

THE CONSTITUTION (FIFTH AMENDMENT) ACT, 1955

India

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MINISTRY OF LAW AND JUSTICE 05 of 1955

- Published in Gazette of India on 24 December 1955
- Commenced on 24 December 1955
- [This is the version of this document from 24 December 1955.]
- [Note: The original publication document is not available and this content could not be verified.]

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 (Fifth Amendment) Act, 1955.

2. Amendment of article 3.-

In article 3 of the Constitution, for the proviso, the following proviso shall be substituted, namely:-"Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States specified in Part A or Part B of the First Schedule, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.".[The Constitution (Fifth Amendment) Act, 1955, which attempted to modify Article 3 of the Indian Constitution. then-President Rajendra Prasad gave his approval to the bill, which was then published in The Gazette of India on December 26, 1955. Originally, Article 3, did not prescribe a time limit for expression of views by the States on the States reorganization laws. It was feared that the States could forestall the passage of the State Reorganisation Act by not expressing their views for any length of time. The amended Article now provides a time limit within which the State has to express their views. If they do not express their views within the specified time the Bill may be passed by Parliament. Important Verdict: Babulal Parate vs The State Of Bombay And Another & Also Refer]