

# THE CONSTITUTION (SIXTY-SIXTH AMENDMENT) ACT, 1990

India

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### Act 066 of 1990

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***Statement of Objects and Reasons appended to the Constitution (Sixty-sixth Amendment) Bill, 1990 which was enacted as THE CONSTITUTION (Sixty-sixth Amendment) Act, 1990***  
**STATEMENT OF OBJECTS AND REASONS** Article 31B of the Constitution confers on the enactments included in the Ninth Schedule to the Constitution immunity from legal challenge on the ground that they violate the fundamental rights enshrined in Part III of the Constitution.

**2. In the past, whenever it was found that progressive legislation, conceived in the interest of the public was imperilled by litigation, recourse was taken to the Ninth Schedule. Several State enactments relating to land reforms and ceiling on agricultural land holdings have already been included in the Ninth Schedule. Since the Government is committed to give importance to land reforms, it is decided to include all land reform laws in the Ninth Schedule so that they are not challenged before the courts. The State Governments of Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Uttar Pradesh, West Bengal, Tamil Nadu and administration of the Union territory of Pondicherry have suggested the inclusion of some of their Acts relating to land reforms in the Ninth Schedule.**

**3. Since the amendment to Acts which are already placed in the Ninth Schedule are not automatically immunized from legal challenge, some amending Acts are also proposed to be included in the Ninth Schedule. The Acts which are proposed to be included in the Ninth Schedule have been**

**examined. In order to ensure that implementation of these Acts is not adversely affected by litigation, it is proposed to include them in the Ninth Schedule.**

**4. The Bill seeks to achieve the above object.**

An Act further to amend the Constitution of India. BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:-

**1. Short title.- This Act may be called the Constitution (Sixty-sixth Amendment) Act, 1990.**

**2. Amendment of the Ninth Schedule.-In the Ninth Schedule to the Constitution, after entry 202 and before the Explanation, the following entries shall be inserted, namely:-**

**203. The Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Andhra Pradesh Regulation 1 of 1959).**

**204. The Andhra Pradesh Scheduled Areas Laws (Extension and Amendment) Regulation, 1963 (Andhra Pradesh Regulation 2 of 1963).**

**205. The Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1963 (Andhra Pradesh Regulation 2 of 1970).**

**206. The Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1971 (Andhra Pradesh Regulation 1 of 1971).**

**207. The Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1978 (Andhra Pradesh Regulation 1 of 1978).**

**208. The Bihar Tenancy Act, 1885 (Bihar Act 8 of 1885).**

**209. The Chota Nagpur Tenancy Act, 1908 (Bengal Act 6 of 1908) (Chapter VIII-sections 46, 47, 48, 48A, and 49; Chapter X-sections 71, 71A and 71B; and Chapter XVIII-sections 240, 241 and 242).**

- 210. The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act 14 of 1949) except section 53.**
- 211. The Bihar Scheduled Areas Regulation, 1969 (Bihar Regulation 1 of 1969).**
- 212. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1982 (Bihar Act 55 of 1982).**
- 213. The Gujarat Devasthan Inams Abolition Act, 1969 (Gujarat Act 16 of 1969).**
- 214. The Gujarat Tenancy Laws (Amendment) Act, 1976 (Gujarat Act 37 of 1976).**
- 215. The Gujarat Agricultural Lands Ceiling (Amendment) Act, 1976 (President's Act 43 of 1976).**
- 216. The Gujarat Devasthan Inams Abolition (Amendment) Act, 1977 (Gujarat Act 27 of 1977).**
- 217. The Gujarat Tenancy Laws (Amendment) Act, 1977 (Gujarat Act 30 of 1977).**
- 218. The Bombay Land Revenue (Gujarat Second Amendment) Act, 1980 (Gujarat Act 37 of 1980).**
- 219. The Bombay Land Revenue Code and Land Tenure Abolition Laws (Gujarat Amendment) Act, 1982 (Gujarat Act 8 of 1982).**
- 220. The Himachal Pradesh Transfer of Land (Regulation) Act, 1968 (Himachal Pradesh Act 15 of 1969).**
- 221. The Himachal Pradesh Transfer of Land (Regulation) (Amendment) Act, 1986 (Himachal Pradesh Act 16 of 1986).**

**222. The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain Lands) Act, 1978 (Karnataka Act 2 of 1979).**

**223. The Kerala Land Reforms (Amendment) Act, 1978 (Kerala Act 13 of 1978).**

**224. The Kerala Land Reforms (Amendment) Act, 1981 (Kerala Act 19 of 1981).**

**225. The Madhya Pradesh Land Revenue Code (Third Amendment) Act, 1976 (Madhya Pradesh Act 61 of 1976).**

**226. The Madhya Pradesh Land Revenue Code (Amendment) Act, 1980 (Madhya Pradesh Act 15 of 1980).**

**227. The Madhya Pradesh Akrishik Jot Uchchatam Seema Adhiniyam, 1981 (Madhya Pradesh Act 11 of 1981).**

**228. The Madhya Pradesh Ceiling on Agricultural Holdings (Second Amendment) Act, 1976 (Madhya Pradesh Act 1 of 1984).**

**229. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1984 (Madhya Pradesh Act 14 of 1984).**

**230. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1989 (Madhya Pradesh Act 8 of 1989).**

**231. The Maharashtra Land Revenue Code, 1966 (Maharashtra Act 41 of 1966), sections 36, 36A and 36B.**

**232. The Maharashtra Land Revenue Code and the Maharashtra Restoration of Lands to Scheduled Tribes (Second Amendment) Act, 1976 (Maharashtra Act 30 of 1977).**

**233. The Maharashtra Abolition of Subsisting Proprietary Rights to Mines and Minerals in certain Lands Act, 1985 (Maharashtra Act 16 of 1985).**

**234. The Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956 (Orissa Regulation 2 of 1956).**

**235. The Orissa Land Reforms (Second Amendment) Act, 1975 (Orissa Act 29 of 1976).**

**236. The Orissa Land Reforms (Amendment) Act, 1976 (Orissa Act 30 of 1976).**

**237. The Orissa Land Reforms (Second Amendment) Act, 1976 (Orissa Act 44 of 1976).**

**238. The Rajasthan Colonisation (Amendment) Act, 1984 (Rajasthan Act 12 of 1984).**

**239. The Rajasthan Tenancy (Amendment) Act, 1984 (Rajasthan Act 13 of 1984).**

**240. The Rajasthan Tenancy (Amendment) Act, 1987 (Rajasthan Act 21 of 1987).**

**241. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1979 (Tamil Nadu Act 8 of 1980).**

**242. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1980 (Tamil Nadu Act 21 of 1980).**

**243. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1981 (Tamil Nadu Act 59 of 1981).**

**244. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1983 (Tamil Nadu Act 2 of 1984).**

**245. The Uttar Pradesh Land Laws (Amendment) Act, 1982 (Uttar Pradesh Act 20 of 1982).**

**246. The West Bengal Land Reforms (Amendment) Act, 1965 (West Bengal Act 18 of 1965).**

**247. The West Bengal Land Reforms (Amendment) Act, 1966 (West Bengal Act 11 of 1966).**

**248. The West Bengal Land Reforms (Second Amendment) Act, 1969 (West Bengal Act 23 of 1969).**

**249. The West Bengal Estate Acquisition (Amendment) Act, 1977 (West Bengal Act 36 of 1977).**

**250. The West Bengal Land Holding Revenue Act, 1979 (West Bengal Act 44 of 1979).**

**251. The West Bengal Land Reforms (Amendment) Act, 1980 (West Bengal Act 41 of 1980).**

**252. The West Bengal Land Holding Revenue (Amendment) Act, 1981 (West Bengal Act 33 of 1981).**

**253. The Calcutta Thikka Tenancy (Acquisition and Reulation) Act, 1981 (West Bengal Act 37 of 1981).**

**254. The West Bengal Land Holding Revenue (Amendment) Act, 1982 (West Bengal Act 23 of 1982).**

**255. The Calcutta Thikka Tenancy (Acquisition and Regulation) (Amendment) Act, 1984 (West Bengal Act 41 of 1984).**

**256. The Mahe Land Reforms Act, 1968 (Pondicherry Act 1 of 1968).**

**257. The Mahe Land Reforms (Amendment) Act, 1980 (Pondicherry Act 1 of 1981).".**

[The Constitution (Sixty-sixth Amendment) Act, 1990, was enacted in 1990 by amending the 9th schedule, which was added by the 1st Amendment and established by Article 31B. According to the 9th schedule, all the Central and State laws in the list cannot face legal challenges. As per this amendment of the Indian constitution Act, 55 land reforms were included in the 9th schedule by various States to protect them from judicial scrutiny. Considering the fact that amendment to Acts

currently in the Ninth Schedule is also not exempt from the judicial challenge, some modifying Acts are also recommended to be incorporated into the Ninth Schedule. By including them in the 9th Schedule to the Constitution, the Act shields 55 State acts relating to land reforms and caps on agricultural land holdings that were passed by the States of Bihar, Himachal Pradesh, Gujarat, Kerala, Maharashtra, Andhra Pradesh, Orissa, Madhya Pradesh, Rajasthan, Karnataka, Uttar Pradesh, West Bengal, Tamil Nadu and administration of the Union Territory of Puducherry from legal challenge. Also Refer]