

42nd Amendment of Indian Constitution for UPSC - Indian Polity

42nd Amendment Act, 1976 is one of the most important amendments to the Indian Constitution. It was enacted by the Indian National Congress headed by Indira Gandhi then. Due to the large number of amendments this act has brought to the Indian Constitution, it is also known as 'Mini-Constitution.' The topic '42nd Amendment Act' also called The Constitution Act, 1976 is significant for IAS Exam as it is an essential part of UPSC Political Science for Prelims, Mains GS-II, and also Political Science optional papers.

This article will answer a few questions related to the forty-second amendment of the Constitution of India that can help IAS aspirants in understanding various sections of Polity for civil services examination. It will also define the relationship between the 42nd Amendment Act 1976 and the 44th Amendment Act 1978.

What is the 42nd Amendment Act?

Our Indian Constitution is unique for its content and spirit. The Constitution of India decides the rule of the land and is taken as the supreme law of the land. The constituent assembly that was behind formulating our Constitution has also given scope for amendments in it with time. Hence, the Indian Constitution of what it is today has undergone substantive changes on account of several amendments. The act also called The Constitution Act, 1976 is termed as one of the most controversial acts in the history of amendments to the Indian Constitution. It amended/ introduced various provisions given below:

- Attempted to reduce the power of the [Supreme Court](#) and the High Courts
- Laid down Fundamental Duties for citizens
- Terms- Socialist, Secular and Integrity added to the Preamble

Why is the 42nd Amendment called 'Mini Constitution'?

The 42nd amendment attempted to alter the basic structure of the Indian Constitution. Check the table below to read what all amendments were brought by the Constitution Act, 1976 because of which it was called the mini-constitution:

Changes in Provisions by the 42nd Amendment Act	Details of the Amendment
Preamble	Words 'Socialist', 'Secular' and 'Integrity' added
7th Schedule	Transferred five subjects from the state list to the concurrent list: <ol style="list-style-type: none">1. Education2. Forests

	<ol style="list-style-type: none"> 3. Weights & Measures 4. Protection of Wild Animals and Birds 5. Administration of Justice
Article 51A	10 Fundamental Duties added for the citizens. (The Fundamental Duties of citizens were added upon the recommendations of the Swaran Singh Committee that was constituted by the government in 1976)
Parliament	<ol style="list-style-type: none"> 1. Made President bound to the advice of the cabinet 2. Allowed Centre to deploy central forces in State to deal with the conflicting situations of law and order (Article 257A) 3. Gave special discretionary powers to the speaker of Lok Sabha and Prime Minister (Article 329A) 4. Directive Principles were given precedence over Fundamental Rights and any law made to this effect by the Parliament was kept beyond the scope of judicial review by the Court
Judicial Powers of HC	Curtailed the judicial review power of the High Courts
Articles 323A and 323B, Part XIV-A	Part XIV-A added entitled as ‘Tribunals dealing with Administrative matters’ and ‘Tribunals for other matters’
DPSPs	<p>Four new DPSPs (Directive Principles of State Policy) were added to the existing list of DPSPs:</p> <ol style="list-style-type: none"> 1. To secure opportunities for the healthy development of children (Article 39) 2. To promote equal justice and to provide free legal aid to the poor (Article 39 A) 3. To take steps to secure the participation of workers in the management of industries (Article 43 A) 4. To protect and improve the environment and to safeguard forests and wildlife (Article 48 A)

The 42nd amendment to the Indian Constitution is an important topic for UPSC 2021 as understanding this amendment makes a foundation for aspirants to understand the subsequent amendments brought in the Indian Constitution. Thus, it will help candidates prepare easily for UPSC Political Science.

How is the 44th Amendment Act related to the 42nd Amendment Act?

44th Amendment Act was introduced in the year 1978 by the government. The act was brought to nullify the amendments made by the 42nd Amendment Act 1976:

- It reversed the provision made by the 42nd amendment act that allowed the government to amend the constitution on its wish by Article 368. 44th Amendment Act nullified this unjustified power to the government.
- 44th Amendment Act removed Right to Property from the list of fundamental rights and made it a legal right.
- Previously, the grounds for the declaration of national emergency were external aggression and internal disturbances but the 44th amendment replaced the word 'internal disturbances' with the word 'armed rebellion'.
- Article 226 was amended to restore to the High Courts their power to issue writs for any other purpose besides the enforcement of fundamental rights.
- 44th Amendment Act modified the Constitutional emergency provisions and prevented them from being misused in the future. It restored the Supreme Court and High Courts' jurisdiction and power which they enjoyed before the 42nd amendment act was passed. It restored the secular and democratic ideals present in the Constitution.
- The 44th Amendment Act of 1978 added one more Directive Principle, which requires the State to minimize inequalities in income, status, facilities, and opportunities (Article 38).
- The 42nd and 44th Amendment Acts of 1976 and 1978 respectively have made the ministerial advice binding on the President
- The 44th Amendment Act of 1978 introduced a new provision to put a restraint on the power of Parliament to extend a proclamation of President's Rule beyond one year. Thus, it provided that, beyond one year, the President's Rule can be extended by six months at a time only when the following two conditions are fulfilled

Frequently asked Questions Related to the 42nd Amendment to the Indian Constitution

Why is the 42nd amendment called the mini constitution?

This amendment put restrictions on the review powers of the Judiciary. The amendment made changes to the Preamble, to the seventh schedule of the Constitution, and to 53 articles of the constitution. Due to these voluminous changes in the Constituion, 42nd amendment was called a mini constitution.

Which directive principle was added by the 42nd Amendment?

Both Article 48A, stating the principle to protect and improve the environment and to safeguard forests and wildlife and Article 43A, stating the right of participation of workers in the management of industries, were added to the Directive Principles during the 42nd Constitutional Amendment of 1976.