Goa, Daman and Diu Reorganisation Act, 1987 (18 of 1987), the Central Government hereby appoints the 30th day of May, 1987, as the appointed day for the purposes of that Act.

[No 12013/4/87-(ii)-SR]

S. CHAUHAN, Jt. Secy.

  
भारत का राजपत्र  
The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 46]  
No. 46]

नई दिल्ली, मंगलवार, सितम्बर 15, 1987/भाद्र 24, 1909  
NEW DELHI, TUESDAY, SEPTEMBER 15, 1987/BHADRA 24, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

*New Delhi, the 15th September, 1987/Bhadra 24, 1909 (Saka)*

The following Act of Parliament received the assent of the President on the 15th September, 1987, and is hereby published for general information:—

**THE CONSTITUTION (FIFTY-SEVENTH AMENDMENT)  
ACT, 1987**

[15th September, 1987.]

An Act further to amend the Constitution of India.

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.

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

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

Short  
title  
and  
com-  
mence-  
ment.

Amend-  
ment of  
article  
332.

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 as bears to the total 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 subsection (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.

S. RAMAIAH,

*Secy. to the Govt. of India.*





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 489] नई दिल्ली, सोमवार, सितम्बर 21, 1987/भाद्र 30, 1909  
No. 489] NEW DELHI, MONDAY, SEPTEMBER 21, 1987/BHADRA 30, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as  
a separate compilation

विधि और न्याय मंत्रालय

(विधायी विभाग)

नई दिल्ली, 21 सितम्बर, 1987

अधिसूचना

सा. का. नि. 810(प्र).--संविधान (सत्तावनवां संशोधन) अधिनियम, 1987, की धारा 1 की  
उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार 21 सितम्बर, 1987 को उस तारीख  
के रूप में नियत करती है जिसकी उक्त अधिनियम प्रवृत्त होगा।

[का. सं. 10(5)/87 विधायी-1 ]

स. रामयश, सचिव

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 21st September, 1987

## NOTIFICATION

G.S.R. 810(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Fifty-seventh Amendment) Act, 1987, the Central Government hereby appoints the 21st day of September, 1987 as the date on which the said Act shall come into force.

[F. No. 10 (5)87-Leg. I]

S. RAMAIAH, Secy.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 63] नई दिल्ली, बुधवार, दिसम्बर 10, 1987/अग्रहायण 19, 1909  
No. 63] NEW DELHI, THURS DAY, DECEMBER 10, 1987/AGRAHA YANA 19, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 10th December, 1987/Agrahayana 19, 1909 (Saka)*

The following Act of Parliament received the assent of the President on the 9th December, 1987, and is hereby published for general information:—

**THE CONSTITUTION (FIFTY-EIGHTH AMENDMENT)  
ACT, 1987**

[9th December, 1987.]

An Act further to amend the Constitution of India.

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.

Amend-  
ment of  
the  
heading  
of Part  
XXII.

Insertion of  
new  
article  
394A.

Authoritative  
text in  
the  
Hindi  
language.

3. After article 394 of the Constitution, the following article shall be inserted, namely:—

“394A. (1) The President shall cause to be published under his authority,—

(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 the 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.”

S. RAMAIAH,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY  
भाग II—खण्ड 1  
PART II—Section 1  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 11] नई दिल्ली, बुधवार, मार्च 30, 1988/चैत्र 10, 1910  
No. 11] NEW DELHI, WEDNESDAY, MARCH 30, 1988/CHAITRA 10, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

*New Delhi, the 30th March, 1988/Chaitra 10, 1910 (Saka)*

The following Act of Parliament received the assent of the President on the 30th March, 1988, and is hereby published for general information:—

**THE CONSTITUTION (FIFTY-NINTH AMENDMENT)  
ACT, 1988**

[30th March, 1988.]

An Act further to amend the Constitution of India.

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 (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:—

“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:—

‘359A. Notwithstanding anything in this Constitution, this Part shall, in relation to the State of Punjab, be subject to the following modifications, namely:—

Short  
title.

Amend-  
ment of  
article  
356.

Insertion of  
new article  
359A.

Applica-  
tion of  
this  
Part to  
the State  
of Punjab

(a) in article 352,—

(i) 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.

S. RAMAIAH,

*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

HB  
9/5/88

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 94 नई दिल्ली, बुधवार, दिसम्बर 21, 1988/अग्रहायण 30, 1910  
No. 94] NEW DELHI, WEDNESDAY, DECEMBER 21, 1988/AGRAHAYANA 30, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 21st December, 1988/Agrahayana 30, 1910 (Saka)

The following Act of Parliament received the assent of the President on the 20th December, 1988, and is hereby published for general information:—

THE CONSTITUTION (SIXTIETH AMENDMENT) ACT, 1988

[20th December, 1988.]

An Act further to amend the Constitution of India.

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 (Sixtieth Amendment) Act, 1988.

Short title.

2. In article 276 of the Constitution, in clause (2),—

Amendment of article 276.

(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.

C. RAMAN MENON,  
Additional Secy. to the Govt. of India.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 6] नई दिल्ली, मंगलवार, मार्च 28, 1989/चैत्र 7, 1911  
No. 6] NEW DELHI, TUESDAY, MARCH 28, 1989/CHAITRA 7, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

*New Delhi, the 28th March, 1989 / Chaitra 7, 1911 (Saka)*

The following Act of Parliament received the assent of the President on the 28th March, 1989, and is hereby published for general information:—

## THE CONSTITUTION (SIXTY-FIRST AMENDMENT) ACT, 1988

[28th March, 1989.]

An Act further to amend the Constitution of India.

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.

V. S. RAMA DEVI,  
Secy. to the Govt. of India.





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 5] नई दिल्ली, बुधवार, जनवरी 25, 1990/मघा 5, 1911  
No. 5] NEW DELHI, THURSDAY, JANUARY 25, 1990/MAGHA 5, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 25th January, 1990/Magha 5, 1911 (Saka)

The following Act of Parliament, after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 25th January, 1990, and is hereby published for general information:—

THE CONSTITUTION (SIXTY-SECOND AMENDMENT)  
ACT, 1989

[25th January, 1990.]

An Act for her to amend the Constitution of India.

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.

(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.

2. In article 334 of the Constitution, for the words "forty years", the words "fifty years" shall be substituted.

Short  
title  
and  
com-  
mence-  
ment.

Amend-  
ment of  
article  
334.

V. S. RAMA DEVI,  
Secy. to the Govt. of India.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, शनिवार, जनवरी 6, 1990/पासा 16, 1911  
No. 3] NEW DELHI, SATURDAY, JANUARY 6, 1990/PAUSA 16, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 6th January, 1990|Pausa 16, 1911 (Saka)

The following Act of Parliament received the assent of the President on the 6th January, 1990, and is hereby published for general information:—

THE CONSTITUTION (SIXTY-THIRD AMENDMENT) ACT, 1989

[6th January, 1990.]

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

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

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

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

3. Article 359A of the Constitution shall be omitted.

Short title and commencement.

Amendment of article 356.

Omission of article 359A.

V. S. RAMA DEVI,  
Secy. to the Govt. of India



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 17] नई दिल्ली, सोमवार, अप्रैल 16, 1990/चैत्र 26, 1912 (शक)  
No. 17] NEW DELHI, MONDAY, APRIL 16, 1990/CHAITRA 16, 1912 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 16th April, 1990/Chaitra 26, 1912 (Saka)

The following Act of Parliament received the assent of the President on the 16th April, 1990 and is hereby published for general information:—

THE CONSTITUTION (SIXTY-FOURTH AMENDMENT)  
ACT, 1990

[16th April, 1990.]

An Act further to amend the Constitution of India.

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 (Sixty-fourth Amendment) Act, 1990.

Short  
title.

2. In article 356 of the Constitution,—

(a) in clause (4), after the second proviso, the following proviso shall be inserted, namely:—

Amend-  
ment of  
article  
356.

'Provided also that in the case of the Proclamation issued under clause (1) on the 11th day of May, 1987 with respect to the State of Punjab, the reference in the first proviso to this clause to "three years" shall be construed as a reference to "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 11th day of May, 1987 with respect to the State of Punjab.”.

K. L. MOHANPURIA,

*Additional Secy. to the Govt. of India.*

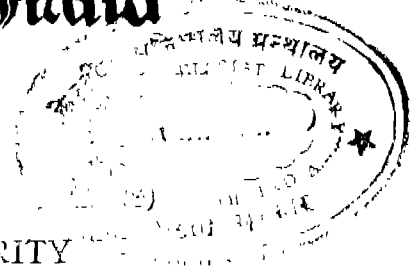


# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY



सं० 31]  
No. 31]

नई दिल्ली, शुक्रवार, जून 8, 1990 ज्येष्ठ 8, 1912  
NEW DELHI, FRIDAY, JUNE 8, 1990/JYAISTHA 18, 1912

इस भाग में निम्न पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 8th June, 1990/Jyaistha 18, 1912 (Saka)

The following Act of Parliament received the assent of the President on the 7th June, 1990, and is hereby published for general information:—

### THE CONSTITUTION (SIXTY-FIFTH AMENDMENT) ACT, 1990

[7th June, 1990.]

An Act further to amend the Constitution of India.

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.

(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,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“National Commission for Scheduled Castes and Scheduled Tribes.”;

Short  
title  
and  
com-  
mence-  
ment.

Amend-  
ment of  
article  
338.

(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 Commission 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).

V. S. RAMA DEVI,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 186]  
No. 186]

नई दिल्ली, बुधवार, मार्च 12, 1992/ फाल्गुन 22, 1913  
NEW DELHI, THURSDAY, MARCH 12, 1992/PHALGUNA 22, 1913

इस भाग में अलग पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

कल्याण मंत्रालय

MINISTRY OF WELFARE

अधिसूचना

NOTIFICATION

नई दिल्ली, 12 मार्च, 1992

New Delhi, th 12th March, 1992

का. आ. 204(अ):— केन्द्रीय सरकार, संविधान (पैंसठवां संशोधन) अधिनियम, 1990 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 12 मार्च 1992 को उस तारीख के रूप में नियुक्त करती है जिसको उक्त अधिनियम प्रवृत्त होगा।

S.O. 204(E).—In exercise of the powers conferred by sub-section (2) of Section (1) of the Constitution (Sixty-fifth Amendment) Act, 1990, the Central Government, hereby appoints the 12th day of March, 1992, as the date on which the said Act shall come into force.

[सं. 13040/2/90-एस. सी. -VI]  
टी. मुनिवेंकटप्पा, संयुक्त सचिव

[No. 13040/2/90-SCD-VI]  
T. MUNIVENKATAPPA, Jt. Secy.



## अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का. आ. 205 (अ):— राष्ट्रपति संविधान के अन्तर्छेद 338 के खंड (1) के अधीन नियुक्त श्री एस. पी. बागला की अनुसूचित जातियों, अनुसूचित जनजातियों के लिए विशेष अधिकारी के रूप में नियुक्ति से संबंधित भारत सरकार के कल्याण मंत्रालय की अधिसूचना सं. बी. सी. 13015/12/84-एम. सी. बा. सी. डी.-VI, तारीख 10 फरवरी, 1991 का विरुद्ध कर रहे हैं :

परन्तु यह है कि ऐसे विरुद्ध से उस अधिसूचना के पूर्व प्रवर्तन या उसके अधीन की गई किसी बात पर कोई प्रभाव नहीं पड़ेगा।

[सं. 13040/2/90-एस. सी. डी.-VI]

टी. मुनिवेंकटप्पा, संयुक्त सचिव

## NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 205(E).—The President is pleased to rescind the Notification of the Government of India in the Ministry of Welfare No. BC-13015/12/84-SCD-VI dated the 10th February, 1991 appointing Shri S.P. Bagla, as Special Officer for Scheduled Castes and Scheduled Tribes, appointed under clause (1) of article 338 of the Constitution :

Provided that such rescission shall not affect the previous operation of that Notification or any thing done thereunder.

[No. 13040/2/90-SCD-VI]

T. MUNIVENKATAPPA, Jt. Secy.

## अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का. आ. 206(अ):— राष्ट्रपति, भारत सरकार (कल्याण मंत्रालय) संकल्प सं. 13015/12/86-एस. सी. डी. -VI, तारीख 1 सितम्बर, 1987 के अधीन गठित राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग के अध्यक्ष के रूप में श्री रामधन को नियुक्ति से संबंधित भारत सरकार के कल्याण मंत्रालय की अधिसूचना सं. 13015/9/80 एस. सी. डी. -VI तारीख 21 अप्रैल, 1990 का विरुद्ध कर रहे हैं :

परन्तु यह है कि ऐसे विरुद्ध से अधिसूचना के पूर्व प्रवर्तन या उसके अधीन की गई किसी बात पर कोई प्रभाव नहीं पड़ेगा।

[सं. 13040/2/90-एस. सी. डी. -VI]

टी. मुनिवेंकटप्पा, संयुक्त सचिव

## NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 206(E).—The President is pleased to rescind the Notification of the Government of India in the Ministry of Welfare No. 13015/9/89-SCD-VI dated the 21st April, 1990 appointing Shri Ram Dhan as Chairman of the National Commission for Scheduled Castes and Scheduled Tribes constituted under the Government of India (Ministry of Welfare) Resolution No. 13015/12/86-SCD-VI dated the 1st September, 1987 :

Provided that such rescission shall not affect the previous operation of that notification or anything done thereunder.

[No. 13040/2/90-SCD-VI]

T. MUNIVENKATAPPA, Jt. Secy.

## अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का. आ. 207 (अ):— राष्ट्रपति, श्रद्धेय लामा लोवजांग की राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग के सदस्य के रूप में नियुक्ति से संबंधित भारत सरकार के तत्कालीन गृह मंत्रालय की अधिसूचना सं. बी. सी. 13015/18/83 एस. सी. और बी. सी. डी. -VI तारीख 28 फरवरी, 1984 तथा भारत सरकार के कल्याण मंत्रालय संकल्प सं. 13015/12/86-एस. सी. डी. VI, तारीख 1 सितम्बर, 1987 के अधीन पुनर्गठित राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग में उनकी नियुक्ति के बढ़ाए जाने से संबंधित भारत सरकार के कल्याण मंत्रालय की पश्चातवर्ती अधिसूचना सं. बी. सी. 13015/18/83-एस. सी. डी. -तारीख 27 फरवरी 1987, बी. सी. 13015/12/88-एस. सी. डी. VI तारीख 23 फरवरी, 1989 और बी. सी. 13015/12/88 एस. सी. डी. VI तारीख 6 मार्च, 1990 का विरुद्ध कर रहे हैं :

परन्तु यह है कि ऐसे विरुद्ध से अधिसूचना के पूर्व प्रवर्तन या उसके अधीन की गई किसी बात पर कोई प्रभाव नहीं पड़ेगा।

[सं. 13040/2/90 एस. सी. डी. -VI]

टी. मुनिवेंकटप्पा, संयुक्त सचिव

## NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 207(E).—The President is pleased to rescind the Notification of the Government of India in the erstwhile Ministry of Home Affairs No. BC-13015/18/83-SC&BCD-VI dated the 28th February, 1984

appointing Venerable Lama Lobzang as Member of the Commission for Scheduled Castes and Scheduled Tribes and subsequent Notification Nos. BC-13015/18/83-SCD-VI dated the 27th February, 1987, BC-13015/12/88-SCD-VI dated the 23rd February, 1989 and BC-13015/12/88-SCD-VI dated the 6th March, 1990 of the Government of India in the Ministry of Welfare regarding the extension of his appointment in the re-constituted National Commission for Scheduled Castes and Scheduled Tribes under Government of India, Ministry of Welfare Resolution No. 13015/12/86-SCD-VI dated the 1st September, 1987 :

Provided that such rescission shall not affect the previous operation of those notifications or anything done thereunder.

[No. 13040/2/90-SCD-VI]

T. MUNIVENKATAPPA, Jt. Secy.

अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का. आ. 208 (अ):— राष्ट्रपति, भारत सरकार (कल्याण मंत्रालय) संकल्प सं. 13015/12/86-एस. सी. VI तारीख 1 सितम्बर, 1987 के अधीन गठित राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग के पूर्णकालिक सदस्य के रूप में श्रीमती जमुना सोलंकी, श्री रमेश बाबू और श्री रावन्द्र नायक को नियुक्ति से संबंधित भारत सरकार के कल्याण मंत्रालय की अधिसूचना सं. सी. सी. 13015/9/89 एस. सी. VI, तारीख 24 अक्टूबर, 1989 का विच्छेदन करते हैं :

परन्तु यह है कि ऐसे विच्छेदन से उस अधिसूचना के पूर्व प्रवर्तन या उसके अधीन की गई किसी बात पर कोई प्रभाव नहीं पड़ेगा।

[सं. 13040/2/90-एस. सी. VI]

टी. मुनिवेंकटप्पा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 208(E).—The President is pleased to rescind the Notification of the Government of India in the Ministry of Welfare No. BC-13015/9/89-SCD-VI dated the 24th October, 1989 appointing Smt. Jamuna Solanki, Shri Ramesh Babu and Shri Ravindra Naik as full-time members of the National Commission for Scheduled Castes and Scheduled Tribes constituted under Government of India (Ministry of Welfare) Resolution No. 13015/12/86-SCD-VI dated the 1st September, 1987 :

Provided that such rescission shall not affect the previous operation of that notification or anything done thereunder.

[No. 13040/2/90-SCD-VI]

T. MUNIVENKATAPPA, Jt. Secy.

अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का. आ. 209 (अ).— राष्ट्रपति, भारत सरकार (कल्याण मंत्रालय) संकल्प सं. 13015/12/86-एस. सी. VI, तारीख 1 सितम्बर, 1987 के अधीन गठित राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग के पूर्णकालिक सदस्य के रूप में श्री पी. एम. कृष्णन की नियुक्ति से संबंधित भारत सरकार के कल्याण मंत्रालय की अधिसूचना सं. 13015/9/89-एस. सी. VI तारीख 11 जून, 1991 का विच्छेदन करते हैं :

परन्तु यह है कि ऐसे विच्छेदन से उस अधिसूचना के पूर्व प्रवर्तन या उसके अधीन की गई किसी बात पर कोई प्रभाव नहीं पड़ेगा।

[सं. 13040/2/90-एस. सी. VI]

टी. मुनिवेंकटप्पा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 209(E).—The President is pleased to rescind the Notification of the Government of India in the Ministry of Welfare No. 13015/9/89-SCD-VI, dated the 11th June, 1991 appointing Shri P.S. Krishnan as member of the National Commission for Scheduled Castes and Scheduled Tribes constituted under the Government of India (Ministry of Welfare) Resolution No. 13015/12/86-SCD-VI dated the 1st September, 1987 :

Provided that such rescission shall not affect the previous operation of that notification or anything done thereunder.

[No. 13040/2/90-SCD-VI]

T. MUNIVENKATAPPA, Jt. Secy.

अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का. आ. 210 (अ).— राष्ट्रपति, भारत सरकार (कल्याण मंत्रालय) संकल्प सं. 13015/12/86-एस. सी. VI, तारीख 1 सितम्बर, 1987 के अधीन गठित राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग में नियुक्ति से संबंधित सदस्यों के रूप में नियुक्ति से संबंधित भारत सरकार के कल्याण मंत्रालय की अधिसूचना

सं. 13015/9/89-एस.सी.डी. VI तारीख 15 नवम्बर, 1989 का विखंडन करते हैं:—

1. सुश्री मबल रिबेलो (एम.पी.)
2. प्रो. स्काटो स्वु

परन्तु यह है कि ऐसे विखंडन से उक्त अधिसूचना के पूर्व प्रवर्तन या उसके अधीन की गई किसी बात पर कोई प्रभाव नहीं पड़ेगा।

[सं. 13040/2/90-एस.सी.डी. VI]  
टी. मुनिवेंकटप्पा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 210(E).—The President is pleased to rescind the Notification of the Government of India in the Ministry of Welfare No. 13015/9/89-SCD-VI, dated the 15th November, 1989 appointing the following as Honorary Members of the National Commission for Scheduled Castes and Scheduled Tribes constituted under the Government of India (Ministry of Welfare) Resolution No. 13015/12/86-SCD-VI, dated the 1st September, 1987.

1. Ms. Mabel Rebello
2. Prof. Scato Swu

Provided that such rescission shall not affect the previous operation of that notification or anything done thereunder.

[No. 13040/2/90-SCD-VI]  
T. MUNIVENKATAPPA, Jt. Secy.

अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का.आ. 211(अ).—राष्ट्रपति, संविधान के अनुच्छेद 338 के खंड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री राम धन को राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग का अध्यक्ष नियुक्त करते हैं।

[सं. 13040/2/90-एस.सी.डी.-VI]  
टी. मुनिवेंकटप्पा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 211(E).—In exercise of the powers conferred by clause (3) of article 338 of the Constitution, the President is pleased to appoint Shri Ram Dhan as Chairperson of the National Commission for Scheduled Castes and Scheduled Tribes.

[No. 13040/2/90-SCD-VI]  
T. MUNIVENKATAPPA, Jt. Secy.

अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का.आ. 212 (अ).—राष्ट्रपति, संविधान के अनुच्छेद 338 के खंड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री टी. मोची राय मुण्डा को राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग का उपाध्यक्ष नियुक्त करते हैं।

[सं. 13040/2/90-एस.सी.डी. VI]  
टी. मुनिवेंकटप्पा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 212(E).—In exercise of the powers conferred by clause (3) of article 338 of the Constitution, the President is pleased to appoint Shri T. Muchi Rai Munda as Vice-Chairperson of the National Commission for Scheduled Castes and Scheduled Tribes.

[No. 13040/2/90-SCD-VI]  
T. MUNIVENKATAPPA, Jt. Secy.

अधिसूचना

नई दिल्ली, 12 मार्च, 1992

का.आ. 213(अ).—राष्ट्रपति, संविधान के अनुच्छेद 338 के खंड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित को राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग का सदस्य नियुक्त करते हैं :-

1. श्री. सामथ्या
2. डा. सरोजिनी महिषी
3. श्री. हरी सिंह
4. श्री फानिन्द्र नाथ ब्रह्मा
4. श्री जीना भाई आर. वरजी

[सं. 13040/2/90-एस.सी.डी. VI]  
टी. मुनिवेंकटप्पा, संयुक्त सचिव

NOTIFICATION

New Delhi, the 12th March, 1992

S.O. 213(E).—In exercise of the powers conferred by clause (3) of article 338 of the Constitution, the President is pleased to appoint the following as members of the National Commission for Scheduled Castes and Scheduled Tribes :

- (1) Shri B. Sammaiah
- (2) Dr. Sarojini Mahishi
- (3) Chaudhry Hari Singh
- (4) Shri Phanindra Nath Brahma
- (5) Shri Jhina Bhai R. Darjee

[No. 13040/2/90-SCD-VI]  
T. MUNIVENKATAPPA, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY



सं० 32] नई दिल्ली, शुक्रवार, जून 8, 1990/ज्यैष्ठ 18, 1912  
No. 32] NEW DELHI, FRIDAY, JUNE 8, 1990/JYAISTHA 18, 1912

इस भाग में निम्न पृष्ठ संख्या दी जाती है ताकि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 8th June, 1990/Jyaistha 18, 1912 (Saka)

The following Act of Parliament received the assent of the President on the 7th June, 1990, and is hereby published for general information:—

THE CONSTITUTION (SIXTY-SIXTH AMENDMENT)  
ACT, 1990

[7th June, 1990.]

An Act further to amend the Constitution of India.

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 (Sixty-sixth Amendment) Act, 1990.

Short  
title.

2. In the Ninth Schedule to the Constitution, after entry 202 and before the *Explanation*, the following entries shall be inserted, namely:—

Amend-  
ment of  
the  
Ninth  
Sche-  
dule.

“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 Land Transfer Amendment) Regulation, 1963 (Andhra Pradesh Regulation 2 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, 1885 (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 14 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).

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 Lands 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).
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 on 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)."

V. S. RAMA DEVI,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**'The Gazette of India'**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

---

सं. 47] नई दिल्ली, बृहस्पतिवार, अक्टूबर 4, 1990/अश्विन 12, 1912 (सक)  
No. 47] NEW DELHI, THURSDAY, OCTOBER 4, 1990/ASVINA 12, 1912 (Saka)

---

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

---

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

*New Delhi, the 4th October, 1990/Asvina 12, 1912 (Saka)*

The following Act of Parliament received the assent of the President on the 4th October, 1990, and is hereby published for general information:—

THE CONSTITUTION (SIXTY-SEVENTH AMENDMENT)  
ACT, 1990

[4th October, 1990.]

An Act further to amend the Constitution of India.

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 (Sixty-seventh Amendment) Act, 1990.

Short  
title.



Amend-  
ment of  
article  
356.

2. In article 356 of the Constitution, in clause (4), in the third proviso, for the words "three years and six months", the words "four years" shall be substituted

V. S. RAMA DEVI,  
*Secy. to the Govt. of India.*



**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 14] नई दिल्ली, मंगलवार, मार्च 12, 1991/फाल्गुन 21, 1912

No. 14] NEW DELHI, TUESDAY, MARCH 12, 1991/PHALGUNA 21, 1912

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

*New Delhi, the 12th March, 1991/Phalguna 21, 1912 (Saka)*

The following Act of Parliament received the assent of the President on the 12th March, 1991, and is hereby published for general information:—

**THE CONSTITUTION (SIXTY-EIGHTH AMENDMENT)  
ACT, 1991**

[12th March, 1991.]

An Act further to amend the Constitution of India.

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 (Sixty-eighth Amendment) Act, 1991.

Short  
title.

Amend-  
ment of  
article  
356.

2. In article 356 of the Constitution, in clause (4), in the third proviso, for the words "four years", the words "five years" shall be substituted.

K. L. MOHANPURIA,  
*Additional Secretary to the Govt. of India.*



**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 73] नई दिल्ली, शनिवार, दिसम्बर, 21, 1991/अग्रहायण 30, 1913  
No. 73] NEW DELHI, SATURDAY, DECEMBER 21, 1991/AGRAHAYANA 30, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 21st December, 1991/Agrahayana 30, 1913 (Saka)

The following Act of Parliament received the assent of the President on the 21st December, 1991, and is hereby published for general information:—

**THE CONSTITUTION (SIXTY-NINTH AMENDMENT)  
ACT, 1991**

[21st December, 1991.]

An Act further to amend the Constitution of India.

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

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.

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.

Short title and commencement.  
Insertion of new articles 239AA and 239AB.  
Special provisions with respect to Delhi.

(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 this 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 is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly, or of an earlier law, other than a law 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 Assem-

bly 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.

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 as 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.

Provi-  
sion in  
case of  
failure  
of con-  
stitu-  
tional  
machin-  
ery.

V. S. RAMA DEVI,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं 84] नई दिल्ली, शुक्रवार, जनवरी 31, 1992/माघ 11, 1913

No 84] NEW DELHI, FRIDAY, JANUARY 31, 1992/MAGHA 11, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 31 जनवरी, 1992

का प्रा 96(अ) —मविधान (उन्हनरगा मशोधन) अधिनियम, 1991 की धारा  
1 की उपधारा (2) द्वारा प्रदत्त अधिनियमों का प्रयोग कानून हुए, केन्द्रीय सरकार एतद्वारा  
फरवरी 1992 के प्रथम दिवस को उक्त अधिनियमों के रूप में विज्ञापित करती है जिस तिथि  
को उक्त अधिनियम प्रवृत्त होगा।

[स. वृ -11013/2/92-यू.टी एल.]

माधव गोडबोले, सचिव

---

**MINISTRY OF HOME AFFAIRS****NOTIFICATION**

New Delhi, the 31st January, 1992

S.O. 96(E) :—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Sixty-ninth Amendment) Act, 1991, the Central Government hereby appoints the 1st day of February, 1992 as the date on which the said Act shall come into force.

[F. No. U-11013/2/92-UTL]  
MADHAV GODBOLE, Secy.





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 42] नई दिल्ली, बुधवार, अगस्त 13, 1992/श्रावण 22, 1914  
No. 42] NEW DELHI, THURSDAY, AUGUST 13, 1992/SRAVANA 22, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 13th August, 1992/Sravana 22, 1914 (Saka)

The following Act of Parliament, after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 12th August, 1992, and is hereby published for general information:—

## THE CONSTITUTION (SEVENTIETH AMENDMENT) ACT, 1992

[12th August, 1992.]

An Act further to amend the Constitution of India.

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 (Seventieth Amendment) Act, 1992.

(2) Section 3 of this Act shall be deemed to have come into force on the 21st 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:—

*Explanation.*—In this article and in article 55, “State” includes the National Capital Territory of Delhi and the Union territory of Pondicherry.

Short  
title and  
commence-  
ment.

Amend-  
ment of  
article 54.

Amend-  
ment of  
article  
239AA.

3. In article 239AA of the Constitution,—

(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.”.

K. L. MOHANPURIA,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

**असाधारण**  
**EXTRAORDINARY**

भाग II—खण्ड 3—उप-खण्ड (i)  
**PART II—Section 3—Sub-section (i)**

प्राधिकार से प्रकाशित  
**PUBLISHED BY AUTHORITY**

सं. 194]  
No. 194]

नई दिल्ली, मंगलवार, मई 2, 1995/वैशाख 12, 1917  
NEW DELHI, TUESDAY, MAY 2, 1995/VAISAKHA 12, 1917

विधि, न्याय और कंपनी कार्य मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 2 मई, 1995

सा.का.नि. 375(अ).—केन्द्रीय सरकार, संविधान (सत्तरवां संशोधन) अधिनियम, 1992 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 1 जून, 1995 को उम नागेश के रूप में नियत करती है जिसको उक्त अधिनियम की धारा 2 प्रबुद्ध होगी।

[फा. सं. 10(3)/92-विधायी-II]

टी. के. विश्वनाथन, संयुक्त सचिव,  
एवं विधायी परामर्शी

---

---

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

(Legislative Department)

**NOTIFICATION**

New Delhi, the 2nd May, 1995

G.S.R. 375(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Seventieth Amendment) Act, 1992, the Central Government hereby appoints the 1st day of June, 1995, as the date on which section 2 of the said Act, shall come into force.

[F. No. 10(3)/92-Leg.II]

T. K. VISHWANATHAN, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 55] नई दिल्ली, मंगलवार, सितम्बर 1, 1992/भाद्र 10, 1914

No. 55] NEW DELHI, TUESDAY, SEPTEMBER 1, 1992/BHADRA 10, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 1st September, 1992/Bhadra 10, 1914 (Saka)

The following Act of Parliament received the assent of the President on the 31st August, 1992, and is hereby published for general information:—

**THE CONSTITUTION (SEVENTY-FIRST AMENDMENT) ACT, 1992**

[31st August, 1992.]

AN Act further to amend the Constitution of India.

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 (Seventy-first Amendment) Act, 1992.

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 re-numbered, the entry "9. Manipuri." shall be inserted;

Short  
title.

Amend-  
ment of  
Eighth  
Schedule.

(c) existing entries 9 to 15 shall be re-numbered as entries 12 to 18 respectively, and before entry 12 as so re-numbered, the entry "11. Nepali." shall be inserted.

K. L. MOHANPURIA.  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

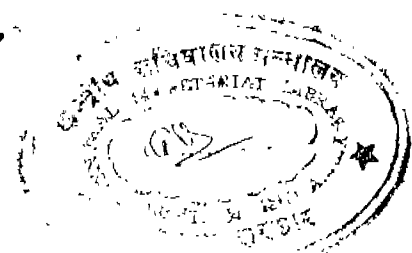
असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



सं. 67] नई दिल्ली, शुक्रवार, दिसम्बर 4, 1992/अग्रहायण 13, 1914  
No. 67] NEW DELHI, FRIDAY, DECEMBER 4, 1992/AGRAHAYANA 13, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

*New Delhi, the 4th December, 1992/Agrahayana 13, 1914 (Saka)*

The following Act of Parliament received the assent of the President on the 4th December, 1992, and is hereby published for general information:—

**THE CONSTITUTION (SEVENTY-SECOND  
AMENDMENT) ACT, 1992**

[4th December, 1992.]

An Act further to amend the Constitution of India.

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-second Amendment) Act, 1992.

Short  
title  
and com-  
mence-  
ment.

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

2. (1) In article 332 of the Constitution, after clause (3A), the following clause shall be inserted, namely:—

Amend-  
ment of  
article  
332.

“(3B) 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.”.

(2) The amendment made to article 332 of the Constitution by subsection (1) 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.

K. L. MOHANPURIA,  
*Secy. to the Govt. of India,*





# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

नं. 770] नई दिल्ली, शनिवार, दिसम्बर 5, 1992/अग्रहायण 14, 1914

No. 770] NEW DELHI, SATURDAY, DECEMBER 5, 1992/ AGRAHAYANA 14, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 5 दिसम्बर, 1992

का आ. 887(अ) :—केन्द्रीय सरकार, संविधान (बहुतरां संशोधन) अधिनियम, 1992 की धारा 1 की उपधारा(2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिसम्बर, 1992 के पाचवें दिवस को उस तिथि के रूप में नियत करती है जिस तिथि को उक्त अधिनियम प्रवृत्त होगा।

[फा० सं० 7747/जेएस(एनई)/92],  
वाल्मीकि प्रसाद सिंह, संयुक्त सचिव

---

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 5th December, 1992

S.O. 887(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Seventy-second Amendment) Act, 1992, the Central Government hereby appoints the 5th day of December, 1992 as the date on which the said Act shall come into force.

[G. No. 7747/JS(NE)192]

B. P. SINGH, Jt. Secy.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 69] नई दिल्ली, मंगलवार, अप्रैल 20, 1993/चैत्र 30, 1915  
No. 69] NEW DELHI, TUESDAY, APRIL 20, 1993/CHAITRA 30, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

**(Legislative Department)**

*New Delhi, the 20th April, 1993/Chaitra 30, 1915 (Saka)*

The following Act of Parliament, after having been ratified by the Legislature of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 20th April, 1993 and is hereby published for general information:—

**THE CONSTITUTION (SEVENTY-THIRD AMENDMENT)  
ACT, 1992**

[20th April, 1993.]

An Act further to amend the Constitution of India.

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.

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

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,—

(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;

Short title and commencement.

Insertion of new Part IX.

Definitions.

(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 a 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.

Constitu-  
tion of  
Pancha-  
yats.

243B. (1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

(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.

Composi-  
tion of  
Pancha-  
yats.

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:

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 the Panchayats.

(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—

(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 that Panchayat area bears to the total population of that area and such seats may be allotted by rotation 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

Reserva-  
tion of  
seats.

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 of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not 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 Pancha-  
yats 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 Panchayat 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 it not been so dissolved.

Disqualifi-  
cations for  
member-  
ship.

243F. (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

(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:

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.

243G. Subject to the provisions of this 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—

Powers, authority and responsibilities of Panchayats.

(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.

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,

Powers to impose taxes by, and Funds of, the Panchayats.

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 fifth 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 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 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 interests 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.

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.

Audit  
of ac-  
counts  
of Pan-  
chayats.

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.

Elections  
to the  
Panchayats.

(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, elections to the Panchayats.

Appli-  
cation to  
Union  
terri-  
tories

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 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 that Legislative Assembly:

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.

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.

Part  
not to  
apply to  
certain  
areas.

(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.

243N. 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 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  
Pancha-  
yats.

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.

Bar to interference by courts in electoral matters.

243-O. Notwithstanding anything in this Constitution,—

(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.
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."

K. L. MOHANPURIA,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

---

सं. 243] नई दिल्ली, शनिवार अप्रैल 24, 1993/वैशाख 4, 1915  
No. 243] NEW DELHI, SATURDAY, APRIL 24, 1993/VAISAKHA 4, 1915

---

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

---

ग्रामीण विकास मंत्रालय

अधिसूचना

नई दिल्ली, 24 अप्रैल, 1993

का.श्रा. 267 (अ). —केन्द्रीय सरकार, सविधान (निहत्तर वा सशोधन) अधिनियम, 1992 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 24 अप्रैल, 1993 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम प्रवृत्त होगा।

[स. एन-12011/1/93-पी.श्रा.]

एस एन. मीनाक्षी सुन्दरम, सयुक्त सचिव

---

**MINISTRY OF RURAL DEVELOPMENT****NOTIFICATION**

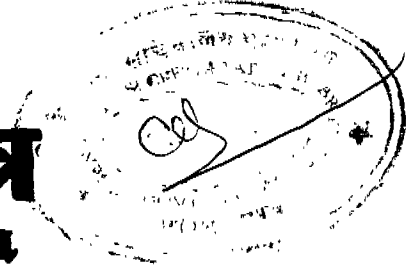
New Delhi, the 24th April, 1993

S.O. 267(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Seventy third Amendment) Act, 1992, the Central Government hereby appoints the 24th day of April, 1993, as the date on which the said Act shall come into force.

[No. N-12011/1/93-PR]

S. S. MEENAKSHISUNDARAM, Jt. Secy.

  
**भारत का राजपत्र**  
**The Gazette of India**



असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 70] नई दिल्ली, मंगलवार, अप्रैल 20, 1993/चैत्र 30, 1915  
No. 70] NEW DELHI, TUESDAY, APRIL 20, 1993/CHAITRA 30, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रत्येक संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

**(Legislative Department)**

*New Delhi, the 20th April, 1993/Chaitra 30, 1915 (Saka)*

The following Act of Parliament, after having been ratified by the Legislature of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 20th April, 1993 and is hereby published for general information:—

**THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992**

[20th April, 1993.]

An Act further to amend the Constitution of India.

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-fourth 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.

2. After Part IX of the Constitution, the following Part shall be inserted, namely:—

Insertion of new Part IXA.

**'PART IXA**

**THE MUNICIPALITIES**

243P. In this Part, unless the context otherwise requires,—

(a) "Committee" means a Committee constituted under article 243S;

Definitions.

(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) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;

(e) "Municipality" means 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.

Constitu-  
tion of  
Municipalities.

243Q. (1) There shall be constituted in every State,—

(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 Council 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 an 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  
Municipalities.

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 each Municipal area shall be divided into territorial constituencies 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 Committees 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 a 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.

(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 a 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 the 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 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.

Constitution and composition of Wards Committees, etc.

Reservation of seats.



(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 officers 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 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 Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

Duration  
of  
Municipalities,  
etc.

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:

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 dissolved Municipality would have continued under clause (1) had it not been so dissolved.

Disqualifications  
for  
membership.

243V. (1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality—

(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:

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 Municipality 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.

243W. Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow—

Powers, authority and responsibilities of Municipalities, etc.

(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—

(i) the preparation of plans for economic development and social justice;

(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.

Finance  
Com-  
mission.

243Y. (1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and 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 grants-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 Muni-  
cipalities.

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  
Municipali-  
ties.

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 this 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.

Applica-  
tion to  
Union  
territo-  
ries.

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 that Legislative Assembly:

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.

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 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.

243ZD. (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.

Committee for district planning.

(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 Committees 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.

Committee for Metropolitan planning.

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.

(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:

Continuance 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 that 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,—

(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 article 243ZA shall not be called in question in any court;

Bar to interference by courts in electoral matters.

(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.

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:—

Amendment of article 280.

“(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.”.

4. After the Eleventh Schedule to the Constitution, the following Schedule shall be added, namely:—

Addition of Twelfth Schedule.

#### “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.”.

K. L. MOHANPURIA,

*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

नं. 316] नई दिल्ली, मंगलवार, जून 1, 1993/वैशाख 11, 1915  
No. 316] NEW DELHI, TUESDAY, JUNE 1, 1993/VAISAKHA 11, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

शहरी विकास मंत्रालय

अधिसूचना

नई दिल्ली, 1 जून, 1993

का.प्र. 346(अ).--केंद्रीय सरकार, मविधान (नौहनरवा सणांधन) अधिनियम,  
1992 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,  
1 जून, 1993 को उस तारीख के रूप में निम्न करती है, जिसका उक्त अधिनियम प्रवृत्त  
होगा।

[स. एच-11018/10/91-यू. सी. डी.]

के. श्रीमंगलन, सयुक्त सचिव



## MINISTRY OF URBAN DEVELOPMENT

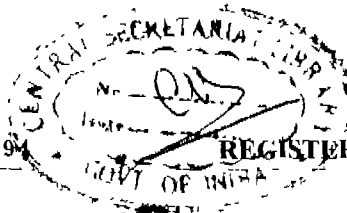
## NOTIFICATION

New Delhi, the 1st June, 1993

S.O. 346(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Seventy-fourth Amendment) Act, 1992, the Central Government appoints the 1st day of June, 1993, as the date on which the said Act shall come into force.

[No. H-11018/10,91-UCD]

K. DHARMARAJAN, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II-खण्ड 1  
PART II-Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 18] नई दिल्ली, मंगलवार, फरवरी 8, 1994/साघ 19, 1915  
No. 18] NEW DELHI, TUESDAY, FEBRUARY 8, 1994/MAGHA 19, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 8th February, 1994/Megha 19, 1915 (Saka)

The following Act of Parliament, after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 5th February, 1994, and is hereby published for general information:—

## THE CONSTITUTION (SEVENTY-FIFTH AMENDMENT) ACT, 1993

[5th February, 1994.]

An Act further to amend the Constitution of India

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, 1993.

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

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 so 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;”

Short  
title  
and  
commence-  
ment.

Amend-  
ment of  
article  
323B.

(b) in sub-clause (i), as so re-lettered, for the brackets and letter “(g)”, the 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.

K. L. MOHANPURIA,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

---

सं. 241] नई दिल्ली, शुक्रवार, मई 13, 1994/वैशाख 23, 1916

No. 241] NEW DELHI, FRIDAY, MAY 13, 1994/VAISAKHA 23, 1916

---

शहरी विकास मंत्रालय

अधिसूचना

नई दिल्ली, 13 मई, 1994

का.प्रा. 372 (अ).—केन्द्र सरकार, संविधान (पिचहत्तरवां संशोधन) अधिनियम, 1993 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के लागू होने की तारीख 15 मई, 1994 नियत करती है।

[संख्या 23013/4/87-आर.सी.सी. प्रा-II]

ए.पी. सिन्हा, संयुक्त सचिव

---

**MINISTRY OF URBAN DEVELOPMENT****NOTIFICATION**

New Delhi, the 13th May, 1994

S.O. 372(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Seventy-fifth Amendment) Act, 1993, the Central Government hereby appoints the 15th day of May, 1994, as the date on which the said Act shall come into force.

[No. 23013/4/87-RCC/H.II]

A. P. SINHA, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 70] नई दिल्ली, बृहस्पतिवार, सितम्बर 1, 1994/भाद्र 10, 1916  
No. 70] NEW DELHI, THURSDAY, SEPTEMBER 1, 1994/BHADRA 10, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 1st September, 1994/Bhadra 10, 1916 (Saka)

The following Act of Parliament received the assent of the President on the 31st August, 1994, and is hereby published for general information:—

## THE CONSTITUTION (SEVENTY-SIXTH AMENDMENT) ACT, 1994

[31st August, 1994.]

An Act further to amend the Constitution of India

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

1. This Act may be called the Constitution (Seventy-Sixth Amendment) Act, 1994.

Short  
title.

2. In the Ninth Schedule to the Constitution, after entry 257 and before the *Explanation*, the following entry shall be inserted, namely:—

Amend-  
ment of  
the Ninth  
Schedule

“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).”.

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

THE CONSTITUTION (SEVENTY-SEVENTH AMENDMENT)  
ACT, 1995

[17th June, 1995.]

An Act further to amend the Constitution of India.

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

Short  
title.

1. This Act may be called the Constitution (Seventy-seventh Amendment) Act, 1995.

Amend-  
ment of  
article  
16.

2. In article 16 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

“(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.”.



**भारत का राजपत्र**  
**The Gazette Of India**

असाधारण  
EXTRAORDINARY

भाग II—खंड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 51] नई दिल्ली, बुधवार, अगस्त 31, 1995/भाद्र 9, 1917  
NO..51] NEW DELHI, THURSDAY, AUGUST 31, 1995/BHADRA 9, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 31st August, 1995/Bhadra 9, 1917 (Saka)

The following Act of Parliament received the assent of the President on the 30th August, 1995, and is hereby published for general information:—

**THE CONSTITUTION (SEVENTY-EIGHTH AMENDMENT ACT, 1995**

[30th August, 1995]

An Act further to amend the Constitution of India

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.**

2. In the Ninth Schedule to the Constitution, after entry 257A and before the *Explanation*, the following entries shall be inserted, namely:—

**Amendment of the Ninth Schedule**

"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).

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, 1990 (Kerala Act 2 of 1990).

270. The Orissa Land Reforms (Amendment) Act, 1989 (Orissa Act 9 of 1990).

271. The Rajaathan Tenancy (Amendment) Act, 1979 (Rajaathan 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).

K. L. MOHANPURIA,  
*Secy- to the Govt. of India,*

  
**भारत का राजपत्र**  
**The Gazette of India.**

असाधारण  
EXTRAORDINARY  
भाग II — खण्ड 1  
PART II — Section 1  
प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 2] नई दिल्ली, बुधस्वतिवार, जनवरी 21, 2000 / माघ 1, 1921  
No. 2] NEW DELHI, THURSDAY, JANUARY 21, 2000 / MAGHA 1, 1921

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**  
**(Legislative Department)**

*New Delhi, the 21st January, 2000/Magha 1, 1921 (Saka)*

The following Act of Parliament, after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 21st January, 2000, and is hereby published for general information:—

**THE CONSTITUTION (SEVENTY-NINTH AMENDMENT)  
ACT, 1999**

[21st January, 2000.]

An Act further to amend the Constitution of India.

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

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.
2. In article 334 of the Constitution, for the words "fifty years", the words "sixty years" shall be substituted.

Short title and  
commence-  
ment.

Amendment of  
article 334.

**RAGHBIR SINGH,**  
*Secy. to the Govt. of India.*

रजिस्ट्री सं. डी. एल.-33004 / 2000

REGISTERED NO. DL-33004/2000



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 29] नई दिल्ली, शुक्रवार, जून 9, 2000 / ज्यैष्ठ 19, 1922  
No. 29] NEW DELHI, FRIDAY, JUNE 9, 2000 / JYAISTHA 19, 1922

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

*New Delhi, the 9th June, 2000/Jyaistha 19, 1922 (Saka)*

The following Act of Parliament received the assent of the President on the 9th June, 2000, and is hereby published for general information:—

THE CONSTITUTION (EIGHTIETH AMENDMENT) ACT, 2000

[9th June, 2000.]

An Act further to amend the Constitution of India.

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.
2. In article 269 of the Constitution, for clauses (1) and (2), the following clauses shall be substituted, namely:—

(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).

Short title.

Amendment of article 269.

*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), where 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.

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:—

Taxes levied and distributed between the Union and the States.

‘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.’

Omission of article 272.

4. (1) Article 272 of the Constitution shall be omitted.

(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.

**SUBHASH C. JAIN,**  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 30] नई दिल्ली, शुक्रवार, जून 9, 2000 / ज्येष्ठ 19, 1922  
No. 30] NEW DELHI, FRIDAY, JUNE 9, 2000 / JYAISTHA 19, 1922

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

*New Delhi, the 9th June, 2000/ Jyaistha 19, 1922 (Saka)*

The following Act of Parliament received the assent of the President on the 9th June, 2000, and is hereby published for general information:—

### THE CONSTITUTION (EIGHTY-FIRST AMENDMENT) ACT, 2000

[9th June, 2000.]

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

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-first Amendment) Act, 2000.
2. In article 16 of the Constitution, after clause (4A), the following clause shall be inserted, namely:—

Short title.

Amendment of article 16.

“(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.”.

SUBHASH C. JAIN,  
*Secy. to the Govt. of India.*





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 49] नई दिल्ली, शुक्रवार, सितम्बर 8, 2000 / भाद्र 17, 1922  
No. 49] NEW DELHI, FRIDAY, SEPTEMBER 8, 2000 / BHADRA 17, 1922

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

*New Delhi, the 8th September, 2000/Bhadra 17, 1922 (Saka)*

The following Act of Parliament received the assent of the President on 8th September, 2000, and is hereby published for general information:—

### THE CONSTITUTION (EIGHTY-SECOND AMENDMENT) ACT, 2000

[8th September, 2000.]

An Act further to amend the Constitution of India.

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-second Amendment) Act, 2000.
2. In Article 335 of the Constitution, the following proviso shall be inserted at the end, namely:—

Short title.

Amendment 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.”

SUBHASH C. JAIN,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 50] नई दिल्ली, शुक्रवार, सितम्बर 8, 2000 / भाद्र 17, 1922

No. 50] NEW DELHI, FRIDAY, SEPTEMBER 8, 2000 / BHADRA 17, 1922

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 8th September, 2000/Bhadra 17, 1922 (Saka)

The following Act of Parliament received the assent of the President on 8th September, 2000, and is hereby published for general information:—

THE CONSTITUTION (EIGHTY-THIRD AMENDMENT) ACT, 2000

[8th September, 2000.]

An Act further to amend the Constitution of India.

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.

Short title.

2. In article 243M of the Constitution, after clause (3), the following clause shall be inserted namely:—

Amendment 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.”.

SUBHASH C. JAIN,

Secy. to the Govt. of India.



# भारत का राजपत्र The Gazette of India.

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 8] नई दिल्ली, शुक्रवार, फरवरी 22, 2002/ फाल्गुन 3, 1923

No. 8] NEW DELHI, FRIDAY, FEBRUARY 22, 2002/ PHALGUNA 3, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

*New Delhi, the 22nd February, 2002/Phalguna 3, 1923 (Saka)*

The following Act of Parliament, after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 21st February, 2002 and is hereby published for general information:—

### THE CONSTITUTION (EIGHTY-FOURTH AMENDMENT) ACT, 2001

[21st February, 2002.]

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

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

1. This Act may be called the Constitution (Eighty-fourth Amendment) Act, 2001. Short title.
2. In article 55 of the Constitution, in the proviso to the *Explanation*, for the figures "2000", the figures "2026" shall be substituted. Amendment of article 55.
3. In article 81 of the Constitution, in the proviso to clause (3),— Amendment of article 81.
  - (i) for the figures "2000", the figures "2026" shall be substituted;

(ii) for the words and figures “be construed as a reference to the 1971 census.”, the following shall be substituted, namely:—

“be construed,—

(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

(ii) for the purposes of sub-clause (b) of clause (2) as a reference to the 1991 census.”.

Amendment  
of article 82.

4. In article 82 of the Constitution, in the third proviso,—

(i) for the figures “2000”, the figures “2026” shall be substituted;

(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.”.

Amendment  
of article 170.

5. In article 170 of the Constitution,—

(a) in clause (2), in the proviso to 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.

SUBHASH C. JAIN,  
Secy. to the Govt. of India.

**THE CONSTITUTION (EIGHTY-FIFTH AMENDMENT)  
ACT, 2001**

[1st January, 2002.]

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

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.

THE CONSTITUTION (EIGHTY-SIXTH AMENDMENT)  
ACT, 2002

[12th December, 2002.]

An Act further to amend the Constitution of India.

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 style="padding-left: 40px;">“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.</p> <p>Right to education.</p>  |
| <p>3. For article 45 of the Constitution, the following article shall be substituted, namely:—</p> <p style="padding-left: 40px;">“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.</p> <p>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 style="padding-left: 40px;">“(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>   |

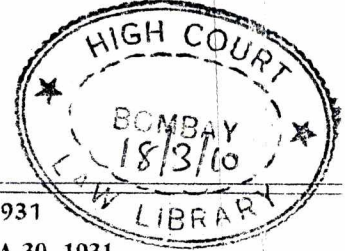


# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY



सं. 359]

नई दिल्ली, शुक्रवार, फरवरी 19, 2010/माघ 30, 1931

No. 359]

NEW DELHI, FRIDAY, FEBRUARY 19, 2010/MAGHA 30, 1931

मानव संसाधन विकास मंत्रालय

(स्कूल शिक्षा और साक्षरता विभाग)

अधिसूचना

नई दिल्ली, 16 फरवरी, 2010

का.आ.427(अ).—केन्द्रीय सरकार, संविधान (छियासीवां संशोधन) अधिनियम, 2002 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 1 अप्रैल, 2010 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[फा. सं. 1-13/2009-ई. ई.-4]

अंशु वैश्य, सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of School Education and Literacy)

NOTIFICATION

New Delhi, the 16th February, 2010

S.O. 427(E).— In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Eighty-sixth Amendment) Act, 2002, the Central Government hereby appoints the 1<sup>st</sup> day of April, 2010 as the date on which the provisions of the said Act shall come into force.

[F. No. 1-13/2009-EE-4]

ANSHU VAISH, Secy.

THE CONSTITUTION (EIGHTY-SEVENTH AMENDMENT)  
ACT, 2003

[22nd June, 2003.]

An Act further to amend the Constitution of India.

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

- |  |                           |
|--|---------------------------|
| 1. This Act may be called the Constitution (Eighty-seventh Amendment) Act, 2003.   | Short title.              |
| 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.  | Amendment of article 81.  |
| 3. In article 82 of the Constitution, in the third proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted.   | Amendment of article 82.  |
| 4. In article 170 of the Constitution,—<br>(i) in clause (2), in the <i>Explanation</i> , in the proviso, for the figures "1991", the figures "2001" shall be substituted;<br>(ii) in clause (3), in the third proviso, in clause (ii), for the figures "1991", the figures "2001" shall be substituted. | Amendment of article 170. |
| 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.  | Amendment of article 330. |





**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY  
भाग II — खण्ड 1  
PART II — Section 1  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 12]  
No. 12]

नई दिल्ली, शुक्रवार, जनवरी 16, 2004/ पौष 26, 1925  
NEW DELHI, FRIDAY, JANUARY 16, 2004/ PAUSA 26, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE**  
(Legislative Department)

*New Delhi, the 16th January, 2004/Pausa 26, 1925 (Saka)*

The following Act of Parliament, after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 15th January, 2004 and is hereby published for general information:—

**THE CONSTITUTION (EIGHTY-EIGHTH AMENDMENT) ACT,  
2003**

[15th January, 2004.]

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

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

- (1) This Act may be called the Constitution (Eighty-eighth Amendment) Act, 2003.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title  
and com-  
mencement.

Insertion of  
new article  
268A.  
Service tax  
levied by  
Union and  
collected and  
appropriated  
by the Union  
and the States.

2. After article 268 of the Constitution, the following article shall be inserted, namely:—

“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).

(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.”.

Amendment  
of article 270.

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 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.”.

T.K.VISWANATHAN,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 55]

नई दिल्ली, मंगलवार, सितम्बर 30, 2003/अश्विन 8, 1925

No. 55]

NEW DELHI, TUESDAY, SEPTEMBER 30, 2003/ASVINA 8, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE**  
**(Legislative Department)**

*New Delhi, the 30th September, 2003/Asvina 8, 1925 (Saka)*

The following Act of Parliament received the assent of the President on the 28th September, 2003, and is hereby published for general information:—

**THE CONSTITUTION (EIGHTY-NINTH AMENDMENT) ACT, 2003**

[28th September, 2003.]

An Act further to amend the Constitution of India.

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-ninth 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. 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.

Amendment of article 338.

(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.

Insertion of  
new article  
338A.

National  
Commission  
for Scheduled  
Tribes.

3. After article 338 of the Constitution, the following article shall be inserted, namely:—

“338A. (1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the 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 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 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.”

SUBHASH C. JAIN,  
*Secy. to the Govt. of India.*

रजिस्ट्री सं० डी० एल०-33004/99

दिनांक R-9362 को प्रकाशित

REGD. NO. D. L.-33004/99

प्रभाती  
राजपत्र वितरण एकक



सत्यमेव जयते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

PO - 275  
KM - 30  
Dept - 25  
CPB - 220

सं. 80]

नई दिल्ली, बुधस्वतित्वार, फरवरी 19, 2004/माघ 30, 1925

No. 80]

NEW DELHI, THURSDAY, FEBRUARY 19, 2004/MAGHA 30, 1925

पुरा क्रिया

जनजातीय कार्य मंत्रालय

MINISTRY OF TRIBAL AFFAIRS

अधिसूचना

NOTIFICATION

नई दिल्ली, 19 फरवरी, 2004

New Delhi, the 19th February, 2004

प्रभाती

रा. वि. एकक

सा.का.नि. 124(अ).—केन्द्रीय सरकार, संविधान (नवासीवां संशोधन) अधिनियम, 2003 की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 19 फरवरी, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

G.S.R. 124(E).—In exercise of the powers conferred by Sub-section (2) of Section 1 of the Constitution (Eighty-Ninth Amendment) Act, 2003, the Central Government hereby appoints the 19th day of February, 2004 as the date on which the provisions of the said Act shall come into force.

[फा. सं. 17014/12/99-टीडीआर]

[F.No. 17014/12/99-TDR]

एस. चैटर्जी, संयुक्त सचिव

S. CHATTERJEE, Jt. Secy.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 56]

नई दिल्ली, मंगलवार, सितम्बर 30, 2003/अश्विन 8, 1925

No. 56]

NEW DELHI, TUESDAY, SEPTEMBER 30, 2003/ASVINA 8, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE**  
**(Legislative Department)**

*New Delhi, the 30th September, 2003/Asvina 8, 1925 (Saka)*

The following Act of Parliament received the assent of the President on the 28th September, 2003, and is hereby published for general information:—

**THE CONSTITUTION (NINETIETH AMENDMENT)**  
**ACT, 2003**

[28th September, 2003.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Ninetyth Amendment) Act, 2003.
2. In article 332 of the Constitution, in clause (6), the following proviso shall be inserted, namely:—

Short title.

Amendment  
of article 332.

“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.”.

SUBHASH C. JAIN,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 1] नई दिल्ली, शुक्रवार, जनवरी 2, 2004/ पौष 12, 1925  
No. 1] NEW DELHI, FRIDAY, JANUARY 2, 2004/ PAUSA 12, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

*New Delhi, dated the 2nd January, 2004/Pausa 12, 1925 (Saka)*

The following Act of Parliament received the assent of the President on the 1st January, 2004 and is hereby published for general information:—

**THE CONSTITUTION (NINETY-FIRST AMENDMENT)  
ACT, 2003**

[1st January, 2004.]

An Act further to amend the Constitution of India.

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

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:—

Short title.  
Amendment  
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.”.

Amendment of  
article 164.

3. In article 164 of the Constitution, after clause (1), the following clauses shall be inserted, namely:—

“(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.

Disqualifica-  
tion for  
appointment  
on remunera-  
tive 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 and 5”, the words and figures “paragraphs 4 and 5” shall be substituted;

(c) paragraph 3 shall be omitted.

Amendment  
of the Tenth  
Schedule.

T. K. VISWANATHAN,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 19]  
No. 19]

नई दिल्ली, बुधवार, जनवरी 7, 2004/पौष 17, 1925  
NEW DELHI, WEDNESDAY, JANUARY 7, 2004/PAUSA 17, 1925

विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 7 जनवरी, 2004

का.आ. 21(अ).—संविधान के अनुच्छेद 164 के खण्ड (1क) के दूसरे परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति 7 जनवरी, 2004 को ऐसी तारीख के रूप में नियत करते हैं जिससे छः माह के भीतर किसी राज्य की मंत्रिपरिषद् में, मुख्यमंत्री सहित मंत्रियों की कुल संख्या, जहां संविधान (इक्यानवेवां संशोधन) अधिनियम, 2003 के प्रारंभ पर मुख्यमंत्री सहित मंत्रियों की कुल संख्या, उस खण्ड में निर्दिष्ट पन्द्रह प्रतिशत या संख्या में बारह से अधिक है, यथास्थिति, उक्त खण्ड (1क) के उपबन्धों के अनुरूप लाई जाएगी।

[फा. सं. एच.-11019 (16)/2002-वि.-II]

एन. एल. मीना, संयुक्त सचिव एवं विधायी परामर्शी

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 7th January, 2004

S.O. 21(E).—In exercise of the powers conferred by the second proviso to clause (1A) of article 164 of the Constitution, the President hereby appoints the 7th day of January, 2004 as the date within six months from which the total number of Ministers including the Chief Minister in the Council of Ministers in any State where the said total number of Ministers, including the Chief Minister at the commencement of the Constitution (Ninety-first Amendment) Act, 2003, exceeds the fifteen per cent or twelve in number, as the case may be, referred to in that clause, shall be brought in conformity with the provisions of said clause (1A).

[F. No. H-11019(16)/2002 -Leg.-II]

N. L. MEENA, Jt. Secy. and Legislative Council

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
**EXTRAORDINARY**  
भाग II — खण्ड 1  
**PART II — Section 1**  
प्राधिकार से प्रकाशित  
**PUBLISHED BY AUTHORITY**

---

सं० 8] नई दिल्ली, बृहस्पतिवार, जनवरी 8, 2004/ पौष 18, 1925  
No. 8] NEW DELHI, THURSDAY, JANUARY 8, 2004/ PAUSA 18, 1925

---

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

---

**MINISTRY OF LAW AND JUSTICE**  
**(Legislative Department)**

*New Delhi, the 8th January, 2004/Pausa 18, 1925 (Saka)*

The following Act of Parliament received the assent of the President on the 7th January, 2004, and is hereby published for general information:—

**THE CONSTITUTION (NINETY-SECOND AMENDMENT)**  
**ACT, 2003**

[7th January, 2004.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Ninety-second Amendment) Act, 2003. Short title.
2. In the Eighth Schedule to the Constitution,— Amendment of Eighth Schedule.
  - (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:—
    - “3. Bodo.
    4. Dogri.”;
  - (b) existing entries 4 to 7 shall respectively be re-numbered as entries 6 to 9;

(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:—

“10. Maithili.”;

(d) existing entries 9 to 14 shall respectively be re-numbered as entries 12 to 17;

(e) existing entry 15 shall be re-numbered as entry 19 and before entry 19 as so re-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.

T. K. VISWANATHAN,  
*Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ४]

नई दिल्ली, शुक्रवार, जनवरी २०, २००६ / पौष ३०, १९२७

No. 4]

NEW DELHI, FRIDAY, JANUARY 20, 2006 / PAUSA 30, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE**

**(Legislative Department)**

*New Delhi, the 20th January, 2006/Pausa 30, 1927 (Saka)*

The following Act of Parliament received the assent of the President on the 20th January, 2006 and is hereby published for general information:—

**THE CONSTITUTION (NINETY-THIRD AMENDMENT)  
ACT, 2005**

[20th January, 2006.]

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

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

Short title and  
commencement.

Amendment of  
article 15.

2. In article 15 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

"(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."

---

T. K. VISWANATHAN,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 68]

नई दिल्ली, शुक्रवार, जनवरी 20, 2006/पौष 30, 1927

No. 68]

NEW DELHI, FRIDAY, JANUARY 20, 2006/PAUSA 30, 1927

मानव संसाधन विकास मंत्रालय

(माध्यमिक और उच्चतर शिक्षा विभाग)

अधिसूचना

नई दिल्ली, 20 जनवरी, 2006

का.आ. 72 (अ).—केन्द्रीय सरकार, संविधान (तिरानवेवां संशोधन) अधिनियम, 2005 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 20 जनवरी, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम प्रवृत्त होगा।

[सं.1-1/2005-यू1]

केशव देसिराजु, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE  
DEVELOPMENT

(Department of Secondary and Higher Education)

NOTIFICATION

New Delhi, the 20th January, 2006

S.O. 72. (E)—In exercise of the powers conferred by Sub-section (2) of Section 1 of the Constitution (Ninety-third Amendment) Act, 2005, the Central Government hereby appoints the 20th day of January, 2006, as the date on which the said Act shall come into force.

[No.1-1/2005-U1]

KESHAV DESIRAJU, Jt. Secy.



  
**भारत का राजपत्र**  
**The Gazette of India.**

असाधारण  
EXTRAORDINARY  
भाग II — खण्ड 1  
PART II — Section 1  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

---

सं० 30] नई दिल्ली, मंगलवार, जून 13, 2006 / ज्येष्ठ 23, 1928  
No. 30] NEW DELHI, TUESDAY, JUNE 13, 2006 / Jyaistha 23, 1928

---

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

---

**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

*New Delhi, the 13th June, 2006/Jyaistha 23, 1928 (Saka)*

The following Act of Parliament received the assent of the President on the 12th June, 2006, and is hereby published for general information:—

**THE CONSTITUTION (NINETY-FOURTH AMENDMENT)  
ACT, 2006**

[12th June, 2006.]

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

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

1. This Act may be called the Constitution (Ninety-fourth Amendment) Act, 2006. Short title.
  
2. In article 164 of the Constitution, in clause (1), in the proviso, for the word “Bihar”, Amendment of  
the words “Chhattisgarh, Jharkhand” shall be substituted. article 164.

K.N. CHATURVEDI,  
*Secy. to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 2]

नई दिल्ली, मंगलवार, जनवरी 19, 2010 / 29 पौष, 1931

No. 2]

NEW DELHI, TUESDAY, JANUARY 19, 2010 / 29 Pausa, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 19th January, 2010/Pausa 29, 1931 (Saka)*

The following Act of Parliament, after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 18th January, 2010, and is hereby published for general information:—

### THE CONSTITUTION (NINETY-FIFTH AMENDMENT) ACT, 2009

[18th January, 2010.]

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Ninety-fifth Amendment) Act, 2009.

(2) It shall come into force on the 25th day of January, 2010.

Short title  
and com-  
mencement.

2. In article 334 of the Constitution, for the words “sixty years”, the words “seventy years” shall be substituted.

Amendment of  
article 334.

V. K. BHASIN,  
Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVT. OF INDIA PRESS, MINTO ROAD, NEW DELHI  
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI—2010.

GMGIPMRND—91GI(55)—20-01-2010.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 21] नई दिल्ली, शुक्रवार, सितम्बर 23, 2011/ अश्विन 1, 1933 (शक)  
No. 21] NEW DELHI, FRIDAY, SEPTEMBER 23, 2011/ASVINA 1, 1933 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 23rd September, 2011/Asvina 1, 1933 (Saka)*

The following Act of Parliament received the assent of the President on the 23rd September, 2011, and is hereby published for general information.

### THE CONSTITUTION (NINETY-SIXTH AMENDMENT) ACT, 2011

[23rd September, 2011.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Ninety-sixth Amendment) Act, 2011. Short title.
2. In the Eighth Schedule to the Constitution, in entry 15, for the word “Oriya”, the word “Odia” shall be substituted. Amendment of Eighth Schedule.

V.K. BHASIN,  
*Secy. to the Govt. of India.*

PRINTED BY DIRECTORATE OF PRINTING AT GOVERNMENT OF INDIA PRESS, MINTO ROAD,  
NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI—2011.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 12] नई दिल्ली, शुक्रवार, जनवरी 13, 2012/ पौष 23, 1933 (शक)  
No. 12] NEW DELHI, FRIDAY, JANUARY 13, 2012/ PAUSA 23, 1933 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, 13th January, 2012/Pausa 23, 1933 (Saka)*

The following Act of Parliament received the assent of the President on the 12th January, 2012, and is hereby published for general information:—

### THE CONSTITUTION (NINETY SEVENTH AMENDMENT) ACT, 2011

[12th January, 2012.]

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Ninety-seventh Amendment) Act, 2011.

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 III of the Constitution, in article 19, in clause (1), in sub-clause (c), after the words “or unions”, the words “or co-operative societies” shall be inserted.

Amendment of  
article 19.

3. In Part IV of the Constitution, after article 43A, the following article shall be inserted, namely:—

Insertion of  
new article  
43B.

“43B. The State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.”

Promotion  
of co-  
operative  
societies.

Insertion of new  
Part IXB.

4. After Part IXA of the Constitution, the following Part shall be inserted, namely:—

‘PART IXB

THE CO-OPERATIVE SOCIETIES

Definitions.

243ZH. In this Part, unless the context otherwise requires,—

(a) “authorised person” means a person referred to as such in article 243ZQ;

(b) “board” means the board of directors or the governing body of a co-operative society, by whatever name called, to which the direction and control of the management of the affairs of a society is entrusted to;

(c) “co-operative society” means a society registered or deemed to be registered under any law relating to co-operative societies for the time being in force in any State;

(d) “multi-State co-operative society” means a society with objects not confined to one State and registered or deemed to be registered under any law for the time being in force relating to such co-operatives;

(e) “officer bearer” means a President, Vice-President, Chairperson, Vice-Chairperson, Secretary or Treasurer of a co-operative society and includes any other person to be elected by the board of any co-operative society;

(f) “Registrar” means the Central Registrar appointed by the Central Government in relation to the multi-State co-operative societies and the Registrar for co-operative societies appointed by the State Government under the law made by the Legislature of a State in relation to co-operative societies;

(g) “State Act” means any law made by the Legislature of a State;

(h) “State level co-operative society” means a co-operative society having its area of operation extending to the whole of a State and defined as such in any law made by the Legislature of a State.

Incorporation of  
co-operative  
societies.

243ZI. Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the incorporation, regulation and winding up of co-operative societies based on the principles of voluntary formation, democratic member-control, member-economic participation and autonomous functioning.

Number and  
term of  
members of  
board and its  
office bearers.

243ZJ. (1) The board shall consist of such number of directors as may be provided by the Legislature of a State, by law:

Provided that the maximum number of directors of a co-operative society shall not exceed twenty-one:

Provided further that the Legislature of a State shall, by law, provide for the reservation of one seat for the Scheduled Castes or the Scheduled Tribes and two seats for women on board of every co-operative society consisting of individuals as members and having members from such class or category of persons.

(2) The term of office of elected members of the board and its office bearers shall be five years from the date of election and the term of office bearers shall be conterminous with the term of the board:

Provided that the board may fill a casual vacancy on the board by nomination out of the same class of members in respect of which the casual vacancy has arisen, if the term of office of the board is less than half of its original term.

(3) The Legislature of a State shall, by law, make provisions for co-option of persons to be members of the board having experience in the field of banking, management, finance or specialisation in any other field relating to the objects and activities undertaken by the co-operative society, as members of the board of such society:

Provided that the number of such co-opted members shall not exceed two in addition to twenty-one directors specified in the first proviso to clause (1):

Provided further that such co-opted members shall not have the right to vote in any election of the co-operative society in their capacity as such member or to be eligible to be elected as office bearers of the board:

Provided also that the functional directors of a co-operative society shall also be the members of the board and such members shall be excluded for the purpose of counting the total number of directors specified in the first proviso to clause (1).

243ZK. (1) Notwithstanding anything contained in any law made by the Legislature of a State, the election of a board shall be conducted before the expiry of the term of the board so as to ensure that the newly elected members of the board assume office immediately on the expiry of the office of members of the outgoing board.

Election of members of board.

(2) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to a co-operative society shall vest in such an authority or body, as may be provided by the Legislature of a State, by law:

Provided that the Legislature of a State may, by law, provide for the procedure and guidelines for the conduct of such elections.

243ZL. (1) Notwithstanding anything contained in any law for the time being in force, no board shall be superseded or kept under suspension for a period exceeding six months:

Supersession and suspension of board and interim management.

Provided that the board may be superseded or kept under suspension in case—

- (i) of its persistent default; or
- (ii) of negligence in the performance of its duties; or
- (iii) the board has committed any act prejudicial to the interests of the co-operative society or its members; or
- (iv) there is stalemate in the constitution or functions of the board; or
- (v) the authority or body as provided by the Legislature of a State, by law, under clause (2) of article 243ZK, has failed to conduct elections in accordance with the provisions of the State Act:

Provided further that the board of any such co-operative society shall not be superseded or kept under suspension where there is no Government shareholding or loan or financial assistance or any guarantee by the Government:

Provided also that in case of a co-operative society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 shall also apply:

Provided also that in case of a co-operative society, other than a multi-State co-operative society, carrying on the business of banking, the provisions of this clause shall have the effect as if for the words "six months", the words "one year" had been substituted.

(2) In case of supersession of a board, the administrator appointed to manage the affairs of such co-operative society shall arrange for conduct of elections within the period specified in clause (1) and handover the management to the elected board.

(3) The Legislature of a State may, by law, make provisions for the conditions of service of the administrator.

Audit of accounts of co-operative societies.

243ZM. (1) The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the co-operative societies and the auditing of such accounts at least once in each financial year.

(2) The Legislature of a State shall, by law, lay down the minimum qualifications and experience of auditors and auditing firms that shall be eligible for auditing accounts of the co-operative societies.

(3) Every co-operative society shall cause to be audited by an auditor or auditing firms referred to in clause (2) appointed by the general body of the co-operative society:

Provided that such auditors or auditing firms shall be appointed from a panel approved by a State Government or an authority authorised by the State Government in this behalf.

(4) The accounts of every co-operative society shall be audited within six months of the close of the financial year to which such accounts relate.

(5) The audit report of the accounts of an apex co-operative society, as may be defined by the State Act, shall be laid before the State Legislature in the manner, as may be provided by the State Legislature, by law.

Convening of general body meetings.

243ZN. The Legislature of a State may, by law, make provisions that the annual general body meeting of every co-operative society shall be convened within a period of six months of close of the financial year to transact the business as may be provided in such law.

Right of a member to get information.

243ZO. (1) The Legislature of a State may, by law, provide for access to every member of a co-operative society to the books, information and accounts of the co-operative society kept in regular transaction of its business with such member.

(2) The Legislature of a State may, by law, make provisions to ensure the participation of members in the management of the co-operative society providing minimum requirement of attending meetings by the members and utilising the minimum level of services as may be provided in such law.

(3) The Legislature of a State may, by law, provide for co-operative education and training for its members.

Returns.

243ZP. Every co-operative society shall file returns, within six months of the close of every financial year, to the authority designated by the State Government including the following matters, namely:—

- (a) annual report of its activities;
- (b) its audited statement of accounts;
- (c) plan for surplus disposal as approved by the general body of the co-operative society;
- (d) list of amendments to the bye-laws of the co-operative society, if any;

(e) declaration regarding date of holding of its general body meeting and conduct of elections when due; and

(f) any other information required by the Registrar in pursuance of any of the provisions of the State Act.

243.ZQ. (1) The Legislature of a State may, by law, make provisions for the offences relating to the co-operative societies and penalties for such offences.

Offences and penalties.

(2) A law made by the Legislature of a State under clause (1) shall include the commission of the following act or omission as offences, namely:—

(a) a co-operative society or an officer or member thereof wilfully makes a false return or furnishes false information, or any person wilfully not furnishes any information required from him by a person authorised in this behalf under the provisions of the State Act;

(b) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of the State Act;

(c) any employer who, without sufficient cause, fails to pay to a co-operative society amount deducted by him from its employee within a period of fourteen days from the date on which such deduction is made;

(d) any officer or custodian who wilfully fails to handover custody of books, accounts, documents, records, cash, security and other property belonging to a co-operative society of which he is an officer or custodian, to an authorised person; and

(e) whoever, before, during or after the election of members of the board or office bearers, adopts any corrupt practice.

243ZR. The provisions of this Part shall apply to the multi-State co-operative societies subject to the modification that any reference to "Legislature of a State", "State Act" or "State Government" shall be construed as a reference to "Parliament", "Central Act" or "the Central Government" respectively.

Application to multi-State co-operative societies.

243ZS. The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, having no Legislative Assembly as if the references to the Legislature of a State were a reference to the administrator thereof appointed under article 239 and, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Application to Union territories.

Provided that the President may, by notification in the Official Gazette, direct that the provisions of this Part shall not apply to any Union territory or part thereof as he may specify in the notification.

243ZT. Notwithstanding anything in this Part, any provision of any law relating to co-operative societies in force in a State immediately before the commencement of the Constitution (Ninety-seventh Amendment) Act, 2011, 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 less.

Continuance of existing laws.

V.K. BHASIN,  
Secy. to the Govt. of India.





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 26] नई दिल्ली, बुधवार, मई 22, 2019/ज्येष्ठ 1, 1941 (शक)  
No. 26] NEW DELHI, WEDNESDAY, MAY 22, 2019/JYAISTHA 1, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 22nd May, 2019/Jyaistha 1, 1941 (Saka)*

### CORRIGENDA

In the CONSTITUTION (NINETY-SEVENTH AMENDMENT) ACT, 2011 as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 12, dated the 13<sup>th</sup> January, 2012, —

Page No.	Line No.	For	Read
3	16	“the memembrs”	“the members”
3	16	“such memembrs”	“such members”
3	39	“a stalement”	“a stalemate”

BRAJ RAJ SHARMA, IAS  
*Secretary to the Govt. of India.*



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 235]  
No. 235]

नई दिल्ली, सोमवार, फरवरी 13, 2012/माघ 24, 1933  
NEW DELHI, MONDAY, FEBRUARY 13, 2012/MAGHA 24, 1933

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

अधिसूचना

नई दिल्ली, 8 फरवरी, 2012

का.आ. 265(अ).—संविधान (सत्तानवेवां संशोधन) अधिनियम, 2011 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा फरवरी, 2012 की 15वीं तारीख को उस तारीख के रूप में निर्धारित करती है जब उक्त अधिनियम लागू होगा।

[फा. सं. एल-11012/1/2004-एलएंडएम (भाग-VI)]

राजेन्द्र कुमार तिवारी, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

NOTIFICATION

New Delhi, the 8th February, 2012

S.O. 265(E).—In exercise of the powers conferred by sub-section (2) of Section 1 of the Constitution (Ninety Seventh Amendment) Act, 2011, the Central Government hereby appoints the 15th day of February, 2012 as the date on which said Act shall come into force.

[F. No. L-11012/1/2004-L&M (Vol. VI)]

RAJENDRA KUMAR TIWARI, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 1] नई दिल्ली, बुधवार, जनवरी 2, 2013/ पौष 12, 1934 (शक)  
No. 1] NEW DELHI, WEDNESDAY, JANUARY 2, 2013/ PAUSA 12, 1934 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 2nd January, 2013/Pausa 12, 1934 (Saka)*

The following Act of Parliament received the assent of the President on the 1st January, 2013, and is hereby published for general information.

### THE CONSTITUTION (NINETY-EIGHTH AMENDMENT) ACT, 2012

[1st January, 2013]

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Ninety-eighth Amendment) Act, 2012.

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 371-I of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 371J.

“371J. (1) The President may, by order made with respect to the State of Karnataka, provide for any special responsibility of the Governor for—

Special provisions with respect to State of Karnataka.

(a) establishment of a separate development board for Hyderabad-Karnataka region with the provision that a report on the working of the board will be placed each year before the State Legislative Assembly;

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

(c) equitable opportunities and facilities for the people belonging to the said region, in matters of public employment, education and vocational training, subject to the requirements of the State as a whole.

(2) An order made under sub-clause (c) of clause (1) may provide for—

(a) reservation of a proportion of seats in educational and vocational training institutions in the Hyderabad-Karnataka region for students who belong to that region by birth or by domicile; and

(b) identification of posts or classes of posts under the State Government and in any body or organisation under the control of the State Government in the Hyderabad-Karnataka region and reservation of a proportion of such posts for persons who belong to that region by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any other manner as may be specified in the order.”

---

P.K. MALHOTRA,  
*Secretary to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 2230]

नई दिल्ली, मंगलवार, सितम्बर 24, 2013/आश्विन 2, 1935

No. 2230]

NEW DELHI, TUESDAY, SEPTEMBER 24, 2013/ASVINA 2, 1935

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

अधिसूचना

NOTIFICATION

नई दिल्ली, 24 सितम्बर, 2013

New Delhi, the 24th September, 2013

**का.आ. 2902(अ).**—केन्द्रीय सरकार, संविधान (अठानवेवां संशोधन) अधिनियम, 2012 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 1 अक्टूबर, 2013 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम प्रवृत्त होगा।

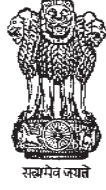
**S.O. 2902 (E).**—In exercise of the powers conferred by sub-section (2) of Section 1 of the Constitution (Ninety-Eighth Amendment) Act, 2012, the Central Government hereby appoints the 1st day of October, 2013 as the date on which the said Act shall come into force.

[फा. सं. 12015/01/1999-एसआर]

[F.No. 12015/01/1999-SR]

एस. सुरेश कुमार, संयुक्त सचिव

S. SURESH KUMAR, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 49] नई दिल्ली, बुधवार, दिसम्बर 31, 2014/पौष 10, 1936 (शक)  
No. 49] NEW DELHI, WEDNESDAY, DECEMBER 31, 2014/PAUSA 10, 1936 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 31st December, 2014/Pausa 10, 1936 (Saka)*

The following Act of Parliament received the assent of the President on the 31st December, 2014, and is hereby published for general information:—

### THE CONSTITUTION (NINETY-NINTH AMENDMENT) ACT, 2014

[31st December, 2014.]

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

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

1. (1) This Act may be called the Constitution (Ninety-ninth Amendment) Act, 2014.

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 124 of the Constitution, in clause (2),—

Amendment  
of article 124.

(a) for the words “after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose”, the words, figures and letter “on the recommendation of the National Judicial Appointments Commission referred to in article 124A” shall be substituted;

(b) the first proviso shall be omitted;

(c) in the second proviso, for the words “Provided further that”, the words “Provided that” shall be substituted.

Insertion of new articles 124A, 124B and 124C.

3. After article 124 of the Constitution, the following articles shall be inserted, namely:—

National Judicial Appointments Commission.

“124A. (1) There shall be a Commission to be known as the National Judicial Appointments Commission consisting of the following, namely:—

(a) the Chief Justice of India, Chairperson, *ex officio*;

(b) two other senior Judges of the Supreme Court next to the Chief Justice of India—Members, *ex officio*;

(c) the Union Minister in charge of Law and Justice—Member, *ex officio*;

(d) two eminent persons to be nominated by the committee consisting of the Prime Minister, the Chief Justice of India and the Leader of Opposition in the House of the People or where there is no such Leader of Opposition, then, the Leader of single largest Opposition Party in the House of the People—Members:

Provided that one of the eminent person shall be nominated from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities or Women:

Provided further that an eminent person shall be nominated for a period of three years and shall not be eligible for renomination.

(2) No act or proceedings of the National Judicial Appointments Commission shall be questioned or be invalidated merely on the ground of the existence of any vacancy or defect in the constitution of the Commission.

Functions of Commission.

124B. It shall be the duty of the National Judicial Appointments Commission to—

(a) recommend persons for appointment as Chief Justice of India, Judges of the Supreme Court, Chief Justices of High Courts and other Judges of High Courts;

(b) recommend transfer of Chief Justices and other Judges of High Courts from one High Court to any other High Court; and

(c) ensure that the person recommended is of ability and integrity.

Power of Parliament to make law.

124C. Parliament may, by law, regulate the procedure for the appointment of Chief Justice of India and other Judges of the Supreme Court and Chief Justices and other Judges of High Courts and empower the Commission to lay down by regulations the procedure for the discharge of its functions, the manner of selection of persons for appointment and such other matters as may be considered necessary by it.”.

Amendment of article 127.

4. In article 127 of the Constitution, in clause (1), for the words “the Chief Justice of India may, with the previous consent of the President”, the words “the National Judicial Appointments Commission on a reference made to it by the Chief Justice of India, may with the previous consent of the President” shall be substituted.

Amendment of article 128.

5. In article 128 of the Constitution, for the words “the Chief Justice of India”, the words “the National Judicial Appointments Commission” shall be substituted.

- 6.** In article 217 of the Constitution, in clause (1), for the portion beginning with the words “after consultation”, and ending with the words “the High Court”, the words, figures and letter “on the recommendation of the National Judicial Appointments Commission referred to in article 124A” shall be substituted. Amendment of article 217.
- 7.** In article 222 of the Constitution, in clause (1), for the words “after consultation with the Chief Justice of India”, the words, figures and letter “on the recommendation of the National Judicial Appointments Commission referred to in article 124A” shall be substituted. Amendment of article 222.
- 8.** In article 224 of the Constitution,—
- (a) in clause (1), for the words “the President may appoint”, the words “the President may, in consultation with the National Judicial Appointments Commission, appoint” shall be substituted; Amendment of article 224.
- (b) in clause (2), for the words “the President may appoint”, the words “the President may, in consultation with the National Judicial Appointments Commission, appoint” shall be substituted.
- 9.** In article 224A of the Constitution, for the words “the Chief Justice of a High Court for any State may at any time, with the previous consent of the President”, the words “the National Judicial Appointments Commission on a reference made to it by the Chief Justice of a High Court for any State, may with the previous consent of the President” shall be substituted. Amendment of article 224A.
- 10.** In article 231 of the Constitution, in clause (2), sub-clause (a) shall be omitted. Amendment of article 231.

---

DR. SANJAY SINGH,  
*Secretary to the Govt. of India.*



  
सत्यमेव जयते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 768]

नई दिल्ली, सोमवार, अप्रैल 13, 2015/चैत्र 23, 1937

No. 768]

NEW DELHI, MONDAY, APRIL 13, 2015/CHAITRA 23, 1937

विधि और न्याय मंत्रालय

(न्याय विभाग)

अधिसूचना

नई दिल्ली, 13 अप्रैल, 2015

**का.आ. 999(अ).**— केन्द्रीय सरकार, संविधान (निन्यानवेवां संशोधन) अधिनियम, 2014 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 13 अप्रैल, 2015 को उक्त अधिनियम के प्रवृत्त होने की तारीख के रूप में नियत करती है।

[फा. सं. के-11016/16/2015-यूएस-II]

कुसुमजीत सिद्धू, सचिव

**MINISTRY OF LAW AND JUSTICE**

**(Department of Justice)**

**NOTIFICATION**

New Delhi, the 13<sup>th</sup> April, 2015

**S.O. 999(E).**—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Ninety-ninth Amendment) Act, 2014, the Central Government hereby appoints the 13<sup>th</sup> day of April, 2015, as the date on which the said Act shall come into force.

[F. No. K-11016/16/2015-US(II)]

KUSUMJIT SIDHU, Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 27]

नई दिल्ली, शुक्रवार, मई 29, 2015/ ज्येष्ठ 8, 1937 (शक)

No. 27]

NEW DELHI, FRIDAY, MAY 29, 2015/JYAISTHA 8, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 29th May, 2015/Jyaistha 8, 1937 (Saka)*

The following Act of Parliament received the assent of the President on the 28th May, 2015, and is hereby published for general information:—

### THE CONSTITUTION (ONE HUNDREDTH AMENDMENT) ACT, 2015

[28th May, 2015.]

An Act further to amend the Constitution of India to give effect to the acquiring of territories by India and transfer of certain territories to Bangladesh in pursuance of the agreement and its protocol entered into between the Governments of India and Bangladesh.

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

1. This Act may be called the Constitution (One Hundredth Amendment) Act, 2015.

Short title.

2. In this Act,—

Definitions.

(a) “acquired territory” means so much of the territories comprised in the India-Bangladesh agreement and its protocol and referred to in the First Schedule as are demarcated for the purpose of being acquired by India from Bangladesh in pursuance of the agreement and its protocol referred to in clause (c);

(b) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint as the date for acquisition of territories from Bangladesh and transfer of the territories to Bangladesh in pursuance of the India-Bangladesh agreement and its protocol, after causing the territories to be so acquired and transferred as referred to in the First Schedule and Second Schedule and demarcated for the purpose;

(c) “India-Bangladesh agreement” means the agreement between the Government of the Republic of India and the Government of the People’s Republic of Bangladesh concerning the Demarcation of the Land Boundary between India and Bangladesh and Related Matters dated the 16th day of May, 1974, Exchange of Letters dated the 26th day of December, 1974, the 30th day of December, 1974, the 7th day of October, 1982, the 26th day of March, 1992 and protocol to the said agreement dated the 6th day of September, 2011, entered into between the Governments of India and Bangladesh, the relevant extracts of which are set out in the Third Schedule;

(d) “transferred territory”, means so much of the territories comprised in the India-Bangladesh agreement and its protocol and referred to in the Second Schedule as are demarcated for the purpose of being transferred by India to Bangladesh in pursuance of the agreements and its protocol referred to in clause (c).

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

(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 Second Schedule to the Constitution (One Hundredth Amendment) Act, 2015, notwithstanding anything contained in clause (a) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part I of the Second Schedule to the Constitution (One Hundredth Amendment) Act, 2015”, shall be added at the end;

(b) in the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures “and also the territories referred to in Part III of the First Schedule but excluding the territories referred to in Part III of the Second Schedule to the Constitution (One Hundredth Amendment) Act, 2015, notwithstanding anything contained in clause (c) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part III of the First Schedule and the territories referred to in Part III of the Second Schedule to the Constitution (One Hundredth Amendment) Act, 2015”, shall be added at the end;

(c) in the paragraph relating to the territories of the State of Meghalaya, the words, brackets and figures “and the territories referred to in Part I of the First Schedule but excluding the territories referred to in Part II of the Second Schedule to the Constitution (One Hundredth Amendment) Act, 2015”, shall be added at the end;

(d) in the paragraph relating to the territories of the State of Tripura, the words, brackets and figures “and the territories referred to in Part II of the First Schedule to the Constitution (One Hundredth Amendment) Act, 2015, notwithstanding anything contained in clause (d) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part II of the First Schedule to the Constitution (One Hundredth Amendment) Act, 2015”, shall be added at the end.

## THE FIRST SCHEDULE

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

## PART I

The acquired territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3 (I) (b) (ii) (iii) (iv) (v) of the protocol dated the 6th day of September, 2011.

## PART II

The acquired territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3 (I) (c) (i) of the protocol dated the 6th day of September, 2011.

## PART III

The acquired territory in relation to Articles 1(12) and 2 of the agreement dated the 16th day of May, 1974 and Articles 2 (II), 3 (I) (a) (iii) (iv) (v) (vi) of the protocol dated the 6th day of September, 2011.

## THE SECOND SCHEDULE

[See sections 2(b), 2(d) and 3]

## PART I

The transferred territory in relation to Article 2 of the agreement dated 16th day of May, 1974 and Article 3 (I) (d) (i) (ii) of the protocol dated 6th day of September, 2011.

## PART II

The transferred territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3 (I) (b) (i) of the protocol dated 6th day of September, 2011.

## PART III

The transferred territory in relation to Articles 1(12) and 2 of the agreement dated the 16th day of May, 1974 and Articles 2 (II), 3 (I) (a) (i) (ii) (vi) of the protocol dated the 6th day of September, 2011.

## THE THIRD SCHEDULE

[See section 2(c)]

## I. EXTRACTS FROM THE AGREEMENT BETWEEN GOVERNMENT OF THE REPUBLIC OF INDIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH CONCERNING THE DEMARCATION OF THE LAND BOUNDARY BETWEEN INDIA AND BANGLADESH AND RELATED MATTERS DATED THE 16TH DAY OF MAY, 1974

## Article 1 (12): ENCLAVES

The Indian enclaves in Bangladesh and the Bangladesh enclaves in India should be exchanged expeditiously, excepting the enclaves mentioned in paragraph 14 without claim to compensation for the additional area going to Bangladesh.

## Article 2:

The Governments of India and Bangladesh agree that territories in adverse possession in areas already demarcated in respect of which boundary strip maps are already prepared, shall be exchanged within six months of the signing of the boundary strip maps by the plenipotentiaries. They may sign the relevant maps as early as possible as and in any case not later than the 31st December, 1974. Early measures may be taken to print maps in respect of other areas where demarcation has already taken place. These should be printed by the 31st May, 1975 and signed by the plenipotentiaries thereafter in order that the exchange of adversely held possessions in these areas may take place by the 31st December, 1975. In sectors still to be demarcated, transfer of territorial jurisdiction may take place within six months of the signature by plenipotentiaries on the concerned boundary strip maps.

## II. EXTRACTS FROM THE PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH CONCERNING THE DEMARCATION OF THE LAND BOUNDARY BETWEEN INDIA AND BANGLADESH AND RELATED MATTERS, DATED THE 6TH DAY OF SEPTEMBER, 2011

## Article 2:

(II) Article 1 Clause 12 of the 1974 Agreement shall be implemented as follows:—

*Enclaves*

111 Indian Enclaves in Bangladesh and 51 Bangladesh Enclaves in India as per the jointly verified cadastral enclave maps and signed at the level of DGLR&S, Bangladesh and DLR&S, West Bengal (India) in April, 1997, shall be exchanged without claim to compensation for the additional areas going to Bangladesh.

## Article 3:

(I) Article 2 of the 1974 Agreement shall be implemented as follows:—

The Government of India and the Government of Bangladesh agree that the boundary shall be drawn as a fixed boundary for territories held in Adverse Possession as determined through joint survey and fully depicted in the respective adversely possessed land area Index Map (APL map) finalised by the Land Records and Survey Departments of both the countries between December, 2010 and August, 2011, which are fully described in clause (a) to (d) below.

The relevant strip maps shall be printed and signed by the Plenipotentiaries and transfer of territorial jurisdiction shall be completed simultaneously with the exchange of enclaves. The demarcation of the boundary, as depicted in the above-mentioned Index Maps, shall be as under:—

**(a) West Bengal Sector***(i) Bousmari – Madhugari (Kushtia-Nadia) area*

The boundary shall be drawn from the existing Boundary Pillar Nos. 154/5-S to 157/1-S to follow the centre of old course of river Mathabanga, as depicted in consolidation map of 1962, as surveyed jointly and agreed in June, 2011.

(ii) *Andharkota (Kushtia-Nadia) area*

The boundary shall be drawn from existing Boundary Pillar No. 152/5-S to Boundary Pillar No. 153/1-S to follow the edge of existing River Mathabanga as jointly surveyed and agreed in June, 2011.

(iii) *Pakuria (Kushtia-Nadia) area*

The boundary shall be drawn from existing Boundary Pillar No. 151/1-S to Boundary Pillar No. 152/2-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June, 2011.

(iv) *Char Mahishkundi (Kushtia-Nadia) area*

The boundary shall be drawn from existing Boundary Pillar No. 153/1-S to Boundary Pillar No. 153/9-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June, 2011.

(v) *Haripal/Khutadah/Battoli/Sapameri/LNpur (Patari) (Naogaon-Malda) area*

The boundary shall be drawn as line joining from existing Boundary Pillar No. 242/S/13, to Boundary Pillar No. 243/7-S/5 and as jointly surveyed and agreed in June, 2011.

(vi) *Berubari (Panchagarh-Jalpaiguri area)*

The boundary in the area Berubari (Panchagarh-Jalpaiguri) adversely held by Bangladesh, and Berubari and Singhapara-Khudipara (Panchagarh-Jalpaiguri), adversely held by India shall be drawn as jointly demarcated during 1996-1998.

**(b) Meghalaya Sector**(i) *Lobachera-Nuncherra*

The boundary from existing Boundary Pillar No. 1315/4-S to Boundary Pillar No. 1315/15-S in Lailong - Balichera, Boundary Pillar No. 1316/1-S to Boundary Pillar No. 1316/11-S in Lailong- Noonchera, Boundary Pillar No. 1317 to Boundary Pillar No. 1317/13-S in Lailong- Lahiling and Boundary Pillar No. 1318/1-S to Boundary Pillar No. 1318/2-S in Lailong- Lobhachera shall be drawn to follow the edge of tea gardens as jointly surveyed and agreed in December, 2010.

(ii) *Pyrdiwah/ Padua Area*

The boundary shall be drawn from existing Boundary Pillar No. 1270/1-S as per jointly surveyed and mutually agreed line till Boundary Pillar No. 1271/1-T. The Parties agree that the Indian Nationals from Pyrdiwah village shall be allowed to draw water from Piyang River near point No. 6 of the agreed Map.

(iii) *Lyngkhat Area*(aa) *Lyngkhat-I / Kulumcherra and Lyngkhat-II/ Kulumcherra*

The boundary shall be drawn from existing Boundary Pillar No. 1264/4-S to Boundary Pillar No. 1265 and BP No. 1265/6-S to 1265/9-S as per jointly surveyed and mutually agreed line.

(ab) *Lyngkhat-III/Sonarhat*

The boundary shall be drawn from existing Boundary Pillar No. 1266/13-S along the nallah southwards till it meets another nallah in the east-west direction, thereafter it shall run along the northern edge of the nallah in east till it meets the existing International Boundary north of Reference Pillar Nos. 1267/4-R-B and 1267/3-R-I.

(iv) *Dawki/Tamabil area*

The boundary shall be drawn by a straight line joining existing Boundary Pillar Nos. 1275/1-S to Boundary Pillar Nos. 1275/7-S. The Parties agree to fencing on 'zero line' in this area.

(v) *Naljuri/Sreepur Area*(aa) *Naljuri I*

The boundary shall be a line from the existing Boundary Pillar No. 1277/2-S in southern direction up to three plots as depicted in the strip Map No. 166 till it meets the nallah flowing from Boundary Pillar No. 1277/5-T, thereafter it will run along the western edge of the nallah in the southern direction up to 2 plots on the Bangladesh side, thereafter it shall run eastwards till it meets a line drawn in southern direction from Boundary Pillar No. 1277/4-S.

(ab) *Naljuri III*

The boundary shall be drawn by a straight line from existing Boundary Pillar No. 1278/2-S to Boundary Pillar No. 1279/3-S.

(vi) *Muktapur/ Dibir Hawor Area*

The Parties agree that the Indian Nationals shall be allowed to visit Kali Mandir and shall also be allowed to draw water and exercise fishing rights in the water body in the Muktapur / Dibir Hawor area from the bank of Muktapur side.

(c) **Tripura Sector**(i) *Chandannagar-Champarai Tea Garden area in Tripura/ Moulvi Bazar sector*

The boundary shall be drawn along Sonaraichhera river from existing Boundary Pillar No. 1904 to Boundary Pillar No. 1905 as surveyed jointly and agreed in July, 2011.

(d) **Assam Sector**(i) *Kalabari (Boroibari) area in Assam sector*

The boundary shall be drawn from existing Boundary Pillar No. 1066/24-T to Boundary Pillar No. 1067/16-T as surveyed jointly and agreed in August, 2011.

(ii) *Pallathal area in Assam sector*

The boundary shall be drawn from existing Boundary Pillar No. 1370/3-S to 1371/6-S to follow the outer edge of the tea garden and from Boundary Pillar No. 1372 to 1373/2-S along outer edge of the pan plantation.

III. LIST OF EXCHANGE OF ENCLAVES BETWEEN INDIA AND BANGLADESH IN PURSUANT TO ARTICLE 1 (12) OF THE AGREEMENT DATED 16TH MAY 1974 AND THE PROTOCOL TO THE AGREEMENT DATED 6TH SEPTEMBER, 2011

**A. EXCHANGEABLE INDIAN ENCLAVES IN BANGLADESH WITH AREA**

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres
<i>A. Enclaves with independent chhits</i>					
1.	Garati	75	Pochagar	Haldibari	58.23
2.	Garati	76	Pochagar	Haldibari	0.79
3.	Garati	77	Pochagar	Haldibari	18



Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres
1	2	3	4	5	6
4.	Garati	78	Pochagar	Haldibari	958.66
5.	Garati	79	Pochagar	Haldibari	1.74
6.	Garati	80	Pochagar	Haldibari	73.75
7.	Bingimari Part-I	73	Pochagar	Haldibari	6.07
8.	Nazirganja	41	Boda	Haldibari	58.32
9.	Nazirganja	42	Boda	Haldibari	434.29
10.	Nazirganja	44	Boda	Haldibari	53.47
11.	Nazirganja	45	Boda	Haldibari	1.07
12.	Nazirganja	46	Boda	Haldibari	17.95
13.	Nazirganja	47	Boda	Haldibari	3.89
14.	Nazirganja	48	Boda	Haldibari	73.27
15.	Nazirganja	49	Boda	Haldibari	49.05
16.	Nazirganja	50	Boda	Haldibari	5.05
17.	Nazirganja	51	Boda	Haldibari	0.77
18.	Nazirganja	52	Boda	Haldibari	1.04
19.	Nazirganja	53	Boda	Haldibari	1.02
20.	Nazirganja	54	Boda	Haldibari	3.87
21.	Nazirganja	55	Boda	Haldibari	12.18
22.	Nazirganja	56	Boda	Haldibari	54.04
23.	Nazirganja	57	Boda	Haldibari	8.27
24.	Nazirganja	58	Boda	Haldibari	14.22
25.	Nazirganja	60	Boda	Haldibari	0.52
26.	Putimari	59	Boda	Haldibari	122.8
27.	Daikhata Chhat	38	Boda	Haldibari	499.21
28.	Salbari	37	Boda	Haldibari	1188.93
29.	Kajal Dighi	36	Boda	Haldibari	771.44
30.	Nataktoka	32	Boda	Haldibari	162.26
31.	Nataktoka	33	Boda	Haldibari	0.26
32.	Beuladanga Chhat	35	Boda	Haldibari	0.83
33.	Balapara Iagrabar	3	Debiganj	Haldibari	1752.44
34.	Bara Khankikharija Citaldaha	30	Dimla	Haldibari	7.71
35.	Bara Khankikharija Citaldaha	29	Dimla	Haldibari	36.83
36.	Barakhangir	28	Dimla	Haldibari	30.53

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres
1	2	3	4	5	6
37.	Nagarjikobari	31	Dimla	Haldibari	33.41
38.	Kuchlibari	26	Patgram	Mekliganj	5.78
39.	Kuchlibari	27	Patgram	Mekliganj	2.04
40.	Bara Kuchlibari	Fragment of J.L.107 of P.S Mekliganj	Patgram	Mekliganj	4.35
41.	Jamaldaha-Balapukhari	6	Patgram	Mekliganj	5.24
42.	Uponchowki kuchlibari	115/2	Patgram	Mekliganj	0.32
43.	Uponchowki kuchlibari	7	Patgram	Mekliganj	44.04
44.	Bhothnri	11	Patgram	Mekliganj	36.83
45.	Balapukhari	5	Patgram	Mekliganj	55.91
46.	Bara Khangir	4	Patgram	Mekliganj	50.51
47.	Bara Khangir	9	Patgram	Mekliganj	87.42
48.	Chhat Bogdokra	10	Patgram	Mekliganj	41.7
49.	Ratanpur	11	Patgram	Mekliganj	58.91
50.	Bogdokra	12	Patgram	Mekliganj	25.49
51.	Fulker Dabri	Fragment of J.L. 107 of P.S Mekliganj	Patgram	Mekliganj	0.88
52.	Kharkharia	15	Patgram	Mekliganj	60.74
53.	Kharkharia	13	Patgram	Mekliganj	51.62
54.	Lotamari	14	Patgram	Mekliganj	110.92
55.	Bhotbari	16	Patgram	Mekliganj	205.46
56.	Komat Changrabandha	16A	Patgram	Mekliganj	42.8
57.	Komat Changrabandha	17A	Patgram	Mekliganj	16.01
58.	Panisala	17	Patgram	Mekliganj	137.66
59.	Dwarikamari Khasbash	18	Patgram	Mekliganj	36.5
60.	Panisala	153/P	Patgram	Mekliganj	0.27
61.	Panisala	153/O	Patgram	Mekliganj	18.01
62.	Panisala	19	Patgram	Mekliganj	64.63
63.	Panisala	21	Patgram	Mekliganj	51.4
64.	Lotamari	20	Patgram	Mekliganj	283.53
65.	Lotamari	22	Patgram	Mekliganj	98.85
66.	Dwarikamari	23	Patgram	Mekliganj	39.52
67.	Dwarikamari	25	Patgram	Mekliganj	45.73
68.	Chhat Bhothat	24	Patgram	Mekliganj	56.11
69.	Baakata	131	Patgram	Hathabhanga	22.35

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres
1	2	3	4	5	6
70.	Baakata	132	Patgram	Hathabhanga	11.96
71.	Baakata	130	Patgram	Hathibhanga	20.48
72.	Bhogramguri	133	Patgram	Hathibhanga	1.44
73.	Chenakata	134	Patgram	Mekliganj	7.81
74.	Banskata	119	Patgram	Mathabanga	413.81
75.	Banskata	120	Patgram	Mathabanga	30.75
76.	Banskata	121	Patgram	Mathabanga	12.15
77.	Banskata	113	Patgram	Mathabanga	57.86
78.	Banskata	112	Patgram	Mathabanga	315.04
79.	Banskata	114	Patgram	Mathabanga	0.77
80.	Banskata	115	Patgram	Mathabanga	29.2
81.	Banskata	122	Patgram	Mathabanga	33.22
82.	Banskata	127	Patgram	Mathabanga	12.72
83.	Banskata	128	Patgram	Mathabanga	2.33
84.	Banskata	117	Patgram	Mathabanga	2.55
85.	Banskata	118	Patgram	Mathabanga	30.98
86.	Banskata	125	Patgram	Mathabanga	0.64
87.	Banskata	126	Patgram	Mathabanga	1.39
88.	Banskata	129	Patgram	Mathabanga	1.37
89.	Banskata	116	Patgram	Mathabanga	16.96
90.	Banskata	123	Patgram	Mathabanga	24.37
91.	Banskata	124	Patgram	Mathabanga	0.28
92.	Gotamari Chhit	135	Hatibandha	Sitalkuchi	126.59
93.	Gotamari Chhit	136	Hatibandha	Sitalkuchi	20.02
94.	Banapachai	151	Lalmonirhat	Dinhata	217.29
95.	Banapachai Bhitarkuthi	152	Lalmonirhat	Dinhata	81.71
96.	Dasiar Chhara	150	Fulbari	Dinhata	1643.44
97.	Dakurhat- Dakinirkuthi	156	Kurigram	Dinhata	14.27
98.	Kalamati	141	Bhurungamari	Dinhata	21.21
99.	Bhahobganj	153	Bhurungamari	Dinhata	31.58
100.	Baotikursa	142	Bhurungamari	Dinhata	45.63
101.	Bara Coachulka	143	Bhurungamari	Dinhata	39.99
102.	Gaochulka II	147	Bhurungamari	Dinhata	0.9
103.	Gaochulka I	146	Bhurungamari	Dinhata	8.92

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres
1	2	3	4	5	6
104.	Dighaltari II	145	Bhurungamari	Dinhata	8.81
105.	Dighaltari I	144	Bhurungamari	Dinhata	12.31
106.	Chhoto Garaljhora II	149	Bhurungamari	Dinhata	17.85
107.	Chhoto Garaljhora I	148	Bhurungamari	Dinhata	35.74
108.	1 chhit *without name & JL No. at the southern and of JL No. 38 & southern and of JL No. 39 (locally known as Ashokabari**)		Patgram	Mathabhanga	3.5
<i>Enclaves with Fragmented Chhits</i>					
109.	(i) Bewladanga	34	Haldibari	Boda	862.46
	(ii) Bewladanga	Fragment	Haldibari	Debiganj	
110.	(i) Kotbhajni	2	Haldibari	Debiganj	2012.27
	(ii) Kotbhajni	Fragment	Haldibari	Debiganj	
	(iii) Kotbhajni	Fragment	Haldibari	Debiganj	
	(iv) Kotbhajni	Fragment	Haldibari	Debiganj	
111.	(i) Dahala	Khagrabri	Haldibari	Debiganj	2650.35
	(ii) Dahala	Fragment	Haldibari	Debiganj	
	(iii) Dahala	Fragment	Haldibari	Debiganj	
	(iv) Dahala	Fragment	Haldibari	Debiganj	
	(v) Dahala	Fragment	Haldibari	Debiganj	
	(vi) Dahala	Fragment	Haldibari	Debiganj	
					17160.63

The above given details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh during the Indo-Bangladesh Conference held at Calcutta during 9th — 12th October, 1996 as well as during joint field inspection at Jalpaiguri (West Bengal) Panchagarh (Bangladesh) sector during 21—24 November, 1996.

*Note:* Name of enclave in Sl. No. 108 above has been identified as Ashokabari by joint ground verification during field season 1996-97.

Brig. J.R. Peter  
Director Land Records & Survey  
(*Ex-Officio*) West Bengal, India &  
Director, Eastern Circle  
Survey of India, Calcutta.

Md. Shafi Uddin  
Director General, Land Records  
and Surveys, Bangladesh.

\* Corrected *vide* 150th (54th) India-Bangladesh Boundary Conference held at Kolkata from 29th September to 2nd October, 2002.

\*\* Corrected *vide* 152nd (56th) India-Bangladesh Boundary Conference held at Kochbihar, India from 18th—20th September, 2003.

**B. EXCHANGEABLE BANGLADESH ENCLAVES IN INDIA WITH AREA**

Sl. No.	Name of Chhits	Lying within Police station W. Bengal	Lying within Police station Bangladesh	J.L. No.	Area in acres
1	2	3	4	5	6
<i>A. Enclaves with independent chhits</i>					
1.	Chhit Kuchlibari	Mekliganj	Patgram	22	370.64
2.	Chhit Land of Kuchlibari	Mekliganj	Patgram	24	1.83
3.	Balapukhari	Mekliganj	Patgram	21	331.64
4.	Chhit Land of Panbari No.2	Mekliganj	Patgram	20	1.13
5.	Chhit Panbari	Mekliganj	Patgram	18	108.59
6.	Dhabalsati Mirgipur	Mekliganj	Patgram	15	173.88
7.	Bamandal	Mekliganj	Patgram	11	2.24
8.	Chhit Dhabalsati	Mekliganj	Patgram	14	66.58
9.	Dhabalsati	Mekliganj	Patgram	13	60.45
10.	Srirampur	Mekliganj	Patgram	8	1.05
11.	Jote Nijjama	Mekliganj	Patgram	3	87.54
12.	Chhit Land of Jagatber No.3	Mathabhanga	Patgram	37	69.84
13.	Chhit Land of Jagatber No.1	Mathabhanga	Patgram	35	30.66
14.	Chhit Land of Jagatber No.2	Mathabhanga	Patgram	36	27.09
15.	Chhit Kokoabari	Mathabhanga	Patgram	47	29.49
16.	Chhit Bhandardaha	Mathabhanga	Patgram	67	39.96
17.	Dhabalguri	Mathabhanga	Patgram	52	12.5
18.	Chhit Dhabalguri	Mathabhanga	Patgram	53	22.31
19.	Chhit Land of Dhabalguri No.3	Mathabhanga	Patgram	70	1.33
20.	Chhit Land of Dhabalguri No.4	Mathabhanga	Patgram	71	4.55
21.	Chhit Land of Dhabalguri No.5	Mathabhanga	Patgram	72	4.12
22.	Chhit Land of Dhabalguri No.1	Mathabhanga	Patgram	68	26.83
23.	Chhit Land of Dhabalguri No.2	Mathabhanga	Patgram	69	13.95
24.	Mahishmari	Sitalkuchi	Patgram	54	122.77
25.	Bura Saradubi	Sitalkuchi	Hatibadha	13	34.96
26.	Falnapur	Sitalkuchi	Patgram	64	505.56
27.	Amjhol	Sitalkuchi	Hatibandha	57	1.25
28.	Kismat Batrigachh	Dinhata	Kaliganj	82	209.95
29.	Durgapur	Dinhata	Kaliganj	83	20.96
30.	Bansua Khamar Gitaldaha	Dinhata	Lalmonirhat	1	24.54
31.	Poaturkuthi	Dinhata	Lalmonirhat	37	589.94
32.	Paschim Bakalir Chhara	Dinhata	Bhurungamari	38	151.98

Sl. No.	Name of Chhits	Lying within Police station W. Bengal	Lying within Police station Bangladesh	J.L. No.	Area in acres
1	2	3	4	5	6
33.	Madhya Bakalir Chhara	Dinhata	Bhurungamari	39	32.72
34.	Purba Bakalir Chhara	Dinhata	Bhurungamari	40	12.23
35.	Madhya Masaldanga	Dinhata	Bhurungamari	3	136.66
36.	Madhya Chhit Masaldanga	Dinhata	Bhurungamari	8	11.87
37.	Paschim Chhit Masaldanga	Dinhata	Bhurungamari	7	7.6
38.	Uttar Masaldanga	Dinhata	Bhurungamari	2	27.29
39.	Kachua	Dinhata	Bhurungamari	5	119.74
40.	Uttar Bansjani	Tufanganj	Bhurungamari	1	47.17
41.	Chhat Tilai	Tufanganj	Bhurungamari	17	81.56

*B. Enclaves with Fragmented Chhits*

42.	(i) Nalgram	Sitalkuchi	Patgarm	65	1397.34
	(ii) Nalgram (Fragment)	Sitalkuchi	Patgarm	65	
	(iii) Nalgram (Fragment)	Sitalkuchi	Patgarm	65	
43.	(i) Chhit Nalgram	Sitalkuchi	Patgarm	66	49.5
	(ii) Chhit Nalgram (Fragment)	Sitalkuchi	Patgarm	66	
44.	(i) Batrigachh	Dinhata	Kaliganj	81	577.37
	(ii) Batrigachh (Fragment)	Dinhata	Kaliganj	81	
	(iii) Batrigachh (Fragment)	Dinhata	Phulbari	9	
45.	(i) Karala	Dinhata	Phulbari	9	269.91
	(ii) Karala (fragment)	Dinhata	Phulbari	9	
	(iii) Karala (fragment)	Dinhata	Phulbari	8	
46.	(i) Sipprasad Mustati	Dinhata	Phulbari	8	373.2
	(ii) Sipprasad Mustati (Fragment)	Dinhata	Phulbari	6	
47.	(i) Dakshin Masaldanga	Dinhata	Bhurungamari	6	571.38
	(ii) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(iii) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(iv) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(v) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(vi) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
48.	(i) Paschim Masaldanga	Dinhata	Bhurungamari	4	29.49
	(ii) Paschim Masaldanga (Fragment)	Dinhata	Bhurungamari	4	
49.	(i) Purba Chhit Masaldanga	Dinhata	Bhurungamari	10	35.01
	(ii) Purba Chhit Masaldanga (Fragment)	Dinhata	Bhurungamari	10	

Sl. No.	Name of Chhits	Lying within Police station W. Bengal	Lying within Police station Bangladesh	J.L. No.	Area in acres
1	2	3	4	5	6
50.	(i) Purba Masaldanga	Dinhata	Bhurungamari	11	153.89
	(ii) Purba Masaldanga (Fragment)	Dinhata	Bhurungamari	11	
51.	(i) Uttar Daldanga	Tufanganj	Bhurungamari	14	24.98
	(ii) Uttar Daldanga (Fragment)	Tufanganj	Bhurungamari	14	
	(iii) Uttar Daldanga (Fragment)	Tufanganj	Bhurungamari	14	
Total Area					7,110.02

The above given details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh during the Indo-Bangladesh Conference held at Calcutta during 9th—12th October, 1996 as well as during joint field inspection at Jalpaiguri (West Bengal) – Panchagarh (Bangladesh) sector during 21—24 November, 1996.

Brig. J.R. Peter  
Director Land Records & Survey  
(*Ex Officio*) West Bengal, India &  
Director, Eastern Circle  
Survey of India, Calcutta.

Md. Shafi Uddin  
Director General, Land Records  
and Surveys, Bangladesh.

DR. SANJAY SINGH,  
*Secretary to the Govt. of India.*

#### CORRIGENDA

In the Finance Act, 2015 (20 of 2015), as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 24, dated the 14th May, 2015,—

- (1) at page 46, in line 42, *for* “the above”, *read* “and above”;
- (2) at page 47,—
  - (i) in line 29, *for* “accounts”, *read* “account”;
  - (ii) in line 41, *for* “provisio”, *read* “proviso”;
- (3) at page 54, in line 25, *for* “ection”, *read* “section”.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1614]

नई दिल्ली, शुक्रवार, जुलाई 31, 2015/श्रावण 9, 1937

No. 1614]

NEW DELHI, FRIDAY, JULY 31, 2015/SHRAVANA 9, 1937

विदेश मंत्रालय

MINISTRY OF EXTERNAL AFFAIRS

अधिसूचना

NOTIFICATION

नई दिल्ली, 31 जुलाई, 2015

New Delhi, the 31st July, 2015

का.आ 2094(अ).—केन्द्रीय सरकार, संविधान (एक सौवां संशोधन) अधिनियम, 2015 की धारा 2 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत-बांग्लादेश भूमि सीमा करार तथा उसके प्रोटोकाल के अनुसरण में बांग्लादेश से राज्यक्षेत्रों और बांग्लादेश को राज्यक्षेत्रों के अंतरण के लिए 31 जुलाई, 2015 को तारीख के रूप में नियत करती है।

S.O. 2094(E).—In exercise of the powers conferred by clause (b) of Section 2 of the Constitution (One Hundredth Amendment) Act, 2015, the Central Government hereby appoints the 31st day of July, 2015 as the date for acquisition of territories from Bangladesh and transfer of the territories to Bangladesh, in pursuance of the India-Bangladesh Land Boundary Agreement and its Protocol.

[फा. सं. II/ii/107/02/2015]

[F. No. II/ii/107/02/2015]

श्रीप्रिया रंगनाथन, संयुक्त सचिव (बीएम)

SRIPRIYA RANGANATHAN, Jt. Secy. (BM)





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 55] नई दिल्ली, बृहस्पतिवार, सितम्बर 8, 2016/भाद्र 17, 1938 (शक)  
No. 55] NEW DELHI, THURSDAY, SEPTEMBER 8, 2016/BHADRA 17, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 8th September, 2016/Bhadra 17, 1938 (Saka)*

The following Act of Parliament received the assent of the President on the 8th September, 2016, and is hereby published for general information:—

### THE CONSTITUTION (ONE HUNDRED AND FIRST AMENDMENT) ACT, 2016

[8th September, 2016.]

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

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

1. (1) This Act may be called the Constitution (One Hundred and First Amendment) Act, 2016.

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, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

2. After article 246 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 246A.

"246A. (1) Notwithstanding anything contained in articles 246 and 254, Parliament, and, subject to clause (2), the Legislature of every State, have power to make laws with respect to goods and services tax imposed by the Union or by such State.

Special provision with respect to goods and services tax.

(2) Parliament has exclusive power to make laws with respect to goods and services tax where the supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.

*Explanation.*—The provisions of this article, shall, in respect of goods and services tax referred to in clause (5) of article 279A, take effect from the date recommended by the Goods and Services Tax Council.”.

Amendment of article 248. **3.** In article 248 of the Constitution, in clause (1), for the word "Parliament", the words, figures and letter "Subject to article 246A, Parliament" shall be substituted.

Amendment of article 249. **4.** In article 249 of the Constitution, in clause (1), after the words "with respect to", the words, figures and letter "goods and services tax provided under article 246A or" shall be inserted.

Amendment of article 250. **5.** In article 250 of the Constitution, in clause (1), after the words "with respect to", the words, figures and letter "goods and services tax provided under article 246A or" shall be inserted.

Amendment of article 268. **6.** In article 268 of the Constitution, in clause (1), the words "and such duties of excise on medicinal and toilet preparations" shall be omitted.

Omission of article 268A. **7.** Article 268A of the Constitution, as inserted by section 2 of the Constitution (Eighty-eighth Amendment) Act, 2003 shall be omitted.

Amendment of article 269. **8.** In article 269 of the Constitution, in clause (1), after the words "consignment of goods", the words, figures and letter "except as provided in article 269A" shall be inserted.

Insertion of new article 269A. **9.** After article 269 of the Constitution, the following article shall be inserted, namely:—

Levy and collection of goods and services tax in course of inter-State trade or commerce. “269A. (1) Goods and services tax on supplies in the course of inter-State trade or commerce shall be levied and collected by the Government of India and such tax shall be apportioned between the Union and the States in the manner as may be provided by Parliament by law on the recommendations of the Goods and Services Tax Council.

*Explanation.*—For the purposes of this clause, supply of goods, or of services, or both in the course of import into the territory of India shall be deemed to be supply of goods, or of services, or both in the course of inter-State trade or commerce.

(2) The amount apportioned to a State under clause (1) shall not form part of the Consolidated Fund of India.

(3) Where an amount collected as tax levied under clause (1) has been used for payment of the tax levied by a State under article 246A, such amount shall not form part of the Consolidated Fund of India.

(4) Where an amount collected as tax levied by a State under article 246A has been used for payment of the tax levied under clause (1), such amount shall not form part of the Consolidated Fund of the State.

(5) Parliament may, by law, formulate the principles for determining the place of supply, and when a supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.”.

Amendment of article 270. **10.** In article 270 of the Constitution,—

(i) in clause (1), for the words, figures and letter "articles 268, 268A and 269", the words, figures and letter "articles 268, 269 and 269A" shall be substituted;

(ii) after clause (1), the following clauses shall be inserted, namely:—

“(1A) The tax collected by the Union under clause (1) of article 246A shall also be distributed between the Union and the States in the manner provided in clause (2).

(1B) The tax levied and collected by the Union under clause (2) of article 246A and article 269A, which has been used for payment of the tax levied by the Union under clause (1) of article 246A, and the amount apportioned to the Union under clause (1) of article 269A, shall also be distributed between the Union and the States in the manner provided in clause (2).”.

Amendment of article 271. **11.** In article 271 of the Constitution, after the words “in those articles”, the words, figures and letter “except the goods and services tax under article 246A,” shall be inserted.

12. After article 279 of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article  
279A.

“279A. (1) The President shall, within sixty days from the date of commencement of the Constitution (One Hundred and First Amendment) Act, 2016, by order, constitute a Council to be called the Goods and Services Tax Council.

Goods and  
Services Tax  
Council.

(2) The Goods and Services Tax Council shall consist of the following members, namely:—

(a) the Union Finance Minister..... Chairperson;

(b) the Union Minister of State in charge of Revenue or Finance..... Member;

(c) the Minister in charge of Finance or Taxation or any other Minister nominated by each State Government.....Members.

(3) The Members of the Goods and Services Tax Council referred to in sub-clause (c) of clause (2) shall, as soon as may be, choose one amongst themselves to be the Vice-Chairperson of the Council for such period as they may decide.

(4) The Goods and Services Tax Council shall make recommendations to the Union and the States on—

(a) the taxes, cesses and surcharges levied by the Union, the States and the local bodies which may be subsumed in the goods and services tax;

(b) the goods and services that may be subjected to, or exempted from the goods and services tax;

(c) model Goods and Services Tax Laws, principles of levy, apportionment of Goods and Services Tax levied on supplies in the course of inter-State trade or commerce under article 269A and the principles that govern the place of supply;

(d) the threshold limit of turnover below which goods and services may be exempted from goods and services tax;

(e) the rates including floor rates with bands of goods and services tax;

(f) any special rate or rates for a specified period, to raise additional resources during any natural calamity or disaster;

(g) special provision with respect to the States of Arunachal Pradesh, Assam, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Himachal Pradesh and Uttarakhand; and

(h) any other matter relating to the goods and services tax, as the Council may decide.

(5) The Goods and Services Tax Council shall recommend the date on which the goods and services tax be levied on petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas and aviation turbine fuel.

(6) While discharging the functions conferred by this article, the Goods and Services Tax Council shall be guided by the need for a harmonised structure of goods and services tax and for the development of a harmonised national market for goods and services.

(7) One-half of the total number of Members of the Goods and Services Tax Council shall constitute the quorum at its meetings.

(8) The Goods and Services Tax Council shall determine the procedure in the performance of its functions.

(9) Every decision of the Goods and Services Tax Council shall be taken at a meeting, by a majority of not less than three-fourths of the weighted votes of the members present and voting, in accordance with the following principles, namely:—

(a) the vote of the Central Government shall have a weightage of one-third of the total votes cast, and

(b) the votes of all the State Governments taken together shall have a weightage of two-thirds of the total votes cast,

in that meeting.

(10) No act or proceedings of the Goods and Services Tax Council shall be invalid merely by reason of—

(a) any vacancy in, or any defect in, the constitution of the Council; or

(b) any defect in the appointment of a person as a Member of the Council; or

(c) any procedural irregularity of the Council not affecting the merits of the case.

(11) The Goods and Services Tax Council shall establish a mechanism to adjudicate any dispute —

(a) between the Government of India and one or more States; or

(b) between the Government of India and any State or States on one side and one or more other States on the other side; or

(c) between two or more States,

arising out of the recommendations of the Council or implementation thereof.”.

Amendment  
of article  
286.

**13.** In article 286 of the Constitution,—

(i) in clause (1),—

(A) for the words "the sale or purchase of goods where such sale or purchase takes place", the words "the supply of goods or of services or both, where such supply takes place" shall be substituted;

(B) in sub-clause (b), for the word "goods", at both the places where it occurs, the words "goods or services or both" shall be substituted;

(ii) in clause (2), for the words "sale or purchase of goods takes place", the words "supply of goods or of services or both" shall be substituted;

(iii) clause (3) shall be omitted.

Amendment  
of article 366.

**14.** In article 366 of the Constitution,—

(i) after clause (12), the following clause shall be inserted, namely:—

‘(12A) “goods and services tax” means any tax on supply of goods, or services or both except taxes on the supply of the alcoholic liquor for human consumption;’;

(ii) after clause (26), the following clauses shall be inserted, namely:—

‘(26A) “Services” means anything other than goods;

(26B) “State” with reference to articles 246A, 268, 269, 269A and article 279A includes a Union territory with Legislature;’.

Amendment  
of article 368.

**15.** In article 368 of the Constitution, in clause (2), in the proviso, in clause (a), for the words and figures “article 162 or article 241”, the words, figures and letter “article 162, article 241 or article 279A” shall be substituted.

Amendment  
of Sixth  
Schedule.

**16.** In the Sixth Schedule to the Constitution, in paragraph 8, in sub-paragraph (3),—

(i) in clause (c), the word "and" occurring at the end shall be omitted;

(ii) in clause (d), the word "and" shall be inserted at the end;

(iii) after clause (d), the following clause shall be inserted, namely:—

"(e) taxes on entertainment and amusements."

**17.** In the Seventh Schedule to the Constitution,—

Amendment  
of Seventh  
Schedule.

(a) in List I—Union List,—

(i) for entry 84, the following entry shall be substituted, namely:—

"84. Duties of excise on the following goods manufactured or produced in India, namely:—

(a) petroleum crude;

(b) high speed diesel;

(c) motor spirit (commonly known as petrol);

(d) natural gas;

(e) aviation turbine fuel; and

(f) tobacco and tobacco products.";

(ii) entries 92 and 92C shall be omitted;

(b) in List II—State List,—

(i) entry 52 shall be omitted;

(ii) for entry 54, the following entry shall be substituted, namely:—

"54. Taxes on the sale of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption, but not including sale in the course of inter-State trade or commerce or sale in the course of international trade or commerce of such goods.";

(iii) entry 55 shall be omitted;

(iv) for entry 62, the following entry shall be substituted, namely:—

"62. Taxes on entertainments and amusements to the extent levied and collected by a Panchayat or a Municipality or a Regional Council or a District Council."

**18.** Parliament shall, by law, on the recommendation of the Goods and Services Tax Council, provide for compensation to the States for loss of revenue arising on account of implementation of the goods and services tax for a period of five years.

Compensation  
to States for  
loss of  
revenue on  
account of  
introduction  
of goods and  
services tax.

**19.** Notwithstanding anything in this Act, any provision of any law relating to tax on goods or services or on both in force in any State immediately before the commencement of this Act, which is inconsistent with the provisions of the Constitution as amended by this Act shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until expiration of one year from such commencement, whichever is earlier.

Transitional  
provisions.

**20.** (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 assent of the President to this Act to the provisions of the Constitution as amended by this Act), the President may,

Power of  
President to  
remove  
difficulties.

by order, make such provisions, including any adaptation or modification of any provision of the Constitution as amended by this Act or law, as appear to the President to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of three 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.

---

DR. G NARAYANARAJU,  
*Secretary to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2216]

नई दिल्ली, शनिवार, सितम्बर 10, 2016/भाद्र 19, 1938

No. 2216]

NEW DELHI, SATURDAY, SEPTEMBER 10, 2016/BHADRA 19, 1938

वित्त मंत्रालय

(राजस्व विभाग)

अधिसूचना

नई दिल्ली, 10 सितम्बर, 2016

का.आ. 2915(अ).—संविधान (एक सौ एकवां संशोधन) अधिनियम, 2016 की धारा 1 की उपधारा (2) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार, एतद्वारा, 12 सितंबर, 2016 को उस तारीख के रूप में नियत करती है जिस तारीख से उक्त अधिनियम की धारा 12 के प्रावधान प्रवर्तित होंगे।

[फा. सं. 31011/09/2015-एसओ (एसटी)]

उदय सिंह कुमावत, संयुक्त सचिव

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

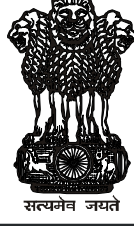
New Delhi, the 10th September, 2016

S.O. 2915(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (One Hundred and First Amendment) Act, 2016, the Central Government hereby appoints the 12<sup>th</sup> day of September, 2016 as the date on which the provisions of section 12 of the said Act shall come into force.

[F. No. 31011/09/2015-SO (ST)]

UDAI SINGH KUMAWAT, Jt. Secy.

4386 GI/2016



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2278]

नई दिल्ली, शुक्रवार, सितम्बर 16, 2016/भाद्र 25, 1938

No. 2278]

NEW DELHI, FRIDAY, SEPTEMBER 16, 2016/BHADRA 25, 1938

वित्त मंत्रालय

(राजस्व विभाग)

अधिसूचना

नई दिल्ली, 16 सितम्बर, 2016

का.आ. 2986(अ).—संविधान (एक सौ एकवां संशोधन) अधिनियम, 2016 की धारा 1 की उप-धारा (2) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार एतद्वारा 16 सितंबर, 2016 को उस तारीख के रूप में नियत करती है जिस तारीख से उक्त अधिनियम की धारा 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19 और 20 के उपबंध प्रवर्तित होंगे।

[फा. सं. 31011/07/2014-एसओ (एसटी)]

उदय सिंह कुमावत, संयुक्त सचिव

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 16th September, 2016

S.O. 2986(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (One Hundred and First Amendment) Act, 2016, the Central Government hereby appoints the 16th day of September, 2016 as the date on which the provisions of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19 and 20 of the said Act, shall come into force.

[F. No. 31011/07/2014-SO (ST)]

UDAI SINGH KUMAWAT, Jt. Secy.

4471 GI/2016





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 34]

नई दिल्ली, शनिवार, अगस्त 11, 2018/ श्रावण 20, 1940 (शक)

No. 34] NEW DELHI, SATURDAY, AUGUST 11, 2018/SHRAVANA 20, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 11th August, 2018/Shravana 20, 1940 (Saka)*

The following Act of Parliament received the assent of the President on the 11th August, 2018, and is hereby published for general information:—

### THE CONSTITUTION (ONE HUNDRED AND SECOND AMENDMENT) ACT, 2018

[11th August, 2018.]

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

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

1. (1) This Act may be called the Constitution (One Hundred and Second Amendment) Act, 2018.

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 338 of the Constitution, in clause (10), the words, brackets and figures "to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also" shall be omitted.

Amendment of article 338.

Insertion of  
new article  
338B.

National  
Commission  
for Backward  
Classes.

3. After article 338A of the Constitution, the following article shall be inserted, namely:—

“338B. (1) There shall be a Commission for the socially and educationally backward classes to be known as the National Commission for Backward Classes.

(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 socially and educationally backward classes 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 socially and educationally backward classes;

(c) to participate and advise on the socio-economic development of the socially and educationally backward classes 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 the 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 socially and educationally backward classes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward classes 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 State Government which 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 the socially and educationally backward classes."

4. After article 342 of the Constitution, the following article shall be inserted, namely:—

"342A. (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

5. In article 366 of the Constitution, after clause (26B), the following clause shall be inserted, namely:—

“(26C) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A for the purposes of this Constitution;”

Insertion of  
new article 342  
A.  
Socially and  
educationally  
backward  
classes.

Amendment  
of article 366.

DR. G. NARAYANA RAJU,  
*Secretary to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 3187]

नई दिल्ली, मंगलवार, अगस्त 14, 2018/श्रावण 23, 1940

No. 3187]

NEW DELHI, TUESDAY, AUGUST 14, 2018/SHRAVANA 23, 1940

सामाजिक न्याय और अधिकारिता मंत्रालय

(सामाजिक न्याय और अधिकारिता विभाग)

अधिसूचना

नई दिल्ली, 14 अगस्त, 2018

**का.आ. 3988(अ).**—राष्ट्रीय पिछड़ा वर्ग आयोग (निरसत) अधिनियम, 2018 (2018 का संख्या 24), की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार 15 अगस्त, 2018 जिस तारीख को राष्ट्रीय पिछड़ा वर्ग आयोग अधिनियम, 1993 (1993 का 27) निरसित होगा, एतद्वारा नियत करती है।

[फा. सं. 12015/11/2017-बीसी-II (खंड II)]

बी.एल. मीना, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 14th August, 2018

**S.O. 3988(E).**—In exercise of the powers conferred by Sub-section (2) of Section 1 of the National Commission for Backward Classes (Repeal) Act, 2018 (No. 24 of 2018), the Central Government hereby appoint the 15<sup>th</sup> August, 2018 as the date on which the National Commission for Backward Classes Act, 1993 (27 of 1993) shall stand repealed.

[F. No. 12015/11/2017-BC-II (Vol. II)]

B.L. MEENA, Jt. Secy.

**अधिसूचना**

नई दिल्ली, 14 अगस्त, 2018

**का.आ. 3989(अ).**—संविधान (एक सौ दोवां संशोधन) अधिनियम, 2018 की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार 15 अगस्त, 2018, जिस तारीख को उक्त अधिनियम के उपबंध प्रवृत्त होंगे, एतद्वारा नियत करती है।

[फा. सं. 12015/11/2017-बीसी-II (खंड II)]

बी.एल. मीना, संयुक्त सचिव

**NOTIFICATION**

New Delhi, the 14th August, 2018

**S.O. 3989(E).**—In exercise of the powers conferred by Sub-section (2) of Section 1 of the Constitution (One Hundred and Second Amendment) Act, 2018, the Central Government hereby appoints the 15<sup>th</sup> August, 2018 as the date on which the provisions of the said Act shall come into force.

[F. No. 12015/11/2017-BC-II (Vol. II)]

B.L. MEENA, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, शनिवार, जनवरी 12, 2019/पौष 22, 1940 (शक)  
No. 3] NEW DELHI, SATURDAY, JANUARY 12, 2019/PAUSHA 22, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 12th January, 2019/Pausha 22, 1940 (Saka)*

The following Act of Parliament received the assent of the President on the 12th January, 2019, and is hereby published for general information:—

### THE CONSTITUTION (ONE HUNDRED AND THIRD AMENDMENT) ACT, 2019

[12th January, 2019.]

An Act further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (One Hundred and Third Amendment) Act, 2019. 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 (5), the following clause shall be inserted, namely:— Amendment of article 15.

‘(6) Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—

(a) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and

(b) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) 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, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category.

*Explanation.*—For the purposes of this article and article 16, "economically weaker sections" shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.'.

Amendment of  
article 16.

**3.** In article 16 of the Constitution, after clause (5), the following clause shall be inserted, namely:—

"(6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category."

---

DR. G. NARAYANA RAJU,  
*Secretary to the Govt. of India.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 194]

नई दिल्ली, सोमवार, जनवरी 14, 2019/पौष 24, 1940

No. 194]

NEW DELHI, MONDAY, JANUARY 14, 2019/PAUSA 24, 1940

सामाजिक न्याय और अधिकारिता मंत्रालय

(सामाजिक न्याय और अधिकारिता विभाग)

अधिसूचना

नई दिल्ली, 14 जनवरी, 2019

**का.आ.292(अ).**—केन्द्रीय सरकार, संविधान (एक सौ तीन संशोधन) अधिनियम, 2019, की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 14 जनवरी, 2019 जिस तारीख को उक्त अधिनियम के उपबंध प्रवृत्त होंगे, एतद्वारा नियत करती है।

[फा.सं. 20013/01/2018-बीसी-II (ii)]

बी.एल. मीना, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 14th January, 2019

**S.O. 292(E).**—In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (One Hundred and Third Amendment) Act, 2019, the Central Government hereby appoints the 14<sup>th</sup> January, 2019 as the date on which the provisions of the said Act shall come into force.

[F.No.20013/01/2018-BC-II (ii)]

B.L. MEENA, Jt. Secy.





# भारत का राजपत्र The Gazette of India

असाधारण

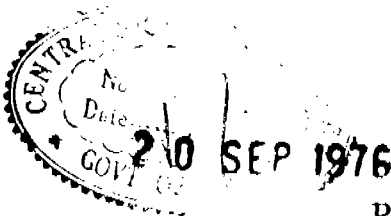
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्रौढकार से प्रकाशित

PUBLISHED BY AUTHORITY



नं० 144 नई दिल्ली, बृहस्पतिवार, सितम्बर 9, 1976, भाद्र 18, 1898  
No. 144 NEW DELHI, THURSDAY, SEPTEMBER 9, 1976/BHADRA 18, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

*New Delhi, the 9th September, 1976/Bhadra 18, 1898 (Saka)*

The following Act of Parliament received the assent of the President on the 7th September, 1976, and is hereby published for general information:—

THE FIFTH SCHEDULE TO THE CONSTITUTION  
(AMENDMENT) ACT, 1976

No. 101 of 1976

[7th September, 1976]

An Act further to amend the Fifth Schedule to the Constitution of India.

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

1. This Act may be called the Fifth Schedule to the Constitution (Amendment) Act, 1976.

Short title.

2. In the Fifth Schedule to the Constitution, in paragraph 6, in subparagraph (2),—

Amendment of the Fifth Schedule.

(1) after clause (a), the following clause shall be inserted, namely:—

“(aa) increase the area of any Scheduled Area in a State after consultation with the Governor of that State;”;

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

“(d) rescind, in relation to any State or States, any order or orders made under this paragraph, and in consultation with the Governor of the State concerned, make fresh orders re-defining the areas which are to be Scheduled Areas;”.

S. K. MAITRA,

*Jt. Secy. to the Govt. of India.*

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 90] नई दिल्ली, सोमवार, दिसम्बर 19, 1988/अग्रहायण 28, 1910  
No. 90] NEW DELHI, MONDAY, DECEMBER 19, 1988/AGRAHAYANA 28, 1910

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

*New Delhi, the 19th December, 1988/Agrahayana 28, 1910 (Saka)*

The following Act of Parliament received the assent of the President on the 16th December, 1988, and is hereby published for general information:—

THE SIXTH SCHEDULE TO THE CONSTITUTION  
(AMENDMENT) ACT, 1988  
No. 67 OF 1988

[16th December, 1988.]

An Act further to amend the Sixth Schedule to the Constitution of India in its application to the States of Tripura and Mizoram.

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

1. This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 1988.

Short  
title.

2. The Sixth Schedule to the Constitution shall, in its application to the States of Tripura and Mizoram, have effect subject to the following modifications, namely:—

Applica-  
tion of  
Sixth  
Schedule  
to the  
States of  
Tripura  
and  
Mizoram.

(1) In paragraph 9, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:—

“(3) The Governor may, by order, direct that the share of royalties to be made over to a District Council under this para-

graph shall be made over to that Council within a period of one year from the date of any agreement under sub-paragraph (1) or, as the case may be, of any determination under sub-paragraph (2).”.

(2) In paragraph 10,—

(a) in the heading, the words “by non-tribals shall be omitted;

(b) in sub-paragraph (1), the words “other than Scheduled Tribes” shall be omitted;

(c) in sub-paragraph (2), for clause (d), the following clause shall be substituted, namely:—

“(d) prescribe that no person resident in the district shall carry on any trade, whether wholesale or retail, except under a licence issued in that behalf by the District Council.”.

(3) For paragraphs 12AA and 12B, the following paragraphs shall be substituted, 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 this Constitution,—**

(a) no Act of the Legislature of the State of Tripura in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State of Tripura prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to the autonomous district or an autonomous region in that State unless, in either case, the District Council for that district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall, in its application to that district or such region or any part thereof, have effect subject to such exceptions or modifications as it thinks fit;

(b) the Governor may, by public notification, direct that any Act of the Legislature of the State of Tripura to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to the autonomous district or an autonomous region in that State, or shall apply to that district or such region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;

(c) 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.

12B. Application of Acts of Parliament and of the Legislature of the State of Mizoram to autonomous districts and autonomous regions in the State of Mizoram.—Notwithstanding anything in this Constitution,—

(a) no Act of the Legislature of the State of Mizoram in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State of Mizoram prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region in that State unless, in either case, the District Council for such district or having jurisdiction over such region, by public notification, so directs, and the District Council, in giving such direction with respect to any Act, may direct that the Act shall, in its application to such district or region or any part thereof, have effect subject to such exceptions or modifications as it thinks fit;

(b) the Governor may, by public notification, direct that any Act of the Legislature of the State of Mizoram to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to an autonomous district or an autonomous region in that State, 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;

(c) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Mizoram, 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.”.

(4) In paragraph 15, in sub-paragraph (2),—

(a) in the opening paragraph, for the words “by the Legislature of the State”, the words “by him” shall be substituted;

(b) the proviso shall be omitted.

(5) In paragraph 16,—

(a) in sub-paragraph (1), the words “subject to the previous approval of the Legislature of the State” occurring in clause (b), and the second proviso shall be omitted;

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

“(3) Every order made under sub-paragraph (1) or sub-paragraph (2) of this paragraph, along with the reasons therefor shall be laid before the Legislature of the State.”.

(6) In paragraph 20, in the table, in Part III, for serial numbers 2 and 3 and the entries relating thereto, the following shall be substituted, namely:—

“2. The Mara District.

3. The Lai District.”.

(7) After paragraph 20B, the following paragraph shall be inserted, namely:—

“20BB. Exercise of discretionary powers by the Governor in the discharge of his functions.—The Governor, in the discharge of his functions under sub-paragraphs (2) and (3) of paragraph 1, sub-paragraphs (1) and (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, sub-paragraph (3) of paragraph 9, sub-paragraph (1) of paragraph 14, sub-paragraph (1) of paragraph 15 and sub-paragraphs (1) and (2) of paragraph 16 of this Schedule, shall, after consulting the Council of Ministers, and if he thinks it necessary, the District Council or the Regional Council concerned, take such action as he considers necessary in his discretion.”.

S. RAMAIAH,

*Secy. to the Govt. of India.*

THE SIXTH SCHEDULE TO THE CONSTITUTION  
(AMENDMENT) ACT, 1995

No. 42 OF 1995

[12th September, 1995.]

An Act further to amend the Constitution of India in its application to the State of Assam.

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

1. This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 1995.

Short title.

2. The Sixth Schedule to the Constitution shall, in its application to the State of Assam, have effect subject to the following modifications, namely:—

Application of Schedule Sixth to the State of Assam.

(1) in paragraph 2, in sub-paragraph (3), the following proviso shall be inserted, namely:—

“Provided that the District Council constituted for the North Cachar Hills District shall be called as the North Cachar Hills Autonomous Council and the District Council constituted for the Karbi Anglong District shall be called as the Karbi Anglong Autonomous Council.”;

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

“(3) Save as otherwise provided in sub-paragraph (2) of paragraph 3A, all laws made under this paragraph or sub-paragraph (1) of paragraph 3A shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.”;

(3) after paragraph 3, the following paragraph shall be inserted, namely:—

“3A. Additional powers of the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council to

make laws:—(1) Without prejudice to the provisions of paragraph 3, the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council within their respective district, shall have power, to make laws with respect to—

(a) industries, subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule;

(b) communications, that is to say, roads, bridges, ferries and other means of communication not specified in List I of the Seventh Schedule; municipal tramways, ropeways, inland waterways and traffic thereon subject to the provisions of List I and List III of the Seventh Schedule with regard to such waterways; vehicles other than mechanically propelled vehicles;

(c) preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice; cattle pounds;

(d) primary and secondary education;

(e) agriculture, including agricultural education and research, protection against pests and prevention of plant diseases;

(f) fisheries;

(g) water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I of the Seventh Schedule;

(h) social security and social insurance; employment and unemployment;

(i) flood control schemes for protection of villages, paddy fields, markets, towns, etc. (not of technical nature);

(j) theatre and dramatic performances, cinemas subject to the provisions of entry 60 of List I of the Seventh Schedule; sports entertainments and amusements;

(k) public health and sanitation, hospitals and dispensaries;

(l) minor irrigation;

(m) trade and commerce in, and the production supply and distribution of, food stuffs, cattle fodder, raw cotton and raw jute;



(n) libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance; and

(o) alienation of land.

(2) All laws made by the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council under paragraph 3 or under this paragraph shall, in so far as they relate to matters specified in List III of the Seventh Schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the President.

(3) When a law is reserved for the consideration of the President, the President shall declare either that he assents to the said law or that he withholds assent therefrom:

Provided that the President may direct the Governor to return the law to the North Cachar Hills Autonomous Council or the Karbi Anglong Autonomous Council, as the case may be, together with a message requesting that the said Council will reconsider the law or any specified provisions thereof and, in particular, will, consider the desirability of introducing any such amendments as he may recommend in his message and, when the law is so returned, the said Council shall consider the law accordingly within a period of six months from the date of receipt of such message and, if the law is again passed by the said Council with or without amendment it shall be presented again to the President for his consideration.”;

(4) in paragraph 12, in sub-paragraph (1), for the words and figure “matters specified in paragraph 3 of this Schedule”, the words, figures and letter “matters specified in paragraph 3 or paragraph 3A of this Schedule” shall be substituted;

(5) in paragraph 14, in sub-paragraph (2), the words “With the recommendations of the Governor with respect thereto” shall omitted;

(6) after paragraph 20B, the following paragraph shall be inserted, namely:—

“20BA, Exercise of discretionary powers by the Governor in the discharge of his functions.—The Governor in the

discharge of his functions under sub-paragraphs (2) and (3) paragraph 1, sub-paragraphs (1), (6), sub-paragraph (6A) excluding the first proviso and sub-paragraph (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph (3) of paragraph 10, sub-paragraph (1) of paragraph 14, sub-paragraph (1) of paragraph 15 and sub-paragraphs (1) and (2) of paragraph 16 of this Schedule, shall, after consulting the Council of Ministers and the North Cachar Hills Autonomous Council or the Karbi Anglong Autonomous Council, as the case may be, take such action as he considers necessary in his discretion."



# भारत का राजपत्र The Gazette of India.

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 48]

नई दिल्ली, सोमवार, सितम्बर 8, 2003/भाद्र 17, 1925

No. 48]

NEW DELHI, MONDAY, SEPTEMBER 8, 2003/BHADRA 17, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, dated the 8th September, 2003/Bhadra 17, 1925 (Saka)*

The following Act of Parliament received the assent of the President on the 7th September, 2003, and is hereby published for general information:—

### THE SIXTH SCHEDULE TO THE CONSTITUTION (AMENDMENT) ACT, 2003

No. 44 OF 2003

[7th September, 2003.]

An Act further to amend the Constitution of India in its application to the State of Assam.

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

1. This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 2003. Short title.

2. The Sixth Schedule to the Constitution shall, in its application to the State of Assam, have effect subject to the following modifications, namely:— Amendment of Sixth Schedule to the Constitution.

(1) In paragraph 1, after sub-paragraph (2), the following proviso shall be inserted, namely:—

“Provided that nothing in this sub-paragraph shall apply to the Bodoland Territorial Areas District.”;

(2) In paragraph 2, after sub-paragraph (1), the following proviso shall be inserted, namely:—

“Provided that the Bodoland Territorial Council shall consist of not more than forty-six members of whom forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the Scheduled Tribes, five for non-tribal communities, five open for all communities and the remaining six shall be nominated by the Governor having same rights and privileges as other members, including voting rights, from amongst the un-represented communities of the Bodoland Territorial Areas District, of which at least two shall be women.”;

(3) In paragraph 2, in sub-paragraph (3), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the District Council constituted for the Bodoland Territorial Areas District shall be called the Bodoland Territorial Council.”;

(4) In paragraph 3, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:—

“(3) Save as otherwise provided in sub-paragraph (2) of paragraph 3A or sub-paragraph (2) of paragraph 3B, all laws made under this paragraph or sub-paragraph (1) of paragraph 3A or sub-paragraph (1) of paragraph 3B shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.”;

(5) After paragraph 3A, the following paragraph shall be inserted, namely:—

**“3B. Additional powers of the Bodoland Territorial Council to make laws.—** (1) Without prejudice to the provisions of paragraph 3, the Bodoland Territorial Council within its areas shall have power to make laws with respect to:— (i) Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases; (ii) Animal husbandry and veterinary, that is to say, preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice, cattle pounds; (iii) Co-operation; (iv) Cultural affairs; (v) Education, that is to say, primary education, higher secondary including vocational training, adult education, college education (general); (vi) Fisheries; (vii) Flood control for protection of village, paddy fields, markets and towns (not of technical nature); (viii) Food and civil supply; (ix) Forests (other than reserved forests); (x) Handloom and textile; (xi) Health and family welfare, (xii) Intoxicating liquors, opium and derivatives, subject to the provisions of entry 84 of List I of the Seventh Schedule; (xiii) Irrigation; (xiv) Labour and employment; (xv) Land and Revenue; (xvi) Library services (financed and controlled by the State Government); (xvii) Lotteries (subject to the provisions of entry 40 of List I of the Seventh Schedule), theatres, dramatic performances and cinemas (subject to the provisions of entry 60 of List I of the Seventh Schedule); (xviii) Markets and fairs; (xix) Municipal corporation, improvement trust, district boards and other local authorities; (xx) Museum and archaeology institutions controlled or financed by the State, ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance; (xxi) Panchayat and rural development; (xxii) Planning and development; (xxiii) Printing and stationery; (xxiv) Public health engineering; (xxv) Public works department; (xxvi) Publicity and public relations; (xxvii) Registration of births and deaths; (xxviii) Relief and rehabilitation; (xxix) Sericulture; (xxx) Small, cottage and rural industry subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule; (xxxii) Social welfare; (xxxiii) Soil conservation; (xxxiii) Sports and youth welfare; (xxxiv) Statistics; (xxxv) Tourism; (xxxvi) Transport (roads, bridges, ferries

and other means of communications not specified in List I of the Seventh Schedule, municipal tramways, ropeways, inland waterways and traffic thereon subject to the provision of List I and List III of the Seventh Schedule with regard to such waterways, vehicles other than mechanically propelled vehicles); (xxxvii) Tribal research institute controlled and financed by the State Government; (xxxviii) Urban Development—town and country planning; (xxxix) Weights and measures subject to the provisions of entry 50 of List I of the Seventh Schedule; and (xl) Welfare of plain tribes and backward classes:

Provided that nothing in such laws shall—

(a) extinguish or modify the existing rights and privileges of any citizen in respect of his land at the date of commencement of this Act; and

(b) disallow and citizen from acquiring land either by way of inheritance, allotment, settlement or by any other way of transfer if such citizen is otherwise eligible for such acquisition of land within the Bodoland Territorial Areas District.

(2) All laws made under paragraph 3 or under this paragraph shall in so far as they relate to matters specified in List III of the Seventh Schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the President.

(3) When a law is reserved for the consideration of the President, the President shall declare either that he assents to the said law or that he withholds assent therefrom:

Provided that the President may direct the Governor to return the law to the Bodoland Territorial Council, together with the message requesting that the said Council will reconsider the law or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when the law is so returned, the said Council shall consider the law accordingly within a period of six months from the date of receipt of such message and, if the law is again passed by the said Council with or without amendments it shall be presented again to the President for his consideration.”;

(6) In paragraph 4, after sub-paragraph (5), the following sub-paragraph shall be inserted, namely:—

“(6) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule.”;

(7) In paragraph 10, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

“(4) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule.”;

(8) In paragraph 12, in sub-paragraph (1), in clause (a), for the words, figures and letter “matters specified in paragraph 3 or paragraph 3A of this Schedule”, the words, figures and letters “matters specified in paragraph 3 or paragraph 3A or paragraph 3B of this Schedule” shall be substituted;

(9) In paragraph 17, the following proviso shall be inserted, ~~namely~~—

“Provided that nothing in this paragraph shall apply to the Bodoland Territorial Areas District.”;

(10) In paragraph 19, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

“(4) As soon as possible after the commencement of this Act, an Interim Executive Council for Bodoland Territorial Areas District in Assam shall be formed by the Governor from amongst leaders of the Bodo movement, including the signatories to the Memorandum of Settlement, and shall provide adequate representation to the non-tribal communities in that area:

Provided that the Interim Council shall be for a period of six months during which endeavour to hold the election to the Council shall be made.

*Explanation.*—For the purposes of this sub-paragraph, the expression “Memorandum of Settlement” means the Memorandum signed on the 10th day of February, 2003 between Government of India, Government of Assam and Bodo Liberation Tigers.”;

(11) In paragraph 20, in Part I of the Table, after entry 2, the following entry shall be inserted, namely:—

“3. The Bodoland Territorial Areas District.”.

SUBHASH C. JAIN,  
*Secy. to the Govt. of India.*

## C.O. 1

Dated the 7th January, 1950

### The Constitution (Removal of Difficulties) Order No. I

In exercise of the powers conferred by clauses (1) and (3) of article 392 of the Constitution of India, the Governor-General is pleased to make the following Order, namely: —

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. I.  
(2) It shall come into force at once.

2. During the period of six months from the commencement of this Order, the Constitution of India shall have effect subject to the following adaptations: —

- (1) To article 379, the following clause shall be added, namely: —

"(6) Notwithstanding anything in this Constitution the Governor-General of the Dominion of India may, at any time before the commencement of this Constitution, summon the provisional Parliament to meet after such commencement for the first session at such time and place as he thinks fit."

- (2) For clause (1) of article 380, the following clause shall be substituted, namely: —

"(1) Until a President has been elected in accordance with the provisions contained in Chapter I of Part V and has entered upon his office, such person as the Constituent Assembly of the Dominion of India shall have elected in that behalf in accordance with such rules as may be made by the President of that Assembly shall be the President of India; and the person so elected shall, before entering upon his office, make and subscribe the oath or affirmation prescribed in article 60 in the presence of the Chief Justice of India or, in his absence, the senior most Judge of the Supreme Court available, notwithstanding that such Chief Justice or Judge has not made and subscribed the oath or affirmation prescribed under clause (6) of article 124."

- (3) Article 383 shall be renumbered as clause (1) of that article and the following clause shall be added thereto, namely: —

"(2) Any such person as aforesaid shall, before entering upon the office of the Governor of the State, make and subscribe the oath or affirmation prescribed in article 159 in the presence of the Chief Justice of the High Court for that State or, in his absence, the senior most Judge of that Court available; notwithstanding that such Chief Justice or Judge has not made and subscribed the oath or affirmation prescribed under article 219."

## C.O. 5

Dated the 26th January, 1950

### The Constitution (Removal of Difficulties) Order No. II

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely: —

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. II.  
(2) It shall come into force at once.

2. The Constitution of India shall,—

(a) until both Houses of Parliament have been duly constituted and summoned to meet for the first session under the provisions of that Constitution, have effect subject to the adaptations directed to be made therein by Part I of the Schedule to this Order;

(b) until the House or Houses of the Legislature of a State specified in Part A or Part B of the First Schedule to that Constitution has or have been duly constituted and summoned to meet for the first session under the provisions of the said Constitution, have effect in relation to that State subject to the adaptations directed to be made therein by Part II of the Schedule to this Order.

3. Where the Schedule to this Order requires that in any specified provision certain words shall be substituted for other words or that certain words shall be omitted, that substitution or omission, as the case maybe, shall, unless otherwise expressly provided, be made wherever the words referred to appear in that provision.

#### THE SCHEDULE

Article	Adaptations
	PART I
3	In the proviso, omit "either House of".
54	In this article, before "The President shall be elected" insert "Subject to the provisions of article 380".
55	In clause (1), after "election of the President" insert "under article 54". In clause (3), after "election of the President" insert "under article 54".
56	For this Article, substitute; — Resignation by or removal of President. "56. (1) The President may, by writing under his hand addressed to the Speaker of Parliament, resign his office. (2) The President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in Article 61."



- 58 In sub-clause (c) of clause (1), after "qualified for election" insert "in the case of an election under clause (2) of Article 380, as a member of Parliament and in the case of an election under Article 54,".
- 59 In clause (1), omit "either House of" , and for "that House" substitute "Parliament or that House, as the case may be,"
- 61 In clause (1), omit "either House of".  
In clause (2), for "the House" substitute "Parliament".  
In clause (3), for "by either House of Parliament, the other House" substitute "Parliament".  
In clause (4), for "the House by which the charge was investigated or caused to be investigated" substitute "Parliament".
- 62 Omit.
- 63 To this Article add "to be elected in the manner provided in Article 66 after both Houses of Parliament have been duly constituted under the provisions of this Constitution".
- 64-65 Omit.
- 67-69 Omit.
- 70 For "Chapter" substitute "Constitution".
- 71 Omit "or Vice-President".  
In clause (2), omit "as the case may be,".
- 75 In clause (3), for "the House of the People" substitute "Parliament".  
In clause (5), omit "either House of".
- 79 Before "There shall be a Parliament for the Union" insert "Subject to the provisions of Article 379,".
- 85 [Substituted by C.O. 31]
- 86 In clause (1), omit "either House of" and "or both Houses assembled together,".  
In clause (2), omit "either House of" and for "a House to which any message is so sent" substitute "Parliament".
- 87 In clause (1), omit "both Houses of" and "assembled together".  
In clause (2), for "either House" and "the House" substitute "Parliament".
- 88 For "either House, any joint sitting of the Houses, and any Committee of Parliament" substitute "Parliament and any committee thereof".
- 89-92 Omit.
- 93 For this article, substitute: —  
The Speaker and Deputy Speaker of Parliament. "93. So often as the office of Speaker or Deputy Speaker of Parliament becomes vacant, Parliament shall choose a member thereof to be its Speaker or Deputy Speaker, as the case may be".
- 94 For "the House of the People" substitute "Parliament".  
In clause (c), for "members of the House" substitute "member of Parliament".  
Omit the second proviso.
- 95 For "the House of the People" substitute "Parliament".  
In clause (2), for "the House" substitute "Parliament".
- 96 For "the House of the People" substitute "Parliament".  
In clause (2), for "in the House" substitute "in Parliament".
- 97 Omit "to the Chairman and the Deputy Chairman of the Council of States,

- and", and for "the House of the People" substitute "Parliament".
- 98 In clause (1), omit "Each House of" and the proviso.  
In clause (2), omit "either House of".  
In clause (3), for "the House of the People or the Chairman of the Council of States, as the case may be," and for "the House of the People or the Council of States" substitute "Parliament".
- 99 Omit "either House of".
- 100 In clause (1), for "either House or joint sitting of the Houses" substitute "Parliament", and omit "Chairman or".  
In clause (2), omit "Either House of".  
In clause (3), omit "either House of" and for "of the House" substitute "thereof".  
In clause (4), for "a House" and "the House" substitute "Parliament".
- 101 In clause (3), omit "either House of".  
In clause (4), omit "either House of" and for "the House" substitute "Parliament".
- 102-104 Omit "either House of".
- 105 In clause (2), omit "either House of".  
In clause (3), omit "each House of" and for "committees of each House" substitute "committees thereof".  
In clause (4), omit "a House of".
- 106 Omit "either House of".
- 107 For this article, substitute: —  
Provision as to pending Bills. "107. A Bill pending in Parliament shall not lapse by reason of the prorogation of Parliament."
- 108-109 Omit.
- 110 For "the House of the People" substitute "Parliament".  
In clause (4), omit "when it is transmitted to the Council of States under article 109, and".
- 111 Omit "the Houses of", for "the Houses" substitute "Parliament" and for "they will reconsider" substitute "Parliament will reconsider".
- 112 In clause (1), omit "both the Houses of".  
In clause (3), for sub-clause (b) substitute : —  
"(b) the salaries and allowances of the Speaker and the Deputy Speaker of Parliament ;".
- 113 In clause (1), omit "either House of".  
In clause (2), For "the House of the People" substitute "Parliament".
- 114 In clause (1), for "the House of the People" substitute "Parliament".  
In clause (2), omit "either House of".
- 115 In clause (1), omit "both the Houses of", and for "the House of the People" substitute "Parliament".
- 116 In clause (1), for "the House of the People" substitute "Parliament".
- 117 In clause (1), omit "and a Bill making such provision shall not be introduced in the Council of States".  
In clause (3), omit "either House of" , and for "that House" substitute "Parliament".
- 118 In clause (1), omit "Each House of".  
In clause (2), for "the Chairman of the Council of States or the Speaker of

- the House of the People, as the case may be" substitute "the Speaker of Parliament".
- Omit clauses (3) and (4).
- 119 Omit "each House of" and "a House of".
- 120 In clause (1), for "the Chairman of the Council of States or Speaker of the House of the People" substitute "the Speaker of Parliament" and omit ", as the case may be,".
- 123 In clause (1), for "both Houses of Parliament are in session" substitute "Parliament is in session".
- In clause (2), omit "both Houses of" , and for "resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions" substitute "a resolution disapproving it is passed by Parliament, upon the passing of that resolution", and omit the Explanation.
- 124 In clause (4), omit "each House of", and for "that House" substitute "Parliament".
- 151 In clause (1), omit "each House of".
- 158 In clause (1), omit "either House of" and for "that House" substitute "Parliament or that House, as the case may be".
- 249 [Substituted by C.O. 20]
- 251 [Removed by C.O. 20]
- 252 [Removed by C.O. 20]
- 274 In clause (1), omit "either House of".
- 281 Omit "each House of".
- 312 In clause (1), omit "if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do,".
- 320 In clause (5), for "each House of Parliament" and "both Houses of Parliament" substitute "Parliament".
- 323 In clause (1), omit "each House of".
- 329A In Part XV, after article 329, insert : —
- (new) Certain provisions of this part not to apply to provisional parliament and provisional legislatures.
- "329A. The provisions of article 325 shall not apply in relation to the Legislatures of States functioning under article 382 or article 385 and the provisions of article 326 and clause (b) of article 329 shall not apply in relation to the provisional Parliament functioning under article 379 and such Legislatures of States."
- 338 In clause (2), omit "each House of".
- 340 In clause (3), omit "each House of".
- 348 In sub-clause (b) of clause (1), for "either House of Parliament" substitute "Parliament".
- 352 In clause (2), omit "each House of" , for "resolutions of both Houses" substitute "a resolution" and omit the proviso.
- 354 In clause (2), omit "each House of".
- 356 In clause (3), omit "each House of", for "resolutions of both Houses" substitute "a resolution" and omit the proviso.
- In clause (4), for "second of the resolutions" substitute "resolution", in the

	first proviso omit "both Houses of", and omit the second proviso.
357	In clause (1), for "the House of the People" substitute "Parliament".
359	In clause (3), omit "each House of".
361	In clause (1), omit "either House of".
368	Omit "either House of" and "in each House"; and for "that House" substitute "Parliament".
Second Schedule	In paragraph 7, for "the House of the People" substitute "Parliament" omit "and the Chairman of the Council of States" and "and to the Deputy Chairman of the Council of States" and for "salaries" substitute "salary".
Third Schedule	In Form III, for "the Council of States (or the House of the People)" substitute "Parliament".
Seventh Schedule	In List I— For entry 73, substitute : — "73. Salaries and allowances of the Speaker, the Deputy Speaker and members of Parliament." In entry 74, for "each House of Parliament" and "each House" substitute "Parliament".

## PART II

168	In clause (1), for "For every State there shall" substitute "Subject to the provisions of article 382, there shall for every State".
172A (new)	After article 172, insert : — Certain provisions not to apply to provisional Legislatures of States. "172A. The provisions of articles 169 to 172 (both inclusive) shall not apply to the House or Houses of the Legislature of any State functioning under article 382."
174	[Substituted by C.O. 31]
178	For this article, substitute : — The Speaker and Deputy Speaker of the Legislative Assembly. "178. So often as the office of Speaker or Deputy Speaker of the Legislative Assembly of a State becomes vacant, the Assembly shall choose a member thereof to be its Speaker or Deputy Speaker, as the case may be."
179	Omit the second proviso.
182	For this article, substitute : — The Chairman and Deputy Chairman of the Legislative Council. "182. So often as the office of Chairman or Deputy Chairman of the Legislative Council of a State becomes vacant, the Council shall choose a member thereof to be its Chairman or Deputy Chairman, as the case may be."
238	For clause (6) substitute : — "(6) In article 164— (i) for the proviso to clause (1), the following proviso shall be substituted, namely : — Provided that in the State of Madhya Bharat there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.' ; (ii) the following clause shall be added at the end, namely : —

(6) The provisions of clauses (2) and (4) shall not apply in relation to a State having no House of the Legislature."

In clause (7), for "For every State there shall" substitute "Subject to the provisions of article 385, there shall for every State".

After clause (7), insert : —

"(7a) In article 172A, for the word and figure 'article 382' the word and Figure 'article 385' shall be substituted."

After clause (11), insert : —

"(11A) After article 212, the following shall be inserted, namely : —

Special provisions for certain States.

Certain provisions not to apply to States having no House of the Legislature.

212A. (1) The provisions of articles 174 to 189 (both inclusive), 193 to 199 (both inclusive), the first proviso to article 200, the proviso to article 201, clauses (1) and (2) and sub-clause (b) of clause (3) of article 202, articles 203 to 212 (both inclusive) shall not apply to any State which has no House of the Legislature but clauses (2) and (3) shall apply in relation to such States in place of the said provisions.

(2) The Rajpramukh or other authority exercising the legislative powers in any such State as aforesaid under article 385 shall prepare such Bills as may be deemed necessary, and the Rajpramukh shall declare as respects any Bill so prepared either that he assents to the Bill or that he withholds assent therefrom or that he reserves it for the consideration of the President.

(3) Any expenditure from the Consolidated Fund of any such State incurred after the 31st day of March, 1950, whether expenditure charged by this Constitution on such Fund or not, shall be deemed to have been duly authorised if it is included in an Appropriation Act made under clause (2) providing for the appropriation out of the Consolidated Fund of the State of all moneys required to meet such expenditure.

(4) Any reference in this Constitution to Acts or laws of, or made by, the Legislature of a State shall be construed as including a reference to Acts made under this article.

(11B) To article 213, the following clause shall be added, namely : —

(4) The provisions of this article shall not apply in relation to a State having no House of the Legislature."

238A (new)

In Part VII, after article 238, insert : —

Certain provisions not to apply to States having no House of the Legislature.

"238A. Any provisions of this Constitution which relate to the laying of any regulation, report or other paper before, the Legislature of a State specified in Part B of the First Schedule shall not apply in relation to any such State, having no House of the Legislature."

267

In clause (2), add at the end—

"or by law made under article 212A".

333A (new)

After article 333, insert : —

Certain provisions not to apply to States having no House of the Legislature.

"333A. The provisions of articles 332 and 333 shall not apply in relation to the Legislatures of States, functioning under article 382 or article 385."

C.O. 11

Dated the 10th April, 1950

The Constitution (Removal of Difficulties) Order No. II (Amendment) Order

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. II (Amendment) Order.  
(2) It shall be deemed to have come into force on the twenty-sixth day of January, 1950.

2. In Part II of the Schedule to the Constitution (Removal of Difficulties) Order No. II in the entry inserting the new article 172A for the words "shall not apply" in the new article 172A, the following shall be substituted, namely :—

"clause (a) of article 173 and sub-clause (d) of clause (1) of article 191 shall not apply in relation".

REGISTERED No. D-481

The Gazette



of India

सत्यमेव जयते

EXTRAORDINARY

PART II- Section 3

PUBLISHED BY AUTHORITY

---

---

No. 26]

NEW DELHI, FRIDAY, AUGUST 11, 1950

---

---

MINISTRY OF LAW

NOTIFICATION

*New Delhi, the 11th August, 1950*

**S.R.O. 384.**—The following Order made by the President is published for general information:—

C. O. 20

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER,  
NO. II (SECOND AMENDMENT) ORDER

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely:—

1. This Order may be called the Constitution (Removal of Difficulties) Order, No. II (Second Amendment) Order.

2. In Part I of the Schedule to the Constitution (Removal of Difficulties) Order, No. II,—

(a) for the entry relating to article 249, the following entry shall be substituted, namely:—

“249 In clause (1), for “the Council of States” substitute “Parliament” ;” and

(b) the entries relating to articles 251 and 252 shall be omitted.

RAJENDRA PRASAD,  
*President*

K. V. K. SUNDARAM,  
*Secretary.*



# The Gazette of India



सत्यमेव जयते

EXTRAORDINARY  
PART II—Section 3  
PUBLISHED BY AUTHORITY

---

No. 128] NEW DELHI, THURSDAY, AUGUST 16, 1951

---

MINISTRY OF LAW

NOTIFICATION

*New Delhi, the 16th August 1951*

**S.R.O. 1264.**—The following Order made by the President is published for general information:—

**G. O. 31**

CONSTITUTION (REMOVAL OF DIFFICULTIES)

ORDER NO. II (THIRD AMENDMENT) ORDER, 1951.

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. II (Third Amendment) Order, 1951.

(2) It shall be deemed to have come into force on the eighteenth day of June, 1951.

2. In the Schedule to the Constitution (Removal of Difficulties) Order No. II—

(a) In Part I,

(i) For the entries relating to article 85, the following entries shall be substituted, namely:—

“85. In clause (1), for “each House of Parliament” substitute “Parliament or each House of Parliament, as the case may be.”

In clause (2), for “the Houses or either House” substitute “Parliament” and omit sub-clause (b).”;

(ii) In the entry relating to clause (2) of article 87, the words ‘and “the House”’ shall be omitted.

(b) In Part II,

For the entry relating to article 174, the following entry shall be substituted, namely:—

“174. In clause (2) omit sub-clause (b).”

3. The Constitution (Removal of Difficulties) Order No. VI shall cease to have effect except as respects things done or omitted to be done before the commencement of this Order.

**RAJENDRA PRASAD,**

*President.*

---

**K. V. K. SUNDARAM,**

*Secretary.*

The Gazette  of India

EXTRAORDINARY

Part II—Section 3

PUBLISHED BY AUTHORITY

---

No. 28] NEW DELHI, WEDNESDAY, JANUARY 30, 1952

---

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 30th January, 1952

**S.R.O. 210**—The following Order made by the President is published for general information:—

**C.O. 36**

**THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. II (FOURTH AMENDMENT) ORDER**

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. II (Fourth Amendment) Order

(2) It shall come into force at once

2. In Part II of the Schedule to the Constitution (Removal of Difficulties) Order No. II, in the list of adaptations relating to article 238,—

(a) after the third adaptation (which directs the insertion of a new clause (7a) in the said article), the following further adaptation shall be inserted, namely:—

“After clause (8), insert:—

“(8a) In sub-clause (b) of clause (3) of article 190, after the words “as the case may be”, the words “or, if there is no such officer, to the Rajpramukh,” shall be inserted.” and

(b) in the fourth adaptation, in clause (1) of the new article 212A, for the figures “174” the figures “175” shall be substituted, and for the words, figures and brackets “and articles 203 to 212 (both inclusive)”, the words, figures and brackets “articles 203 to 207 (both inclusive) and articles 209 to 212 (both inclusive)” shall be substituted

RAJENDRA PRASAD, President

K V K SUNDARAM, Secy.

The Gazette



of India

EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

---

No. 38] NEW DELHI, WEDNESDAY, FEBRUARY 13, 1952

---

MINISTRY OF LAW

NOTIFICATION

*New Delhi, the 13th February, 1952*

S.R.O. 283.—The following Order made by the President is published for general information:—

C.O. 37

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. II  
(FIFTH AMENDMENT) ORDER

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following order, namely:—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. II (Fifth Amendment) Order.

(2) It shall be deemed to have come into force on the first day of January, 1952.

2. In Part I of the Schedule to the Constitution (Removal of Difficulties) Order No. II, in the list of adaptations relating to article 101, for the first adaptation, the following adaptation shall be substituted, namely:—

In clause (3), after "member" insert "of the provisional Parliament or" and for "the Chairman or the Speaker, as the case may be" substitute "the Speaker of the provisional Parliament".

3. In Part II of the Schedule to the Constitution (Removal of Difficulties) Order No. II, after the entry relating to article 158, the following entry shall be inserted, namely:—

"190. To clause (3), add:—

'In the application of this clause to a person who is chosen a member of a House of the Legislature of a State at the first elections held under this Constitution, the expression "the Speaker or the Chairman, as the case may be" means the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, of that State functioning under the provisions of Part XXI.' "

RAJENDRA PRASAD,  
*President.*

K. V. K. SUNDARAM,  
*Secretary.*

[ 383 ]

C.O. 6

Dated the 26th January, 1950

The Constitution (Removal of Difficulties) Order No. III

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely : —

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. III.  
(2) It shall come into force at once.

2. During the period of two years from the commencement of this Order, the Constitution of India shall have effect subject to the following adaptations :—

(1) Article 149 shall be renumbered as clause (1) of that article and the following clauses shall be added thereto, namely : —

"(2) Nothing in clause (1) shall apply in relation to the accounts for the period beginning on the twenty-sixth day of January, 1950, and ending on the thirty-first day of March, 1950, of any State specified in Part B of the First Schedule, and the provisions relating to the audit of the accounts of such State in force immediately before the commencement of this Constitution shall continue to have effect in relation to the accounts for the said period of such State.

(3) In its application to the Patiala and East Punjab States Union, clause (2) shall have effect as if for the reference therein to the thirty-first day of March, 1950, there was substituted a reference to the twelfth day of April, 1950."

(2) To article 270, the following clause shall be added, namely : —

"(5) Any order in force immediately before the commencement of this Constitution relating to the distribution between the Dominion of India and the Provinces of the net proceeds in the financial year ending on the thirty-first day of March, 1950, of taxes on income other than agricultural income shall, on such commencement, continue to have effect and be deemed to be an order made under this article relating to the distribution between the Union and the corresponding States of such net proceeds."

(3) To article 273, the following clause shall be added, namely : —

"(4) Any order in force immediately before the commencement of this Constitution assigning to the Provinces of Assam, Bihar, Orissa or West Bengal any share of the net proceeds in the financial year ending on the thirty-first day of March, 1950, of any export duty on jute or jute products shall, on such commencement, continue to have effect and be deemed to be an

order made under this article prescribing the sum so assigned as grant-in-aid of the revenues of the corresponding State."

(4) To article 275, the following clause shall be added, namely : —

"(3) Any order in force immediately before the commencement of this Constitution prescribing any sum to be charged on the revenues of India in the financial year ending on the thirty-first day of March, 1950, as grant-in-aid of the revenues of any Province shall, on such commencement, continue to have effect and be deemed to be an order made by the President under this article providing such sum as grant-in-aid of the revenues of the corresponding State."

(5) To article 390, the following shall be added, namely : —

"or is authorised in accordance with the provisions of article 390A."

(6) After article 390, the following article shall be inserted, namely : —

Provisions as to supplementary grants in respect of the year ending on 31st March, 1950.

"390A (1) If in respect of the financial year ending on the thirty-first day of March, 1950, further expenditure from the revenues of India becomes necessary over and above the expenditure theretofore authorised for that year, the President shall cause to be laid before Parliament a supplementary statement showing the estimated amount of that expenditure, and the provisions of sections 33, 34 and 35 of the (Government of India Act, 1935, shall subject to necessary modifications have effect in relation to that statement and that expenditure as they would have had effect in relation to the annual financial statement and the expenditure mentioned therein if this Constitution had not come into force.

(2) If in respect of the said financial year further expenditure from the revenues of a State specified in Part A of the First Schedule becomes necessary over and above the expenditure theretofore authorised for that year, the Governor of the State shall cause to be laid before the House or Houses of the Legislature of the State a supplementary statement showing the estimated amount of that expenditure, and the provisions of sections 78, 79 and 80 of the Government of India Act, 1935, shall subject to necessary modifications have effect in relation to that statement and that expenditure as they would have had effect in relation to the annual financial statement and the expenditure mentioned therein if this Constitution had not come into force.

(3) If in respect of the said financial year expenditure from the revenues of a State specified in Part B of the First Schedule becomes necessary over and above the expenditure theretofore authorised for that year, the Rajpramukh of the State shall authorise such expenditure in accordance with the rules in force immediately before the commencement of

this Constitution governing the authorisation of such expenditure from the revenues of the corresponding Indian State subject to necessary modification.

(4) In their application to the Patiala and East Punjab States Union, this article and article 390 shall have effect as if for any reference therein to the thirty-first day of March, 1950, there was substituted a reference to the twelfth day of April, 1950."

(7) Paragraph 13 of the Sixth Schedule shall be renumbered as subparagraph (1) of that paragraph, and the following sub-paragraph shall be added thereto, namely : —

"(2) The provisions of sub-paragraph (1) shall not apply in relation to the annual financial statement in respect of the financial year beginning on the first day of April, 1950, to be laid before the Legislature of Assam under article 202."

# The Gazette of India



सत्यमेव जयते

EXTRAORDINARY  
PART II—Section 3  
PUBLISHED BY AUTHORITY

---

No. 7] NEW DELHI, FRIDAY, MAY 26, 1950

---

MINISTRY OF LAW

NOTIFICATIONS

*New Delhi, the 24th May, 1950*

S. R. O. 64.—The following Order made by the President is published for general information :—

THE CONSTITUTION (REMOVAL OF DIFFICULTIES)  
ORDER No. IV.

C. O. 16.—In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. IV.

(2) It shall be deemed to have come into force on the twenty-sixth day of January, 1950.

2. The Second Schedule to the Constitution of India shall have effect subject to the following adaptations :—

(1) In sub-paragraph (3) of paragraph 9, for the words “the salary which he was drawing immediately before such commencement” the words “the salary payable to the Chief Justice or, as the case may be, any other Judge of the Federal Court immediately before such commencement” shall be substituted.

(2) In sub-paragraph (2) of paragraph 10, for all words after clause (b) the following shall be substituted :—

“shall, in respect of time spent on actual service as such Chief Justice or other Judge, as the case may be, be entitled to receive in addition to the



salary specified in sub-paragraph (i) of this paragraph as special pay the amount, if any, by which that salary falls short of the salary payable to the Chief Justice, or, as the case may be, any other Judge, of the High Court in the Province immediately before such commencement."

RAJENDRA PRASAD,  
*President.*

K. V. K. SUNDARAM,  
*Secretary.*

*New Delhi, dated 25th May, 1950.*

**S. R. O. 65.**—The following Rules made by the President are published for general information :—

**THE PROVISIONAL PARLIAMENT (REPRESENTATION OF ASSAM TRIBAL AREAS) RULES, 1950.**

Whereas the tribal areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution of India were not represented in the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution;

Now, therefore, in exercise of the powers conferred by clause (2) of article 379 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to make the following rules, namely :—

1. (1) These rules may be called the Provisional Parliament (Representation of Assam Tribal Areas) Rules, 1950.

(2) They shall come into force at once.

2. (1) The tribal areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution shall have one seat in the provisional Parliament.

(2) The said seat shall be filled by a person nominated by the Governor of Assam.

3. (1) The President shall, as soon as may be after the commencement of these rules, make a request in writing to the Governor of Assam to nominate a person to fill the seat referred to in sub-rule (1) of rule 2.

(2) On the completion of the nomination the Governor shall notify the name of the person nominated in the Official Gazette of the State and shall cause a copy of the said notification to be communicated to the Secretary to the Government of India in the Ministry of Law, the Secretary to Parliament and the Secretary to the Election Commission.

(3) The name of the person so nominated shall be published in the *Gazette of India*.

No. F. 13/50-C.

K. V. K. SUNDARAM,  
*Secretary.*

The Gazette of India



EXTRAORDINARY  
PART II—Section 3  
PUBLISHED BY AUTHORITY

No. 12] NEW DELHI, TUESDAY, JUNE 8, 1950

MINISTRY OF LAW

New Delhi, the 6th June, 1950.

**S. R. O. 116.**—The following Order made by the President is published for general information :—

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER  
NO. V.

**C. O. 18.**—In exercise of the powers conferred by clause (1) article 392 of the Constitution of India, the President is pleased make the following Order, namely:—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. V.

(2) It shall come into force at once.

2. During a period of two years from the commencement of this Order, the Constitution of India shall have effect subject to the following adaptations:

(1) In clause (1) of article 127, after the words “any session of the Court” the words and figures “or if for the special disposal of the appeals transferred to the Supreme Court by clause (4) of article 374 it is expedient so to do” shall be inserted.

(2) After clause (1) of article 348, the following clause shall be inserted, namely:—

“(1A) Notwithstanding anything in sub-clause (a) of clause (1), the Supreme Court may permit the use of the Urdu language to such extent as it thinks fit in proceedings relating to or arising out of appeals transferred to it by clause (4) of article 374.”

RAJENDRA PRASAD  
President

K. Y. BHANDARKAR,  
Joint Secretary

(101)

The Gazette



of India

EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

---

---

**No. 37] NEW DELHI, SATURDAY, SEPTEMBER 2, 1950**

---

---

MINISTRY OF LAW

NOTIFICATION

*New Delhi, the 2nd September 1950.*

S.R.O. 507.—The following Order made by the President is published for general information :—

THE CONSTITUTION (REMOVAL OF DIFFICULTIES)

ORDER No. VI

C.O. 21.—In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. VI.

(2) It shall come into force at once.

2. So long as any of the persons who, not being citizens of India at the commencement of the Constitution, became Judges of High Courts by virtue of clause (1) of article 376, holds office as a Judge of any High Court or of the Supreme Court,

the Constitution of India shall have effect subject to the following adaptation :—

To clause (1) of article 376, 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 or of the Supreme Court.”

RAJENDRA PRASAD,

*President.*

---

K V K SUNDARAM,

*Secretary.*

# The Gazette of India



EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 59] NEW DELHI, SATURDAY, OCTOBER 7, 1950

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 7th October 1950

**S. R. O. 740.**—The following Order made by the President is published for general information :

**C. O. 23**

## THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. VII

In exercise of the powers conferred by clause (1) of Article 392 of the Constitution of India, the President is pleased to make the following Order, namely:—

1. (1) This order may be called the Constitution (Removal of Difficulties) Order No. VII.

(2) It shall be deemed to have come into force on the twenty-sixth day of January, 1950.

2. During the period of one year from the commencement of this Order, the Constitution of India shall have effect subject to the following adaptations, namely:—

(1) After clause (3) of Article 166, insert:—

“(4) Until rules are made by the Governor of a State under clause (2), or as the case may be, clause (3), the rules made by the Governor of the corresponding Province under sub-sections (2) and (3) of Section 59 of the Government of India Act, 1935, and in force immediately before the commencement of the Constitution, shall, *with the necessary adaptations and modifications*, continue in force, and be deemed to

have been made under clause (2) and clause (3), respectively.

2) After clause 6 of Article 238, insert:—

(6A) In article 166, for clause (4), the following clause shall be substituted, namely:—

“(4) Until rules are made by the Rajpramukh of a State under clause (2), or as the case may be, clause (3), the rules and orders made by the Rajpramukh of the corresponding Indian State and in force immediately before the commencement of the Constitution, in so far as they provide for the matters referred to in the said clauses, shall, with the necessary adaptations and modifications, continue in force and shall be deemed to be rules made under the said clauses”.

RAJENDRA PRASAD,

*President.*

---

S. N. MUKERJEE, Joint Secy.

C.O. 27

Dated the 15th January, 1951

The Constitution (Removal of Difficulties) Order No. VII (Amendment) Order

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely : —

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. VII (Amendment) Order.  
(2) It shall come into force at once.
  
2. In paragraph 2 of the Constitution (Removal of Difficulties) Order No. VII, for the words "period of one year", the words "period of two years" shall be substituted.

The Gazette



of India

EXTRAORDINARY  
PART II—Section 3  
PUBLISHED BY AUTHORITY

No. 70] NEW DELHI, WEDNESDAY, OCTOBER 25, 1950

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 25th October 1950

S.E.O. 820.—The following Order made by the President is published for general information.—

G. O. 24

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. VIII

In exercise of the powers conferred by clause (1) of Article 392 of the Constitution of India, the President is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. VIII.

(2) It shall come into force at once.

2. For the period during which the tribal areas specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution or any parts thereof are administered by the President by virtue of sub-paragraph (2) of paragraph 18 of the said Schedule, the Constitution of India shall have effect subject to the following adaptations:—

(1) In Article 81,—

(a) to sub-clause (b) of clause (1), the following proviso shall be added:—

“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”; and

(b) in clause (2), after the words “not included within any State” the words, letter and figure “and of the Tribal Areas specified in Part B of the table appended to paragraph 20 of the Sixth Schedule” shall be inserted.

(2) In Article 82, after the words “not included within any State” the words, letter and figure “and of the Tribal Areas specified in Part B of the table appended to paragraph 20 of the Sixth Schedule” shall be inserted.



(3) In Article 170, after clause (1), the following clause shall be inserted:—

“(1A) The constituencies into which the State of Assam is divided for the purposes of clause (1) shall not comprise the Tribal Areas specified in Part B of the table appended to paragraph 20 of the Sixth Schedule”.

RAJENDRA PRASAD,  
*President*

---

K. V. K. SUNDARAM,  
*Secretary*

C.O. 38

Dated the 19th February, 1952

The Constitution (Removal of Difficulties) Order No. IX

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely: —

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. IX.  
(2) It shall be deemed to have come into force on the 7th day of November, 1951.

2. For the period of eight years from the 7th day of November, 1951, the Second Schedule to the Constitution of India shall have effect subject to the following adaptation, namely :—

"For sub-paragraph (3) of paragraph 9, the following sub-paragraph shall be substituted, namely :—

"(3) Nothing in sub-paragraph (2) of this paragraph shall apply to a Judge who, immediately before the commencement of this Constitution, was holding office as a Judge of the Federal Court and has on such commencement become a Judge of the Supreme Court under clause (1) of article 374, during the period he holds office as a Judge, other than the Chief Justice of that Court; and every such Judge shall, in respect of time spent on actual service as a Judge other than the Chief Justice, or if appointed to be, or to act as, Chief Justice, in respect of time spent on actual service as such Chief Justice, be entitled to receive, in addition to the salary specified in sub-paragraph (1) of this paragraph as special pay an amount equivalent to the difference between the salary so specified and the salary payable to him as a Judge of the Federal Court immediately before the commencement of this Constitution."

3. Sub-paragraph (1) of paragraph 2 of the Constitution (Removal of Difficulties) Order No. IV shall be omitted.

The Gazette  of India

EXTRAORDINARY  
PART II—Section 3—Sub-section (i)  
PUBLISHED BY AUTHORITY

---

No. 170] NEW DELHI, FRIDAY, NOVEMBER 29, 1963/AGRAHAYANA 8, 1885

---

MINISTRY OF LAW  
(Legislative Department)  
NOTIFICATION

*New Delhi, the 29th November 1963*

**G.S.R. 1846.**—The following Order made by the President is published for general information:—

C.O. 67

**THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. X**

In exercise of the powers conferred by clause (3) of article 371A of the Constitution of India and of all other powers enabling him in this behalf, the President is pleased to make the following Order, namely:—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. X.

(2) It shall come into force on the 1st day of December, 1963.

2. Article 371A of the Constitution of India shall have effect as if the following proviso were added to paragraph (i) of sub-clause (e) of clause (2) thereof, namely:—

“Provided that the Governor may, on the advice of the Chief Minister, appoint any person as Minister for Tuensang affairs to act as such until such time as persons are chosen in accordance with law to fill the seats allocated to the Tuensang district in the Legislative Assembly of Nagaland.”

S. RADHAKRISHNAN,  
President.

[No. F. 13(7)/63-LI.]

S. P. SEN-VARMA, Spl. Secy.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

NOTIFICATION

New Delhi, the 16th May 1975

S.O. 206(E).—The following Order made by the President is published for general information:—

C.O. 99

The Constitution (Removal of Difficulties) Order No. XI

In exercise of the powers conferred by clause (o) of article 371F of the Constitution of India and of all other powers enabling him in this behalf, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. XI.  
(2) It shall come into force at once.
2. The Governor of Sikkim shall, before entering upon his office, make and subscribe the oath or affirmation prescribed in article 159 of the Constitution in presence of the Judge appointed to perform the duties of the office of the Chief Justice of the High Court for that State, notwithstanding that such Judge has not made and subscribed the oath or affirmation under article 219 of the Constitution.
3. The allowances and privileges of the Governor of Sikkim shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158 of the Constitution, be such as the President may, by order, determine.
4. The Governor of Sikkim may authorise by one or more orders such expenditure from the Consolidated Fund of the State of Sikkim as he deems necessary for a period of not more than six months beginning with the 26th day of April, 1975, pending the sanction of such expenditure by the Legislative Assembly of the State of Sikkim.
5. The salaries and allowances of Ministers for the State of Sikkim shall, until they are determined by the Legislature of the State by law under clause (5) of article 164 of the Constitution, be such as the Governor of Sikkim may, by order, determine.
6. The salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly of the State of Sikkim shall, until provision in that behalf is made by the Legislature of the State of Sikkim by law under article 186 of the Constitution, be such as the Governor of Sikkim may, by order, fix.

7. The salaries and allowances of the members of the Legislative Assembly of the State of Sikkim shall, until provision in that respect is made by the Legislature of the State of Sikkim by law under article 195 of the Constitution, be such as the Governor of Sikkim may, by order, determine.

8. Until the Legislature of the State of Sikkim otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the 26th day of April, 1975.

9. Article 210 of the Constitution shall have effect as if the following further proviso were added to clause (2) thereof, namely :—

"Provided further that in relation to the Legislature of the State of Sikkim this clause shall have effect as if for the words "fifteen years from the commencement of this Constitution" occurring therein, the words "fifteen years from the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975" were substituted."

10. Until rules are made under clause (1) of article 208 of the Constitution by the Legislature of the State of Sikkim, the rules as to procedure and conduct of business in force immediately before the 26th day of April, 1975, with respect to the Sikkim Assembly shall have effect in relation to the Legislature of the State of Sikkim subject to such modifications and adaptations as may be made therein by the Governor of Sikkim.

11. Notwithstanding that no provision or insufficient provision has been made under clause (1) of article 371F of the Constitution for the adaptation of a law in force immediately before the 26<sup>th</sup> day of April, 1975, in the territories comprised in the State of Sikkim, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Sikkim, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.