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Omission of article 257A. (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. Amendment of article 132.-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. Amendment of article 133. Substitution of new article for article 103, 38, 8, 19. Amendment of article 359.-In article 359 of the Constitution,- (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 (A) 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.". Similarly, the right of persons holding land for personal cultivation and within the ceiling limit to receive compensation at the market value would not be affected. (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. Matters relating to, or connected with, the election of a President or Vice-President.-(1) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be referred to the Supreme Court whose decision shall be final. 7. In addition, as a Proclamation of Emergency virtually has the effect of amending the Constitution, it is being provided that the Proclamation would have to be approved by the two Houses of Parliament by the same majority which is necessary to amend the Constitution and such approval would have to be given within a period of one month. 33. Amendment of article 227.- 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. Amendment of article 358. 44. The notes on clauses explain in detail the various provisions of the Bill. Amendment of article 352.- 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. Amendment of article 172.- (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. 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. (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. THE CONSTITUTION (FORTY-FOURTH AMENDMENT) ACT, 1978 [30th April, 1979.] An Act further to amend the Constitution of India. Cases of special leave to appeal by Supreme Court will be left to be regulated exclusively by article 136. Insertion of new article 134A. Insertion of new Chapter IV in Part XII. 23. Amendment of article 22. The right to liberty is further strengthened by the provision that a law for preventive detention cannot authorise, in any case, detention for a longer period than two months, unless an Advisory Board has reported that there is sufficient cause for such detention. Amendment of article 329. Amendment of article 105. Amendment of article 194, or more of the Members of Lok Sabha can requisition a special meeting for considering a resolution for disapproving the Proclamation. 30. Insertion of new Chapter IV in Part XII.-In Part XII of the Constitution, after Chapter III, the following Chapter shall be inserted, namely:- "CHAPTER IV.-RIGHT TO PROPERTY 300A. Amendment of article 19.- 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. (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. The Bill seeks to achieve the above objects. Decision on questions as to disqualifications of members.- (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. 37. As a further check against the misuse of the Emergency provisions and to put the right to life and liberty on a secure footing, it would be provided that the power to suspend the right to move the court for the enforcement of a fundamental right cannot be exercised in respect of the fundamental right to life and liberty. 35. Article 368 is being amended to ensure this. Omission of sub-heading after article 30. The sub-heading "Right to Property" occurring after article 30 of the Constitution shall be omitted. (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. 5. Amendment of article 22.- 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). These changes would ensure that democratic rule is restored to a State after the minimum period which will be necessary for holding elections. Statement of Objects and Reasons appended to the Constitution (Forty-fifth Amendment) Bill, 1978 (Bill No. 88 of 1978) which was enacted as THE CONSTITUTION (Forty-fourth Amendment) Act, 1978 STATEMENT OF OBJECTS AND REASONS Recents experience has shown that the fundamental rights, including those of life and liberty, granted to citizens by the Constitution are capable of being taken away by a transient majority. 14. Insertion of new article 361A.-After article 361 of the Constitution, the following article shall be inserted, namely:- "361A. (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. 36. Amendment of article 21A.- In article 21A of the Constitution, in clause (1), for the words and figures "article 14 or article 31", the words and figures "article 14 or article 19" shall be substituted. It is, therefore, proposed to provide that certain changes in the Constitution which would have the effect of impairing its secular or democratic character, abridging or taking away fundamental rights prejudicing or impeding free and fair elections on the basis of adult suffrage and compromising the independence of judiciary can be made only if they are approved by the people of India by a majority of votes at a referendum in which at least fifty-one per cent. 29. Amendment of article 139A.- In article 139A of the Constitution, for clause (1), the following clause shall be substituted, namely:- "(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.". Amendment of article 226. 27. (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- (a) 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 extension of acquisition of such Assembly under the proviso to the said clause (1). It is, therefore, necessary to provide adequate safeguards against the recurrence of such a contingency in the future and to ensure to the people themselves an effective voice in determining the form of government under which they are to live. Amendment of article 194.-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 31A. 20. Omission of article 329A. However, if a Proclamation of Emergency is in operation and the Election Commission certifies that the extension of the President's rule beyond a period of one year is necessary on account of difficulties in holding elections to the Legislative Assembly of the State concerned, the period of operation of the Proclamation can be extended beyond one year. Insertion of new article 134A.- After article 134 of the Constitution, the following article shall be inserted, namely:- "134A. Amendment of article 31C.-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. Omission of article 257A.-Article 257A of the Constitution shall be omitted. 42. Amendment of article 74. 28. Amendment of article 371F.-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 150.-In article 150 of the Constitution, for the words "after consultation with", the words "on the advice of" shall be substituted. Ten per cent. Substitution of new article for article 192. 16. 2. Amendment of the Ninth Schedule.- In the Ninth Schedule to the Constitution, entries 87, 92 and 130 shall be omitted. 34. 9. Property, while ceasing to be a fundamental right, would, however, be given express recognition as a legal right, provision being made that no person shall be deprived of his property save in accordance with law. 22. Decision on questions as to disqualifications of members.- (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. Necessary amendments for this purpose are being made to article 19 and article 31 is being deleted. Amendment of article 38.-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:- "(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.". Amendment of article 225. 17. (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. Amendment of article 213. Amendment of article 356. Amendment of article 360. Amendment of article 30.-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.". Substitution of new article for article 71.-For article 71 of the Constitution, the following article shall be substituted, namely:- "71. With a view to avoiding delays, it is proposed to amend articles 132, 133 and 134 and insert a new article 134A to provide that a High Court should consider the question of granting a certificate for appeal to Supreme Court immediately after the delivery of the judgment, decree, final order or sentence concerned on the basis of an oral application by a party or, if the High Court deems fit so to do, on its own motion. Amendment of article 356.-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.". 42. Amendment of article 371F. 11. Further, in article 19, "shall be substituted. It is, therefore, proposed to provide that certain changes in the Constitution which would have the effect of impairing its secular or democratic character, abridging or taking away fundamental rights prejudicing or impeding free and fair elections on the basis of adult suffrage and compromising the independence of judiciary can be made only if they are approved by the people of India by a majority of votes at a referendum in which at least fifty-one per cent. 29. Amendment of article 139A.- In article 139A of the Constitution, for clause (1), the following clause shall be substituted, namely:- "(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.". Amendment of article 226. 27. (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- (a) 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 extension of acquisition of such Assembly under the proviso to the said clause (1). It is, therefore, necessary to provide adequate safeguards against the recurrence of such a contingency in the future and to ensure to the people themselves an effective voice in determining the form of government under which they are to live. Amendment of article 194.-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 31A. 20. Omission of article 329A. However, if a Proclamation of Emergency is in operation and the Election Commission certifies that the extension of the President's rule beyond a period of one year is necessary on account of difficulties in holding elections to the Legislative Assembly of the State concerned, the period of operation of the Proclamation can be extended beyond one year. Insertion of new article 134A.- After article 134 of the Constitution, the following article shall be inserted, namely:- "134A. Amendment of article 31C.-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. Omission of article 257A.-Article 257A of the Constitution shall be omitted. 42. Amendment of article 74. 28. Amendment of article 371F.-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 150.-In article 150 of the Constitution, for the words "after consultation with", the words "on the advice of" shall be substituted. Ten per cent. Substitution of new article for article 192. 16. 2. Amendment of the Ninth Schedule.- In the Ninth Schedule to the Constitution, entries 87, 92 and 130 shall be omitted. 34. 9. Property, while ceasing to be a fundamental right, would, however, be given express recognition as a legal right, provision being made that no person shall be deprived of his property save in accordance with law. 22. Decision on questions as to disqualifications of members.- (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. Necessary amendments for this purpose are being made to article 19 and article 31 is being deleted. Amendment of article 38.-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:- "(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.". Amendment of article 225. 17. (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. Amendment of article 213. Amendment of article 356. Amendment of article 360. Amendment of article 30.-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.". Substitution of new article for article 71.-For article 71 of the Constitution, the following article shall be substituted, namely:- "71. With a view to avoiding delays, it is proposed to amend articles 132, 133 and 134 and insert a new article 134A to provide that a High Court should consider the question of granting a certificate for appeal to Supreme Court immediately after the delivery of the judgment, decree, final order or sentence concerned on the basis of an oral application by a party or, if the High Court deems fit so to do, on its own motion. Amendment of article 356.-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.". 42. 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Amendment of article 226. 27. (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- (a) 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 extension of acquisition of such Assembly under the proviso to the said clause (1). 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Amendment of article 213. Amendment of article 356. Amendment of article 360. Amendment of article 30.-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.". Substitution of new article for article 71.-For article 71 of the Constitution, the following article shall be substituted, namely:- "71. With a view to avoiding delays, it is proposed to amend articles 132, 133 and 134 and insert a new article 134A to provide that a High Court should consider the question of granting a certificate for appeal to Supreme Court immediately after the delivery of the judgment, decree, final order or sentence concerned on the basis of an oral application by a party or, if the High Court deems fit so to do, on its own motion. Amendment of article 356.-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.". 42. Amendment of article 371F. 11. Further, in article 19, "shall be substituted. It is, therefore, proposed to provide that certain changes in the Constitution which would have the effect of impairing its secular or democratic character, abridging or taking away fundamental rights prejudicing or impeding free and fair elections on the basis of adult suffrage and compromising the independence of judiciary can be made only if they are approved by the people of India by a majority of votes at a referendum in which at least fifty-one per cent. 29. Amendment of article 139A.- In article 139A of the Constitution, for clause (1), the following clause shall be substituted, namely:- "(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.". Amendment of article 226. 27. (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- (a) 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 extension of acquisition of such Assembly under the proviso to the said clause (1). It is, therefore, necessary to provide adequate safeguards against the recurrence of such a contingency in the future and to ensure to the people themselves an effective voice in determining the form of government under which they are to live. Amendment of article 194.-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 31A. 20. Omission of article 329A. However, if a Proclamation of Emergency is in operation and the Election Commission certifies that the extension of the President's rule beyond a period of one year is necessary on account of difficulties in holding elections to the Legislative Assembly of the State concerned, the period of operation of the Proclamation can be extended beyond one year. Insertion of new article 134A.- After article 134 of the Constitution, the following article shall be inserted, namely:- "134A. Amendment of article 31C.-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. Omission of article 257A.-Article 257A of the Constitution shall be omitted. 42. Amendment of article 74. 28. Amendment of article 371F.-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 150.-In article 150 of the Constitution, for the words "after consultation with", the words "on the advice of" shall be substituted. Ten per cent. Substitution of new article for article 192. 16. 2. Amendment of the Ninth Schedule.- In the Ninth Schedule to the Constitution, entries 87, 92 and 130 shall be omitted. 34. 9. Property, while ceasing to be a fundamental right, would, however, be given express recognition as a legal right, provision being made that no person shall be deprived of his property save in accordance with law. 22. Decision on questions as to disqualifications of members.- (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. Necessary amendments for this purpose are being made to article 19 and article 31 is being deleted. Amendment of article 38.-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:- "(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.". Amendment of article 225. 17. (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. 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