

1. THE FORTY-SECOND AMENDMENT ACT, 1976 IS TERMED AS A 'MINI CONSTITUTION'. COMMENT.

The Forty-second Amendment Act, 1976 was enacted during the national emergency period from June 1975 to March 1977. This Amendment brought about the most widespread changes to the Constitution in its history and was practically a revision of the Constitution. For the vastness of changes the Amendment is often said to be a 'mini Constitution' of India.

The Amendment introduced changes in the Preamble, in about 53 Article and in the Seventh Schedule. It brought about vital changes in the Constitution in the following matters.

It added three new words i.e. Socialist and Secular and Integrity in the Preamble.

It added a new Part IV A containing Fundamental Duties for the citizens

It added four Directive Principle (Article 39, Article 39 A, Article 43 A, and Article 48 A)

It made the President bound by the advice of the Cabinet

It added a new part XIV A containing provisions for administrative tribunals and tribunal for other matters

It made the constitutional amendments beyond judicial scrutiny

Curtailed the power of the judicial review and writ jurisdiction of the Supreme Court and high courts

Raised the term of Lok Sabha from 5 years to 6 years

It accorded primacy to DPSP

Facilitated the proclamation of emergency in a part of territory of India

Extended one-time duration of President' Rule from 6 months to one year

Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order

Changes in the Seventh Schedule, i.e. shifted five subjects from the State List to the Concurrent List like education, forest, protection of wildlife, weights and measure and administration of justice and constitution of lower courts

Provided for the creation of All India Judicial Service

Thus, the above substantial changes along with others account for major amendments to the Constitution of India. In this regard, the 42nd Amendment Act is rightly termed as the 'mini Constitution'.