APPENDIX III.

RIGHT TO PROPERTY AND RELEVANT AMENDMENTS TO THE CONSTITUTION OF INDIA, WITH OBJECTS AND REASONS.

I, IV, VII, XVII, XXIV, XXV, XXIX, XXXIV, XXXIX and XXXXI.

THE CONSTITUTION (FIRST AMENDMENT) ACT, 1951.

OBJECTS & REASONS:

During the first fifteen months of the working of the Constitution, certain difficulties had been brought to light by judicial decisions and pronouncements specially in regard to fundamental rights. Thus, the citizen's right to freedom of speech and expression under Art. 19(1)(a) had been held by some courts to be so comprehensive as not to render a person culpable even if he advocated murder and other crimes of violence. Again, although the citizen's right, under article 19(1)(g), to practice any profession or to carry on any occupation, trade or business was subject to 'reasonable restrictions' which the laws of the State might impose "in the interests of the general public", and although these words were comprehensive enough to cover any scheme of nationalisation which the State might undertake, it was considered desirable to place the matter beyond doubt by a clarificatory addition to article 19(6). Article 31 had also given rise to unanticipated difficulties for, notwithstanding the provisions of clauses (4) and (6) of article 31, the implementation of important measures of agrarian reform passed by the State legislatures had been held up due to dilatory litigation.

The main objects of the Act were, accordingly, to amend article 19 for the purpose indicated above and to insert provisions fully securing the constitutional validity of zamindari abolition laws in general and certain specified State Acts in particular. The Act also amplifies article 15 (3) so as to ensure that any special provisions that the State may make for the educational, economic or social advancement of any
backward class of citizens may not be challenged on the ground of being discriminatory. The Act also effects certain amendments in respect of the articles dealing with the convening and proroguing of the sessions of Parliament as also a few minor amendments in respect of articles 341, 342, 372 and 376.

TEXT: An Act to amend the Constitution of India.

Be it enacted by Parliament as follows:-

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

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 31 (B) -** 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 31 A, none of the Acts and regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or every 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 of 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".

**NINTH SCHEDULE.**

(ARTICLE 31B)

12. The Hyderabad (Abolition of Jagirs) Regulation, 1358 F. (No. LXIX of 1358, Fasli)

THE CONSTITUTION (FOURTH AMENDMENT) ACT, 1955.

OBJECTS AND REASONS:

Some decisions of the Supreme Court had given a very wide meaning to clauses (1) and (2) of Art. 31. Despite the difference in the wording of the two clauses, they were regarded as dealing with the same subject. According to these decisions, even where deprivation of property was not accompanied by an acquisition or taking possession of that or any other property right by the State, the law, in order to be valid, had to provide for compensation under Cl. (2) of the article, it was considered necessary. Therefore, to re-state more precisely the State's power of compulsory acquisition and requisitioning of private property and distinguish it from cases where the operation of regulatory or prohibitory laws of the State resulted in "deprivation of property".

The scope of Art. 31A also needed to be extended to cover certain categories of essential welfare legislation.

Finally, the judgment of the Supreme Court in Saghir Ahmed vs. the State of U.P. had raised the question whether an Act, providing for a State Monopoly in a particular trade or business conflicted with the freedom of trade and commerce guaranteed by Art. 301, but had left the question undecided. The judgment had given rise to the impression that notwithstanding the clear authority of parliament or of a State Legislature to introduce State monopoly in a particular sphere of trade or commerce (vide Cl. (6) of Art. 19 as amended by the Constitution (First Amendment Act) the law might have to be justified before the
courts as being "in the public interest" under article 301 or as amounting to a "reasonable restriction" under article 304 (b). It was felt necessary that article 305 should be amended to make this clear.

The Act accordingly, in the main, amends Arts. 31, 31A and 305 and, as a corollary to the amendment of Art. 31A augments the Ninth Schedule by the inclusion of some more Acts.

TEXT:- 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. Short Title:- This Act may be called the Constitution (Fourth Amendment Act 1955).

2. Amendment of Art. 31:- In Art. 31 of the Constitution, for Cl. (2) the following clauses shall be substituted, 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 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 compensation provided by that law is not adequate.

2 A. 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.

3. Amendment of Article 31 A - In Article 31 A of the Constitution -(a) for Cl. (2), the following clause shall be, and shall deemed always to have been substituted namely:-(a) Notwithstanding anything contained in Art. 13, no law provided for-

(a) the acquisition by the State of any estate or of any
right 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 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 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 the 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), (1) in sub-clause (a) after the word "grant" the words "and in the States of Madras and Travancore-Cochin, and JAMMAM right" shall be, and shall be deemed always to have been, inserted, and (2) in sub-clause (b), after the word "tenure holder", shall be, and shall deemed always to have been, inserted.

5. AMENDMENT OF THE NINTH SCHEDULE:

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

THE CONSTITUTION (SEVENTH AMENDMENT) ACT, 1956.

OBJECTS AND REASONS:

It was considered necessary to make numerous amendments in the Constitution in order to implement the scheme of State's reorganisation. The Act makes these amendments and also some other amendments certain provisions of the Constitution relating to High Courts and High Court Judges, the executive power of the Union and States, and a few entries in the legislative lists.

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. SHORT TITLE AND COMMENCEMENT - (1) This Act may be called the Constitution (Seventh Amendment) Act, 1956.
   (2) It shall come into force on the 1st day of November, 1956.

Modification of entries in the lists relating to acquisition and requisitioning of property - 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
THE CONSTITUTION (SEVENTEENTH AMENDMENT) ACT 1964.

OBJECTS AND REASONS:-

Article 31A of the Constitution provided that a law in respect of acquisition by the State of any estate would not be deemed to be void on the ground that it was inconsistent with Article 14, 19 or 31. The expression "estate" had been defined different in different states. As a result of the transfer of land from one state to another under the scheme of re-organisation of States, the expression came to have different connotations even in parts of the same state. The present Act, therefore modifies the definition of "estate" in article 31A and amends the Ninth Schedule by including therein certain state enactments.

TEXT: 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. Short Title:- This Act may be called the Constitution (Seventeenth Amendment) Act, 1964.

2. Amendment of article 31A - In Article 31A of the Constitution:- (1) in Clause (1), after the existing proviso, the following proviso shall be inserted, namely:-

"Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof". (2) 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 (1) any jagir, inam or MAUF or other similar grant and in the States of Madras and Kerala, any Janmam right; (2) any land held under ryotwari settlement; (3) 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".

3. AMENDMENT OF NINTH SCHEDULE:

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


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).


32. The Sagbara and Mehwassi 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.
43. The Madras Cultivating Tenants (Payment of Fair Rent) Act 1956 (Madras Act XXIV of 1956).
52. The Orissa Land Reforms Act, 1960 (Orissa Act XVI of 1960).
60. The West Bengal Land Reforms Act, 1955 (West Bengal Act X of 1956).

Explanation: "Any acquisition made under the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955) in contravention of the second proviso to Cl. (1) of Art. 31A shall, to the extent of the contravention be void".
XXIV

OBJECTS & REASONS:
In the Gólokántá Caste (1967, 2 S.C.R. 762), the Supreme Court reversed, by a narrow majority, its own earlier decisions upholding the power of Parliament to amend all parts of the Constitution including Part III relating to fundamental rights. The result of the judgment was that Parliament was considered to have no power to take away or curtail any of the fundamental rights even if it became necessary to do so for giving effect to the Directive Principles of State Policy and for the attainment of the objectives set out in the Preamble to the Constitution. The Act, therefore, amends the Constitution to provide expressly that Parliament has power to amend any part of the Constitution.

TEXT:- 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. Short Title:- This Act may be called the Constitution (Twenty Fourth Amendment) Act, 1971.

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

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

3. Amendment of Article 368:- Article 368 of the Constitution shall be renumbered as Cl. (2) thereof, and -

(a) for the marginal heading shall be substituted, namely:
"Power of Parliament to amend the Constitution and procedure therefor",

(b) before Cl. (2) as so renumbered, the following clause shall be reinserted, 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 Cl. (2) as so renumbered for the words "It shall be presented to the President for his assent 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 renumbered the following clause shall be inserted, namely:

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

XXV.


OBJECTS & REASONS:-

Articles 31 of the Constitution specifically provided that no law providing for the compulsory acquisition or requisitioning of property which either fixed the amount of compensation or specified the principles on which and the manner in which and the manner in which the compensation was to be determined and given could be called in question in any court on the ground that the compensation provided by that law was not adequate. In the 'Bank Nationalisation Case' (1970, 3 S.C.R. 830), the Supreme Court had held that Constitution guaranteed right to compensation, that is, the equivalent in money of the property compulsorily acquired. Thus, in effect, the adequacy of compensation and the relevancy of the principles laid down by the Legislature for determining the amount of compensation had virtually become justiciable inasmuch as the court could go into the question whether the amount paid to the owner of the property was what might be regarded reasonably as compensation for loss of property. In the same case, the Court had also held that a law which sought to acquire or requisite property for a public purpose should also satisfy the requirements of article 19(1)(f).

The Act amends the Constitution to surmount the difficulties in the way of giving effect to the Directive Principles of State Policy by the aforesaid interpretation.
TEXT:- 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. Short Title - This Act may be called the Constitution (Twenty Fifth Amendment) Act, 1971).

2. Amendment of Article 31 - In Article 31 of the Constitution - (a) for Clause (2), the following clause shall be substituted 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 of any property of an educational institution established and administered by a minority, referred to in Cl.(1) of Art.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 guarantee under that clause". (b) after Clause (2A), the following clause shall be inserted namely:-

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

1. Insertion of new article 31C - After article 31B of the Constitution, the following article shall be inserted namely:-

   "31C. SAVING OF LAWS GIVING EFFECT TO CERTAIN DIRECTIVE PRINCIPLES:- Notwithstanding anything contained in Art. 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 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".

XXIX.

THE CONSTITUTION (TWENTY NINTH AMENDMENT) ACT, 1972.

OBJECTS & REASONS:

The Kerala Land Reforms Act, 1963 (Act 1 of 1964), is the principle land reform law in the State of Kerala and was included in the Ninth Schedule to the Constitution. In the course of implementation, the State Government faced serious practical difficulties and no overcome them, that Act, 1969 (Act 35 of 1969) and by the Kerala Land Reforms (Amendment) Act, 1971 (Act 25 of 1971). Certain crucial provisions of the principal Act as amended were challenged in the High Court of Kerala and in the Supreme Court creating a climate of uncertainty in the effective implementation of Land Reforms. Although the High Court of Kerala had generally upheld the scheme of land reforms envisaged in the principal Act as amended, a few vital provision had been struck down by the High Court. Even in regard to the provisions upheld by the High Court, the affected parties had moved the Supreme Court in appeal. Some persons also moved the Supreme Court in original petitions challenging certain provisions of the Act. The Supreme Court in its judgments delivered on 26th and 28th April, 1972, generally upheld the scheme of land reforms as envisaged in the principal Act as amended but agreed with the High Court invalidating certain crucial provisions. It was feared that this would have far-reaching adverse effects in the implementation of the
programme of land reforms in the State and thousands of tenants would be adversely affected by some of the provisions which had been either struck down or rendered in effective. It was also apprehended that certain observations of the Supreme Court in the judgments might open the floodgates of litigation much to the detriment of thousands of Kudiki-dappakars in the State who would not be able to defend themselves in protected legal proceedings. Further, appeals had been preferred against the judgment of the Kerala High Court invalidating certain important provisions of the principal Act as amended, e.g., Sections 4A (1) (a) and (b), 7, 7B(1) and 106 and they were pending in the Supreme Court. It was, therefore, proposed to include the Kerala Land Reforms (Amendment) Act 1969 and Kerala Land Reforms (Amendment) Act, 1971 in the Ninth Schedule to the Constitution so that they might have the protection under article 31B and any uncertainty or doubt that might arise in regard to the validity of those Acts was removed. The Act achieves this object.

TEXT:- 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. Short Title:— This Act may be called the Constitution (Twenty Ninth Amendment) Act, 1972.

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


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

XXXIV

THE CONSTITUTION (THIRTY FOURTH AMENDMENT) ACT, 1974.

OBJECTS & REASONS:

The Chief Minister's Conference held on the 23rd July, 1972 made important suggestions with regard to reduction in the level of ceiling on land holdings, application of ceiling
on the basis of land held by a family and the withdrawing of exemptions. The suggestions of the Chief Ministers conference were accepted, by the Government of India and necessary guidelines were issued to the State Governments for the revision of ceiling laws.

The present Act amends the Ninth Schedule to the Constitution to include therein, the revised ceiling laws which had till then been enacted in broad conformity with the aforesaid guidelines so that they may have the protection under article 31 B of the Constitution and any uncertainty or doubt regarding their validity is removed. The Act also extends similar protection to two State Acts dealing with the abolition of intermediary tenures.

**TEXT:** 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. **Short Title** - This act may be called the Constitution (Thirty Fourth Amendment) Act, 1974.

2. **Amendment of Ninth Schedule** - In the Ninth Schedule to the Constitution, after entry 66 and before the Explanation, the following entries shall be inserted, namely:-

- **68.** The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1973, (Bihar Act IX of 1973).
- **69.** The Bihar Land Reforms (Fixation of ceiling Area and Acquisition of surplus Land) (Amendment) Act, 1973 (Bihar Act IX of 1973).
- **70.** The Bihar Land Reforms (Amendment) Act, 1972 (Bihar Act V of 1972). 
- **72.** The Haryana Ceiling on Land Holdings Act, 1972 (Haryana Act 26 of 1972).


84. The Bombay Tenancy and Agricultural Lands (Gujarat Amendment Act, 1972 (Gujarat Act 5 of 1973).


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

XXXIX

THE CONSTITUTION (THIRIITH NINTH) AMENDMENT ACT, 1975.

OBJECTS & REASONS:

Article 71 of the Constitution provides that disputes arising out of the election of the President or Vice-President shall be decided by the Supreme Court. The same article
provides that matters relating to their election shall be regulated by a Parliamentary law. So far as the Prime Minister or speaker are concerned matters relating to their election are regulated by the Provisions of Representation of the People Act, 1951. Under this Act the High Court has jurisdiction to try an election petition presented against either of them.

The President, the Vice-President, the Prime Minister or the Speaker are holders of High offices. The President is not answerable to a court of law for anything done while in office in the exercise of his powers. A fortiori, matters relating to his election should not be brought before a court of law but should be entrusted to a forum other than a court. The same reasoning applies equally to the incumbents of the Vice-President, Prime Minister and Speaker. It is accordingly proposed to provide that disputes relating to the election of the President and Vice-President shall be determined by a forum as may be determined by a Parliamentary law. Similar provision is proposed to be made in case of the election to either House of Parliament or as the case may be, to the House of the People of a person holding the office of Prime Minister or the Speaker. It is further proposed to render pending proceedings in respect of such election under the existing law null and void. The Act also provides that this parliamentary law creating a new forum for trial of election matters relating to the incumbents of the high offices above-mentioned shall not be called in question in any court.

Recourse was had in the past to the Ninth Schedule wherever it was found that progressive legislation conceived, in the interests of the public was imperilled by litigation. It has become necessary to have recourse to this device once again now. Between 1971 and 1973, legislation was enacted for nationalising coking coal and coal mines for conserving these resources in the interests of steel industry. The enactments have been brought before courts on the ground that they are unconstitutional. So is the case of sick textile undertakings which were
nationalised in 1974. To prevent smuggling of goods and diversion of foreign exchange which affected national economy, Parliament enacted legislations which again have been challenged in the Supreme Court and the High Courts. These and other important and special enactments which it is considered necessary should have the constitutional protection under article 31B are proposed to be included in the Ninth Schedule. Certain State Legislations relating to land reform and ceiling on agricultural land holdings have already been included in the Ninth Schedule. Certain amendments made to these legislations also protection of the provision of article 31B.

The Act seeks to give effect to the above objects.

TEXT:- 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. Short Title: This Act may be called the Constitution (Thirty Ninth Amendment) Act, 1975.

5. Amendment of the Ninth Schedule:— In the Ninth Schedule to the Constitution, after entry 86 and before the Explanation, the following entries shall be inserted, namely:—


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).


96. The Indian Copper Corporation (Acquisition of Undertaking) Act, 1972 (Central Act 58 of 1972).
121. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974 (Uttar Pradesh Act 2 of 1975).
123. The Dadra and Nagar Haveli Land Reforms Regulation 1971 (3 of 1971).

STATEMENT OF OBJECTS AND REASONS FOR THE AMENDMENT:

A Constitution to be living must be growing. If the impediments to the growth of the Constitution are not removed, the Constitution will suffer a virtual atrophy. The question of amending the Constitution for removing the difficulties which have arisen in achieving the object of socio-economic revolution, which would end poverty and ignorance and disease and inequality of opportunity, has been engaging the active attention of Government and the public for some years now.

2. The democratic institutions provided in the Constitution are basically sound and the path for progress does not lie in denigrating any of these institutions. However, there could be no denial that these institutions have been subjected to considerable stresses and strains and that vested interests have been trying to promote their selfish ends to the great detriment of public good.

3. It is, therefore, proposed to amend the Constitution to spell out expressly the high ideals of socialism, secularism and the integrity of the nation, to make the directive principles more comprehensive and give them precedence over those fundamental rights which have been allowed to be relied upon to frustrate socio-economic reforms for implementing the directive principles.

AN ACT FURTHER TO AMEND THE CONSTITUTION OF INDIA:

3. Insertion of new sub-heading after Article 31.

After Article 31 of the Constitution, the following sub-heading shall be inserted, namely:

"SAVING OF CERTAIN LAWS"
4. Amendment of Article 31-C. In Article 31-C 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.


TEXT: OBJECTS AND REASONS.

3. In view the special position sought to be given to fundamental rights, the right to property, which has been the occasion for more than one amendment of the Constitution, would cease to be a fundamental right and become only a legal right. Necessary amendments for this purpose are being made to article 19 and article 31 is being deleted. It would, however, be ensured that the removal of property from the list of fundamental rights would not affect the right of minorities to establish and administer educational institutions of their choice.

4. 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.

5. 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.


A BILL

Further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:-
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 let-
       ters "sub-clauses (d), (e) and (f)", the words, brackets 
       and letters "sub-clauses (d) and (e)" shall be substituted.

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 compul- 
   sory acquisition of any property of an educational insti-
   tution established and administered by a minority, refer-
   red 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.

6. Article 31 of the Constitution shall be omitted.

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.

8. In article 31C of the Constitution,—
   (a) for the words and figures "all or any of the 
       principles laid down in Part IV", the words, brackets, 
       letters and figures "the principles laid down in clause 
       (b) or clause (c) of article 39" shall be substituted;
(b) for the words and figures "article 14, article 19 or article 31", the words and figures "article 14 or article 19;" shall be substituted;

(c) the words "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;" shall be omitted.

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:

"(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".

34. In Part XII of the Constitution, after Chapter III, the following Chapter shall be inserted, namely:

"CHAPTER IV -- RIGHT TO PROPERTY

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