
In exercise of the powers conferred by clause (1) of article 370 of the Constitution, the President, with the concurrence of the Government of the State of Jammu and Kashmir, is pleased to make the following Order:

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Order, 1954.

(2) It shall come into force on the fourteenth day of May, 1954, and shall thereupon supersede the Constitution (Application to Jammu and Kashmir) Order, 1950.

(2###) The provisions of the Constitution as in force on the 20th day of June, 1964 and as amended by the Constitution (Nineteenth Amendment) Act, 1966, the Constitution (Twenty-first Amendment) Act, 1967, section 5 of the Constitution (Twenty-third Amendment) Act, 1969, the Constitution (Twenty-fourth Amendment) Act, 1971, section 2 of the Constitution (Twenty-fifth Amendment) Act, 1971, the Constitution (Twenty-sixth Amendment) Act, 1971 the constitution (Thirtieth Amendment) Act, 1972, section 2 of the Constitution (Thirty-first Amendment) Act, 1973, section 2, 5 and 7 of the Constitution (Thirty-second Amendment) Act, 1975, the Constitution (Thirty-third Amendment) Act, 1974, sections 2, 5 6 and 7 of the Constitution (Thirty-fourth Amendment) Act, 1976, Sections 2, 3 and 6 of Constitution (Fifty-second Amendment) Act, 1985 and the Constitution (Sixty-first Amendment) Act, 1988 which, in addition to article 1 and article 370, shall apply in relation to the State of Jammu and Kashmir and the exceptions and modifications subject to which they shall so apply shall be as follows:

(1) The Preamble

(2) Part I

To article 3, there shall be added the following further proviso, namely: "Provided further that no Bill providing for increasing or diminishing the area of the State of Jammu and Kashmir or altering the name or boundary of that State shall be introduced in Parliament without the consent of the Legislature of that State".
(3) Part II
(a) This part shall be deemed to have been applicable in relation to the State of Jammu and Kashmir as from the 26th day of January, 1950.
(b) To article 7, there shall be added the following further proviso, namely: "Provided further that nothing in this article shall apply to a permanent resident of the State of Jammu and Kashmir who, after having so migrated to the territory now included in Pakistan, returns to the territory of that State under a permit for resettlement in that State or permanent return issued by or under the authority of any law made by the Legislature of that State, and every such person shall be deemed to be a citizen of India".

(4) Part III
(a) In article 13, references to the commencement of the Constitution shall be construed as references to the commencement of this Order.
(b) {...}
(c) In clause (3) of article 16, the reference to the State shall be construed as not including a reference to the State of Jammu and Kashmir.
(d) In article 19, for a period of twenty-five years from the commencement of this Order: -
   (i) in clauses (3) and (4) after the words "in the interest of", the words "the security of the State or" shall be inserted;
   (ii) in clause (5), for the words "or for the protection of the interests of any Scheduled Tribe", the words "or in the interests of the security of the State" shall be substituted; and
   (iii) the following new clause shall be added, namely:
   "(7) The words "reasonable restrictions" occurring in clauses (2), (3), (4) and (5) shall be construed as meaning such restrictions as the appropriate Legislature deems reasonable."
(e) In clauses (4) and (7) of article 22, for the word "Parliament", the words "the Legislature of the State" shall be substituted.
(f) In article 31, clauses (3), (4) and (6) shall be omitted; and for clause (5), there shall be substituted the following clause, namely:
"(5) Nothing in clause (2) shall affect -
   (a) the provisions of any existing law; or
   (b) the provisions of any law which the State may hereafter make -
   (i) for the purpose of imposing or levying any tax or penalty; or
   (ii) for the promotion of the public health or the prevention of the danger to the life or property; or
   (iii) with respect to property declared by the law to be evacuee property."
(g) In article 31A, the proviso to clause (1) shall be omitted; and for sub clause (a) of clause (2), the following sub clause shall be substituted, namely:
"(a) "estate" shall mean the land which is occupied or has been let for agricultural purposes or for purposes subservient to agricultural, or for pasture, and includes -
   (i) sites of buildings and other structures on such land;
   (ii) trees standing on such land;
   (iii) forest land and wooded waste;
   (iv) area covered by or fields floating over water;
   (v) sites of Jandars and gharats;
   (vi) any Jagir, inam, muafi or mukarrari or other similar grant, but does not include -
(i) the site of any building in any town, or town area or village abadi or any land appurtenant to any such building or site;
(ii) any land which is occupied at the site of a town or village; or
(iii) any land reserved for building purposes in a municipality or notified area or
cantonment or town area or any land for which a town planning scheme is
sanctioned."

(h) In article 32, clause (3) shall be omitted.

(i) In article 35 -

(i) references to the commencement of the Constitution shall be construed as
references to the commencement of this Order;
(ii) in clause (a) (i), the words, figures and brackets "clause (3) of article 16, clause
(3) of article 32" shall be omitted; and
(iii) after clause (b), the following clause shall be added, namely:
"(c) no law with respect to preventive detention made by the Legislature of the State
of Jammu and Kashmir, whether before or after the commencement of the
Constitution (Application to Jammu and Kashmir) Order, 1954, shall be void on the
ground that it is inconsistent with any of the provisions of this Part, but any such law
shall, to the extent of such inconsistency, cease to have any effect on the expiration
of twenty five years from the commencement of the said Order, except as respects
things done or omitted to be done before the expiration thereof."

(j) After article 35, the following new article shall be added, namely:
"35A. Saving of laws with respect to permanent residents and their rights
Notwithstanding anything contained in this
Constitution, no existing law in force in the state of Jammu or Kashmir, and no law
hereafter enacted by the Legislature of the State, -

(a) defining the classes of persons who are, or shall be, permanent residents of the
State of Jammu or Kashmir; or
(b) conferring on such permanent residents any special rights and privileges or
imposing upon other persons any restrictions as respects -

(i) employment under the State Government;
(ii) acquisition of immovable property of the State;
(iii) settlement in the State; or
(iv) right to scholarships and such of other forms of aid as the State Government
may provide, shall be void on the ground that it is inconsistent with or takes away or
abridges any right conferred on the other citizens of India by any provision of this
Part".

(5) Part V

(a) For the purposes of article 55, the population of the State of Jammu and
Kashmir shall be deemed to be sixty three lakhs.
(b) In article 81, for clauses (2) and (3), the following clauses shall be substituted,
namely:
"(2) For the purposes of sub clauses (a) of clause (1), -
(a) there shall be allotted to the State six seats in the House of the People;
(b) the State shall be divided into single member territorial constituencies by the
Delimitation Commission constituted under the Delimitation Act, 1972, in
accordance with such procedure as the Commission may deem fit;
(c) the constituencies shall, as far as practicable, be geographically compact areas,
and in delimiting them regard shall be has to physical features, existing boundaries
of administrative units, facilities of communication and public convenience; and
(d) the constituencies into which the State is divided shall not comprise the area
under the occupation of Pakistan.
(3) Nothing in clause (2) shall affect the representation of the State in the House of
the People until the dissolution of the House existing on the data of publication in
the Gazette of India of the final order or orders of the Delimitation Commission
relating to the delimitation of parliamentary constituencies under the Delimitation
Act, 1972.
(4)(a) The Delimitation Commission shall associate with itself for the purposes of
assisting it in the duties in respect of the State, five persons who shall be members
of the House of the People representing the State.
(b) The persons to be so associated from the State shall be nominated by the
Speaker of the House of the People having due regard to the composition of the
House.
(c) The first nominations to be made under the sub clause (b) shall be made by the
Speaker of the House of the People within two months from the commencement of
the Constitution (application to Jammu and Kashmir) Second Amendment Order,
1974.
(d) None of the associate members shall have a right to vote or to sign any decision
of the Delimitation Commission.
(e) If owing to death or resignation, the office of an associate member falls vacant, it
shall be filled as may be practicable by the Speaker of the House of the People and
in accordance with the provisions of sub clauses (a) and (b).
(c) In article 133, after clause (1), the following clause shall be inserted, namely:
"(1A) The provisions of section 3 of the Constitution (Thirtieth Amendment) Act,
1972, shall apply in relation to the State of Jammu and Kashmir subject to the
modification that references therein to "this Act", "the commencement of this Act",
"this Act had not been passed" and "is amended by this Act" shall be construed
respectively as references to "the Constitution (Application to Jammu and Kashmir)
Second Amendment Order, 1974", "the commencement of the said
Order", "the said Order had not been made" and "as it stands after the
commencement of the said Order "."
(d) In article 134, clause (2), after the words "Parliament may", the words "on
request of the Legislature of the State" shall be inserted.
(e) articles 135 and 139 shall be omitted.

(5A) Part VI
(a) articles 153 to 217, article 219, article 221, articles 223, 224, 224A and 225 and
articles 227 to 237 shall be omitted.
(b) In article 220, references to the commencement of the Constitution shall be
construed as references to the commencement of the Constitution (Application to
(c) In article 222, after clause (1), the following new clause shall be inserted, namely:
"(1A) Every transfer from the High Court of Jammu and Kashmir or to that High
Court shall be made after consultation with the Governor."

(6) Part XI
(a) In article 246, for the words, brackets and figures "clauses (2) and (3)" occurring
in clause (1), the word, bracket and figures "clause (2)" shall be substituted, and the
words, brackets and figure "Notwithstanding anything in clause (3)," occurring in clause (2) and the whole of clauses (3) and (4) shall be omitted.

(b) For article 248, the following article shall be substituted, namely:

"248. Residuary powers of legislation Parliament has exclusive power to make any law with respect to -

(a) prevention of activities involving terrorist acts directed towards over awing the Government as by law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different section of the people;

(aa) prevention of other activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India of bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and this Constitution and

(b) taxes on -

(i) foreign travel by sea or air;

(ii) inland air travel;

(iii) postal articles, including money orders, phonograms and telegrams."

Explanation: In this article, "terrorist act" means any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemicals or any other substances (whether biological or otherwise) of a hazardous nature.

(bb) In article 249, in clause (1), for the words "any matter enumerated in the State List specified in the resolution", the words "any matter specified in the resolution being a matter which is not enumerated in the Union List or in the concurrent List" shall be substituted.

(c) In article 250, for the words "to any of the matters enumerated in the State List", the words "also to matters not enumerated in the Union List" shall be substituted.

(d) [...] (e) to article 253, the following proviso shall be added, namely: "Provided that after the commencement of the Constitution (Application to Jamuu and Kashmir) Order, 1954, no decision affecting the disposition of the State of Jammu and Kashmir shall be made by the Government of the State".

(f) article 255 shall be omitted.

(g) article 256 shall be re numbered as clause (1) of that article, and the following new clause shall be added thereto, namely:

"(2) The State of Jammu and Kashmir shall so exercise its executive power as to facilitate the discharge by the Union of its duties and responsibilities under the Constitution in relation to the State and in particular, the said State shall, if so required by the Union, acquire or requisition property on behalf and at the expense of the Union, or if the property belongs to the state, transfer if to the union on such terms as may be agreed, or in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India".

(h) In clause (2) of article 261, the words "made by Parliament" shall be omitted.

(7) Part XII

(a) Clause (2) of article 267, article 273, clause (2) of article 283 and article 290 shall be omitted.

(b) In articles 266, 282, 284, 298, 299 and 300, references to the State or States
shall be construed as not including references to the State of Jammu and Kashmir.
(c) In articles 277 and 295, references to the commencement of the Constitution
shall be construed as references to the commencement of this Order

(8) Part XIII
In clause (1) of article 303, the words "by virtue of any entry relating to trade and
commerce in any of the Lists in the Seventh Schedule" shall be omitted.

(9) Part XIV
In article 312, after the words "the States", the brackets and words "(including the
State of Jammu and Kashmir)" shall be inserted.

(10) Part XV
(a) In clause (1) of article 324, the reference to the Constitution shall, in relation to
elections to either House of the Legislature of Jammu and Kashmir be construed as
(b) In articles 325, 326, 327 and 329, the reference to a State shall be construed as
not including a reference to the State of Jammu and Kashmir.
(c) article 328 shall be omitted.
(d) In article 329, the words and figures "or article 328" shall be omitted.
(e) In article 329 A, clauses (4) and (5) shall be omitted.

(11) Part XVI
(a) articles 331, 332, 333, 336 and 337 shall be omitted. (b) In articles 334 and 335,
references to the State or the States shall be construed as not including references
(c) In clause (1) of article 339, the words "the administration of the Scheduled Areas
and "shall be omitted.

(12) Part XVII
The provisions of the Part shall only in so far relate to -
(i) the official language of the Union;
(ii) the official language for the communication between one State and another, or
between a State and the Union; and
(iii) the language of the proceedings in the Supreme Court.

(13) Part XVIII
(a) To article 352, the following new clause shall be added, namely:
"(6) No Proclamation of Emergency made on grounds only of internal disturbance of
imminent danger thereof shall have effect in relation to the State of Jammu and
Kashmir (except as respects article 354) unless -
(a) it is made at the request or with the concurrence of the Government of that
State, or
(b) where it has not been so made, it is applied subsequently by
the President to that State at the request or with the concurrence of the Government
of the State."
(b) In clause (1) of article 356, references to provisions or provision of this
Constitution shall, in relation to the State of Jammu and Kashmir, be construed as
including references to provisions or provision of the Constitution of Jammu and Kashmir.

(c) article 360 shall be omitted.

(14) Part XIX
(a) article 365 shall be omitted.
(b) To article 367, there shall be added the following clause, namely:
"(4) For the purposes of this Constitution as it applies in relation to the State of Jammu and Kashmir -
(a) references to this Constitution or to the provisions thereof shall be construed as references to the Constitution or the provisions thereof as applied in relation to the said State;
(aa) references to the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the State as the Sadar i Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office, shall be construed as references to the Governor of Jammu and Kashmir;
(b) references to the Government of the said State shall be construed as including references to the Governor of Jammu and Kashmir acting on the advice of his Council of Ministers:
Provided that in respect of any period prior to the 10th day of April, 1965, such references shall be construed as including to the Sadar i Riyasat acting on the advice of his Council of Ministers;
(c) references to High Court shall include references to the High Court of Jammu and Kashmir;
(d) references to the permanent residents of the said State shall be construed as meaning persons who, before the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954 were recognised as State subjects under the laws in force in the State or who are recognised by any law made by the Legislature of the State as permanent residents of the State; and
(e) references to a Governor shall include references to the Governor of Jammu and Kashmir:
Provided that in respect of any period prior to the 10th day of April, 1965, such references shall be construed as references to the person recognised by the President as the Sadar i Riyasat of Jammu and Kashmir and as including references to any person recognised by the President as being competent to exercise the powers of the Sadar i Riyasat."

(15) Part XX
(a) To clause (2) of article 368, the following proviso shall be added, namely:
"Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370.";
(b) After clause (3) of article 368, the following clause shall be added, namely:
"(4) No law made by the Legislature of the State of Jammu and Kashmir seeking to make any change in or in the effect any provision of the Constitution of Jammu and Kashmir relating to -
(a) appointment, powers, functions, duties, emoluments, allowances, privileges or
immunities of the Governor; or
(b) superintendence, direction and control of elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in section 138, 139, 140 and 150 of the Constitution of Jammu and Kashmir, shall have any effect unless such law has, after having been reserved for the consideration of the President, received his assent.

(16) Part XXI
(a) articles 369, 371, 371A, 372A, 373, clauses (1), (2), (3) and (5) of article 374 and articles 376 to 378A and 392 shall be omitted.
(b) In article 372
(i) clauses (2) and (3) shall be omitted;
(ii) references to the laws in force in the territory of India shall include references to hidayat, ailans, ishtihars, circulars, robkars, irshads, yadashts, State Council Resolutions, Resolutions of the Constituent Assembly, and other instruments having the force of law in the territory of Jammu and Kashmir; and
(iii) references to the commencement of the Constitution shall be construed as references to the commencement of the order;
(c) In clause (4) of article 374, the reference to the authority functioning as the Privy Council of a State shall be construed as a reference to the Advisory Board constituted under Jammu and Kashmir Constitution Act, 1996 and references to the commencement of the Constitution shall be construed as references to the commencement of this Order.

(17) Part XXII
Articles 394 and 395 shall be omitted.

(18) First Schedule

(19) Second Schedule

(20) Third Schedule
Forms V, VI, VII and VIII shall be omitted.

(21) Fourth Schedule

(22) Seventh Schedule
(a) In the Union List -
(i) for entry 3, the entry "3. Administration of cantonments." shall be substituted;
(ii) entries 8, 9 and 34, entry 79, and the words "Inter State-migration" in entry 81 shall be omitted;
(iii) in entry 72, the reference to the States shall be construed, -
(a) in relation to appeals to the Supreme Court from any decision or order of the High Court of the State of Jammu and Kashmir made in the election petition whereby an election to either House of the Legislature of the State has been called in question, as including a reference to the State of Jammu and Kashmir;
(b) in relation to other matters, as not including a reference to that State; and
(iv) for entry 97, the following entry shall be substituted, namely:

97. Prevention of activities -
(a) involving terrorist acts directed towards overawing the Government as by law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different sections of the people;
(b) directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and this Constitution.

### Taxes on foreign travel by sea or air, on inland air travel and on postal articles, including money orders, phonograms and telegrams.

Explanation: In this entry, "terrorist act" has the same meaning as in the Explanation to the article 248.

(b) The State List shall be omitted.

(c) In the Concurrent List -

(i) for entry 1, the following entry shall be substituted, namely:

"1. Criminal law (excluding offences against laws with respect to any of the matters specified in List I and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power) in so far as such criminal law relates to offences against laws with respect to any of the matters specified in the List."

(ii) for entry 2, the following entry shall be substituted, namely:

"2. Criminal procedure (including prevention of offences and constitution and organisation of criminal courts, except the Supreme Court and High Court) in so far as it relates to, -

(i) offences against laws with respect to any matters being matters with respect to which Parliament has power to make laws; and

(ii) administration of oaths and taking of affidavits by diplomatic and consular officers in any foreign country."

(iii) for entry 12, the following entry shall be substituted, namely:

"12. Evidence and oaths in so far as they relate to, -

(i) administration of oaths and taking affidavits by diplomatic and consular officers in any foreign country; and

(ii) any other matters being matters with respect to which Parliament has power to make laws.;

(iv) for entry 13, the entry "13. Civil procedure in so far as it relates to administration of oaths and taking of affidavits by diplomatic and consular officers in any foreign country." shall be substituted;

(v) for entry 30, the entry "30. Vital statistics in so far as they relate to births and deaths including registration of births and deaths." shall be substituted;

(vi) for entries 3, entries 5 to 10 (both inclusive), entries 14, 15, 17, 20, 21, 27, 28, 29, 31, 32, 37, 38, 41 and 44 shall omitted;

(vii) for entry 42, the entry "42. Acquisition and requisitioning of property, so far as regards acquisition of any property covered by entry 67 of List I or entry 40 of List III or of any human work of art which has artistic or aesthetic value." shall be substituted; and

(viii) in entry 45, for words and figures "List II or List III", the words "this List" shall be
(23) Eighth Schedule

(24) Ninth Schedule
(a) After entry 64, the following entries shall be added, namely: 64A. The Jammu and Kashmir State Kuth Act (No. I of Svt. 1978).
64E. Order No. 6 H of 1951, dated the 10th of March, 1951, regarding Resumption of Jagirs and other assignments of land revenue, etc.
(b) Entries 87 to 124, inserted by the Constitution (Thirty ninth Amendment) Act, 1975, shall be renumbered as entries 65 to 102 respectively.
(c) Entries 125 to 188 shall be renumbered as entries 103 to 166 respectively.

(25) Tenth Schedule
(a) for the brackets, words and figures "Articles 102 (2) and 19 (2)" , the brackets, words and figures "Article 102 (2)" shall be substituted;
(b) in clause (a) of paragraph 1, the words "or the Legislative Assembly or, as the case may be, either House of the Legislature of a State" shall be omitted;
(c) in paragraph 2, -
(i) in sub paragraph (1), in sub clause (ii) of clause (b) of the Explanation, the words and figures "or, as the case may be, article 188" shall be omitted;
(ii) in sub paragraph (3), the words and figures "or, as the case may be, article 188" shall be omitted;
(iii) in sub paragraph (4), the reference to the commencement of the Constitution (Fifty second Amendment) Act, 1985 shall be construed as a reference to the commencement of the Constitution (Application to Jammu and Kashmir) Amendment Order, 1989;
(d) in paragraph 5, the words "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 be omitted;
(e) in sub paragraph (2) of paragraph 6, the words and figures "or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212" shall be omitted;
(f) in sub paragraph (3) of paragraph 8, the words and figures "or, as the case may be, article 194," shall be omitted.

Appendix II Re-Statement, With Reference to the Present Text of the Constitution, of the Exceptions and Modifications Subject to Which the Constitution Applies to the State of Jammu and Kashmir

{ Note: The exceptions and modifications subject to which the Constitution applies...
to the State of Jammu and Kashmir are neither those provided in the Constitution (application to Jammu and Kashmir) Order, 1954 or those consequential to the non application to the State of Jammu and Kashmir of certain amendments to the Constitution. All the exception and modifications which have a practical significance are included in the re-statement which is only for facility of quick reference. For ascertaining the exact position, reference will have to be made to the Constitution (application to Jammu and Kashmir) Order, 1954 and to the text of the Constitution on the 20th of June, 1964, as amended by the subsequent amendments to the Constitution mentioned in clause 2 of the said Order. }

(1) The Preamble
(a) In the first paragraph, omit "SOCIALIST SECULAR";
(b) in penultimate paragraph, omit "and integrity".

(2) Part I
Article 3
(a) Add the following further proviso, namely:
"Provided further that no Bill providing for increasing or diminishing the area of the State of the Jammu and Kashmir or altering the name or boundary of that State shall be introduced in Parliament without the consent of the Legislature of the State.";
(b) omit Explanation I and Explanation II.

(3) Part II
(a) This Part shall be deemed to have been applicable in relation to the State of Jammu and Kashmir as from the 26th day of January, 1950.
(b) article 7 Add the following further proviso, namely:
"Provided further that nothing in this article shall apply to a permanent resident of the State of Jammu and Kashmir who, after having so migrated to the territory now included in Pakistan, returns to the territory of that State under a permit of resettlement in that State or permanent return by or under the authority of that State under a permit of resettlement in that State or permanent return issued by or under the authority of any law made by the Legislature of that State, and every such person shall be deemed to be a citizen of India.".

(4) Part III
(a) article 13 References to the commencement of the Constitution shall be construed as references to the commencement of the Constitution (application to Jammu and Kashmir) Order, 1954 (C.O. 48), i.e., the 14th day of May, 1954.
(b) article 16 In clause (3), references to the State shall be construed as reference to the State of Jammu and Kashmir.
(d) article 19
(A) In clause (1),
(i) in sub clause (e), insert the following clause, namely:
"(f) to acquire, hold and dispose of property; and";
(B) in clause (5), for ``sub clauses (d) and (e)'', substitute "sub clause (d), (e) and (f)".
(e) article 22 In clauses (4) and (7), for "Parliament", substitute "the Legislature of the State".
(f) article 30 Omit clause (1A).
(g) After article 30, insert the following, namely: "Right Property
31. Compulsory acquisition of property (1) No person shall be deprived of his
property save by the authority of the law.
(2) No property shall be compulsory 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 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 an 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.
(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.
(2B) Nothing in sub clause (f) of clause (1) of article 19 shall affect any such law as
is referred to in clause (2).
(5) Nothing in clause 2 shall affect -
(a) the provision of any existing law; or
(b) the provision of any law which the State may hereafter make -
(i) for the purpose of imposing or levying any tax or penalty; or
(ii) for the promotion of public health or the prevention of danger to life or property; or
(iii) with respect to property declared by law to be evacuee property."
(h) After article 31, omit the following sub heading, namely:
"Saving of Certain Laws"
(i) article 31A
(A) In clause (1), -
(i) for "article 14 or article 19", substitute "article 19 or article 31";
(ii) omit the first proviso to clause (1);
(iii) in the second proviso omit "further";
(B) in clause (2), for sub clause (a), substitute the following sub clause, namely:
"(a) "estate" shall mean land which is occupied or has been let for agricultural
purposes or for purposes subservient to agriculture, or for pasture, and includes -
(i) sites of buildings and other structure on such land;
(ii) trees standing on such land;
(iii) forest land and wooded waste;
(iv) area covered by or fields floating over water;
(v) sites of jandars and gharats;
(vi) any jagir, inam or muafi or mukarrari or other similar grant, but does not include -
(i) the site of any building in any town, or town area or village abadi or any land
appurtenant to any such building or site;
(ii) any land which is occupied as the site of a town or village; or
(iii) any land reserved for the building purposes in a municipality or notified area or
cantonment or town or any area for which a town planning scheme is sanctioned;".
(j) article 31C This article is not applicable to the State of Jammu and Kashmir,
(k) article 32 Omit clause (3).
(l) article 35
(A) References to the commencement of the Constitution shall be construed as
references to the commencement of the Constitution (Application to Jammu and
Kashmir) Order, 1954 (C.O. 48), i.e., the 14th day of May, 1954;
(B) in clause (a)(i), omit "clause (3) of article 16, clause (3) of article 32";
(C) after clause (b), add the following clause, namely:
"(c) no law with respect to preventive detention made by the Legislature of the State
of Jammu and Kashmir whether before or after the commencement of the
Constitution (Application to Jammu and Kashmir) Order, 1954 shall be void on the
ground that it is inconsistent with any of the provisions of the Part, but any such law
shall, to the extent of such inconsistency, cease to have effect on the expiration of
twenty five years from the commencement of the said Order, except as respects
things or omitted to be done before the expiration thereof."
(m) After article 35, add the following article, namely:
"35A. Saving of laws with respect to permanent residents and their rights -
Notwithstanding anything contained in this Constitution, no existing law in force in
the State of Jammu and Kashmir, and no law hereafter enacted by the Legislature
of the State, -
(a) defining the classes of persons who are, or shall be permanent residents of the
State of Jammu and Kashmir; or
(b) conferring on such permanent residents any special rights and privileges or
imposing upon other persons any restrictions as respects -
(i) employment under the State Government;
(ii) acquisition of immovable property in the State;
(iii) settlement in the State; or
(iv) right to scholarships and such other forms of aid as the State Government may
provide, shall be void on the ground that it is inconsistent with or takes away or
abridges any rights conferred on the other citizens of India by any provision of this
Part."

(5) Part IV
This Part is not applicable to the State of Jammu and Kashmir.

(6) Part IVA
This Part is not applicable to the State of Jammu and Kashmir.

(7) Part V
(a) Article 55
(A) For the purposes of this article, the population of the State of Jammu and
Kashmir shall be deemed to be sixty three lakhs;
(B) in the Explanation omit the proviso.
(b) article 81 for clauses (2) and (3), substitute the following clauses, namely:
"(2) for the purposes of sub clause (a) of clause (1), -
(a) there shall be allotted to the State six seats in the House of the People;
(b) the State shall be divided into single member territorial constituencies by the
Delimitation Commission constituted under the Delimitation Act, 1972, in
accordance with such procedure as the Commission may deem fit;
(c) the constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and
(d) the constituencies into which the State is divided shall not comprise the area under the occupation of Pakistan.
(3) Nothing in clause (2) shall affect the representation of the State in the House of the People until the dissolution of the House existing on the date of publication in the Gazette of India of the final order or orders of the Delimitation Commission relating to the delimitation of parliamentary constituencies under the Delimitation Act, 1972.
(4) (a) The Delimitation Commission shall associate with itself for the purpose of assisting it in its duties in respect of the state, five persons who shall be members of the House of the People representing the State.
(b) The persons to be so associated from the State shall be nominated by the Speaker of the House of the People having due regard to the composition of the House.
(c) The first nominations to be made under sub clause (b) shall be made by the Speaker of the House of the People within two months from the commencement of the Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1974.
(d) None of the associate members shall have a right to vote or to sign any decision of the Delimitation Commission./
(e) If owing to death or resignation, the office of an associate member falls vacant, it shall be filled as soon as may be practicable by the Speaker of the House of the People and in accordance with the provisions of sub clauses (a) and (b).".
(c) article 82 Omit the second and third provisos.
(d) article 105 In clause (3), for "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" substitute "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".
(e) For article 132, substitute the following article, namely: "132. Appellate jurisdiction of Supreme Court in appeals form High Courts in certain cases
(1) An appeal shall lie to the Supreme Court from any judgement, decree or final order of a High Court in the territory of India, whether in a civil, criminal or other proceeding, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Constitution.
(2) Where the High Court has refused to give a certificate, the Supreme Court may, if it is satisfied that the case involves a substantial question of law as to the interpretation of this Constitution, grant special leave to appeal from such judgement, decree or final order.
(3) Where such a certificate is given, or such leave is granted, any party in the case may appeal to the Supreme Court on the ground that any such question as aforesaid has been wrongly decided and, with the leave of the supreme Court, on any other ground.
Explanation: For the purposes of this article, expression "final order" includes an
order deciding an issue which, if decided in favour of the appellant, would be sufficient for the final disposal of the case."

(f) Article 133
(A) In clause (1), omit "under article 134A";
(B) after clause (1), insert the following clause, namely:
"(1A) The provisions of section 3 of the Constitution (Thirtieth Amendment) Act, 1972, shall apply in relation to the State of Jammu and Kashmir subject to the modification that references therein to "this Act", "the commencement of this Act", "this Act had not been passed" and "as amended by this Act" shall be construed respectively as references to "the Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1974", "the commencement of the said Order", "the said Order had not been made" and "as it stands after the commencement of the said Order"."

(g) article 133 -
(A) In clause (1), omit "under article 134A";
(B) after clause (1), insert the following clause, namely:
"(h) article 134A, 135, 139 and 139A These articles are not applicable to the State of Jammu and Kashmir.

(i) article 145 In clause (1), omit sub clause (cc).

(j) article 150 For "as the President may, on the advice of the Comptroller and the Auditor General of India, prescribe" substitute "as the Comptroller and the Auditor General of India may, with the approval of the President prescribe".

(8) Part VI
(a) Omit articles 153 to 217, article 219, article 221, articles 223, 224, 224A and 225, articles 227 to 233, article 233A and articles 234 to 237.
(b) article 220 References to the commencement of the Constitution shall be construed as references to the commencement of the Constitution (Application to Jammu and Kashmir) Amendment Order, 1960, i.e., the 26th January, 1960.
(c) article 222 After clause (1), insert the following clause, namely:
"(1A) Every such transfer from the High Court of Jammu and Kashmir or to that High Court shall be made after consultation with the Governor."

(d) article 226
(A) Renumber clause (2) as clause (1A);
(B) Omit clause (3);
(C) renumber clause (4) as clause (2); and in clause (2) as so renumbered, for "this article" substitute "clause (1) or clause (1A)".

(9) Part VIII
This Part is not applicable to the State of Jammu and Kashmir.

(10) Part X
This Part is not applicable to the State of Jammu and Kashmir.

(11) Part XI
(a) article 246
(A) In clause (1), for "clause (2) and (3)" substitute "clause (2)";
(B) in clause (2), omit "Notwithstanding anything standing in clause (3),";
(C) omit clause (3) and (4).
(b) For article 248, substitute the following article, namely:
"248. Residuary powers of legislation Parliament has exclusive power to make any law with respect to -
(a) prevention of activities involving terrorist acts directed towards over awing the Government as by law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different sections of the people;
(aa) prevention of other activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, Indian National Anthem and this Constitution; and
(b) taxes on -
(i) foreign travel by sea or air;
(ii) inland air travel;
(iii) postal articles, including money orders, phonograms and telegrams.
Explanation: In this article, "terrorist act" means any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisons or noxious gases or other chemical or any other substances (whether biological or otherwise) of a hazardous nature.
(bb) article 249, in clause (1), for "any matter enumerated in the State List specified in the resolution", substitute "any matter specified in the resolution, being a matter which is not enumerated in the Union List or in the Concurrent List".
(c) article 250 For "to any matters enumerated in the State List" substitute "also to matter not enumerated in the Union List".
(d) Omit clause (d).
(e) article 253 Add the following proviso, namely:
(f) Omit article 255.
(g) article 256 Renumber this article as clause (1) thereof, and add the following new clause thereto, namely:
"(2) The State of Jammu and Kashmir shall so exercise its executive power as to facilitate the discharge by the Union of its duties and responsibilities under the Constitution in relation to that State; and in particular, the said State shall, if so required by the Union, acquire or requisition property on behalf and at the expense of the Union, or if the property belongs to the State, transfer it to the Union on such terms as may be agreed or in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India."
(h) article 261 In clause (2), omit "made by Parliament".

(12) Part XII
(a) article 266, 282, 284, 298, 299 and 300 In these articles references to the State or States shall be construed as not including references to the State of Jammu and Kashmir;
(b) omit clause (2) of article 267, article 273, clause (2) of article 283 and article 290;
(c) articles 277 and 295. In these articles references to the commencement of the
Constitution shall be construed as references to the commencement of the
Constitution (Application to Jammu and Kashmir) Order, 1954, i.e., the 14th day of
May, 1954.
(d) omit the sub heading "Chapter IV Right to Property" and article 300A.

(13) Part XIII
In article 303, in clause (1), omit "by virtue of any entry relating to trade and
commerce in any of the Lists in the Seventh Schedule".

(14) Part XIV
Except in article 312, reference to "State" in this part does not include the State of

(15) Part XIVA
This Part is not applicable to the State of Jammu and Kashmir.

(16) Part XV
(a) article 324 In clause (1), the reference to the Constitution shall, in relation to
elections to either House of the Legislature of Jammu and Kashmir, be construed as
(b) articles 325, 326 and 327. In these articles the references to a State shall be
construed as not including a reference to the State of Jammu and Kashmir.
(c) Omit article 328.
(d) article 329
(A) Reference to a State shall be construed as not including a
reference to the State of Jammu and Kashmir;
(B) Omit "or article 328".

(17) Part XVI
Original clause (a) omitted and clauses (b) and (c) relettered as clauses (a) and (b).
(a) Omit articles 331, 332, 333, 336 and 337.
(b) articles 334 and 335 References to the State or the States shall be construed as
not including references to the State of Jammu and Kashmir.
(c) article 339, in clause (1) omit "the administration of the Scheduled Areas and".

(18) Part XVII
The provisions of this Part shall apply to the State of Jammu and Kashmir only in so
far as they relate to
(i) the official language of the Union;
(ii) the official language for communication between the State and another, or
between a State and the Union; and
(iii) the language of the proceedings of the Supreme Court.

(19) Part XVIII
(a) For article 352, substitute the following article, namely:
"352. Proclamation of Emergency

(1) If the President is satisfied that a grave emergency exists where by the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect.

(2) A Proclamation issued under clause (1) -
(a) may be revoked 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 People before the expiration of the 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.

(3) A proclamation of Emergency declaring that the security of India or of any part of the territory thereof is threatened by war or by external aggression or by internal disturbance may be made before the actual occurrence of war of any such aggression or disturbance if the President is satisfied that there is imminent danger thereof.

(4) The power conferred on the President by the 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.

(6) No proclamation of Emergency made on the grounds only of internal disturbance or imminent danger thereof shall have effect in relation to the State of Jammu and Kashmir (except as respect to article 354) unless -
(a) it is made at the request or with the concurrence of the Government of that State; or -
(b) where it has not been so made, it is applied subsequently by the President to that State at the request or with the concurrence of the Government of that State.". 
relation of the Constitution of Jammu and Kashmir, be construed as including references to provisions or provision of the Constitution of Jammu and Kashmir;
(B) in clause (4) for the opening portion, substitute the following, namely:
"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 (3).";
(C) for clause (5), substitute the following clause, 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."
(d) article 357 For clause (2), substitute the following clause, namely:
"(2) Any law made in exercise of the power of the Legislature of the State by Parliament or the President or the 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 to the extent of the incompetency, cease to have effect on the expiration of a period of one year after the Proclamation has ceased to operate except as respects thing done or omitted to be done before the expiration of the said period, unless the provisions which shall so cease to have effect are sooner repealed or re enacted with or without modification by Act of the appropriate Legislature.".
(e) For article 358, substitute the following, namely:
"358. Suspension of provisions of article 19 during emergencies While a Proclamation of Emergency is in operation, nothing in article 19 shall restrict the power of the State as defined in Part III to make any law or 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 Proclamation ceases to operate, except as respects things done or omitted to be done before the law so ceases to have effect.".
(f) article 359 -
(A) In clause (1) omit "(except articles 20 and 21)";
(B) in clause (1A), -
(i) omit "(except articles 20 and 21)";
(ii) omit the proviso;
(C) omit clause (1B);
(D) in clause (2), omit the proviso.
(g) omit article 360.

(20) Part XIX
(a) article 361A This is not applicable to the State of Jammu and Kashmir.
(b) Omit article 365.
(c) article 367 After clause (3), add the following clause, namely:
"(4) For the purposes of this Constitution as it applies in relation to the State of Jammu and Kashmir -
(a) references to this Constitution or to the provisions thereof shall be construed as references to the Constitution or the provisions thereof as applied in relation to the said State;
(aa) references the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the State of the
Sadar i Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office, shall be construed as references to the Governor of Jammu and Kashmir;

(b) references to the Government of the said State shall be construed as including references to the Governor of Jammu and Kashmir acting on the advice of his Council of Ministers:

Provided that in respect of any period prior to the 10th day of April, 1965, such references shall be construed as including the Sadar i Riyasat acting on the advice of his Council of Ministers;

(c) references to High Court shall include references to the High Court of Jammu and Kashmir;

(d) references to the permanent residents of the said State shall be construed as meaning persons who, before the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954, were recognised as State subjects under laws in force in the State or who are recognised by any law made by the Legislature of the State as permanent residents of the State; and

(e) references to a Governor shall include references to the Governor of Jammu and Kashmir:

Provided that in respect of any period prior to the 10th day of April, 1965, such references shall be construed as references to the person recognised by the President as the Sadar i Riyasat of Jammu and Kashmir and as including references to any person recognised by the President as being competent to exercise to the powers of the Sadar i Riyasat.

(21) Part XX
Article 368
(a) In clause (2), add the following further proviso, namely:
"Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370."

(b) omit clauses (4) and (5) and after clause (3) add the following clause, namely:
"(4) No law made by the Legislature of the State of Jammu and Kashmir seeking to make any change in or in the effect of any provision of the Constitution of Jammu and Kashmir relating to
(a) appointment, powers, functions, duties, emoluments, allowances, privileges or immunities of the Governor; or
(b) superintendence, direction and control of elections by the Election Commission of India eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in sections 148, 139, 140 and 150 of the Constitution of Jammu and Kashmir, shall have any effect unless such law has, after having been reserved for the consideration of the President, received his assent."

(22) Part XXI
(a) omit articles 369, 371, 371A, 372A, 373, and articles 376 to 378A and 392.
(b) article 372
(A) Omit clauses (2) and (3);
(B) references to the laws in force in the territory of India shall include references to hidayats, ailans, ishtihars, circulars, robkars, irshads, yadashts, State Council
Resolutions, Resolutions of the Constituent Assembly, and other instruments having the force of law in the territory of the State of Jammu and Kashmir;

(C) references to the commencement of the Constitution shall be construed as references to the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954 (C.O.48), i.e., the 14th day of May, 1954.

(c) article 374 -
(A) Omit clauses (1), (2), (3) and (5).
(B) in clause (4), the reference to the authority functioning as the Privy Council of a State shall be construed as a reference to the Advisory Board constituted under Jammu and Kashmir Constitution Act Svt. 1996, and references to the commencement of the Constitution shall be construed as references to the commencement of the Constitution (Application to Jammu and Kashmir) Order, 1954, i.e., the 14th day of May, 1954.

(23) Part XXII
Omit articles 394 and 395.

(24) Third Schedule
Omit forms V, VI, VII and VIII.

(25) Fifth Schedule
This Schedule is not applicable to the State of Jammu and Kashmir.

(26) Sixth Schedule
This Schedule is not applicable to the State of Jammu and Kashmir.

(27) Seventh Schedule
(a) List I Union List -
(A) Omit entry 2A;
(B) for entry 3, substitute the following entry, namely:
"3. Administration of cantonments."
(C) omit entries 8, 9, 34 and 79;
(D) in entry 72m the reference to the States shall be construed, -
(i) in relation to appeals to the Supreme Court from any decision or order of the High Court of the State of Jammu and Kashmir made in an election petition whereby an election to either House of the Legislature of that State has been called in question, as including a reference to the State of Jammu and Kashmir;
(ii) in relation to the other matters, as not including a reference to that State;
(E) in entry 81, omit "Inter State migration";
(F) for entry 97, substitute the following entry, namely:
"97. Prevention of activities -
(a) involving terrorist acts directed towards overawing the Government as by law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different sections of the people;
(b) directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the
Indian National Flag, the Indian National Anthem and this Constitution, taxes on foreign travel by sea or air, on inland air travel and on postal articles, including money orders, phonograms and telegrams.

Explanation: In this entry, "terrorist act" has the same meaning as in the Explanation to article 248.

(b) Omit List II State List.

(c) List III Concurrent List -

(A) For entry 1, substitute the following entry, namely:
"1. Criminal law (excluding offences against laws with respect to any of the matters specified in List I and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power) in so far as such criminal law relates to offences against laws with respect to any of the matters specified in this List.";

(B) for entry 2, substitute the following entry, namely:
"2. Criminal procedure (including prevention of offences and constitution and organisation of criminal courts, except the Supreme Court and the High Court) in so far as it relates to
(i) offences against laws with respect to any matters being matters with respect to which the Parliament has power to make laws; and
(ii) administration of oaths and taking of affidavits by diplomatic and consular officers in any foreign country.";

(C) omit entry 3, entries 5 to 10 (both inclusive), entries 14, 15, 17, 20, 21, 27, 28, 29, 31, 32, 37, 38, 41 and 44;

(D) entries 11A, 17A, 17B, 20A and 33A are not applicable to the State of Jammu and Kashmir;

(E) for entry 12, substitute the following entry, namely:
"12. Evidence and oaths in so far as they relate to, -
(i) administration of oaths and taking of affidavits by diplomatic and consular officers in any foreign country; and
(ii) any other matter being matters with respect to which Parliament has power to make laws.";

(F) for entry 13, substitute the following entry, namely:
"13. Civil procedure in so far as it relates to administration of oaths and taking of affidavits by diplomatic and consular officers in any foreign country.";

(G) for entry 25, substitute the following entry, namely:
"25. Vocational and technical training of labour.";

(H) for entry 30, substitute the following entry, namely:
"30. Vital statistics in so far as they relate to births and deaths including registration of births and deaths.";

(I) for entry 42, substitute the following entry, namely:
"42. Acquisition and requisitioning of property, in so far as regards acquisition of any property covered by entry 67 of List I or entry 40 of List III or of any human work of art which has artistic or aesthetic value.";

(J) in entry 45, for "List II or List III" substitute "this List".

(28) Ninth Schedule

(a) After entry 64, add the following entries, namely:
64E. Order No. 6 H of 1951, dated the 10th March 1951, regarding Resumption of Jagirs and other assignments of land revenue, etc.

(b) entries 65 to 86 are not applicable to the State of Jammu and Kashmir;
(c) after entry 86, insert the following entry, 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)."
(d) after entry 91, insert the following entry, namely:
"92. The Maintenance of Internal Security Act, 1971 (Central Act of 1971)."
(e) after entry 129, insert the following entry, namely:
(f) after insertion of entries 87, 92 and 130 as indicated above, renumber entries 87 to 188 as entries 65 to 166 respectively.

(29) Tenth Schedule
(a) for the brackets, words and figures "Articles 102 (2) and 19 (2), the brackets, words and figures "Article 102 (2)" shall be substituted;
(b) in clause (a) of paragraph 1, words "or the Legislature Assembly or, as the case may be, either House of the Legislature of a State" shall be omitted.
(c) in paragraph 2, -
(i) in sub paragraph (1), in sub clause (ii) of clause (b) of the Explanation, the words and figures "or, as the case may be, article 188" shall be omitted;
(ii) in sub paragraph (3), the words and figures "or, as the case may be, article 188" shall be omitted;
(iii) in sub paragraph (4), the reference to the commencement of the Constitution (Fifty second Amendment) Act, 1985 shall be construed as a reference to the commencement of the Constitution (Application to Jammu and Kashmir) Amendment Order, 1989;
(d) in paragraph 5, the words "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 be omitted;
(e) in sub paragraph (2) of paragraph 6, the words and figures "or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212" shall be omitted;
(f) in sub paragraph (3) of paragraph 8, the words and figures "or, as the case may be, article 194 ", shall be omitted.

Appendix III Extracts from the Constitution (Forty-Fourth Amendment) Act, 1978
1. Short title and commencement
(1) {...}
(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. {...}

3. 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 longer period than two months unless an Advisory Board constituted in accordance with 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 the detention:
Provided that an Advisory Board shall consist of a Chairman and not less than two members, and the Chairman shall be a serving Judge or 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 in 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 the State; and
(iii) in the case of the detention of a person in pursuance of an order of detention made by the administrator of an Union territory or an officer or authority subordinate to such administrator, such High Court as may be specified by under any law made in Parliament in this behalf.");
(b) in clause (7), -
(i) sub clause (a) shall be omitted;
(ii) sub clause (b) shall be relettered as sub clause (a); and
(iii) sub clause (c) shall be re lettered as sub clause (b) and in a 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.

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