

## CONSTITUTION OF INDIA:

The Constitution of India is the supreme law of India. The document lays down the framework that demarcates fundamental political code, structure, procedures, powers, and duties of government institutions and sets out fundamental rights, directive principles, and the duties of citizens. It is the longest written national constitution in the world.

The Constitution of India imparts constitutional supremacy (not parliamentary supremacy, since it was created by a constituent assembly rather than Parliament) and was adopted by its people with a declaration in its preamble. Parliament cannot override the constitution.

The Constitution was adopted by the Constituent Assembly of India on 26 November 1949 and became effective on 26 January 1950. The constitution replaced the Government of India Act 1935 as the country's fundamental governing document, and the Dominion of India became the Republic of India. To ensure constitutional autochthony, its framers repealed prior acts of the British parliament in Article 395. India celebrates its constitution on 26 January as Republic Day.

The constitution declares India a sovereign, socialist, secular, and democratic republic, assures its citizens justice, equality, and liberty, and endeavours to promote fraternity. The original 1950 constitution is preserved in a nitrogen-filled case at the Parliament House in New Delhi.

The Constitution of India or the Constitution of the Republic of India came in effect on January 26, 1950 and is the longest written constitution of any independent nation in the world. It contains 22 Parts 395 articles and 12 schedules. It has a total of 117,369 words in its English language version.

### History of the Constitution of India:

At the end of World War II in Europe on May 9, 1945, a new government came to power in the United Kingdom. This government announced to convene a constituent drafting body in India. A team of ministers, called the Cabinet Mission, were sent to India to find solution to the question of India's independence.

The Cabinet Mission discussed the framework and the procedure to be followed the drafting body. With India's independence, the Constituent Assembly became a fully sovereign body and they began the working from 9 December 1947.

The Assembly had members belonging to different communities, regions and even from different political persuasions of India. Dr. Rajendra Prasad was the elected president and B.R. Ambedkar, the chairman of the Drafting Committee.

Over a period of 2 years, 11 months and 18 days, before submitting the final copy of the Constitution, the Constituent Assembly met for 166 days and the sessions were always open to the press and the public.

### Features of the Constitution of India:

It has been extensively drawn from Western legal traditions in enunciation of the principles of liberal democracy. The principles of the Constitution reflect aspirants to end the inequities of traditional social relations and to enhance the social welfare of the population. Since the enactment, the constitution has always fostered for a steady concentrate of power to the central government, especially to Prime Minister Office (PMO).

### Features of the Indian Constitution:

The Indian constitution is unique in its content and spirit. The salient features of the constitution are as follows:

- Longest written Constitution
- Blend of Rigidity and Flexibility
- Federal system with unitary features
- Parliamentary form of Government
- Independent judiciary
- Single citizenship
- Emergency provision

Structure of the Indian Constitution:

The Indian Constitution originally consisted of 395 Art, 22 parts, 8 Schedules. But after the Constitution 104th Amendment Act, 2003, the Indian Constitution Consists of 448 Art, 25 parts, 12 Schedules.

Preamble:

The preamble to the constitution is based on the "objective resolution" drafted and moved by Pandit Nehru and adopted by constituent assembly. The Preamble highlights few fundamental values and guiding principles on which the Constitution of India is based. It serves as the guiding light for both, the Constitution as well as the judges who interpret the Constitution in its light. The opening few words of the Preamble - "We, the people" - signifies that the power is vested in the hands of the people of India. The Preamble is as follows:

"We THE PEOPLE OF INDIA, having solemnly resolved to constitute India in to a SOVERIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizen:

JUSTICE, social, Economic, and Political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all, FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation;

In our Constituent Assembly, this 26th November, 1949, do hereby adopt, enact and give to ourselves this constitution."

Initially the preamble was not the part of the Constitution of India but the Supreme Court, in the case of 'Kesavananda Bharati v. State of Kerala' found it to be part of the Constitution and can be used in interpret ambiguous areas of the Constitution. The words "SOCIALIST" and "SECULAR" were introduced in 42nd amendment act 1976.

Purpose of the Preamble:

The preamble to the constitution is a key to open the minds of the makers and shows the general purpose for which they made the several provisions in the constitution. Preamble serves the following purposes:

1. It discloses the source of the constitution.
2. It lays down the date of the commencement of the constitution.
3. It set out the rights and freedoms which the people of India wished to secure for themselves.
4. It declares the nature of the government.

Terms of Preamble:

Sovereign: "Sovereign" means supreme or independent. The country is both, internally as well as externally sovereign. Externally it is free from any foreign power and internally it exercises a free government directly elected by the people and makes laws that govern the people.

Socialist: The word was added by the 42nd amendment act of 1976. It implies to social and economic equality. Social equality means there is no discrimination on the grounds of caste, color, creed, sex, religion, language, etc. Each one enjoys equal status and opportunities. By

economic equality it means that the government will endeavour for equal distribution of wealth and to provide a decent standard of living for all, hence a commitment in forming a welfare state. Abolition of Untouchability and Zamindari, the Equal Wages Act and the Child Labour Prohibition Act were few steps taken by the government in this context.

Secular: The word "Secular" was inserted by the 42nd amendment act of 1976. Secular implies equality of all religions and religious tolerance. No state in India has an official state religion. Anybody can preach, practice and propagate any religion of his or her choice. In the eyes of law all citizens are equal irrespective of their religious beliefs. No religious instruction is imparted in government schools or government-aided schools.

Democratic: "Democratic" means that the government of all levels are elected by the people through a system of universal adult franchise. Every citizen irrespective of caste, creed, color, sex, religion or education who is 18 years of age and above is entitled to vote, if not debarred by law.

Republic - The term "Republic" means that the head of the state is elected, directly or indirectly, for a fixed tenure. The President of India is elected by Electoral College for a fixed period of five years.

Nature of Indian Constitution:

The Constitution is of two kinds:

1. Unitary: In a Unitary Constitution the powers of the Government are centralized in one Government v.z. the States or Provinces are Subordinates to the Centre.
2. Federal: In Federal Constitution, there is a division of Powers between the federal and the State Government and both are independent in their own spheres. The American Constitution is universally regarded as an example of the Federal Constitution.

Characteristics of a federal Constitution:

1. A Written Constitution: For a federal Constitution it is Mandatory that there should be a written Constitution.
2. Dual Government: In case of federal constitution, there is system of dual government one at centre and another at state.
3. Supremacy of Constitution: For a federal Constitution there should be supremacy of the Constitution. At the time of the exercise of power by three organs of the Govt. i.e. legislative, executive and Judiciary, all functions are Subordinated and Controlled by the Constitution.
4. Distribution of Powers: Federalism means the distribution of powers of the State among a Number of Co-ordinate bodies each originating in and controlled by the Constitution
5. Rigidity:- Rigidity is one of the Basic essential of a federal Constitution. It highly depends on the Process of amendment.
6. Independent Judiciary: There should be an independent judiciary having authority on other organs. In a federal Constitution the courts (Judiciary) has the final power to interpret the Constitution. Thus it can be concluded that the Judiciary is the "Guardian of the Constitution".

Conclusion: Finally it can be said that the Indian Constitution is neither Purely federal nor purely unitary but a Unique Combination of Both aspects.

Peculiar feature of Indian Constitution:

Mode of formation

Position of the state  
Citizenship  
Residuary power  
The lengthiest Constitution in the world.

Meaning of State:

According to Article 12 the State includes:-

The Government and parliament of India

The Government and legislature of each of the states.

All local and other authorities: Within the territory of India and under the control of the Government of India

All the fundamental rights are available against the state with a few exception.

Fundamental Rights in the Constitution:

The aim of Fundamental Rights is that certain elementary rights such as right to life, liberty, freedom of speech and freedom of faith and so on should be regarded as inviolable under all circumstances and that the shifting majority in legislatures of the country should not have a free hand in interfering with fundamental rights. Fundamental right is called the Magna Carta of India.

Rights to Equality:

a. Equality before law-Article 14.

b. Prohibition of discrimination on the grounds of religion race, caste, sex or place of Birth Article 15.

c. Equality of opportunity in matters of public employment, Article 16.

d. Abolition of untouchability Article 17

e. Abolition of titles, Article 18.

Equality before Law:

Article 14 - says that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." It uses two expressions: (1) "Equality before the law; and (2) Equal Protection of the laws

Equality before law:

This concept is taken from British Constitution. The concept of equality does not mean absolute equality among human beings which is physically not possible to achieve. It is a concept implying absence of any special privilege by reason of birth, Creed or the like in favour of any individual, and also the equal subject of all individuals and classes to the ordinary law of the land. In the words of Dr.Jennings- "Equality before the law" means that among equals the law should be equal and should be equally administered, that like should be treated alike.

Rule of law:

The guarantee of "equality before the law" is an aspect of what Dicey Calls the "rule of law" in England. It means that no man is above the law and that every person, whatever be his rank or conditions, is subject to the jurisdiction of ordinary courts. "Dicey the Rule of Law has three distinct meaning" (1) Supremacy of the law (2) Equality before the law (3) The Constitution is the result of the ordinary law of the land.

Equal Protection of the Laws:

This concept is taken from American constitution. This has been interpreted to mean subjection to equal law, applying to all in the same circumstances. It only means that all persons similarly circumstance shall be treated alike both in the privileges conferred and liabilities imposed by the law equal law should be applied to all in the same

situation and there should be no discrimination between one person and another. The words "any person" in Article 14 of the constitution denotes that the guarantee of the equal protection of laws is available to any person which includes any company or association or body of individuals. The protection of Article 14 extends to both citizens and non-citizens and to natural persons as well as legal persons. The equality before the law is guaranteed to all without regard to race, colour or nationality. Corporations being juristic persons are also entitled to the benefit of Article 14.

#### Test of Reasonable classification:

While Article 14 forbids class legislation; it permits reasonable classification of persons, objects and transactions by the legislature for the purpose of achieving specific ends. But classification must not be arbitrary, artificial or evasive". It must always rest upon some real and substantial distinction bearing a just and reasonable relation to the object sought to be achieved by the legislature, classification to be reasonable must fulfill the following two conditions -

1. the classification must be founded on an "intelligible differentia" which distinguishes persons or things that are grouped together from others left out of the group.
2. the differentia must have a rational relation to the object sought to be achieved by the Act. *K.Thimmappa v. Chairman Central Board of Directors SBI and Ram Krishna Dalmia vs. J. Tandulkar*

#### New Concept of Equality: Protection against arbitrariness:

In *E.P.Royappa v. State of Tamil Nadu* the new concept of equality in the following words - "Equality is a dynamic concept with many aspects and dimensions and it cannot be described, Cabined and confined" within traditional limits from a positivistic point of view, equality is antithesis to arbitrariness. In fact equality and arbitrariness are sworn enemies, one belong to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14.

Exceptions to the equality before law- Article 361 of the Constitution permits the following exceptions to this rule -

The President or the Governor of a State shall not be answerable to any court.

No criminal proceeding whatsoever shall be instituted or continued against the President or a Governor in any court during his term of office.

No Civil Proceeding in which relief is claimed against the President or the Governor of a state shall be instituted during his term of office in any Court in respect of any act done or purporting to be done by him in his personal capacity.

#### Prohibition of discrimination on certain grounds:

Article 15(1) provides that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

Article 15 (2) provides that: No citizen shall be on above grounds, subject to any disability, liability, restriction or condition with regard to—

- a. access to shops, public restaurants, hotels and places of public entertainment; or

b. the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

Exceptions to Article 15:

Article 15 (3), (4) and (5) contains exceptions to the general principal laid down under Article 15 (1) and (2):

Nothing in this article shall prevent the State from making any special provision for women and children.

Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes.

Nothing in this article shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institution.

Article 16: Equality of opportunity in matters of public employment.

There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them; be ineligible for, or discriminated against in respect of, any employment or office under the State.

Exceptions to Article 16:

Nothing in Article 16 shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

Nothing in Article 16 shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

Nothing in Article 16 shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

Nothing in Article 16 shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Abolition of Untouchability:

"Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law. The term

"Untouchability" is not defined under the Constitution. However, it refers to the social disabilities imposed on certain class of person by reason of their birth in certain caste. However, it does not cover social boycott of a few individuals.

#### Abolition of Titles:

No title, not being a military or academic distinction, shall be conferred by the State.

No citizen of India shall accept any title from any foreign State.

No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.

No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.

#### Right to Freedom:

Article 19(i) defines six freedoms:

- a. Freedom of speech and expression
- b. Freedom of Assembly
- c. Freedom to form Association
- d. Freedom of Movement
- e. Freedom to reside and to settle
- f. Freedom of Profession, occupation, trade or business.

These six freedoms are however not absolute, and subject to reasonable restriction which are as follows:-

- i. Security of the State ii. Friendly relation with foreign states iii. Public order iv. Decency and Morality v. Contempt of Court vi. Defamation vii. Incitement to an offence viii. Sovereignty and Integrity of India

#### Judicial pronouncement on Right to speech and expression:

Article 19(1) (a) Meaning of freedom of speech and expression: The freedom of speech and expression, means the right to speak and to express one's opinions by words of mouth. Writing, printing, pictures or in any other manner. It includes publication also, which includes inherent freedom of press. The liberty of circulation is vested in liberty of publication.

Right to know : the fundamental right principally Principal involved here is the people's right to know.

#### Protection in respect of conviction for offences:

Ex-post facto law: No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the Act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

Double jeopardy: No person shall be prosecuted and punished for the same offence more than once. The protection under this clause is available only in proceedings before a court of law or a judicial tribunal. In other words, it is not available in proceedings before departmental or administrative authorities.

Self -Incrimination: No person accused of any offence shall be compelled to be a witness against himself. It extends to both oral and documentary evidence. It extends to only criminal proceedings and not to civil proceedings. The benefit is available only when all the following conditions are satisfied:

Person must be accused of an offence, there must be compulsion to be witness and such compulsion should result in his giving evidence against himself.

#### Right to Life and Personal Liberty:

"No person shall be deprived of his life or personal liberty except according to Procedure established by law." Right to life includes within its ambit the right to live with Human dignity. The S.C. held that the

right to life defines not only physical existence but the "quality of life."

#### Right to Education-21A:

Article 21A declares that state shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the state may decide. Thus, this provision makes only elementary education a fundamental right and not higher or professional education. This provision becomes effective from the date of 01.04.2012.

#### Protection against arrest and detention:

Article 22 grants protection to persons who are arrested or detained.

Detention is of two types Punitive detention and Preventive detention

Punitive detention- is to punish a person for an offence committed by him after trial and conviction in court.

Preventive detention- means detention of a person without a trial and conviction of court. The objective of the preventive detention is not to punish a person for a past offence but to prevent him from committing an offence in near future.

#### Right against exploitation:

Prohibition of traffic in human beings and forced labour: Article 23 prohibits traffic in human beings and other similar forms of forced labour. This right is available to both citizens and non-citizens. It protects the individual not only against state but also against the private person. However, state may impose compulsory service for public purpose i.e military service or social service.

Prohibition of employment of children in factories etc.: Article 24 prohibits the employment of children below the age of 14 years in any factory, mine or other hazardous activities. But it does not prohibit their employment in any harmless innocent work.

Right to freedom of Religion and freedom of conscience etc.: Article 25 says that all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion. The implications of these are freedom of conscience, right to profess, right to propagate, right to practice

Article 25 covers not only religious belief but also religious practices. This right is available to all person citizen as well as noncitizen.

Freedom to manage religious affairs:- As per article 26, every religious denomination or any of its section shall have the following right:  
To establish and maintain institutions for religious and charitable purposes;

To manage its own affairs in matters of religion.

To own and acquire movable and immovable property; and

To administer such property in accordance with law.

Denomination:- Religious denomination should satisfy the following condition:

It should be body of individuals who have been system of beliefs which they regards as conducive to their spiritual well being.

It should have common organisation; and

It should be designated by a distinctive name.

For example: - 'Ramakrishna mission' and 'Anand Marg' and Arvindo Society is not the denomination.



Freedom from taxation for promotion of Religion: Article 27 lays down that no person shall be compelled to pay any taxes for the promotion or maintenance of any particular religion or religious denomination. In other words, the state should not spend the public money collected by way of tax for the promotion or maintenance of any particular religion. This provision prohibits only levy of tax and not a fees. This is because the purpose of fee is to control secular administration of religious institutions not to promote or maintain religion.

Freedom from attending religious instruction (RI): Article 28 provides that no religious instruction shall be provided in any educational institution wholly maintained out of state funds. However, this provision shall not apply to an educational institution administered by the state but established under any endowment or trust requiring imparting of religious instruction in such institution.

Article 28 distinguishes between four types of educational institutions:  
Article 28 distinguishes between four types of educational institutions:-  
Institutions wholly maintained by the state- religious instruction (RI) totally prohibited  
Institutions administered by the state but established under any endowment or trust-RI permitted  
Institutions recognised by the state- RI is permitted on voluntary basis  
Institutions receiving aid from the state- RI is permitted on voluntary basis.

Cultural and Educational Rights:

Protection of interest of minority: Article 29 Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same. Further, No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Right of minorities to establish and administer educational institutions: Article 30 All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, 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. The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Minority educational institutions are of three types:-

1. Institutions that seek recognition as well as aid from the state.
  2. Institutions that seek only recognition from the state not aid.
  3. Institutions that neither seek recognition nor aid from the state.
- Only first two types of institutions are subject to state control.

Right to constitutional Remedies: Article 32 A mere declaration of fundamental rights in the constitution is meaningless, useless and worthless without providing effective machinery for their enforcement. In other words right of enforcement is itself a fundamental right. That is why Dr. Ambedkar called Article 32 as the heart and soul of the constitution.

Article 32 empowers the Supreme Court to act as defender and guarantor of the fundamental rights of the citizen. It has been vested with 'original and 'wide' powers for that purpose. The purpose of Art. 32 is to provide a guaranteed, effective, expeditious, inexpensive and summary remedy for the protection of the fundamental rights. Only the fundamental right can be enforced and not any other right like statutory right, customary rights etc. The violation of fundamental right is sine qua non for the applicability of article 32. However, the jurisdiction of the Supreme Court in case of violation fundamental right is concurrent with the jurisdiction of the High Court as per Article 226 of the constitution. It means when the fundamental right of a citizen is violated, the aggrieved party has the option of moving either the High Court or Supreme Court directly. Supreme Court and High Court ( in case of any other right also) provides the remedy in form of writ.

**Writs in the Constitution:** Following are different writs in the constitution

**Habeas Corpus:** It is Latin term which literally means 'to have the body of'. It is an order issued by the court to a person who has detained another person to produce the body of latter before it. The court then examines the cause and legality of the detention. It would set the detained person free, if the detention is found to be illegal. Thus writ is a bulwark of individual liberty against arbitrary detention. The writ of Habeas Corpus can issued against both public and private person. However it cannot be issued in following cases:-

1. Detention is lawful.
2. Proceeding is for contempt of legislation or a court.
3. Detention is by a competent court.
4. Detention is outside the jurisdiction of the court.

**Mandamus:** It literally means 'we command'. It is command issued by the court to a public official asking him to perform his official duties that he has failed or refused to perform. It can also be issued against any public body, a corporation, an inferior court, a tribunal or government for the same purpose. It cannot be issued in the following cases:

1. Against a private individual or body
2. To enforce departmental instruction
3. When the duty is discretionary not mandatory
4. Against the president or Governor.

**Prohibition:-** Literally means 'to forbid'. It is issued by higher court to a lower court or tribunal to prevent the latter from exceeding the jurisdiction. Thus unlike, mandamus that directs activity, the prohibition directs inactivity. It is not issued against Administrative authorities, Legislative authorities and Private individuals.

**Certiorari:-** In the literal sense, it means 'to be certified' or 'to be informed'. It is issued by higher court to a lower court or tribunal either to transfer a case pending with the latter to itself or squash the order of the latter in a case. It is issued on the grounds of Excess of jurisdiction, Lack of jurisdiction and Error of law. Thus, unlike prohibition, which is only preventive, certiorari is both preventive as well as curative. Certiorari can be issued against even the administrative authorities affecting the rights of individual as per the ruling of the supreme since 1991.

**Quo-Warranto:-** In the literal sense, 'it means by what authority or warrant'. It is issued by the court to enquire in to the legality of claim of a person to a public office.

Directive Principles of State Policy (DPSP) in the Constitution:

The Directive Principles of State Policy (DPSP) contained in Part IV of the Constitution set out aims and objective to be taken up by the States in the governance of the country. This feature of the Constitution is borrowed from the Constitution of Ireland. The idea of a welfare State established by our constitution can only be achieved if the States try to implement them with a high sense of moral duty. The main object in enacting the directive principles appears is to set standard of achievement before the legislature and the executive, the local and other authorities, by which their success or failure can be judge.

The Constitution of India contains the following directive principals:

- i. Directive for social order based on justice - Art 38(1) requires the State to try and promote the welfare of the people by securing a social order in which every one is assured social, economic and political justice.
- ii. Directives in the nature of non-justifiable right of every citizen -
  - a. Article 39(a): Right to adequate means of livelihood.
  - b. Article 39(b): Right of both sexes to equal pay for equal work.
  - c. Article 39(e): Right against economic exploitation.
  - d. Article 39(A): Equitable justice and free legal aid.
- iii. Article 40: To organize village Panchayats as units of self-government.
- iv. Article 41: Right of work within the economic capacity of the state.
- v. Article 42: The State shall make provision for securing just and humane conditions of work and for maternity relief.
- vi. Article 43: To develop cottage industries.
- vii. Article 43(A): Participation of workers in management of industries.
- viii. Article 44: To secure a uniform civil code for the Citizen.
- ix. Article 45: The State shall endeavour to provide, free and compulsory education for all children until they complete the age of fourteen years.
- x. Article 46: To promote with special care the educational and economic interests of the weaker section of the People and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.
- xi. Article 47: To prohibit consumption of liquors and intoxicating drug except for medical purposes.
- xii. To organize agriculture and animal husbandry on modern lines.
- xiii. Article 48(A): Protection and improvement of environment and safeguarding of forests and wild life.
- xiv. Article 49: To protect and maintain places of historic, and artistic interest.
- xv. Article 50: To separate judiciary from executive.
- xvi. The State shall endeavour to a. promote international peace and security; b. maintain just and honourable relations between nations.

Relation between fundamental rights and Directive Principles of State Policy (DPSP):

Directive Principles of State Policy (DPSP) contained in Part IV of the Constitution. These are defined in Art 36 to 51 set out the aims and objectives to be taken up by the State in the Governance of the country. The Directive Principles of State Policy (DPSP) is borrowed from the Constitution of Ireland. The Directive Principles of State Policy (DPSP) are not justifiable.

Fundamental Rights are contained in Part III of the Constitution. These are defined in Art 12 to 35. These rights are provided for to every person of India and it can be enforced by the Court.

In *Kesvanand Bharti v. State of Kerala*, The Supreme Court held that the fundamental right & D.P.S.P. aim is the same goal of bringing about a social revolution and establishment of a welfare state and they can be interpreted and applied together.

Fundamental duties in the Constitution:

- a. To abide by the Constitution and respect its ideals and institutions, the National Flag and the national Anthem
  - b. To Cherish and follow the noble ideals which inspired our National Struggle for freedom.
  - c. To uphold and protect the Sovereignty - Unity and integrity of India.
  - d. To defend the Country and render National Service when called upon to do so.
  - e. To Promote harmony and the spirit of common brotherhood amongst all the people of India, Transcending, religious, linguistic and regional or Sectional diversities, to renounce
- Practices derogatory to the dignity of woman.
- f. To value and preserve the rich heritage of our composite culture.
  - g. To protect and improve the Natural, environment, Including forests, lakes, rivers and wild life, to have compassion for living creatures.
  - h. To develop the Scientific temper, humanism and the spirit of inquiry and reform.
  - i. To safeguard public property and to abjure violence.
  - j. To strive towards excellence in all sphere of individual and collective activity. So that the nation constantly rises to higher levels of Endeavour and achievement.
  - k. Who is Parent or Guardian to Provide opportunities for education to his child or as the case be ward between the age of six and fourteen years.

Ordinance Making Power:

Article 123: If any time when both house of Parliament are not in session, President may issue ordinance having same force of as an Act of Parliament. Such ordinance must be laid before both houses of Parliament and shall have effect up to six weeks of unless Parliament by disapproved by resolution. An ordinance Promulgated under Article 123 is a law having same force and effect as an Act at Parliament. The ordinance passed by the President cannot be inquired into challenged in Courts. It can not violate fundamental rights.

Article 1: Name and territory of the Union

- (1) India, that is Bharat, shall be a Union of States.
- (2) The States and the territories thereof shall be as specified in the First Schedule.

Article 2: Admission or establishment of new States

- (1) Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.
- (2) Such law may contain provisions for the amendment of the First Schedule and the Fourth Schedule, and consequential and incidental matters.

Article 3: Formation of new States and alteration of areas, boundaries or names of existing States

- (1) Parliament may by law form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State.
- (2) Parliament may by law alter the areas, boundaries or names of any existing State.

(3) A Bill for the purpose shall be introduced in either House of Parliament only 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, 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.

Article 4: Laws made under Articles 2 and 3 to provide for the amendment of the First and Fourth Schedules and supplemental, incidental, consequential and transitional matters

(1) Any law referred to in Article 2 or Article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of Article 368.

Article 5: Citizenship at the commencement of the Constitution

At the commencement of this Constitution, every person who has his domicile in the territory of India and

- (a) who was born in the territory of India; or
- (b) either of whose parents was born in the territory of India; or
- (c) who has been ordinarily resident in the territory of India for not less than five years preceding such commencement, shall be a citizen of India.

Article 6: Rights of citizenship of certain persons who have migrated to India from Pakistan

(1) Notwithstanding anything in article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if

- (a) he or either of his parents or any of his grandparents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and
- (b) (i) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or
- (ii) in the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government:

Article 7: Rights of citizenship of certain migrants to Pakistan

(1) Notwithstanding anything in articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (b) of article 6 be deemed

to have migrated to the territory of India after the nineteenth day of July, 1948.

Article 8: Abolition of Untouchability

- (1) Untouchability is abolished and its practice in any form is forbidden.
- (2) The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.
- (3) Nothing in this article shall prevent the State from making any provision for the protection, welfare, or advancement of Scheduled Castes or Scheduled Tribes.

Article 9: Protection of rights of certain classes of persons

- (1) The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
- (2) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (3) Nothing in this article shall prevent the State from making any special provision for women and children.
- (4) Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Article 10: Continuance of the rights of citizenship

Every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this Part shall, subject to the provisions of any law that may be made by Parliament, continue to be such citizen.

Article 11: Parliament to regulate the right of citizenship by law

- (1) Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.
- (2) In particular, and without prejudice to the generality of the foregoing power, Parliament may by law provide-
  - (a) for the acquisition of citizenship by persons who have migrated to India from any country outside India;
  - (b) for the registration of overseas citizens of India;
  - (c) for the renunciation of citizenship by any person;
  - (d) for determining the nationality of persons for the purposes of this Constitution;

Article 12: Definition of the State

In this Part, unless the context otherwise requires, the State includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

Article 13: Laws inconsistent with or in derogation of the fundamental rights

- (1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.
- (2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.
- (3) In this article, unless the context otherwise requires,-

(a) "laws in force" includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas;

(b) "laws in force" includes also the orders, bye-laws, rules and regulations made thereunder before the commencement of this Constitution and not previously repealed;

#### Article 14: Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

#### Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

#### Article 16: Equality of opportunity in matters of public employment

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

#### Article 16: Equality of opportunity in matters of public employment

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the

governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

#### Article 17: Abolition of Untouchability

(1) "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

#### Article 18: Abolition of Titles

(1) No title, not being a military or academic distinction, shall be conferred by the State.

(2) No citizen of India shall accept any title from any foreign State.

(3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.

(4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.

(5) The President may, by rule, specify the titles which may be conferred by the State, the qualifications necessary for conferment of such titles, and the manner of their conferment.

#### Article 19: Protection of certain rights regarding freedom of speech, etc.

(1) All citizens shall have the right—

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; and

(f) to practice any profession, or to carry on any occupation, trade or business.

(2) Nothing in subclause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said subclause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

#### Article 20: Protection in respect of conviction for offences

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

(4) No person shall be subjected to any harsher punishment than what was applicable at the time of the commission of the offence.

#### Article 21: Protection of Life and Personal Liberty

(1) No person shall be deprived of his life or personal liberty except according to the procedure established by law.



- (2) No person shall be denied the right to education.
- (3) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (4) The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Article 22: Protection against arrest and detention in certain cases

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
- (3) Nothing in clauses (1) and (2) shall apply—
  - (a) to any person who for the time being is an enemy alien; or
  - (b) to any person who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless—
  - (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:  
Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or
  - (b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

Article 23: Prohibition of traffic in human beings and forced labor

- (1) Traffic in human beings and begar and other similar forms of forced labor are prohibited, and any contravention of this provision shall be an offense punishable in accordance with the law.
- (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service, the State shall not make any discrimination on grounds only of religion, race, caste, or class or any of them.

Article 24: Prohibition of employment of children in factories, etc.

- (1) No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- (2) Nothing in clause (1) shall apply to any of the following classes of work or employment, namely:
  - (a) work performed by a child in a family or family enterprise or in any other non-hazardous work, if such work or enterprise does not involve the employing of other persons;
  - (b) work performed by a child in a school established, run or supported by any Government or voluntary agency where such work or employment does not interfere with the child's education.

Article 25: Freedom of conscience and free profession, practice, and propagation of religion

- (1) Subject to public order, morality, and health and to the other provisions of this Part, all persons are equally entitled to freedom of

conscience and the right freely to profess, practice, and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

#### Article 26: Freedom to manage religious affairs

(1) Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

#### Article 27: Freedom as to payment of taxes

(1) No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

(2) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

#### Article 28: Freedom as to attendance at religious instruction or religious worship in certain educational institutions

(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

(3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

#### Article 29: Protection of Interests of Minorities

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

(3) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(4) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Article 30: Right of minorities to establish and administer educational institutions.

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), 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.

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Article 31: Right to Property

(1) No person shall be deprived of his property save by authority of law.

(2) No property, movable or immovable, including any interest in, or in any company owning, any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law authorising the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given.

(3) No such law as is referred to in clause (2) made by the State Legislature shall have effect unless such law, having been reserved for the consideration of the President, has received his assent; but nothing in this clause shall apply to a law which does not contain any provision for the acquisition of any estate or of any rights therein or for the extinguishment or modification of any such rights. Explanation I.—In this clause,

(a) the expression "State Legislature", in relation to a State having a Legislature of the type referred to in article 193, includes the Governor acting within the scope of his powers and functions under article 213;

(b) the expression "law" includes a Central Act and a Provincial Act or an existing law of a State;

(c) the expression "existing law" has the same meaning as in article 372;

(d) the expression "public purpose" includes—

(i) the provision of village-sites or the extension, planned development or improvement of existing village-sites;

(ii) the provision of land for town or rural planning;

(iii) the provision of land for planned development of the State or any area thereof;

(iv) the provision of land for use by an educational, charitable or other public institution;

(v) the provision of land for a corporation owned or controlled by the State;

(vi) the provision of land for housing or setting up industries, the working of which is likely to prove injurious to the health, safety or morals of the inhabitants of the locality;

(vii) the provision of land for carrying out any other scheme of development or improvement which the appropriate authority considers necessary for the proper planning of the area or for the benefit of the general public;

Explanation II.—In sub-clause (f), the expression "the appropriate authority" means such authority as may be prescribed by or under any law made by a State Legislature or, until provision in that behalf is so made, such authority as may be prescribed by or under any existing law made by Parliament, and includes any Government company as defined in section 617 of the Companies Act, 1956. Explanation III.—In this clause—

(a) the expression "estate" shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area and shall also include any jagir, inam or muafi or other similar grant and in the States of Tamil Nadu and Kerala, any janmam right;

(b) the expression "rights", in relation to an estate, shall include any rights vesting in a proprietor, sub-proprietor, under-proprietor, tenure-holder, raiyat, under-raiyat or other intermediary and any rights or privileges in respect of land revenue.

Article 32: Remedies for enforcement of rights conferred by this Part

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Article 33: Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc.

Parliament may, by law, determine to what extent any of the rights conferred by this Part shall, in their application to, —

(a) the members of the Armed Forces; or

(b) the members of the Forces charged with the maintenance of public order; or

(c) persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence; or

(d) persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organisation referred to in clauses (a) to (c), be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

Article 34: Restriction on rights conferred by this Part while martial law is in force in any area

Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done under martial law in such area.

Article 35: Protection of rights conferred by this Part

The Parliament may not make any law that takes away or abridges the rights conferred by this Part (Fundamental Rights) and any law made in contravention of this provision shall be void.

#### Article 36: Definition

In this Part, unless the context otherwise requires, 'the State' has the same meaning as in Part III.

#### Article 37: Application of the principles contained in this Part.

The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

#### Article 38: State to secure a social order for the promotion of welfare of people

(1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

(2) The State shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities, and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

(3) The State shall make laws to secure such social, economic, and political justice to all its citizens, and shall take suitable measures to promote the welfare of the people by ensuring that the material resources of the community are so distributed as best to subserve the common good.

#### Article 39: Certain principles of policy to be followed by the State

The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) that there is equal pay for equal work for both men and women;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

#### Article 40: Organisation of Village Panchayats

(1) The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

(2) The State shall provide for the representation of the members of the Scheduled Castes and the Scheduled Tribes in the village panchayats at all levels in proportion to their population in the village.

(3) Not less than one-third of the total number of seats reserved under clause (2) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(4) Election to the offices of the village panchayats shall be by direct election on the basis of adult suffrage.

(5) The Legislature of a State may, by law, endow the village panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to—

(a) the preparation of plans for economic development and social justice;  
(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

Article 41: Right to work, to education and to public assistance in certain cases

(1) The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

(2) The State shall make provision for securing just and humane conditions of work and for maternity relief.

(3) The State shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas.

Article 42: Provision for just and humane conditions of work and maternity relief

The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 43: Living Wage and Conditions of Work

(1) The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

(2) The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to an adequate means to livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) that there is equal pay for equal work for both men and women;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 44: Uniform Civil Code

The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

Explanation:

The concept of a uniform civil code envisions a common set of laws governing personal matters such as marriage, divorce, inheritance, and adoption for all citizens of India, regardless of their religion. The objective is to promote social cohesion, gender equality, and justice by eliminating discriminatory practices based on religious beliefs or customs.

Article 45: Provision for free and compulsory education for children

- (1) The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.
- (2) Nothing in this article shall prevent the State from making any provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
- (3) The State shall make special provision for women and children.

Article 46: Promotion of Educational and Economic Interests of Scheduled Castes, Scheduled Tribes, and Other Weaker Sections

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 47: Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavor to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

Article 48: Organization of agriculture and animal husbandry

The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

Article 49: Protection of monuments and places and objects of national importance

It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.

Article 50: Separation of Judiciary from Executive

The State shall take steps to separate the judiciary from the executive in the public services of the State.

Article 51: Promotion of international peace and security

The State shall endeavour to:

- (a) promote international peace and security;
- (b) maintain just and honourable relations between nations;
- (c) foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and
- (d) encourage settlement of international disputes by arbitration.

Article 52: The President of India

(1) There shall be a President of India who shall be the Head of State and exercise powers, duties, and functions as provided under the Constitution.

(2) The President shall be elected by an Electoral College consisting of the elected members of both Houses of Parliament and the Legislative Assemblies of the States.

(3) The President shall hold office for a term of five years and is eligible for re-election.

#### Article 53: Executive power of the Union

(1) The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(2) Nothing in this article shall—

(a) be deemed to transfer to the President any functions conferred by any existing law on the Government of any State or other authority; or

(b) prevent Parliament from conferring by law functions on authorities other than the President.

#### Article 54: Election of President

(1) The President of India shall be elected by an Electoral College consisting of the elected members of both Houses of Parliament and the Legislative Assemblies of the States.

(2) Every election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote.

#### Article 55: Election of President

(1) The President shall be elected by the members of an Electoral College consisting of—

(a) the elected members of both Houses of Parliament; and

(b) the elected members of the Legislative Assemblies of the States.

(2) No person shall be eligible for election as President unless he—

(a) is a citizen of India,

(b) has completed the age of thirty-five years, and

(c) is qualified for election as a member of the House of the People.

#### Article 56: Term of Office of President

(1) The President shall hold office for a term of five years from the date on which he enters upon his office.

(2) The President may, by writing under his hand addressed to the Vice-President, resign his office.

(3) The President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in Article 61.

(4) The President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

#### Article 57: Eligibility for re-election of President

(1) A person who holds, or who has held, office as President shall be eligible for re-election to that office.

(2) The manner of election of President shall be regulated by law made by Parliament.

#### Article 58: Qualifications for Election as President

(1) No person shall be eligible for election as President unless he—

(a) is a citizen of India,

(b) has completed the age of thirty-five years, and

(c) is qualified for election as a member of the House of the People.

(2) A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of



any State or under any local or other authority subject to the control of any of the said Governments.

#### Article 59: Election of Vice-President

(1) The Vice-President shall be elected by the members of an Electoral College consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote.

(2) Any dispute concerning the election of the Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.

#### Article 60: Oath or Affirmation by the President

Before entering upon his office, the President shall make and subscribe in the presence of the Chief Justice of India, or in his absence, the senior-most Judge of the Supreme Court available, an oath or affirmation in the following form, that is to say:

"I, A.B., do swear in the name of God (or solemnly affirm) that I will faithfully execute the office of President (or discharge the functions of the President) of India and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of India."

#### Article 61: Procedure for impeachment of the President

(1) When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of Parliament.

(2) No such charge shall be preferred unless—

(a) the proposal to prefer such charge is contained in a resolution which has been moved after at least fourteen days' notice in writing signed by not less than one-fourth of the total number of members of the House has been given of their intention to move the resolution, and

(b) such resolution has been passed by a majority of not less than two-thirds of the total membership of the House.

(3) When a charge has been so preferred by either House of Parliament, the other House shall investigate the charge or cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation.

#### Article 62: Appointment of Ministers

(1) The President shall, on the advice of the Prime Minister, appoint the following ministers:

(a) the Attorney-General for India;

(b) the Minister of State for Law and Justice;

(c) the Ministers for the time being holding office under the provisions of this Constitution;

(d) the Ministers of State for the time being holding office under the Government of a State.

(2) The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen percent of the total number of members of the House of the People.

(3) A member of either House of Parliament belonging to any political party who is disqualified for being a member of that House under paragraph (a) of clause (1) of article 102 shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to a House of Parliament or either House of the Legislature of a State, till the date on which he is declared elected, whichever is earlier.

Article 63: The Vice-President of India

(1) There shall be a Vice-President of India.

(2) The Vice-President shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

(3) The Vice-President shall hold office for a term of five years from the date on which he enters upon his office:

Provided that—

(a) a Vice-President may, by writing under his hand addressed to the President, resign his office;

(b) a Vice-President may be removed from his office by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution;

(c) a Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

Article 64: The Vice-President to be ex officio Chairman of the Council of States

The Vice-President shall be ex officio Chairman of the Council of States and shall not hold any other office of profit:

Provided that during any period when the Vice-President acts as President or discharges the functions of the President under article 65, he shall not perform the duties of the office of Chairman of the Council of States and shall not be entitled to any salary or allowance payable to the Chairman of the Council of States under article 97.

Article 65: The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President

(1) In the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until a new President is elected and enters upon his office.

(2) When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the President resumes his duties.

(3) The Vice-President shall, during, and in respect of, the period while he is so acting as, or discharging the functions of, President, have all the powers and immunities of the President and be entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.

Article 66: Election of the Vice-President

(1) The Vice-President shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

(2) Any dispute arising in connection with the election of the Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.

Article 67: Term of office of Vice-President

The Vice-President shall hold office for a term of five years from the date on which he enters upon his office: Provided that—

(a) a Vice-President may, by writing under his hand addressed to the President, resign his office;

(b) a Vice-President may be removed from his office by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution;

(c) a resolution passed under clause (b) shall not take effect unless, in the case of the resolution being passed by the Council of States, it has been agreed to by the House of the People.

Article 68: Time of holding election to fill vacancy in the office of Vice-President

(1) An election to fill a vacancy caused by the expiration of the term of office of Vice-President shall be completed before the expiration of the term.

(2) An election to fill a vacancy in the office of Vice-President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after the occurrence of the vacancy, and the person elected to fill the vacancy shall, subject to the provisions of Article 67, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

Article 69: Oath or affirmation by the Vice-President

Every Vice-President shall, before entering upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation in the following form, that is to say— 'I, A.B., do swear in the name of God/solemnly affirm solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge the duties upon which I am about to enter and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.'

Article 70: Disputes regarding the Speaker or Deputy Speaker

(1) If any dispute arises regarding the election of the Speaker or the Deputy Speaker of the House of the People, the dispute shall be referred to a committee of privileges consisting of members of both Houses in accordance with the provisions of law and rules made in that behalf for investigation and report to the House.

(2) While such a dispute is pending, no person shall act as Speaker or Deputy Speaker of the House of the People.

Article 71: Matters relating to, or connected with, the election of a President or Vice-President

(1) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.

(2) If the election of a person as President or Vice-President is declared void by the Supreme Court, acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration.

Article 72: Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases

(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—

(a) in all cases where the punishment or sentence is by a court martial;

(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

(c) in all cases where the sentence is a sentence of death.

(2) Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a court martial.

#### Article 73: Extent of the executive power of the Union

(1) Subject to the provisions of this Constitution, the executive power of the Union shall extend—

(a) to the matters with respect to which Parliament has power to make laws; and

(b) to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement:

Provided that the executive power referred to in sub-clause (a) shall not, save as expressly provided in this Constitution or in any law made by Parliament, extend in any State to matters with respect to which the Legislature of the State has also power to make laws.

(2) Until otherwise provided by Parliament, a State and any officer or authority of a State may, notwithstanding anything in this article, continue to exercise in matters with respect to which Parliament has power to make laws for that State such executive power or functions as the State or officer or authority thereof could exercise immediately before the commencement of this Constitution.

#### Article 74: Council of Ministers to aid and advise President

(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.

(2) The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court.

(3) The President shall not be bound to act in accordance with the advice tendered by Ministers to him, but he shall have the right to require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration.

#### Article 75: Council of Ministers

(1) The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.

(2) The Council of Ministers shall be collectively responsible to the House of the People.

(3) Before a Minister enters upon his office, the President shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule.

(4) A Minister who for any period of six consecutive months is not a member of either House of Parliament shall at the expiration of that period cease to be a Minister.

(5) The salaries and allowances of Ministers shall be such as Parliament may from time to time by law determine and, until Parliament so determines, shall be as specified in the Second Schedule.

#### Article 76: Attorney General for India

(1) The President shall appoint a person who is qualified to be appointed a Judge of the Supreme Court to be Attorney General for India.

(2) It shall be the duty of the Attorney General to give advice to the Government of India upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.

(3) In the performance of his duties, the Attorney General shall have right of audience in all courts in the territory of India.

(4) The Attorney General shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine.

#### Article 77: Conduct of Business of the Government of India

(1) All executive action of the Government of India shall be expressed to be taken in the name of the President.

(2) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.

(3) The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.

#### Article 78: Duties of Prime Minister as respects the furnishing of information to the President, etc.

It shall be the duty of the Prime Minister—

(a) to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation;

(b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and

(c) if the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

#### Article 79: Constitution of Parliament

(1) There shall be a Parliament for the Union, which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

(2) The Council of States shall be elected by the members of the State Legislative Assemblies in accordance with the system of proportional representation by means of the single transferable vote.

(3) The House of the People shall be composed of—

(a) not more than five hundred and thirty members chosen by direct election from territorial constituencies in the States, and

(b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

(4) The allocation of seats in the Council of States to be filled by representatives of the States and in the House of the People to be filled by direct election shall be such as Parliament may by law determine.

#### Article 80: Composition of the Council of States

(1) The Council of States shall consist of—

(a) twelve members to be nominated by the President in accordance with the provisions of clause (3);

- (b) representatives of the States and of the Union territories.
- (2) The allocation of seats in the Council of States to be filled by representatives of the States and of the Union territories shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.
- (3) The President may nominate not more than two members of the Anglo-Indian community, if, in his opinion, that community is not adequately represented in the Council of States.

#### Article 81: Composition of the House of the People

- (1) Subject to the provisions of article 331, the House of the People shall consist of—
  - (a) not more than five hundred and thirty members chosen by direct election from territorial constituencies in the States, and
  - (b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.
- (2) For the purposes of sub-clause (a) of clause (1), the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published: Provided that the reference in this sub-clause to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census.

#### Article 82: Readjustment after each census

- (1) The representation of the States in the House of the People and the total number of seats in the House shall be readjusted after the completion of each census, and such readjustment shall take effect from such date as the President may by order specify.
- (2) For the purposes of such readjustment, the extent of each territorial constituency shall be such that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.
- (3) In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

#### Article 83: Duration of Houses of Parliament

- (1) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.
- (2) The President may from time to time—
  - (a) prorogue the Houses or either House;
  - (b) dissolve the House of the People.
- (3) The President shall not exercise his power under sub-clause (b) of clause (2) in relation to the House of the People unless—
  - (a) a resolution requesting him to do so has been passed by the House of the People by a majority of not less than two-thirds of the total membership of the House (including those who have been nominated under clause (1) of article 333); and
  - (b) the resolution has been agreed to by the Council of States.
- (4) No resolution for the purpose of clause (3) shall be moved or voted upon unless—
  - (a) it has been ten days since the introduction of the resolution in the House of the People; and
  - (b) it has been seven days since the notice of the resolution has been given to the Speaker of the House of the People.

(5) Any resolution referred to in clause (4) shall be passed by each House by a majority of not less than two-thirds of the total membership of that House.

Article 84: Qualification for membership of Parliament

(1) A person shall not be qualified to be chosen to fill a seat in Parliament unless he—

(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;

(b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and

(c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

(2) A person shall not be eligible for election as a member of Parliament if he is so disqualified by or under any law made by Parliament.

Article 85: Sessions of Parliament, prorogation and dissolution

(1) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The President may from time to time—

(a) prorogue the Houses or either House;

(b) dissolve the House of the People.

(3) The President shall not exercise his power under sub-clause (b) of clause (2) in relation to the House of the People unless—

(a) a resolution requesting him to do so has been passed by the House of the People by a majority of not less than two-thirds of the total membership of the House; and

(b) the resolution has been agreed to by the Council of States.

(4) No resolution for the purpose of clause (3) shall be moved or voted upon unless—

(a) it has been ten days since the introduction of the resolution in the House of the People; and

(b) it has been seven days since the notice of the resolution has been given to the Speaker of the House of the People.

(5) Any resolution referred to in clause (4) shall be passed by each House by a majority of not less than two-thirds of the total membership of that House.

Article 86: Right of the President to address and send messages to Houses

(1) The President may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members.

(2) The President may send messages to either House of Parliament, whether with respect to a Bill then pending in Parliament or otherwise, and a House to which any message is so sent shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

Article 87: Special address by the President

(1) At the commencement of the first session after each general election to the House of the People and at the commencement of the first session of each year, the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

(2) Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address.

**Article 88: Rights of Ministers and Attorney-General as respects Houses**

(1) Every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses, and any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote.

(2) The Chairman of the Council of States or Speaker of the House of the People, as the case may be, shall have the right to speak in, and otherwise to take part in the proceedings of, any committee of which he may be named a member, but shall not by virtue of this article be entitled to vote therein, and, notwithstanding anything in article 89, shall not, while acting as Chairman or Speaker, be entitled to vote in the House, but shall have and exercise all other rights of a member of that House.

**Article 89: Special provisions as to financial Bills**

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States:

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Money Bill shall not be introduced in the Council of States.

(3) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations, and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.

(4) If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Council of States and accepted by the House of the People.

(5) If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States.

**Article 90: Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker**

(1) If a motion for the removal of the Speaker from his office is passed by a majority of all the then members of the House, notice thereof shall be given to the Speaker in writing signed by not less than one-fourth of the total number of members of the House.

(2) The Speaker shall not preside at any sitting of the House when a resolution for his removal from office is under consideration.

(3) The Deputy Speaker shall act as Speaker when the latter is unable to perform his functions due to absence or otherwise.

(4) The Speaker may, by writing under his hand, resign his office.

(5) Subject to the provisions of clause (4), whenever the office of the Speaker is vacant, the duties of the office shall be performed by such member of the House as the President may appoint for the purpose.



Article 91: Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President Explanation.—Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

Article 92: Speaker and Deputy Speaker of the House of the People

(1) The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) The Speaker or the Deputy Speaker shall vacate his office—

(a) if he ceases to be a member of the House of the People;

(b) if he resigns by writing under his hand addressed to the President; or

(c) if he is removed from office by a resolution of the House of the People passed by a majority of all the then members of the House:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that, whenever the House of the People is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the House of the People after the dissolution.

Article 93: Special procedure in respect of Money Bills

(1) A Money Bill shall not be introduced in the Council of States.

(2) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations, and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.

(3) If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Council of States and accepted by the House of the People.

(4) If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States.

Article 94: Vacation and resignation of, and removal from, the offices of Chairman and Deputy Chairman

- (1) If a motion for the removal of the Chairman from his office is passed by a majority of all the then members of the Council, notice thereof shall be given to the Chairman in writing signed by not less than one-fourth of the total number of members of the Council.
- (2) The Chairman shall not preside at any sitting of the Council when a resolution for his removal from office is under consideration.
- (3) The Deputy Chairman shall act as Chairman when the latter is unable to perform his functions due to absence or otherwise.
- (4) The Chairman may, by writing under his hand, resign his office.
- (5) Subject to the provisions of clause (4), whenever the office of the Chairman is vacant, the duties of the office shall be performed by such member of the Council as the Vice-President may appoint for the purpose.

#### Article 95: Rules of Procedure

- (1) Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.
- (2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to the Houses of Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.
- (3) The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses.

#### Article 96: The Vice-President of India

- (1) There shall be a Vice-President of India.
- (2) The Vice-President shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.
- (3) The Vice-President shall hold office for a term of five years from the date on which he enters upon his office:  
Provided that—
  - (a) a person holding office as Vice-President immediately before the commencement of this Constitution shall, unless he sooner resigns or is removed from office in accordance with the provisions of this article, continue to hold the office for the term for which he was elected under the provisions of the Constitution as in force immediately before such commencement;
  - (b) the election of the first Vice-President elected under this Constitution shall be completed before the expiration of the term of office of the Vice-President holding office immediately before the commencement of this Constitution.

#### Article 97: Salaries and allowances of members

- (1) Members of either House of Parliament shall be entitled to receive such salaries and allowances as may from time to time be determined by Parliament by law and, until provision in that behalf is so made, salaries and allowances at such rates and upon such conditions as were immediately before the commencement of this Constitution applicable in the case of members of the Constituent Assembly of the Dominion of India.
- (2) If provision has been made by law made by Parliament under clause (1) for the payment of salaries and allowances to members of either House of Parliament, no modification of the law shall affect the salary or

allowances of a member of that House during the term of office of the member then in existence.

#### Article 98: Secretariat of Parliament

(1) Each House of Parliament shall have a separate secretarial staff: Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.

(2) Parliament may by law regulate the recruitment and the conditions of service of persons appointed to the secretarial staff of either House of Parliament.

#### Article 99: Oath or affirmation by members

(1) Every member of either House of Parliament shall, before taking his seat, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(2) A member may at any time after taking his seat give in writing to the President or to the person so appointed resigning his membership.

(3) The President or the person appointed in that behalf by him shall inform the House concerned of every resignation received under clause (2).

#### Article 100: Voting in Houses, Power of Houses to act notwithstanding vacancies and quorum

(1) Save as otherwise provided in this Constitution, all questions at any sitting of either House or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairman or Speaker.

(2) The Speaker or person acting as Chairman or Speaker shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) Save as otherwise provided in this Constitution, all matters shall be decided by a majority of votes of the members present and voting, other than the Speaker or person acting as Chairman or Speaker.

(4) There shall be no quorum fixed for the purpose of constituting a sitting of either House of Parliament.

#### Article 101: Vacation of seats

(1) No person shall be a member both of Parliament and of the Legislature of a State: Provided that nothing in this clause shall apply to any person chosen to fill a vacancy in the Council of States under sub-clause

(b) of clause (1) of article 80, or elected to the House of the People or the Legislative Assembly of a State while he is holding office as President of the Council of States or Speaker of the House of the People or Speaker or Deputy Speaker of the Legislative Assembly of the State.

(2) If a person sits or votes as a member of either House of Parliament or of a Legislative Assembly of a State when he is not entitled to do so, his seat shall thereupon become vacant.

#### Article 102: Disqualifications for Membership

(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament.  
(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.

Article 103: Decision on questions as to disqualifications of members

(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

Article 104: Decision on questions as to disqualifications of members

(1) If any question arises as to whether a member of a House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of Article 102, the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

Article 105: Powers, privileges, etc., of the Houses of Parliament and of the members and committees thereof

(1) Subject to the provisions of this Constitution and the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined, 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.

Article 106: Salaries and Allowances of Members

(1) There shall be paid to the Members of either House of Parliament such salaries and allowances as may from time to time be determined by Parliament by law and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule.

(2) Until provision is made by Parliament under clause (1), the President may, by order, fix the salaries and allowances of Members:

Provided that any order made under this clause shall be laid before both Houses of Parliament.

Article 107: Provisions as to introduction and passing of Bills

(1) Subject to the provisions of Articles 109 and 117 with respect to Money Bills and other financial Bills, a Bill may originate in either House of Parliament:

Provided that the President shall not give his assent to a Bill unless it has been recommended by the Governor of a State.

(2) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.

(3) A Bill pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People.

(4) A Bill which is pending in the Council of States, or which having been passed by the Council of States is pending in the House of the People, shall, subject to the provisions of Article 108, lapse on a dissolution of the Council of States.

Article 108: Joint sitting of both Houses of Parliament

(1) If after a Bill has been passed by one House and transmitted to the other House—

(a) the Bill is rejected by the other House; or  
(b) the Houses have finally disagreed as to the amendments to be made in the Bill; or

(c) more than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it, the President may, unless the Bill has lapsed by reason of a dissolution of the Houses, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

Provided that nothing in this clause shall apply to a Money Bill.

(2) The President shall summon the Houses to meet in a joint sitting at a time and place appointed by him and shall preside over the joint sitting.

Article 109: Special procedure in respect of Money Bills

(1) A Money Bill shall not be introduced in the Council of States.

(2) After a Money Bill has been passed by the House of the People, it shall be transmitted to the Council of States for its recommendations, and the Council of States shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations, and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.

(3) If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Council of States and accepted by the House of the People.

(4) If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States.

(5) A Money Bill shall not be recommitted to the House of the People or the Council of States for reconsideration.

Article 110: Definition of Money Bills

(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely:

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;

(c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of India;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or

(g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

#### Article 111: Assent to Bills

(1) When a Bill has been passed by both Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President.

(2) A Bill reserved for the consideration of the President shall not become law unless the President has declared his assent thereto.

(3) Nothing in this article shall apply to a Money Bill.

#### Article 112: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the 'annual financial statement'.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately:

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India:

(a) the emoluments and allowances of the President and other expenditure relating to his office;

(b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(d) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court;

(e) the pensions payable to or in respect of Judges of the Federal Court;

(f) the pensions payable to or in respect of Judges of any High Court which exercises jurisdiction in relation to any area included in the territory of India or which at any time before the commencement of this Constitution exercised jurisdiction in relation to any area included in an Acceding State;

(g) the pensions payable to or in respect of Judges of any High Court with respect to which agreements have been made under article 258A;

(h) the pensions payable to or in respect of persons who have held office as Comptroller and Auditor-General of India and who have retired or have ceased to hold office;

(i) any other expenditure declared by this Constitution or by Parliament by law to be so charged.

(4) If in respect of any financial year it is found that the amount authorized to be expended for a particular service for the current financial year is insufficient or that a need has arisen for expenditure upon some new service not contemplated in the annual financial statement for that year, or that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year, the President shall have power to authorise expenditure from the Consolidated Fund of India whether or not it is covered by the annual financial statement and whether or not it is within the limits of the appropriation made by law passed under clause (1) of article 114.

Article 113: Procedure in the Legislature of Bills relating to imposition, abolition, remission, alteration or regulation of any tax  
(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (2) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States:

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A certified copy of the recommendation of the President under clause (1) with respect to any Bill or amendment shall be laid before the House or Houses of Parliament in which such Bill or amendment is introduced.

Article 114: Appropriation Bills

(1) As soon as may be after the grants under article 113 have been made by the House of the People, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of India of all moneys required to meet—

(a) the grants so made by the House of the People; and  
(b) the expenditure charged on the Consolidated Fund of India but not exceeding in any case the amount shown in the statement previously laid before Parliament.

(2) No amendment shall be proposed to any such Bill in either House of Parliament which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of India, and the decision of the person presiding as to whether an amendment is admissible under this clause shall be final.

Article 115: Supplementary, additional or excess grants

(1) The President shall cause to be laid before both the Houses of Parliament any such estimate as is mentioned in article 112 or any such statement as is mentioned in article 113 in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Government of India for that year.

(2) The President shall also cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for any period of not less than four months which may be specified in that behalf by or under any law made by Parliament.

(3) The estimates of expenditure embodied in the annual financial statement shall show separately—

- (a) the sums required to meet expenditure charged upon the Consolidated Fund of India; and
- (b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.
- (4) No grant shall be made by the Legislature of a State except on the recommendation of the Governor.

Article 116: Votes on Account, etc.

- (1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure.
- (2) The making of any grant or the giving of any loan out of the Consolidated Fund of India in advance of the enactment of the law in this behalf shall be regulated by law enacted by Parliament and, until provision in that behalf is so made, shall require the sanction of the President.
- (3) No money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law passed in accordance with the provisions of this Chapter.

Article 117: Special Procedure in respect of Money Bills

- (1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (g) of clause (1) of article 110 shall be deemed to be a Money Bill:  
Provided that a Bill or amendment shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
- (2) A Money Bill shall not be introduced in the Council of States.
- (3) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within fourteen days of the receipt of the Bill return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.
- (4) If the House of the People accepts any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Council of States and accepted by the House of the People.
- (5) If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States.
- (6) If a Money Bill passed by the House of the People and transmitted to the Council of States for its recommendations is not returned to the House of the People within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the House of the People.

Article 118: Rules of Procedure



(1) Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.

(2) Until rules are made under clause (1), the House of Commons of the Parliament of the United Kingdom and any rules of procedure which were in force immediately before the commencement of this Constitution shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(3) The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to any matter connected with the functioning of either House of Parliament.

Article 119: Regulation by law of procedure in Parliament in relation to financial business

(1) The President shall cause every proposal for a demand or any appropriation out of the Consolidated Fund of India, to be submitted to the House of the People for the sanction of the President and, except as otherwise provided in this Constitution, no demand or appropriation so made shall be submitted for the sanction of the President unless it is recommended by the Governor-General.

(2) No discussion shall take place in Parliament on the annual financial statement or on any Bill or amendment for the purpose of providing for the imposition of any tax or for the variation of any duty in respect of any such statement or for the continuation of any such duty.

(3) Nothing in article 116 or article 117 or article 118 shall apply to any such Bill or amendment as is referred to in clause (2).

Article 120: Language to be used in Parliament

(1) Except as provided by this Constitution, business in Parliament shall be transacted in Hindi or in English:

Provided that the Chairman of the Council of States or Speaker of the House of the People, or person acting as such, as the case may be, may permit any member who cannot adequately express himself in Hindi or in English to address the House in his mother-tongue.

(2) Unless Parliament by law otherwise provides, this article shall, after the expiration of a period of fifteen years from the commencement of this Constitution, have effect as if the words "or in English" were omitted therefrom.

Article 121: Restriction on discussion in Parliament

(1) No discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the Judge as hereinafter provided.

(2) Nothing in clause (1) shall apply—

(a) to the discussion in Parliament of the annual report of the working of the Supreme Court or of a High Court, or

(b) to any matter relating to the administration of justice with which the Legislature of a State has power to make laws.

Article 122: Courts not to inquire into proceedings of Parliament

(1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the

jurisdiction of any court in respect of the exercise by him of those powers.

Article 123: Power of the President to promulgate ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President Explanation.—Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

Article 124: Establishment and Constitution of Supreme Court

(1) There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a larger number, of not more than seven other Judges.

(2) Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose and shall hold office until he attains the age of sixty-five years:

Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted:

Provided further that—

(a) a Judge may, by writing under his hand addressed to the President, resign his office;

(b) a Judge may be removed from his office in the manner provided in clause (4).

(3) A person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of India and—

(a) has been for at least five years a Judge of a High Court or of two or more such Courts in succession; or

(b) has been for at least ten years an advocate of a High Court or of two or more such Courts in succession; or

(c) is, in the opinion of the President, a distinguished jurist.

(4) A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.

Article 125: Salaries and allowances of the Judges

(1) There shall be paid to the Judges of the Supreme Court such salaries as may be determined by Parliament by law and, until provision in that behalf is so made, such salaries as are specified in the Second Schedule.

(2) Every Judge shall be entitled to such allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament and, until so determined, to such allowances and rights as are specified in the Second Schedule.

#### Article 126: Annual Financial Statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India—

(a) the emoluments and allowances of the President and other expenditure relating to his office;

(b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) the debt charges for which the Government of India is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(d) the salary, allowances and pension payable to or in respect of the Judges of the Supreme Court;

(e) the salary, allowances and pension payable to or in respect of the Comptroller and Auditor-General of India;

(f) any other expenditure declared by this Constitution or by Parliament by law to be so charged.

#### Article 127: Appointment of ad hoc judges

(1) If at any time there should not be a quorum of the Judges of the Supreme Court available to hold or continue any session of the Court, the Chief Justice of India may, with the previous consent of the President and after consultation with the Chief Justice of the High Court concerned, request in writing the attendance at the sittings of the Court, as an ad hoc Judge, for such period as may be necessary, of a Judge of a High Court duly qualified for appointment as a Judge of the Supreme Court to be designated by the Chief Justice of India.

(2) It shall be the duty of the Judge who has been so designated, in priority to other duties of his office, to attend the sittings of the Supreme Court at the time and for the period for which his attendance is required, and while so attending he shall have all the jurisdiction, powers and privileges, and shall discharge the duties, of a Judge of the Supreme Court.

#### Article 128: The Supreme Court to be a court of record.

(1) The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.

(2) Subject to the provisions of any law made by Parliament, the Supreme Court may, by virtue of this article, issue such directions, orders or writs as may be necessary for doing complete justice in any cause or matter pending before it, including orders for the investigation of any offence committed in relation to any cause or matter under its jurisdiction.

(3) The Supreme Court shall have power to review any judgment pronounced or order made by it.

Article 129: Supreme Court to be a court of record

The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.

Article 130: Seat of Supreme Court

The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint.

Article 131: Original jurisdiction of the Supreme Court

(1) Subject to the provisions of this Constitution, the Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute—

- (a) between the Government of India and one or more States; or
- (b) between the Government of India and any State or States on one side and one or more other States on the other; or
- (c) between two or more States,

if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends.

(2) In the exercise of its original jurisdiction under this article, the Supreme Court shall have all the powers of such a court including the power to grant injunctions.

Article 132: Appellate jurisdiction of the Supreme Court in constitutional matters

(1) An appeal shall lie to the Supreme Court from any judgment, 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 under article 134A—

- (a) that the case involves a substantial question of law as to the interpretation of this Constitution; and
- (b) that in the opinion of the High Court, the said question needs to be decided by the Supreme Court.

(2) Notwithstanding anything in article 132, any party appealing to the Supreme Court under clause (1) may urge as one of the grounds in such appeal that a substantial question of law as to the interpretation of this Constitution has been wrongly decided.

Article 133: Appellate jurisdiction of the Supreme Court in civil matters

(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court in the territory of India if the High Court certifies under article 134A—

- (a) that the case involves a substantial question of law of general importance; and
- (b) that in the opinion of the High Court, the said question needs to be decided by the Supreme Court.

(2) Notwithstanding anything in article 132, any party appealing to the Supreme Court under clause (1) may urge as one of the grounds in such appeal that a substantial question of law as to the interpretation of this Constitution has been wrongly decided.

Article 134: Certificate for appeal to the Supreme Court

(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order in a criminal proceeding of a High Court in the territory of India if the High Court—

- (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death; or

(b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death; or  
(c) certifies that the case is a fit one for appeal to the Supreme Court.  
(2) Where such a certificate is given, any party in the case may appeal to the Supreme Court on the ground that any question of law of general importance was involved in the decision of the High Court, and it appears to the Supreme Court that a substantial question of law of general importance is involved in any such case, the Supreme Court may consider the matter even without a certificate from the High Court.

Article 135: Jurisdiction and powers of the Federal Court under existing law

(1) The jurisdiction and powers of the Federal Court under any law for the time being in force shall be exercisable by the Supreme Court.  
(2) Any reference to the Federal Court in any existing law shall be construed as a reference to the Supreme Court.  
(3) The Supreme Court shall have all the powers of the Federal Court to hear and determine any appeal from any judgment, decree or final order of any High Court or other court mentioned in clause (1) and to decide any question of law of general importance that may arise in any such case.

Article 136: Special leave to appeal by the Supreme Court

(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.  
(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces.

Article 137: Review and curative petitions

(1) Subject to the provisions of any law made by Parliament or any rules made under article 145, the Supreme Court shall have power to review any judgment pronounced or order made by it.  
(2) The Supreme Court shall also have the power to review any judgment pronounced or order made by it after the enactment of laws made by Parliament conferring such powers on it.  
(3) The Supreme Court may, in its discretion, review any judgment pronounced or order made by it.  
(4) No judgment shall be delivered by the Supreme Court save as provided for by this Constitution or by any law made by Parliament.  
(5) Nothing in this article shall be construed as restricting the power of the Supreme Court to review any judgment pronounced or order made by it.

Article 138: Enacting formula for Bills other than Money Bills

(1) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.  
(2) A Bill pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People.  
(3) A Bill which is pending in the House of the People, or which having been passed by the House of the People is pending in the Council of States, shall, subject to the provisions of article 108 or, as the case may be, article 109, lapse on a dissolution of the House of the People.  
(4) A Bill which is pending in the Council of States and which has not been passed by the House of the People shall, subject to the provisions of article 108, lapse on a dissolution of the Council of States.

Article 139: Conferment on the Supreme Court of powers to issue certain writs

(1) Parliament may by law confer on the Supreme Court power to issue directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred on a High Court by clauses (2) and (4) of article 226 shall not be in derogation of the power conferred on the Supreme Court by clause (1).

Article 140: Auditor-General of India

(1) There shall be an Auditor-General of India who shall be appointed by the President.

(2) Every person appointed to be the Auditor-General of India shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(3) The salary and other conditions of service of the Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule: Provided that neither the salary of the Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

Article 141: Law declared by Supreme Court to be binding on all courts  
The law declared by the Supreme Court shall be binding on all courts within the territory of India.

Article 142: Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.

(1) The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Supreme Court shall, as respects the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself.

Article 143: Power of the President to consult Supreme Court

(1) If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consideration and the Court may, after such hearing as it thinks fit, report to the President its opinion thereon.

(2) The President may, notwithstanding anything in the proviso to article 131, refer a dispute of the kind mentioned in the said proviso to the Supreme Court for opinion and the Supreme Court shall, after hearing as it thinks fit, report to the President its opinion thereon.

Article 144: Civil and judicial authorities to act in aid of the Supreme Court

All authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court.

Article 145: Rules of Court, etc.

(1) Subject to the provisions of any law made by Parliament, the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court including—

(a) the procedure for hearing appeals and other matters pertaining to the jurisdiction of the Court;

(b) the fees payable in respect of proceedings in the Court; and

(c) the granting of any certificate required by any law as a condition precedent to the presentation of an appeal to the Court or the obtaining of any order or other process for enforcing the rights conferred by any such law.

(2) Subject to the provisions of clause (3), rules made under this article may fix the minimum number of Judges who are to sit for any purpose, and may provide for the powers of single Judges and Division Courts.

Article 146: Officers and servants and the expenses of the Supreme Court

(1) Appointments of officers and servants of the Supreme Court shall be made by the Chief Justice of India or such other Judge or officer of the Court as he may direct.

(2) Subject to the provisions of any law made by Parliament, the conditions of service of officers and servants of the Supreme Court shall be such as may be prescribed by rules made by the Chief Justice of India or by some other Judge or officer of the Court authorized by the Chief Justice of India to make rules for the purpose.

(3) The administrative expenses of the Supreme Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court, shall be charged upon the Consolidated Fund of India, and any fees or other moneys taken by the Court shall form part of that Fund.

Article 147: Special provisions as to financial Bills

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States: Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Money Bill shall not be introduced in the Council of States.

(4) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.

Article 148: Comptroller and Auditor-General of India

(1) There shall be a Comptroller and Auditor-General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court.

(2) Every person appointed to be the Comptroller and Auditor-General of India shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(3) The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule, and the salary and allowances of the Comptroller and Auditor-General shall not be diminished during his term of office.

#### Article 149: Duties and Powers of the Comptroller and Auditor-General

(1) The Comptroller and Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States as were conferred on or exercisable by the Auditor-General of India immediately before the commencement of this Constitution in relation to the accounts of the Dominion of India and of the Provinces respectively.

(2) The reports of the Comptroller and Auditor-General relating to the accounts of the Union shall be submitted to the President, who shall cause them to be laid before each House of Parliament.

(3) The reports of the Comptroller and Auditor-General relating to the accounts of a State shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State.

#### Article 150: Audit reports

(1) The accounts of the Union and of the States shall be kept in such form as the President may, on the advice of the Comptroller and Auditor-General of India, prescribe.

(2) The accounts of the Union and of the States relating to the expenditure and receipts shall be audited and reported on by the Comptroller and Auditor-General of India who shall, for that purpose, have the same powers as the Auditor-General of India has in relation to the audit of the Government accounts, and the reports of the Comptroller and Auditor-General of India relating to the accounts of the Union shall be submitted to the President, who shall cause them to be laid before each House of Parliament.

#### Article 151: Audit reports of the Comptroller and Auditor-General

(1) The reports of the Comptroller and Auditor-General of India relating to the accounts of the States shall be submitted to the Governor of the State, who shall cause them to be laid before the Legislature of the State.

(2) The reports of the Comptroller and Auditor-General of India relating to the accounts of any Union territory having a Legislative Assembly shall be submitted to the Lieutenant Governor of the Union territory, who shall cause them to be laid before that Legislative Assembly.

(3) The reports referred to in clauses (1) and (2) shall also be submitted to the President.

#### Article 152: The Attorney-General for India

(1) The President shall appoint a person who is qualified to be appointed a Judge of the Supreme Court to be Attorney-General for India.



(2) It shall be the duty of the Attorney-General to give advice to the Government of India upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.

(3) In the performance of his duties, the Attorney-General shall have right of audience in all courts in the territory of India.

(4) The Attorney-General shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine.

#### Article 153: Governors of States

(1) There shall be a Governor for each State.

(2) No person shall be eligible for appointment as Governor unless he is a citizen of India and has completed the age of thirty-five years.

(3) The Governor of a State shall be appointed by the President by warrant under his hand and seal.

(4) The Governor shall hold office during the pleasure of the President.

(5) The Governor may, by writing under his hand addressed to the President, resign his office.

(6) Subject to the foregoing provisions of this article, the Governor shall have the same powers and functions as are vested in the President under this Constitution and under any law made by Parliament.

(7) The Governor shall not be a member of either House of Parliament or of a House of the Legislature of any State specified in the First Schedule, and if a member of either House of Parliament or of a House of the Legislature of any such State be appointed Governor, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Governor.

#### Article 154: Executive Power of State

(1) The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(2) Nothing in this article shall—

(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority; or

(b) prevent Parliament or the Legislature of the State from conferring by law functions on any authority subordinate to the Governor.

(3) The executive power of the State extends to the matters with respect to which the Legislature of the State has power to make laws.

(4) Nothing in this article shall derogate from the provisions of article 162.

#### Article 155: Appointment of Governor

(1) The Governor of a State shall be appointed by the President by warrant under his hand and seal.

(2) The Governor shall hold office during the pleasure of the President.

(3) The Governor may, by writing under his hand addressed to the President, resign his office.

(4) Subject to the foregoing provisions of this article, a Governor shall not be eligible for any further office under the Government of India or the Government of any other State.

#### Article 156: Term of office of Governor

(1) The Governor shall hold office during the pleasure of the President.

(2) The Governor may, by writing under his hand addressed to the President, resign his office.

(3) Subject to the foregoing provisions of this article, a Governor shall hold office for a term of five years from the date on which he enters upon his office:

Provided that a Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

Article 157: Qualifications for appointment as Governor

(1) No person shall be eligible for appointment as Governor unless he is a citizen of India and has completed the age of thirty-five years.

(2) A person shall not be eligible for appointment as Governor of more than two States.

Article 158: Speaker and Deputy Speaker of the House of the People

(1) The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) The Speaker or the Deputy Speaker shall vacate his office if he ceases to be a member of the House of the People otherwise than by reason of the dissolution of the House.

(3) If the office of Speaker or Deputy Speaker is vacant, the duties of the office shall be performed by such member of the House of the People as the President may appoint for the purpose.

Article 159: Oath or affirmation by the Governor

Every Governor and every person discharging the functions of the Governor shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of the High Court exercising jurisdiction in relation to the State, or, in his absence, the senior-most Judge of that Court available, an oath or affirmation in the following form, that is to say—

"I, A.B., do swear in the name of God/solemnly affirm that I will faithfully execute the office of Governor (or discharge the functions of the Governor) of [name of the State] and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of [name of the State]."

Article 160: Oath or affirmation by Governors

Every Governor and every person discharging the functions of the Governor shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of the High Court exercising jurisdiction in relation to the State, or, in his absence, the seniormost Judge of that Court available, an oath or affirmation in the following form, that is to say—

"I, A.B., do swear in the name of God (or solemnly affirm) that I will faithfully execute the office of Governor (or discharge the functions of the Governor) of (name of the State) and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of (name of the State)."

Article 161: Power of Governor to grant pardons, etc. and to suspend, remit or commute sentences in certain cases

The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.

Article 162: Extent of executive power of State

Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws:

Provided that in any matter with respect to which the Legislature of a State and Parliament have power to make laws, the executive power of the State shall be subject to, and limited by, the executive power expressly conferred by this Constitution or by any law made by Parliament upon the Union or authorities thereof.

Article 163: Council of Ministers to aid and advise Governor

(1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

(2) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.

Article 164: Other provisions as to Ministers

(1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.

(2) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.

(3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule.

(4) A Minister who for any period of six consecutive months is not a member of the Legislature of the State shall at the expiration of that period cease to be a Minister.

(5) The salaries and allowances of Ministers shall be such as the Legislature of the State may from time to time by law determine and, until the Legislature of the State so determines, shall be as specified in the Second Schedule.

Article 165: Advocate General for the State

(1) The Governor of each State shall appoint a person who is qualified to be appointed a Judge of a High Court to be Advocate General for the State.

(2) It shall be the duty of the Advocate General to give advice to the Government of the State upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Governor, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.

(3) The Advocate General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.

(4) The Advocate General shall have the right to speak and take part in the proceedings of any committee of the Legislature of which he may be named a member, but shall not be entitled to a vote.

Article 166: Conduct of business of the Government of a State

(1) All executive action of the Government of a State shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government of the State, and for the allocation among Ministers of the said business insofar as it is not business with respect to which the Chief Minister is required to transact business in consultation with the Governor.

Article 167: Duties of Chief Minister as respects the furnishing of information to Governor, etc.

It shall be the duty of the Chief Minister of each State—

(a) to communicate to the Governor of the State all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation;

(b) to furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for; and

(c) if the Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

Article 168: Constitution of Legislatures in States

(1) For every State, there shall be a Legislature which consists of the Governor and two Houses, namely, the Legislative Assembly and the Legislative Council, if such a Council is created for the State.

(2) The Legislative Assembly of the State shall consist of members chosen by direct election from territorial constituencies in the State.

(3) The Legislative Council of a State having such a Council shall consist of members chosen in the following manner:

(a) one-third shall be elected by electorates consisting of members of municipalities, district boards and other local authorities in the State specified by law;

(b) one-third shall be elected by electorates consisting of the members of the Legislative Assembly of the State;

(c) one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;

(d) one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament;

(e) one-sixth shall be nominated by the Governor from among persons having special knowledge or practical experience in respect of such matters as the following, namely: literature, science, art, cooperative movement and social service.

Article 169: Abolition or creation of Legislative Councils in States

(1) Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and

by a majority of not less than two-thirds of the members of the Assembly present and voting.

(2) Any law referred to in clause (1) shall contain such provisions for the amendment of this Constitution as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

#### Article 170: Composition of Legislative Assemblies

(1) The total number of seats in the Legislative Assembly of every State, except the State of Jammu and Kashmir, shall be allotted to the various territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State.

(2) In the case of a Union territory having a Legislative Assembly, the total number of seats in the Assembly shall be determined by Parliament by law and, until so determined, shall not be less than thirty.

(3) In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this clause to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census.

#### Article 171: Composition of the Legislative Councils

(1) Subject to the provisions of article 333, the Legislative Council of a State shall consist of members elected by the electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify.

(2) The members of the Legislative Council of a State having such a Council shall be chosen in the following manner:

(a) one-third shall be elected by electorates consisting of members of municipalities in the State;

(b) one-twelfth shall be elected by electorates consisting of members of district boards in the State;

(c) one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;

(d) one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly; and

(e) the remainder shall be nominated by the Governor in accordance with the provisions of clause (3).

#### Article 172: Duration of State Legislatures

(1) Every Legislative Assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer.

(2) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(3) The Governor may, from time to time, prorogue the House or either House and dissolve the Legislative Assembly.

(4) The Governor shall not, without the previous sanction of the President, dissolve the Legislative Assembly unless—  
(a) a resolution for the dissolution of the Assembly has been passed by the Legislative Assembly and agreed to by the Council of States; or  
(b) a period of six months has elapsed from the date of the passing of a resolution by the Legislative Assembly calling upon the Governor to dissolve the Assembly.

Article 173: Qualifications for membership of the State Legislature

(1) A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he—  
(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;  
(b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and  
(c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.  
(2) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of the Governor and his decision shall be final.

Article 174: Sessions of State Legislatures

(1) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.  
(2) The Governor may from time to time—  
(a) prorogue the House or either House;  
(b) dissolve the Legislative Assembly.  
(3) The Governor shall address the Legislative Assembly or, in the case of a State having a Legislative Council, both Houses assembled together, at the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year and inform the Legislature of the causes of its summons.

Article 175: Sessions of the State Legislature, prorogation and dissolution

(1) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.  
(2) The Governor may from time to time—  
(a) prorogue the House or either House;  
(b) dissolve the Legislative Assembly.  
(3) The Governor shall in summoning the House or each House of the Legislature of the State to meet, and in proroguing the House or either House, act in accordance with the advice of the Chief Minister, or, as the case may be, the Council of Ministers, of the State.  
(4) Unless sooner dissolved, the Legislative Assembly shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

Article 176: Special Address by the Governor

(1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly or, in the case of a State having a Legislative Council, both Houses assembled together and inform the Legislature of the causes of its summons.

(2) Provision shall be made by the rules regulating the procedure of the House or either House for the allotment of time for discussion of the matters referred to in such address.

#### Article 177: Rights of Ministers and Advocate-General as respects the Houses

(1) Every Minister and the Advocate-General for a State shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State or, in the case of a State having a Legislative Council, both Houses, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislature of which he may be named a member, but shall not by virtue of this article be entitled to vote.

(2) The Governor of a State shall have the right to address and send messages to, either House of the Legislature of the State, whether with respect to a Bill then pending in the Legislature or otherwise, and for that purpose the House shall have the right to address the Governor and send messages to him.

#### Article 178: Quorum

(1) Unless the Legislative Assembly of the State by law otherwise provides, the quorum to constitute a meeting of the Assembly shall be one-tenth of the total number of members of the Assembly.

(2) If at any time during a meeting of the Assembly there is no quorum, it shall be the duty of the Speaker or the person acting as Speaker, or in case of a Legislative Council, the Chairman or the person acting as Chairman, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

#### Article 179: Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker

(1) The Speaker or the Deputy Speaker of the Legislative Assembly of a State may resign his office by writing under his hand addressed to the Speaker, or, if there is no Speaker or he is absent from the State, to the Deputy Speaker thereof.

(2) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly of a State—

(a) shall vacate his office if he ceases to be a member of the Assembly except in case of temporary absence of less than forty days;

(b) may at any time by writing under his hand addressed to the Governor, resign his office; and

(c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that, whenever the Legislative Assembly of a State having a Legislative Council has adopted a resolution which has been agreed to by the Council resolving that the Speaker or the Deputy Speaker of the Legislative Assembly of the State be removed from his office, the Governor shall order the removal of the Speaker or, as the case may be, the Deputy Speaker from office.

#### Article 180: Assumption of office by the Chief Minister

(1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor.

(2) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.

(3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule.

(4) A Minister who for any period of six consecutive months is not a member of the Legislature of the State shall at the expiration of that period cease to be a Minister.

#### Article 181: Constitution of Legislatures in States

(1) The Legislature of each State shall consist of the Governor, and—

(a) in the States of Andhra Pradesh, Bihar, Maharashtra, Karnataka and Uttar Pradesh, two Houses;

(b) in other States, one House.

(2) Where there are two Houses of the Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly, and where there is only one House, it shall be known as the Legislative Assembly.

#### Article 182: Power of Governor to promulgate Ordinances during recess of Legislature

(1) If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require:

Provided that the Governor shall not, without instructions from the President, promulgate any such Ordinance if—

(a) a Bill containing the same provisions would under this Constitution have required the previous sanction of the President for the introduction thereof into the Legislature; or

(b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or

(c) an Act of the Legislature of the State containing the same provisions would under this Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance—

(a) shall be laid before the Legislative Assembly of the State, or, where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or,

in case of a State having a Legislative Council, of the Legislature of the State, unless sooner repealed or re-enacted by an Act of the Legislature; and

(b) may be withdrawn at any time by the Governor.

#### Article 183: Power of Governor to promulgate Ordinances during recess of Legislature

(1) If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses are in session, the Governor is satisfied that circumstances



exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require: Provided that the Governor shall not, without instructions from the President, promulgate any such Ordinance if—

(a) a Bill containing the same provisions would under this Constitution have required the previous sanction of the President for the introduction thereof into the Legislature; or

(b) he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; or

(c) an Act of the Legislature of the State containing the same provisions would under this Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance—

(a) shall be laid before the Legislative Assembly of the State, or, where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council; and

(b) may be withdrawn at any time by the Governor.

#### Article 184: Finality of judgments and orders of Supreme Court

(1) The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe.

(2) Subject to the provisions of any law made by Parliament, the Supreme Court shall, to the exclusion of any other court, have jurisdiction to determine all questions relating to the infringement of the rights conferred by this Part.

(3) The minimum number of Judges who are to sit for the purpose of determining any question involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under article 143 shall be five:

Provided that where the Court hearing an appeal under any of the provisions of this Chapter other than article 132 consists of less than five Judges and in the course of such hearing any question as to the interpretation of this Constitution arises, such question shall be referred to a Court constituted as required by this clause for the purpose of hearing and deciding the question and shall be determined accordingly.

#### Article 185: The High Courts to be courts of record

The High Courts shall be courts of record and shall have all the powers of such a court including the power to punish for contempt of itself.

#### Article 186: Salaries, etc., of Judges

(1) There shall be charged on the Consolidated Fund of India—

(a) the salaries and allowances of the Judges of the Supreme Court;

(b) the pensions payable to or in respect of such Judges or the wives or other family members of such Judges;

(c) any grants, gratuities and sums payable to or in respect of such Judges or the wives or other family members of such Judges.

(2) The salaries, allowances, pensions and other conditions of service of the Judges of the Supreme Court shall not be varied to their disadvantage after their appointment except with their consent.

(3) If any question arises as to the age of a Judge of the Supreme Court, the question shall be decided by the President after consultation with the Chief Justice of India and the decision of the President shall be final.

#### Article 187: Procedure as to financial Bills

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in a State Legislature except on the recommendation of the Governor.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

#### Article 188: Power of the Speaker or Chairman in case of a tie

(1) At any sitting of the House of Parliament, if the votes are equal on any question, the Speaker or Chairman shall have and exercise a casting vote.

(2) The Speaker or Chairman shall not vote in the first instance but shall exercise a casting vote in the case of an equality of votes.

#### Article 189: Definition of 'Money Bill'

(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely:

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;

(c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of India;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or

(g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

#### Article 190: Vacation of seats

- (1) If a member of a House of Parliament—
  - (a) becomes subject to any of the disqualifications mentioned in clause (1) of article 102, or
  - (b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and his resignation is accepted by the Chairman or the Speaker, as the case may be, his seat shall thereupon become vacant.
- (2) When a member of a House of Parliament has been absent from all meetings thereof for a period of sixty days then he shall also be subject to the disqualification for being a member of that House under clause (1) of article 102.

Article 191: Disqualifications for membership

- (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—
  - (a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;
  - (b) if he is of unsound mind and stands so declared by a competent court;
  - (c) if he is an undischarged insolvent;
  - (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;
  - (e) if he is so disqualified by or under any law made by Parliament.
- (2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.

Article 192: Vacation of seats on conviction for certain offences

- (1) If a person—
    - (a) is, for being a recipient of any loan or assistance from the State Bank of India or any of its subsidiary banks or any corresponding new bank as defined in section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), declared by a competent court to be of unsound mind; or
    - (b) is, for being a director or manager of any corporation or other company which has not made prescribed returns to the Registrar of Companies for two financial years immediately preceding the financial year during which his election is sought to be questioned and which has been adjudged insolvent,
- is convicted by a court of any offence and sentenced to imprisonment for not less than two years, he shall be disqualified for a period of six years from the date of such conviction and shall not be eligible to participate in any election.

Article 193: Penalty for sitting and voting before making oath or affirmation

If a person sits or votes as a member of either House of Parliament before he has complied with the requirements of article 99 or under false pretences, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

Article 194: Powers, privileges, etc., of the House of Legislatures and of the members and committees thereof

- (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature of every State.
- (2) No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be

so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and until so defined, shall be those of that House and of its members and committees immediately before the coming into force of Section 26 of the Constitution (Forty-fourth Amendment) Act, 1978.

#### Article 195: Salaries and allowances of members

(1) Members of the Legislature of a State shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature by law and, until provision in that behalf is so made, salaries and allowances at such rates and upon such conditions as were immediately before the coming into force of Section 7 of the Constitution (Seventh Amendment) Act, 1956, applicable in the case of members of the Legislative Assembly of the corresponding Province.

(2) The provisions of clauses (3), (4) and (5) of Article 112 shall, so far as may be, apply in relation to the Legislature of a State as they apply in relation to Parliament.

#### Article 196: Secret ballot

(1) No member of either House of Parliament shall disclose to any person before the Speaker has reported to the House the result of the voting on any matter the nature of his vote on such matter.

(2) If any member contravenes the provisions of clause (1), he shall be disqualified for being a member of that House.

#### Article 197: Decision on questions as to disqualifications of members

(1) All doubts and disputes arising out of or in connection with the decision of the President under article 103, or under clause (1) of article 192, shall be inquired into and decided by the Supreme Court whose decision shall be final.

(2) Before giving any decision on any such question, the Supreme Court shall hold such inquiry as it deems necessary.

#### Article 198: Special provisions as to financial Bills

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of Article 199 shall not be introduced or moved except on the recommendation of the Governor of the State.

(2) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of a State shall not be passed by the Legislature of the State unless the Governor has recommended to that Legislature the consideration of the Bill.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State, shall not be so enacted by the Legislature of the State as to necessitate the introduction of a Money Bill in the legislature of the State.

#### Article 199: Definition of 'Money Bill'

(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely:

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with

respect to any financial obligations undertaken or to be undertaken by the Government of India;

(c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such fund;

(d) the appropriation of moneys out of the Consolidated Fund of India;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State;

(g) any matter incidental to any of the matters specified in sub-clauses (a) to (f).

(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licenses or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

#### Article 200: Assent to Bills

(1) When a Bill has been passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Governor may, as soon as possible after the presentation of the Bill to him for assent, return the Bill if it is not a Money Bill together with a message requesting that the House or Houses will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the House or Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom:

Provided further that the Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill.

(2) A Bill reserved for the consideration of the President shall not become law unless the President has declared his assent thereto.

#### Article 201: Procedure in Financial Matters

(1) No Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (g) of clause (1) of article 110 shall be introduced or moved in either House of Parliament except on the recommendation of the President.

(2) No Bill or amendment shall be introduced or moved in either House of Parliament if it imposes or varies a tax or duty on goods exported from India or intended to be imported into India, except on the recommendation of the President and unless such Bill or amendment has been considered by the Goods and Services Tax Council.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.

Article 202: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 203: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 204: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 205: Supplementary, additional or excess grants

(1) The President shall have power to authorise the withdrawal of moneys from the Consolidated Fund of India for the purpose of meeting any unexpected expenditure which, in his opinion, is necessary to meet an emergency.

(2) The President shall, as soon as possible after the withdrawal of any moneys under this article, cause to be laid before Parliament a statement of the amount so withdrawn and the reasons for the withdrawal.

Article 206: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 207: Power to make advances out of the Consolidated Fund of India

(1) The President may, with the consent of the Parliament, make advances out of the Consolidated Fund of India to meet any unforeseen expenditure, pending the appropriation thereof by Parliament.

(2) No such advance shall be made except on the recommendation of the Finance Minister.

Article 208: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 209: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion

of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

#### Article 210: Contingency Fund of India

(1) There shall be a Contingency Fund of India to be held by the President, out of which he may, with the consent of the Parliament, make advances to meet unforeseen expenditure pending the authorization of such expenditure by Parliament by law.

(2) The amount standing to the credit of the Contingency Fund of India shall not at any time exceed one-tenth of the estimated net revenue for the current financial year.

#### Article 211: Contingency Fund of India

(1) There shall be a Contingency Fund of India to be administered by the President.

(2) The President shall have power, out of the Contingency Fund of India, to meet any unforeseen expenditure which is not covered by the provisions of this Chapter, or by any other law for the time being in force, until the sanction of Parliament is obtained for such expenditure.

(3) The amount of the Contingency Fund of India shall be such as may be prescribed by Parliament.

#### Article 212: Power to make advances out of the Consolidated Fund of India

(1) The President shall have power to make advances out of the Consolidated Fund of India to meet any unforeseen expenditure, for a period not exceeding three months, pending the sanction of Parliament to a Supplementary or Additional Budget.

(2) No such advance shall be made except on the recommendation of the Council of Ministers.

#### Article 213: Charged Expenditure

(1) The expenditure charged on the Consolidated Fund of India shall be such expenditure as is specified in the statement referred to in Article 112.

(2) No other expenditure shall be charged on the Consolidated Fund of India except such as is provided for by an appropriation made by law.

#### Article 214: Supplementary, additional, and excess grants

(1) The President shall have power to authorise the withdrawal of moneys from the Consolidated Fund of India for the purpose of meeting any unforeseen expenditure, including expenditure which is in excess of the amount of moneys provided by the Appropriation Act.

(2) The amount so withdrawn shall be paid into the Consolidated Fund of India as soon as possible after the end of the financial year to which such expenditure relates.

#### Article 215: Power of President to authorise expenditure in case of emergency

#### Article 216: Power of President to authorise expenditure in excess of authorised appropriations

(1) If in any financial year, moneys are required to be spent for a purpose which is not included in the current year's Budget, or for a purpose for which no provision is made in the current year's Budget, or for a purpose for which the amount provided in the current year's Budget is insufficient, the President may, with the consent of the Parliament, authorise expenditure of such sums as may be necessary for the purpose.

(2) No such expenditure shall be incurred for a longer period than four months without the sanction of Parliament.

Article 217: Power of President to create new posts of Judges of Supreme Court and High Courts

(1) If at any time it appears to the President that the number of Judges of the Supreme Court is insufficient for the efficient discharge of the work of the Court, the President may by order increase the number of Judges by such number as he may deem fit, provided that the total number of Judges does not exceed one-third of the total number of members of the Union Public Service Commission. (2) If at any time it appears to the President that the number of Judges of a High Court is insufficient for the efficient discharge of the work of the Court, the President may by order increase the number of Judges by such number as he may deem fit, provided that the total number of Judges does not exceed the number of Judges specified in the First Schedule for the State. (3) Every order made under clause (1) or clause (2) shall be laid before each House of Parliament.

Article 218: Control over expenditure of moneys out of the Consolidated Fund of India

(1) The executive power of the Union extends to the spending of moneys out of the Consolidated Fund of India, and of the making of payments out of such Fund, for the purposes of the Union, and the decision as to the amount of any such payment shall be made by the President.

(2) No money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law made by Parliament.

Article 219: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 220: Power of President to authorise expenditure in advance (1)

The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund. (2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 221: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 222: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 223: Governor's Discretion to Pardon or Reprieve



(1) The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law of the State.

(2) No sentence of death shall be executed without the previous consent of the Governor.

Article 224: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 225: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 226: Power of High Courts to issue writs

(1) The High Court may, in its discretion, issue to any person or authority, including in appropriate cases, any Government, whether central or state, directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) shall not be in derogation of the power conferred on the High Court by any other provision of this Constitution.

Article 227: Power of High Court to superintendence of all Courts subordinate to it

(1) Every High Court shall have superintendence over all courts subordinate to it throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may, with respect to any matter which is within the jurisdiction of a subordinate court,—

(a) call for returns from such court;

(b) make or issue general rules and orders, and prescribe forms for regulating the practice and procedure of such court;

(c) prescribe the powers to be exercised by such court in regard to the following matters, namely:—

(i) the summoning and enforcing the attendance of persons and the production of documents;

(ii) the issue of commissions for the examination of witnesses or documents;

(iii) the disposal of cases by compromise or otherwise;

(iv) the execution of sentences and orders;

(d) exercise such other powers as may be necessary to ensure that the subordinate courts are properly administered.

Article 228: Power of State Legislature to authorise expenditure in advance

(1) The Governor of a State may, with the consent of the State Legislature, authorise expenditure from the Consolidated Fund of the

State, pending the completion of the procedure prescribed in Article 204 for the appropriation of moneys out of that Fund. (2) No such expenditure shall be incurred for a period exceeding four months without the sanction of the State Legislature.

Article 229: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 230: Restriction on publication of certain proceedings of Parliament

(1) Subject to the provisions of this article, no publication of the reports, debates or proceedings of either House of Parliament shall be made without the previous sanction of the House concerned.

(2) Nothing in clause (1) shall apply to the publication of—

(a) any report of a committee of the House, if the report is published with the permission of the committee; or

(b) any debate or proceeding of the House, if the publication is authorized by the House by a resolution passed with the requisite majority.

Article 231: Power of President to suspend financial provisions of Constitution

(1) If at any time it appears to the President that the financial stability or credit of India is threatened, he may, after consultation with the Governor of each State, by order suspend for such period as he may specify any provision of this Constitution relating to—

(a) the borrowing of money or the giving of any guarantee by the Government of India or by any State; or

(b) the raising of any loan or the making of any grant by Parliament or by the Legislature of any State; or

(c) the incurring of any expenditure from the Consolidated Fund of India or the Consolidated Fund of a State.

(2) Any order made under this article shall be laid before Parliament and the Legislature of each State as soon as may be after it is made and shall be subject to such modifications as Parliament or the Legislature of the State may make.

Article 232: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 233: Salaries and allowances of the Comptroller and Auditor-General and his officers

(1) The salaries and allowances of the Comptroller and Auditor-General and of the members of his staff shall be charged on the Consolidated Fund of India.

(2) The salaries and allowances shall not be diminished during their continuance in office.

Article 234: Power of President to authorise expenditure in advance (1)

The President may, with the consent of the Parliament, authorise

expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund. (2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 235: Power of President to suspend financial emergency

(1) If the President is satisfied that a situation has arisen whereby the financial stability or credit of India is threatened, he may, by a Proclamation, declare that a financial emergency exists.

(2) A Proclamation issued under clause (1) shall be laid before each House of Parliament and shall, except where it is revoked, cease to operate at the expiration of two months from the date on which it is so laid or, if before the expiration of that period resolutions disapproving it have been passed by both Houses of Parliament, on the date on which the first of those resolutions is passed.

(3) If and so long as a Proclamation of financial emergency is in operation, the President may, by order, make such provision for the regulation of the financial system of the Union or of any State as he may deem necessary.

Article 236: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 237: Power of President to authorize expenditure in respect of certain financial matters in certain contingencies

Article 238: Public Debt of India

(1) The executive power of the Union extends to borrowing money, whether on the security of the Consolidated Fund of India or otherwise, and to the giving of guarantees of the repayment of money borrowed by other persons or bodies.

(2) No such guarantee shall be given without the consent of Parliament.

Article 239: Delhi, Ajmer and other Union territories

(1) The President may, by order, declare any area to be a Union territory.

(2) The power of the President to make any order under clause (1) shall include the power to alter the boundaries of any Union territory or to alter the name of any Union territory.

(3) The provisions of this Constitution shall apply to a Union territory subject to such exceptions and modifications as the President may by order specify.

Article 240: Power of President to create new All India Services

(1) The President may, by order, create one or more All India Services common to the Union and the States.

(2) Every All India Service shall consist of such members as the President may from time to time appoint.

(3) The conditions of service of persons appointed to any All India Service shall be such as may be prescribed by or under any law made by Parliament.

Article 241: High Courts' power to issue certain writs

(1) The High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or

authority, including in appropriate cases, any Government, directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) shall not be in derogation of the power conferred on the Supreme Court by Article 32.

#### Article 242: Administration of tribal areas

(1) The President may, with the consent of the Parliament, by order, direct that any area in the States of Assam, Meghalaya, Tripura and Mizoram shall be administered as a tribal area.

(2) An order made under clause (1) may, from time to time, be modified or revoked by the President by a like order.

(3) The administration of a tribal area under this article shall be carried on in accordance with the provisions of any law made by Parliament for the purpose.

#### Article 243: Constitution of Panchayats

(1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels, to function as units of self-government.

(2) The composition of Panchayats at each level shall be as provided in the Constitution of each State.

(3) The powers and functions of Panchayats at each level shall be as provided in the Constitution of each State.

(4) The State Legislature may, by law, make provisions with respect to—

(a) the manner in which and the extent to which, powers and functions may be transferred to Panchayats at the district, intermediate and village levels under this article;

(b) the number of seats to be reserved for women and the reservation of seats in Panchayats in favour of the Scheduled Castes and the Scheduled Tribes, in accordance with the provisions of the Constitution.

#### Article 244: Creation of new States and alteration of areas, boundaries or names of existing States

(1) Parliament may by law—

(a) create a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a State;

(b) increase the area of any State;

(c) diminish the area of any State;

(d) alter the boundaries of any State;

(e) alter the name of any State.

#### Article 245: Power of Parliament to make laws

#### Article 246: Legislative Powers of the Union

(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India.

(2) Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule.

(3) Parliament and, subject to the provisions of Article 249, the Legislatures of States have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule.

(4) The power of Parliament to make laws with respect to any matter enumerated in List II in the Seventh Schedule shall be subject to the provisions of Article 254.

#### Article 247: Control over public moneys

- (1) All revenues received by the Government of India, except those assigned to the States by the Constitution, shall form one consolidated fund to be called the Consolidated Fund of India.
- (2) All expenditure incurred by the Government of India, except that relating to the States, shall be charged on the Consolidated Fund of India.
- (3) No moneys out of the Consolidated Fund of India shall be appropriated except in accordance with law passed by Parliament.

Article 248: Power of Parliament to make laws with respect to any matter

Article 250: Power of Parliament to legislate with respect to certain matters in the State List

(1) Notwithstanding anything in the Lists in the Seventh Schedule, Parliament has power to make laws with respect to any of the matters enumerated in the State List if and in so far as Parliament considers it necessary or expedient to do so for the purpose of implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

(2) Parliament shall, while making any law under clause (1), have due regard to the interests of the States concerned.

Article 251: Power of Parliament to legislate with respect to matters in the State List in the national interest

(1) Notwithstanding anything in the foregoing provisions of this Chapter, Parliament may make laws with respect to any of the matters enumerated in the State List if the Rajya Sabha has passed a resolution to that effect by a majority of not less than two-thirds of the members present and voting.

(2) Any law made by Parliament under clause (1) shall be subject to the provisions of Article 254.

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Article 252: Power of Parliament to make laws with respect to certain matters in the State List in the national interest

Article 253: Power of Parliament to legislate with respect to matters in the State List in certain cases

(1) Notwithstanding anything in the foregoing provisions of this Chapter, Parliament may make laws with respect to any of the matters enumerated in the State List if Parliament deems it necessary or expedient in the national interest so to do. (2) In the case of a law made by Parliament under clause (1), the provisions of Article 249 shall apply as if the law had been made for a matter enumerated in the Union List.

Article 254: Inconsistency between laws made by the Parliament and laws made by the State Legislature

(1) If any provision of a law made by the State Legislature with respect to a matter enumerated in the Concurrent List is repugnant to any provision of a law made by Parliament with respect to the same matter, then, the law made by Parliament shall prevail, and the law made by the State Legislature shall, to the extent of the repugnancy, be void.

(2) Where a law made by the State Legislature with respect to a matter enumerated in the Concurrent List contains any provision repugnant to any provision of an existing law made by Parliament with respect to the same matter, then, the law made by the State Legislature shall, to the extent of the repugnancy, be void.

Article 255: Power of President to authorise expenditure in case of emergency

Article 256: Power of State legislature to make laws for giving effect to directives of Union

(1) The State legislature shall have power to make laws for giving effect to any such directive as is mentioned in clause (1) of Article 37.

(2) In particular, and without prejudice to the generality of the foregoing power, such law may provide for

(a) the establishment of an administrative machinery for securing compliance with the directive and for the punishment of those who fail to comply with it;

(b) the giving of effect to the directive by executive action; or

(c) the giving of effect to the directive by subordinate legislation.

Article 257: Power of the President to create new All India Services

(1) The President may, by order, create one or more All India Services common to the Union and the States.

(2) Any All India Service created under clause (1) shall consist of such members as the President may, by order, determine.

(3) The conditions of service of persons appointed to any All India Service shall be such as may be prescribed by Parliament by law.

Article 258: Power of President to confer powers to certain officers

(1) The President may, by order, confer on any person or authority, subject to such conditions and limitations as he may specify, such powers as he may deem necessary or expedient to enable that person or authority to exercise the powers and perform the duties conferred on him by or under this Constitution or any other law for the time being in force.

(2) An order made under this article may be varied or revoked by a subsequent order made by the President.

Article 259: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 260: Power of President to remit fines, etc.

(1) The President may, in his discretion, remit the whole or any part of any fine or penalty imposed under any law for the time being in force.

(2) The President may, in his discretion, suspend the execution of any sentence of imprisonment imposed under any law for the time being in force, and may order the release of the person sentenced to imprisonment, either unconditionally or on such conditions as the President may think fit to impose.

Article 261: Power of the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence

(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence, including an offence against any law relating to a matter to which the executive power of the Union extends.

(2) Nothing in sub-clause (1) shall affect the power of the President to suspend, remit or commute the sentence of any person convicted by a court martial.

Article 262: Grants for certain purposes

(1) The Parliament may, by law, make provision for the grants by the Union to a State or to two or more States together, for any purpose, subject to such conditions as Parliament may impose.

(2) No such law shall be passed except after recommendations of the President.

Article 263: Power of President to authorise expenditure in respect of certain contingencies

(1) If the President is satisfied that circumstances exist which render it necessary for him to take immediate action to meet a situation arising out of war or external aggression or internal disturbance, he may, by order, authorise the Union to make any expenditure out of the Consolidated Fund of India, which would not otherwise be admissible.

(2) Every order made under this article shall be laid before Parliament as soon as may be after it is made, and shall be subject to such modification as Parliament may make.

Article 264: Power of President to make advances out of the Consolidated Fund of India

(1) The President may, with the consent of the Parliament, make advances out of the Consolidated Fund of India to meet any unforeseen expenditure, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) The repayment of any advance made under this article shall be made out of the Consolidated Fund of India as soon as the appropriation is made for the purpose.

Article 265: Power of President to authorise expenditure in excess of appropriations (1) The President shall have power to authorise expenditure from the Consolidated Fund of India in excess of the amount authorised by any appropriation made by law, if such expenditure is incurred for the purpose of meeting a sudden and unforeseen emergency:

Provided that no such expenditure shall be incurred for a period exceeding three months without the sanction of Parliament. (2) No expenditure incurred in pursuance of an authorisation under clause (1) shall be made unless the President has, before the expiry of the period of three months referred to in that clause, laid before Parliament a statement of the reasons for the expenditure and of the amount so incurred. (3) Parliament may, by law, provide for the extension of the period of three months referred to in clause (1) for a further period not exceeding three months.

Article 266: Consolidated Fund of India

(1) All revenues received by the Government of India, except those specified in Article 267, shall be credited to the Consolidated Fund of India.

(2) All payments out of the Consolidated Fund of India shall be made by warrant under the hand of the Controller-General of Accounts.

Article 267: Custody of Consolidated Fund, Contingency Fund and Public Accounts

(1) The Consolidated Fund of India shall be held by the Controller-General of Accounts, who shall also be the custodian of the Contingency Fund of India.

(2) The accounts of the Union and of the States shall be kept in such form as the President may, with the consent of the Parliament, prescribe.

(3) The President shall cause to be published annually in the Official Gazette a statement of the estimated receipts and expenditure of the Union for the following financial year.

(4) The President shall cause to be presented to Parliament annually a statement of the actual receipts and expenditure of the Union for the previous financial year.

Article 268: Taxes on income other than agricultural income

(1) All taxes on income other than agricultural income shall be levied and collected by the Union, but such taxes may be assigned to the States by Parliament by law.

(2) Parliament may by law provide that the whole or any part of any such tax which is assigned to any State shall be paid into the Consolidated Fund of that State.

Article 269: Duties levied and collected by the Union but assigned to the States

(1) The Parliament may by law impose, or authorise the imposition of, a duty of excise on such goods as may be specified in the law, and the proceeds of such duty shall be assigned to the States in accordance with such principles as may be laid down by Parliament by law.

(2) Parliament may by law also provide for the assignment of any other tax to the States.

Article 270: Recovery of sums wrongly drawn from the Consolidated Fund of India

(1) Where any money has been wrongly drawn from the Consolidated Fund of India, the President may, after such inquiry as he thinks fit, order that the amount shall be recovered from the person responsible for the wrong withdrawal.

(2) The amount so recovered shall be paid into the Consolidated Fund of India.

Article 271: Distribution of proceeds of taxes on income between Union and States

(1) All taxes on income other than agricultural income shall be levied and collected by the Union but shall be assigned to the States in the manner provided in the Eleventh Schedule.

(2) The States shall be free to levy such surcharge on any such tax as they may deem fit.

(3) Where any surcharge has been levied by a State on any such tax, the proceeds of that surcharge shall be assigned to the State.

Article 272: Grants for special purposes

(1) The President may, if satisfied that it is necessary or expedient in the public interest so to do, by order direct that any sums required to meet any expenditure for a specific purpose shall be charged on the Consolidated Fund of India.

(2) No such order shall be made unless a statement explaining the reasons for the order has been laid before Parliament.

(3) No expenditure shall be incurred under this article after the expiry of the financial year in which the order is made unless the order has been approved by Parliament by a resolution before the expiry of that year.

Article 273: Power of Parliament to make grants for specific purposes

(1) Parliament may, by law, make provision for the grant of moneys to a State to meet a specific need of the State arising out of:—

(a) an emergency or calamity of a widespread nature; or

(b) a scheme undertaken by the State with the approval of the Government of India for economic development or in order to raise the standard of living of the people of the State.



(2) A law made under clause (1) shall be laid before the House of the People, and shall not be deemed to be a money bill.

Article 274: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 275: Grants for Local Bodies

(1) The President may, after considering the recommendations of the Finance Commission, by order direct that sums from the Consolidated Fund of India shall be paid to such local authorities, or to such classes of local authorities, as he may specify in the order, for such purposes as he may specify.

(2) The order of the President under this article shall be laid before each House of Parliament.

Article 276: Contingency Fund of India

(1) There shall be a Contingency Fund of India to be administered by the President.

(2) The moneys in the Contingency Fund of India shall be expended by the President for the purpose of meeting unforeseen expenditure pending the sanction of Parliament.

(3) The President shall, as soon as possible after the expenditure has been incurred, cause a statement of the expenditure to be laid before Parliament.

Article 277: Surrender of surplus funds to the President

(1) If, at the end of any financial year, the balance in the Consolidated Fund of India is such that the amount is not required for the purposes of the current financial year, the President shall make a report on the surplus to Parliament.

(2) Parliament may, by law, provide for the surrender of the surplus to the President, and the President shall dispose of the surplus in accordance with such law.

Article 278: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 279: Contingency Fund of India

(1) There shall be a Contingency Fund of India to be administered by the President.

(2) The said Fund shall consist of such sums as may be provided by Parliament by law.

(3) The President shall have power, out of the said Fund, to make advances to meet unforeseen expenditure pending the appropriation thereof by Parliament.

(4) The repayment of any advance made under clause (3) shall be made in accordance with such directions as may be given by Parliament.

Article 280: Power of President to vary grants in case of emergency

Article 281: Disallowance of expenditure by President

(1) If in the opinion of the President any moneys have been spent by the Government of India, or by any State Government, in excess of the amount authorised by any law made by Parliament or the Legislature of the State, as the case may be, the President may disallow the expenditure so incurred.

(2) The President shall cause a statement of the disallowance to be laid before Parliament or the Legislature of the State, as the case may be.

(3) Where any expenditure has been disallowed under this article, it shall be deemed to have been incurred without authority and shall be recoverable.

Article 282: Power of Parliament to make grants for special purposes

(1) Parliament may, on the recommendation of the President, make grants for any special purpose, not provided for by any existing law, for the benefit of the whole Union or any part thereof.

(2) No such grant shall be made unless the House of the People has passed a resolution approving the grant.

Article 283: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 284: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 285: Power of President to authorise expenditure pending sanction of Parliament

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the sanction of Parliament of a demand for a grant in respect of such expenditure.

(2) No such expenditure shall be incurred for a period exceeding three months without the sanction of Parliament.

Article 286: Grants in aid of State revenues

(1) The President may, if he is satisfied that the revenue of any State for any financial year will not be sufficient for the purpose of meeting the expenditure which the State is authorised to meet from its revenues, make to that State a grant of such sums as he may consider necessary to meet the deficiency.

(2) The decision of the President as to the quantum of the grant and the purpose for which it is to be made shall be final.

Article 287: Power of State Legislature to make laws with respect to certain matters in the State List in which Parliament has also power to make laws

Article 288: Borrowing by the Government of India

(1) The Government of India may, with the consent of the Parliament, borrow moneys by raising loans or by the issue of treasury bills, notes or bonds.

(2) The Parliament may, by law, authorise the Government of India to borrow moneys for specified purposes.

(3) The moneys raised by the Government of India by borrowing shall be treated as part of the Consolidated Fund of India.

#### Article 289: Audit of expenditure of Union and State Governments

(1) The accounts of the Union and of every State and of all moneys received and expenditure incurred by the Union and by every State shall be kept in such form as the President may, by order, prescribe.

(2) The accounts shall be audited by the Comptroller and Auditor-General of India who shall submit his report to the President.

(3) The President shall cause the report to be laid before each House of Parliament.

#### Article 290: Grants in aid of revenues of State

(1) The President may, after consultation with the Governments of the States concerned, by order, make such grants in aid of the revenues of any State as he may consider necessary to meet the shortfall in the revenue of that State arising from any extraordinary or abnormal circumstances.

(2) The amount of any grant made under this article shall be paid out of the Consolidated Fund of India.

#### Article 291: Consolidated Fund of India

(1) All revenues received by the Government of India, except those specified in articles 268, 269, and 270, shall form part of the Consolidated Fund of India.

(2) All loans raised by the Government of India shall be repaid out of the Consolidated Fund of India.

(3) All other receipts and expenditure of the Government of India shall be credited to or debited from the Consolidated Fund of India.

#### Article 292: Grants for special purposes

(1) The President may, if satisfied that it is necessary or expedient in the public interest so to do, by order direct that any sums of money with in the Consolidated Fund of India or the Public Account of India be appropriated for the purpose of any special service or purpose, notwithstanding that no provision for the appropriation of such sums has been made by any law passed by Parliament.

(2) No order under this article shall be made unless the President has consulted the Finance Minister.

(3) Every order made under this article shall be laid before Parliament.

Article 293: Power of the President to make grants in advance (1) The President may, if satisfied that it is necessary or expedient in the public interest so to do, make a grant of money out of the Consolidated Fund of India to any State to meet a sudden and extraordinary demand on the resources of that State. (2) The decision of the President as to the amount of any such grant and the purposes to which it shall be applied shall be final. (3) No such grant shall be made except after consultation with the Governor of the State concerned.

#### Article 294: Power of President to make advances out of the Consolidated Fund of India

(1) The President may, with the consent of the Parliament, make advances out of the Consolidated Fund of India to meet any unforeseen expenditure which, in his opinion, is necessary to be incurred for the purposes of the Union.

(2) The advances made under this article shall be repaid as soon as possible out of the Consolidated Fund of India.

Article 295: Prohibition of certain expenditure

(1) No money out of the Consolidated Fund of India or out of any of the Consolidated Funds of the States shall be appropriated for any religious purpose.

(2) No religious instruction shall be imparted in any educational institution wholly or partly maintained out of State funds.

Article 296: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 297: Custody of Consolidated Fund of India, etc.

(1) The Consolidated Fund of India shall be held by the President, who shall be entitled to authorise the withdrawal of moneys therefrom for the purposes of the Union.

(2) No moneys out of the Consolidated Fund of India shall be appropriated except in accordance with law.

Article 298: Power of President to authorise expenditure in advance

(1) The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund.

(2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

Article 299: Power of Parliament to authorise expenditure for certain purposes

(1) Notwithstanding anything in Article 112, Parliament may, by law, authorise the President to withdraw from the Consolidated Fund of India such sums as may be necessary for the purposes specified in the law and the law shall be laid before the House of the People before it is passed.

(2) No such law shall be passed after the expiry of five years from the commencement of this Constitution.

Article 300: Power of Parliament to make laws for giving effect to Fundamental Rights

(1) Parliament may by law make provision for the exercise of any of the Fundamental Rights, subject to such restrictions as it may think fit, in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to any of the matters specified in the said sub-clause.

Article 301: Freedom of trade, commerce and intercourse

Subject to the provisions of this Constitution, trade, commerce and intercourse throughout the territory of India shall be free.

Article 302: Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, when the Parliament is not in session, the President is satisfied that circumstances exist which render it necessary for him

to take immediate action, he may, by Proclamation, make such provision for the purpose as he deems necessary.

(2) Such Proclamation may be made for any purpose which the Parliament would be competent to enact, but shall be laid before Parliament as soon as possible after it is issued and shall cease to operate at the expiration of six weeks from the date of its publication, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

Article 303: Power of Parliament to legislate with respect to certain matters in the State List

(1) Notwithstanding anything in the foregoing provisions of this Chapter, Parliament may, by law, make provision with respect to any of the matters enumerated in the State List for the whole or any part of the territory of India, if and insofar as the Parliament considers it necessary or expedient in the national interest so to do.

(2) In making any law under clause (1), Parliament shall be guided by the principles specified in clause (1) of Article 302.

Article 304: No demand for a grant can be made except on the recommendation of the President

Article 305: Expenditure charged on the Consolidated Fund of India

(1) The following expenditure shall be charged on the Consolidated Fund of India:—

(a) the salaries and allowances of the President and other officers of the Union in respect of services rendered by them in connection with the affairs of the Union; and

(b) all other expenditure incurred for the purpose of the Union, including the service of debt incurred by the Government of India by law or otherwise.

Article 306: Power of President to suspend financial emergency

(1) If the President is satisfied that a financial emergency exists, he may, by Proclamation, make a declaration to that effect.

(2) A Proclamation under clause (1) shall be laid before each House of Parliament and shall, unless revoked, continue in force for a period of six months, but may be extended by a further Proclamation for a period not exceeding six months at a time.

(3) The President shall not issue a Proclamation under clause (1) unless the decision of the Union Cabinet to do so has been approved by a resolution of both Houses of Parliament passed by a majority of not less than two-thirds of the members of each House present and voting.

(4) If at any time the Lok Sabha is dissolved, a Proclamation issued under clause (1) shall cease to operate at the expiration of thirty days after the first sitting of the Lok Sabha after its reconstitution.

Article 307: Appointment of authority for carrying out the purposes of articles 301 to 304

Parliament may by law appoint such authority as it considers appropriate for carrying out the purposes of articles 301, 302, 303 and 304, and confer on the authority so appointed such powers and such duties as it thinks necessary.

Article 308: Power of President to authorise expenditure in case of failure of Money Bills

(1) If at any time, it is found that moneys are required to meet an unforeseen expenditure which cannot be met out of the existing sources of revenue, the President may, after consulting the Council of Ministers,

authorise expenditure from the Consolidated Fund of India to meet such expenditure, pending the sanction of Parliament by law.

(2) The President shall, as soon as possible, cause a statement of the expenditure so authorised to be laid before Parliament.

Article 309: Power of President to regulate the conditions of service of persons serving the Union. (1) The President may, by order, regulate the conditions of service of persons serving the Union in connection with the affairs of the Union. (2) In particular, and without prejudice to the generality of the foregoing power, such order may provide for— (a) the manner in which appointments to such service may be made; (b) the powers and duties of persons serving in such service; and (c) the conditions governing the pay, allowances, leave, pensions and other matters relating to the service of such persons. (3) Any order made under this article shall be laid before Parliament.

Article 310: Restriction on power of President to remove certain officers (1) Notwithstanding anything in the provisions of Article 311, the President shall not be competent to remove a person from a civil service of the Union or a State holding a lien on a civil post under the Union or a State, unless the President is satisfied that such person has been guilty of misconduct.

(2) In this article, the expression "civil service of the Union or a State" includes a service or post declared by Parliament or the Legislature of the State, by law, to be a civil service of the Union or a State, as the case may be.

Article 311: Protection of Civil Servants against removal from office and certain other matters

(1) No person who is a member of a civil service of the Union or a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person shall be dismissed or removed or reduced in rank except after an inquiry in which he has been given a reasonable opportunity of being heard.

(3) Save as provided in this article, no such person shall be dismissed or removed or reduced in rank without the concurrence of the President or the Governor of the State, as the case may be.

Article 312: Special provisions with respect to certain States

(1) Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of a separate Public Service Commission for a State or for two or more States, or for any part of a State, and may define the jurisdiction and powers of such Commission and its conditions of service.

(2) A Public Service Commission constituted under clause (1) shall not be dissolved except by an Act of Parliament.

Article 313: Contingency Fund of India

(1) There shall be a Contingency Fund of India to be administered by the President.

(2) The amount of the Contingency Fund of India shall be such as may be prescribed by Parliament.

(3) The President shall be entitled to draw on the Contingency Fund of India for the purpose of meeting unforeseen expenditure pending the authorization of such expenditure by Parliament.

(4) The President shall cause to be laid before Parliament, as soon as may be after such expenditure has been incurred, a statement of the expenditure incurred under this article.

Article 314: Audit of expenditure charged on the Consolidated Fund of India

- (1) The expenditure charged on the Consolidated Fund of India shall be subject to audit by the Comptroller and Auditor-General of India.
- (2) The provisions of Article 148 shall apply in relation to the audit of expenditure charged on the Consolidated Fund of India as they apply in relation to the audit of other expenditure of the Union.

Article 315: Finance Commission

- (1) There shall be constituted a Finance Commission consisting of a Chairman and four other members to be appointed by the President.
- (2) The Chairman shall be a person who has held office as a Judge of the Supreme Court or of a High Court for at least two years.
- (3) The other members shall be persons having special knowledge of finance and administration.
- (4) The Finance Commission shall be appointed for a period of five years and shall be eligible for reappointment.

Article 316: Disallowance of expenditure by President

- (1) If in the opinion of the President any moneys have been spent by the Government of India, or by any State Government, in contravention of any of the provisions of this Chapter, the President may, after such inquiry as he thinks fit, disallow the expenditure.
- (2) Where any expenditure has been disallowed by the President under this article, no further payment shall be made in respect of that expenditure.

Article 317: Special provision as to the salaries and allowances of the Judges of the Supreme Court and of the High Courts

- (1) The salaries, allowances and other conditions of service of the Judges of the Supreme Court shall be determined by Parliament by law and shall not be varied to their disadvantage after their appointment.
- (2) The salaries, allowances and other conditions of service of the Judges of a High Court shall be determined by the President by order and shall not be varied to their disadvantage after their appointment.
- (3) Every order made under clause (2) shall be laid before Parliament.

Article 318: Power to make regulations as to conditions of service of members and staff of the Commission.

- (1) The President may, by order, make regulations—
    - (a) determining the number of members of the Commission and their conditions of service; and
    - (b) making provision with respect to the number of members of the staff of the Commission and their conditions of service:
- Provided that the conditions of service of a member of the Commission shall not be varied to his disadvantage after his appointment.

Article 319: Salaries and allowances of members of Parliament

- (1) The salaries and allowances of members of Parliament shall be such as may be determined by Parliament by law and, until provision is so made, shall be as specified in the Second Schedule.
- (2) No discussion shall take place in Parliament with respect to the salaries and allowances of the members of Parliament.

Article 320: Public Service Commissions

- (1) There shall be a Public Service Commission for the Union and a Public Service Commission for each State.
- (2) The Union Public Service Commission shall consist of a Chairman and two or more members to be appointed by the President.
- (3) A Public Service Commission for a State shall consist of a Chairman and two or more members to be appointed by the Governor of the State.

(4) The Chairman and members of a Public Service Commission shall be appointed by the President or the Governor, as the case may be, in consultation with the Chief Justice of India.

(5) The conditions of service of the Chairman and members of a Public Service Commission shall be such as may be prescribed by Parliament by law.

#### Article 321: Public Service Commissions for Union and States

(1) There shall be a Public Service Commission for the Union and a Public Service Commission for each State.

(2) The Union Public Service Commission shall consist of a Chairman and two or more members to be appointed by the President.

(3) A Public Service Commission for a State shall consist of a Chairman and two or more members to be appointed by the Governor of the State.

#### Article 322: Power of President to authorise expenditure in advance (1)

The President may, with the consent of the Parliament, authorise expenditure from the Consolidated Fund of India, pending the completion of the procedure prescribed in Article 114 for the appropriation of moneys out of that Fund. (2) No such expenditure shall be incurred for a period exceeding four months without the sanction of Parliament.

#### Article 323: Public Service Commissions for Union and States

(1) There shall be a Public Service Commission for the Union and a Public Service Commission for each State.

(2) The Union Public Service Commission shall be appointed by the President and the State Public Service Commissions shall be appointed by the Governor of the State.

(3) The Chairman and other members of a Public Service Commission shall be appointed by the President or the Governor, as the case may be, in consultation with the Chief Justice of India.

(4) A Public Service Commission shall consist of a Chairman and two or more members.

(5) The conditions of service of the Chairman and other members of a Public Service Commission shall be such as may be prescribed by law.

#### Article 324: Election Commission of India

(1) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix.

(2) The Chief Election Commissioner shall be appointed by the President and the other Election Commissioners shall be appointed by the President on the recommendation of the Chief Election Commissioner.

(3) The term of office of the Chief Election Commissioner and other Election Commissioners shall be six years from the date on which they enter upon their office: Provided that—

(a) a person who has held office as a Judge of the Supreme Court shall be eligible for appointment as the Chief Election Commissioner or an Election Commissioner for a further term, if he is otherwise qualified; and

(b) the Chief Election Commissioner or an Election Commissioner shall not be eligible for further appointment as such after he has completed two terms.

(4) The Chief Election Commissioner shall not be removed from his office except by an order of the President passed after an inquiry in which he has been given a reasonable opportunity of being heard.

(5) The other Election Commissioners shall be removed from office by the President, on the recommendation of the Chief Election Commissioner, if the Chief Election Commissioner is satisfied that they are no longer fit to hold office.



(6) The Chief Election Commissioner and other Election Commissioners shall be entitled to such salaries and allowances as may be determined by Parliament by law and shall be entitled to such privileges and other facilities as may be determined by the President.

Article 325: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

Article 326: Elections to the House of the People

(1) The elections to the House of the People shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

(2) No person shall be ineligible for inclusion in any such electoral roll or for voting at any such election on the ground of religion, race, caste, sex or any of them.

Article 327: Special provision with respect to the States of Nagaland, Meghalaya and Mizoram

(1) Notwithstanding anything in this Constitution, the Legislature of a State referred to in sub-clause (a) of clause (1) of article 371 shall have power to make laws with respect to any of the matters enumerated in the State List in the Seventh Schedule, except the matters relating to:-

(a) Scheduled Tribes; and

(b) the administration of justice, including constitution and composition of courts, for the scheduled tribes in the State.

(2) The provisions of clause (1) shall not be construed as affecting the provisions of article 339.

Article 328: Powers of President to authorise expenditure

(1) The President shall have power to authorise, out of the moneys to be provided by the Parliament by law in this behalf, such sums as may be necessary for the purpose of meeting any unforeseen expenditure, which is not covered by any existing provision of law.

(2) The President shall have power to authorise expenditure from the Consolidated Fund of India for the purpose of meeting any demand certified by the Comptroller and Auditor-General of India to be urgent and unavoidable, if the demand is presented to him after the expiration of the financial year to which it relates.

Article 329: Bar to interference by courts in electoral matters

(1) Notwithstanding anything in this Constitution-

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;

(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

(2) No election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition which shall be disposed of in accordance with the provisions of any law made by the appropriate Legislature.

Article 330: Special provisions for the representation of Scheduled Castes and Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States

Article 331: Special provision for Anglo-Indians

(1) Notwithstanding anything in the foregoing provisions of this Chapter, the President may, by order made with the prior recommendation of the Rajya Sabha, provide for the representation of the Anglo-Indian community in the House of the People in such manner as he may deem fit: Provided that the number of seats so reserved shall not exceed two. (2) No person shall be qualified to be elected to the House of the People as a representative of the Anglo-Indian community unless he is an Anglo-Indian.

Article 332: Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States

(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

(2) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

(3) Notwithstanding anything in clause (2), the number of seats reserved in the Legislative Assembly of any State for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats in the Assembly the same proportion as the population of the Scheduled Tribes in the said districts bears to the total population of the State: Provided that the number of seats reserved for the Scheduled Tribes in the Legislative Assembly of the State of Assam shall not be less than the number of seats so reserved immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, for those tribes in that State.

Article 333: Appropriation of Moneys for Public Purposes

(1) Where any money is, by any law, required to be appropriated for a public purpose, it shall be paid out of the Consolidated Fund of India.

(2) No money out of the Consolidated Fund of India shall be appropriated for any purpose other than a public purpose.

(3) No money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law.

Article 334: Reservation of seats and special representation to cease after sixty years

(1) Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to—

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States;

(b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination, shall cease to have effect on the expiration of a period of sixty years from the commencement of this Constitution.

(2) Nothing in clause (1) shall affect—

(a) the representation in the House of the People of the Scheduled Castes and the Scheduled Tribes; and

(b) the representation in the Legislative Assemblies of the States of the Scheduled Castes and the Scheduled Tribes and of the Anglo-Indian community.

Article 335: Special provision for the advancement of Scheduled Castes and Scheduled Tribes in services under the State.

(1) The State shall, in making any law providing for the appointment of any person to any office or employment under the State, or for the reservation of appointments or posts in favour of any class of persons, take into consideration the claims of the members of the Scheduled Castes and the Scheduled Tribes in that State.

(2) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(3) Nothing in this article shall affect the operation of any law which provides for the reservation of appointments or posts in favour of any class or classes of persons on the ground of sex.

Article 336: Special provision for Anglo-Indian community in certain services

(1) Notwithstanding anything in this Constitution, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the services under the State, make such provision as he thinks fit for the reservation of appointments or posts in favour of that community in the services under the State.

(2) The President may, by order, specify the services, the appointments or posts under the State to which the provision made under clause (1) shall apply and the extent to which, the manner in which and the conditions subject to which, it shall apply.

Article 337: Special provisions as to certain classes of claims

Article 338: National Commission for Scheduled Castes

(1) There shall be a Commission for the Scheduled Castes to be known as the National Commission for Scheduled Castes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

#### Article 339: Special provisions relating to certain States

(1) Notwithstanding anything in this Constitution, the President may, by order, direct that in any State the provisions of this Constitution relating to—

(a) the reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assembly of such State; or

(b) the representation of the Scheduled Tribes in the Lok Sabha and in the Legislative Assembly of such State by means of separate electorates, shall be applicable in such State subject to such modifications or adaptations as he may specify in the order.

(2) Any order made under clause (1) shall be laid before each House of Parliament.

#### Article 340: Special provision for the advancement of Scheduled Castes and Scheduled Tribes

(1) The President shall be empowered to appoint a Commission for the investigation of the conditions of socially and educationally backward classes of citizens other than Scheduled Castes and Scheduled Tribes and the difficulties under which they labour and to make recommendations as to the steps to be taken by the Union or any State to remove such difficulties and to improve their condition.

(2) A Commission appointed under this article shall consist of a Chairman, who shall be a person having knowledge of the problems of the socially and educationally backward classes, and two other members who shall be appointed by the President.

(3) The Commission shall investigate the matters referred to it and make recommendations to the President as to the steps which should be taken by the Union or any State to remove the difficulties under which the backward classes labour and to improve their condition.

#### Article 341: Scheduled Castes

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

(3) In this article, the expression "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution.

#### Article 342: Special provision for the advancement of scheduled castes

(1) The State shall, with a view to providing opportunities for the advancement of any socially and educationally backward classes of citizens, including the Scheduled Castes and the Scheduled Tribes, take special measures, by way of reservations in appointments, or posts, or promotions, or in education, or in any other way, as the case may be, to secure their adequate representation in the services under the State.

(2) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which is not adequately represented in the services under the State.

#### Article 343: Official Language of the Union

(1) The official language of the Union shall be Hindi in Devanagari script. The English language shall continue to be used for all official purposes of the Union for which it was being used immediately before the commencement of this Constitution.

(2) Notwithstanding anything in clause (1), for a period of fifteen years from the commencement of this Constitution, the English language shall be used for all the official purposes of the Union for which it was being used immediately before the commencement of this Constitution, in addition to the Hindi language.

(3) After the expiry of the period of fifteen years referred to in clause (2), the language to be used for the official purposes of the Union shall be determined by the Parliament by law.

#### Article 344: Commission and Committee of Parliament on Official Language

(1) The President shall, at the expiration of five years from the commencement of this Constitution and thereafter at the expiration of ten years from such commencement, by order constitute a Commission which shall consist of a Chairman and such other members representing the different languages specified in the Eighth Schedule as the President may appoint, and the order shall define the procedure to be followed by the Commission.

(2) It shall be the duty of the Commission to make recommendations to the President as to—

(a) the progressive use of the Hindi language for the official purposes of the Union;

(b) restrictions on the use of the English language for all or any of the official purposes of the Union;

(c) the language to be used for all or any of the purposes mentioned in article 348;

(d) the form of numerals to be used for any one or more specified purposes of the Union;

(e) any other matter referred to the Commission by the President as regards the official language of the Union and the language for communication between the Union and a State or between one State and another and their use.

(3) In making their recommendations under clause (2), the Commission shall have due regard to the industrial, cultural and scientific advancement of India, and the just claims and the interests of persons belonging to the non-Hindi-speaking areas in regard to the public services.

(4) There shall be constituted a Committee consisting of thirty members, elected by the House of the People, to perform the functions of the Committee on Official Language referred to in clause (6) of article 344.

#### Article 345: Provisions as to expenditure charged on the Consolidated Fund of India

(1) No demand for a grant shall be made except on the recommendation of the President.

(2) No money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law.

(3) No money out of the Consolidated Fund of India shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Constitution.

Article 346: Restriction on the powers of the Legislature of a State with respect to trade and commerce.

(1) Notwithstanding anything in article 245, no law made by the Legislature of a State shall impose, or authorise the imposition of, a tax on the sale or purchase of goods where such sale or purchase takes place—

(a) outside the State; or  
(b) in the course of the import of the goods into, or export of the goods out of, the territory of India.

(2) Parliament may by law formulate principles for determining when a sale or purchase of goods takes place in any of the ways mentioned in clause (1).

(3) Any law of a State shall, in so far as it imposes, or authorises the imposition of, a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce, be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify.

Article 347: Grants for raising the level of administration of Scheduled Areas and Scheduled Tribes

Article 348: Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.

(1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

(a) all proceedings in the Supreme Court and in every High Court

(b) the authoritative texts—

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State;

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State;

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State,

shall be in the English language.

(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State: Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court.

Article 349: Language of Bills, etc.

(1) Notwithstanding anything in the foregoing provisions of this Chapter, no Bill or amendment thereto shall be introduced in either House of Parliament of which the object is one of the following, namely:

(a) to make any change in the provisions of this Constitution relating to the official language of the Union or of a State; or

(b) to change the language of any Bill for the time being pending in either House of Parliament or of any amendment thereto; or

(c) to make any change in the language of any law which is in force in the whole or any part of India or which applies to citizens of India generally.

(2) Nothing in sub-clause (a) of clause (1) shall apply to a Bill or amendment which has been passed by the Legislature of a State and which,

with the consent of the President, is presented to Parliament for its consideration.

Article 350: Special provisions as to the language to be used in representations for redress of grievances

(1) Every person shall have the right to submit a representation for redress of grievances to any public authority in any of the languages used in the Union of India and the authorities shall be obliged to consider the representations sympathetically and disposed of expeditiously.

(2) Where a representation in a language other than the language used by the public authority is received by it, the authority shall, as soon as practicable, translate the representation into the language used by the authority and take the necessary action on the representation.

Article 351: Official Language of the Union

(1) The official language of the Union shall be Hindi in Devanagari script. The English language shall continue to be used for all official purposes of the Union for which it was being used at the commencement of this Constitution.

(2) The President may, by order, make provision for the use of any other language, or languages, in addition to Hindi and English, for all or any of the official purposes of the Union.

(3) Nothing in clause (1) or clause (2) shall affect the use of any language by any person or authority in any part of India or in any Union territory for any purpose.

Article 352: Proclamation of Emergency

(1) If the President is satisfied that a grave emergency exists whereby the security of India or 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) shall be laid before each House of Parliament and shall, unless revoked earlier, cease to operate at the end of a period of six months from the date of its issue: Provided that, if the dissolution of the House of the People takes place during the said 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.

(3) If the Proclamation is not revoked before the expiration of the said period of six months, or, if before the expiration of that period, the dissolution of the House of the People takes place, it shall be laid before the House of the People in the first session thereof which follows the dissolution and shall, unless revoked earlier, cease to operate at the expiration of thirty days from the date on which it is so laid before the House.

(4) Notwithstanding anything contained in the foregoing provisions of this article, the President may, at any time, revoke the Proclamation.

Article 353: Power of the Union to confer powers, etc., on State in certain cases

(1) If the President is satisfied that the security of India or any part of the territory thereof is threatened by war or by internal disturbance, he may, by Proclamation, make provision for the constitution of one or more authorities for the purposes of dealing with the situation.

(2) Any such authority may, in the exercise of the powers conferred on it by the Proclamation, by order,—

(a) confer on any person or authority such powers and authorities as may be necessary for the purpose of dealing with the situation; and

(b) make such incidental and consequential provisions as appear to be necessary or desirable.

(3) A Proclamation issued under this article shall be laid before each House of Parliament and shall cease to have effect on the expiration of a period of six months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

Article 354: Power to promulgate ordinances when both Houses not in session

(1) If at any time, when the Houses of Parliament are not in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may, by order, promulgate such ordinances as the circumstances may require.

(2) Every ordinance promulgated under this article shall be laid before both Houses of Parliament, as soon as possible after they reassemble.

(3) If any ordinance promulgated under this article is not so laid before both Houses of Parliament, or if both Houses, if sitting, agree in making any modification in the ordinance or in repealing the ordinance, the ordinance shall be deemed to have been revoked at the expiration of fourteen days after the reassembly of the Houses, or, if they are not sitting, at the expiration of fourteen days after the sitting of Parliament commences.

Article 355: Duty of the Union to protect States against external aggression and internal disturbance

It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.

Article 356: President's Rule

(1) If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution, the President may, by Proclamation, assume to himself all or any of the powers of the Government of the State and make such provisions as he thinks fit for the purpose of ensuring that the Government of the State is carried on in accordance with the provisions of the Constitution.

(2) Any such Proclamation may be made before the expiration of the term of office of the Governor of the State concerned.

(3) A Proclamation made under clause (1) shall be laid before each House of Parliament and shall, unless sooner withdrawn, cease to have effect on the expiration of a period of six months from the date on which it is made: Provided that, if before the expiration of the said period, both Houses of Parliament by resolution extend the operation of the Proclamation, it shall continue in force for such period as may be specified in the resolution.

Article 357: Power of President to give directions to States as to financial matters

(1) If the President is satisfied that a situation has arisen in which the financial stability or credit of India is threatened, he may, by order, direct the State Government concerned to take such steps as he may deem necessary for the purpose of restoring the financial stability or credit of India.

(2) Any such order may provide for—

(a) the giving of directions by the Central Government to the State Government as to the reduction of expenditure, the raising of loans or the increasing of revenue; or



(b) the supersession of any Financial Emergency Provision Committee constituted under article 248A and the assumption by the President of all or any of the powers of that Committee.

Article 358: Power to suspend financial provisions in case of failure to comply with demands for grants

(1) If the House of the People refuses to make any grant in the amount demanded by the President, or if it passes a resolution reducing the amount of any grant so demanded, the President may, by order, suspend the operation of any provision of this Constitution relating to the grants for a period of four months from the date of the order.

(2) If, at the expiration of the period of four months mentioned in clause (1), the House of the People has not made any grant in the amount demanded by the President, or if it has passed a resolution reducing the amount of any grant so demanded, the President may, by order, reduce the amount of any grant so demanded to such amount as he thinks fit.

Article 359: Suspension of Provisions of Article 19 during Emergency

(1) During any period for which the proclamation of Emergency is in operation, the President may, by order, suspend the operation of the provisions of Article 19 in whole or in part in any State or Union territory or in any part thereof.

(2) While any such order is in operation, nothing in Article 19 shall restrict the power of the State to make any law or to take any executive action which the State would be entitled to make or take, if the provisions of Article 19 had been suspended.

(3) In this article, "State" includes the Government of India and the Union territory.

Article 360: Emergency Provisions

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

(2) A Proclamation of emergency made under clause (1) shall be laid before each House of Parliament and shall, except where the Houses are sooner dissolved, cease to operate at the expiration of a period of six months from the date of its publication unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

(3) Where a Proclamation of emergency is in operation, the President may by order made at any time during the period of the emergency, (a) suspend the operation of any provision of this Constitution relating to any of the matters specified in the Proclamation, (b) make any such provision as he thinks fit for the purpose of adapting the provisions of this Constitution to the situation arising out of the emergency, and any such order shall have the same force and effect as an order made under Article 352.

Article 361: Protection of Certain Fundamental Rights in Certain Cases

(1) Notwithstanding anything in the foregoing provisions of this Part, no person shall be deprived of his life or personal liberty except according to procedure established by law.

(2) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(3) Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from

the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(4) Nothing in this article shall affect the provisions of any existing law for the detention of any person under preventive detention.

#### Article 362: Emergency Financial Provisions

(1) If the President is satisfied that a situation has arisen whereby the financial stability or credit of India is threatened, he may, by order, make such provisions as he considers necessary or expedient for the purpose of restoring such stability or credit.

(2) Without prejudice to the generality of the foregoing power, the President may make provisions for—

(a) requiring all or any of the State Governments to transfer to the Central Government such sums as may be specified in the order; or

(b) giving to the Central Government power to acquire, hold and dispose of any property, movable or immovable, of any State Government.

(3) The provisions made by the President under this article shall have effect notwithstanding anything in any other provision of this Constitution.

#### Article 363: Emergency Powers

(1) If the President is satisfied that a grave emergency exists whereby the security of India or 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) shall be laid before each House of Parliament and shall, except where the Houses are dissolved, cease to operate at the expiration of a period of six weeks from the date of its publication, unless before the expiration of that period resolutions approving the Proclamation have been passed by both Houses of Parliament.

(3) If both Houses of Parliament do not approve the Proclamation before the expiration of the said period of six weeks, it shall cease to operate at the expiration of that period but shall be revived if and when resolutions approving the Proclamation are passed by both Houses.

(4) While a Proclamation of Emergency is in operation, the President may, by order, make such modifications as he thinks fit in the distribution of powers between the Union and the States.

(5) No Proclamation of Emergency shall be in operation for more than one year without the sanction of Parliament.

#### Article 364: Contingency Fund of India

(1) There shall be a Contingency Fund of India to be maintained by the Government of India.

(2) The moneys in the Contingency Fund of India shall be appropriated by Parliament by law for the purposes of meeting unforeseen expenditure pending the authorization of such expenditure by Parliament by appropriation in a regular manner.

#### Article 365: Provisions as to enforcement of Union's laws

(1) If any State fails to comply with, or to carry out, any directions given by the Union under this Constitution, the President may, after such consultation as he deems necessary, by order, direct the State to comply with, or to carry out, the directions.

(2) Any such order may be enforced by any officer of the Union in the State concerned.

(3) The President may, by order, suspend the operation of any provision of a law made by a State in so far as it is inconsistent with any directions given under this article, and the State shall be obliged to

take immediate action to bring its law into conformity with such directions.

(4) Nothing in this article shall prevent the President from taking such other action as he deems necessary for the purpose of enforcing any directions given under this article.

#### Article 366: Definitions

(1) In this Constitution, unless the context otherwise requires,—

(a) "agricultural income" means agricultural income as defined for the purposes of the Income-tax Act, 1961 (43 of 1961);

(b) "annual financial statement" means the Budget Statement referred to in Article 112;

(c) "appropriate legislature" means—(i) in relation to a matter enumerated in the Union List, Parliament;(ii) in relation to a matter enumerated in the State List, the Legislature of the State;(iii) in relation to a matter enumerated in the Concurrent List, either Parliament or the Legislature of the State, as the case may be;

(d) "authorised expenditure" means expenditure which is authorised to be incurred by this Constitution or by any law made by Parliament.

(2) The words "person" and "property" shall be construed as including respectively any company or association or body of persons, whether incorporated or not.

#### Article 367: Power of Parliament to modify the Constitution by law

(1) Notwithstanding anything in this Constitution, Parliament may by law amend any provision of this Constitution in accordance with the provisions of this article.

(2) An amendment made under this article shall not be called in question in any court of law.

(3) Parliament may, by law, make provision for the amendment of any provision of this Constitution in accordance with the provisions of this article and, where such law provides for the amendment of any provision which, at the commencement of such law, is included in Part III, the law shall also contain a declaration that such amendment is being made in accordance with the provisions of this article.

#### Article 368: Power of Parliament to amend the Constitution

(1) Notwithstanding anything in this Constitution, Parliament may by law made in accordance with the procedure laid down in this article, amend any provision of this Constitution.

(2) An amendment of this Constitution may be made by way of addition, variation or repeal of any provision.

(3) Every amendment of this Constitution made in accordance with the provisions of this article shall be laid before the President who shall give his assent to the same.

(4) No amendment of this Constitution (including an amendment made under clause (2) in its application to any provision of this Constitution) which, in the opinion of the President, makes any change in the basic structure of the Constitution shall be made except by way of a law passed by the special majority.

#### Article 369: Power to adapt laws to Constitution

(1) Notwithstanding anything in this Constitution, Parliament may by law adapt any pre-existing law (including a law made by a Legislature of a State) to the provisions of this Constitution and for that purpose make such modifications in the law as may be necessary or expedient, including provisions for bringing the law into conformity with the provisions of this Constitution.

(2) In particular, and without prejudice to the generality of the foregoing power, Parliament may, by law—

(a) repeal or amend any provision of any pre-existing law which is inconsistent with any provision of this Constitution; (b) make provision for the adaptation and modification of the law of any State to the provisions of this Constitution; (c) provide for the continuance in force of any law, or any part thereof, subject to such modifications or adaptations as may be specified in the law.

Article 370: Special Provisions relating to the State of Jammu and Kashmir

(1) The provisions of this Constitution shall not apply to the State of Jammu and Kashmir with such exceptions and modifications as may be made by the President by order published in the Official Gazette.

(2) Notwithstanding anything in sub-clause (a) of clause (1), the President may, by public notification, declare that this Constitution shall apply to the whole or any part of the State of Jammu and Kashmir with such modifications or adaptations as he may deem necessary.

(3) Any such order may be varied or revoked by a subsequent order made by the President in like manner.

(4) For the purposes of this article, the expression 'State of Jammu and Kashmir' includes the territories which, on the 15th day of August, 1947, were comprised in the State of Jammu and Kashmir.

Article 371: Special Provisions relating to certain States

(1) Notwithstanding anything in this Constitution, Parliament may by law make provision for the constitution of a committee consisting of members of the House of the People and the Legislative Assembly of the State concerned to advise on the administration of the State in respect of specified matters and the President may, after consultation with the Governor of the State, make regulations specifying the matters in respect of which such advice may be obtained.

(2) Notwithstanding anything in this Constitution, the President may, with the consent of the Government of the State concerned, by order direct that any provision of this Constitution relating to any matter shall not apply to the State in so far as it impedes the application of any law made by the Parliament or of any existing law which is for the time being applicable to the State, and any such law may provide for the amendment of any provision of this Constitution in so far as it applies to the State.

(3) Notwithstanding anything in this Constitution, Parliament may by law provide for the creation of separate public services for the State and for the reservation of posts in those services for the members of the Scheduled Castes and the Scheduled Tribes in the State.

(4) Notwithstanding anything in this Constitution, the President may, with the consent of the Government of the State concerned, by order direct that the provisions of this Constitution relating to the Governor shall, in relation to the State, have effect as if for references to the Governor there were substituted references to the Administrator appointed by the President under this article.

(5) Nothing in this article shall prevent Parliament from making any provision for the amendment of this Constitution in relation to any matter referred to in this article.

Article 372: Continuance of existing laws and their adaptation

(1) Notwithstanding the commencement of this Constitution, but subject to the provisions of this Chapter, all the laws in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other authority.

(2) For the purpose of this article, the expression "law" includes any ordinance, order, bye-law, rule, regulation, notification, custom or usage having the force of law in any part of the territory of India.

(3) Nothing in clause (1) shall prevent Parliament from enacting at any time any law with respect to any matter for which provision was made by any law in force in the territory of India immediately before the commencement of this Constitution.

(4) In particular, and without prejudice to the generality of the foregoing provisions, nothing in clause (1) shall prevent Parliament from making any law for repealing or amending any law which is in force in the territory of India or any part thereof immediately before the commencement of this Constitution and which is repugnant to any provision of this Constitution.

#### Article 373: Application of provisions of Constitution to Jammu and Kashmir

(1) Notwithstanding anything in this Constitution, the provisions of this Part shall not apply to the State of Jammu and Kashmir.

(2) Nothing in this article shall prevent the application of any other provision of this Constitution to the State of Jammu and Kashmir, if the President by order so directs, and any such order may be made with such restrictions or modifications as the President may deem necessary.

#### Article 374: Transitional Provisions

(1) Notwithstanding anything in this Constitution, the President may, by order, provide for the continued application of all or any of the provisions of the Government of India Act, 1935, for such period, not extending beyond the first day of November, 1950, as he may specify in the order.

(2) Any order made under clause (1) may be varied or revoked by a subsequent order made by the President.

(3) Nothing in this article shall prevent Parliament from making provision for the amendment or repeal of any provision of the Government of India Act, 1935, in so far as it is inconsistent with the provisions of this Constitution.

#### Article 375: Power of President to authorise expenditure in case of emergency

(1) If the President is satisfied that a situation has arisen whereby the financial stability or credit of India is threatened, he may, by order, authorise the issue of moneys out of the Consolidated Fund of India to meet any expenditure for which provision has not been made by the law.

(2) No such order shall be issued unless the President has consulted the Prime Minister and the Chief Ministers of all the States.

(3) Every order issued under this article shall be laid before Parliament and shall cease to have effect after a period of thirty days from the date on which it is so laid or, if before the expiry of that period resolutions disapproving it are passed by both Houses of Parliament, on the date on which the resolutions are passed.

#### Article 376: Special Provisions Relating to Certain Offences Against Women

(1) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), a woman who is subjected to any of the following acts, shall be punished with the punishment provided for the corresponding offence when committed against a woman:—

(a) any of the offences under the Dowry Prohibition Act, 1961 (28 of 1961);

(b) the offence of rape; or

(c) an offence under section 376A, section 376B, section 376C or section 376D of this Code.

(2) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), the minimum punishment for the offence of rape shall be ten years, but shall not be less than seven years, and shall also be liable to fine.

(3) Nothing in sub-section (2) shall affect the provisions of section 376A, section 376B, section 376C or section 376D of this Code.

#### Article 377: Unnatural Offences

(1) Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Nothing in this section shall extend to any act of sexual intercourse between husband and wife, the wife being a consenting party.

#### Article 378: Application of provisions of this Constitution to Jammu and Kashmir

(1) Notwithstanding anything in this Constitution, the provisions of this Part shall not be applicable to the State of Jammu and Kashmir.

(2) Parliament may by law extend to the State of Jammu and Kashmir any provision of this Constitution other than those referred to in clause (1) with such modifications or adaptation as may be specified in the law and subject to such conditions as may be specified therein.

(3) Any such law as is referred to in clause (2) shall be passed by Parliament only with the concurrence of the Government of the State of Jammu and Kashmir.

#### Article 379: Continuance in force of existing laws and their adaptation

(1) Notwithstanding anything in this Constitution, all laws in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other authority.

(2) For the purpose of adapting the existing laws to the provisions of this Constitution, Parliament may by law make such adaptations and modifications in those laws as may be necessary.

#### Article 380: Application of provisions of the Constitution to the States

(1) The provisions of this Constitution, other than the provisions of Part III, shall, subject to the provisions of this article, apply to every State.

(2) In particular, and without prejudice to the generality of the foregoing provision, the provisions of this Constitution relating to—

(a) the executive power of the State; (b) the judiciary; (c) the distribution of legislative powers between the Union and the States; (d) the procedure for the amendment of this Constitution; (e) the property of the State; (f) contracts made by the State; (g) the borrowing of money by the State; (h) the giving of grants by the Union to the States, and the conditions on which such grants are to be made, shall apply in the case of every State.

(3) The provisions of this article shall not apply to the State of Jammu and Kashmir.

#### Article 381: Suits against the Government of India

(1) No suit shall be instituted against the Government of India or any of its officers in respect of any act done in the discharge of his official duty except with the consent of the President.

(2) No such suit shall be instituted after the expiration of two years from the date on which the cause of action arose.

Article 382: Power of President to make during recess grants for urgent expenditure

(1) If, in the opinion of the President, there is an urgent need to make any grant for the services of the Union for any period during which the House of the People is not in session, he may make a grant for such period out of the Consolidated Fund of India.

(2) Every such grant shall be made by an order made by the President and shall be deemed to be a charge on the Consolidated Fund of India.

(3) No such order shall be made unless a statement of the reasons for the grant and the amount of the grant has been laid before the House of the People.

Article 383: Power of President to adapt laws to circumstances arising out of Proclamation of Emergency

(1) If a Proclamation of Emergency is in operation, the President may, by order, make such adaptations of any law as he may deem necessary or expedient for the purpose of adapting the law to the circumstances arising out of the Proclamation.

(2) Any order made under clause (1) shall have the same force and effect as if it were a law made by Parliament.

Article 384: Extortion

Whoever, by putting any person in fear of injury, wrongful confinement, or the death of any person, or of any of his relations, or by threatening to publish any defamatory matter, or by any other means, intentionally extorts from any person, any property or valuable security, or any confession or admission, is said to commit extortion.

Article 385: Appropriation of Moneys for Certain Purposes

(1) Notwithstanding anything in Article 114, Parliament may, by law, authorise the President to make any appropriation of moneys out of the Consolidated Fund of India for the purpose of meeting any unforeseen expenditure, which is necessary for the services of the Union in the event of an emergency, that is to say, a situation arising out of war or external aggression or internal disturbance.

(2) No law made in pursuance of clause (1) shall be passed after the expiry of a period of two years from the commencement of that clause.

Article 386: Extortion by putting a person in fear of death or grievous hurt

(1) Whoever commits extortion by putting any person in fear of death or of grievous hurt, or of the death or grievous hurt of any other person, or in fear of any injury to property, or in fear of any other injury, commits the offence of extortion.

Article 387: Special provision as to determination of population for the purposes of certain elections

(1) If the President is satisfied that it is necessary or expedient in the public interest so to do, he may by order direct that the population of any State specified in the order shall, for the purposes of any election to the House of the People or to the Legislative Assembly of such State, be determined in such manner as he may specify in the order.

(2) An order made under clause (1) shall be laid before each House of Parliament and shall be subject to such modifications as Parliament may by law make.

Article 388: Provisions as to the filling of casual vacancies in the provisional Parliament and provisional Legislatures of the States  
(Omitted)

Article 389: Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may, by Proclamation, make any such provision as he considers necessary or expedient for the purpose of dealing with the situation.

(2) Any such Proclamation may be varied or revoked by a subsequent Proclamation.

(3) Every Proclamation under this article shall, as soon as may be after it is made, be laid before both Houses of Parliament.

(4) If both Houses of Parliament approve the Proclamation, it shall continue in force for such period as may be specified in the Proclamation; but if they do not approve the Proclamation, it shall cease to operate at the expiration of a period of six weeks from the date on which it is laid before them.

Article 390: Continuance of Existing Laws and Notifications

(1) Notwithstanding anything in this Constitution, all laws in force in the territory of India immediately before the commencement of this Constitution, insofar as they are not inconsistent with the provisions of this Constitution, shall continue in force until altered or repealed or amended by a competent Legislature or other authority.

(2) All notifications issued by the Governor-General or any other authority under any law in force in the territory of India immediately before the commencement of this Constitution shall, insofar as they are not inconsistent with the provisions of this Constitution, continue in force until revoked or amended by a competent authority.

Article 391: Validation of certain Acts and Regulations

(1) Notwithstanding anything in this Constitution, any Central Act or Regulation made before the commencement of this Constitution shall, in so far as it is inconsistent with any provision of this Constitution, continue in force until altered or repealed or amended by a competent Legislature or other authority.

(2) In this article, "competent Legislature" means Parliament or the Legislature of a State as the case may be.

Article 392: Power of Parliament to make alterations in the Constitution

(1) Notwithstanding anything in this Constitution, Parliament may by law amend any provision of this Constitution in accordance with the provisions of this Article.

(2) An amendment of this Constitution may be made by way of a Bill which, when passed by each House of Parliament with an absolute majority of the members present and voting, shall be presented to the President for his assent.

(3) If the President withholds his assent to a Bill for an amendment of this Constitution, the Bill shall again be presented to the Houses of Parliament in session assembled in two successive sessions, and if it is passed by each House with an absolute majority of the members present and voting in each such session, it shall be presented to the President for his assent and the President shall not withhold assent to the Bill.

Article 393: Short title

This Constitution may be called the Constitution of India.

Article 394: Authoritative Text in Hindi

(1) The President shall cause an authoritative translation of this Constitution in the Hindi language, both in Devanagari and Roman scripts, to be published.



(2) The authoritative translation of this Constitution in the Hindi language shall be deemed to be the text thereof in the Hindi language for all purposes.

#### Article 395: Repeals

(1) The Indian Independence Act, 1947, and the Government of India Act, 1935, together with all enactments amending or supplementing the latter Act, but not including the Abolition of Privy Council Jurisdiction Act, 1949, are hereby repealed.

(2) Any reference in any other law to any enactment repealed by this article shall be construed as a reference to the corresponding provision of this Constitution.

#### Article 396: Dacoity with Murder

(1) If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(2) Where a person is convicted of an offence under this article, the court may, if it thinks fit, order that the property, if any, used in the commission of the offence shall be forfeited to the State.

Article 397: Power of President to adapt laws (1) If at any time it appears to the President that it is necessary or expedient in the public interest so to do, he may by order make such adaptations and modifications of any Act of Parliament as may be necessary or expedient for the purpose of bringing the law into accord with the provisions of this Constitution. (2) No such order shall be made unless a draft of the order has been laid before each House of Parliament and the Houses have been allowed a reasonable opportunity of considering the draft.

#### Article 398: Application of provisions of this Chapter to expenditure charged on the Consolidated Fund of India

(1) The provisions of this Chapter shall not apply to any expenditure charged on the Consolidated Fund of India.

(2) No demand for a grant for any expenditure charged on the Consolidated Fund of India shall be made in Parliament.

(3) No discussion shall take place in Parliament with respect to any such expenditure.

#### Article 399: Making Preparation to Commit Dacoity

Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

#### Article 400: Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are sitting, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may, by Proclamation, make such provisions as he deems necessary for the purpose.

(2) Every such Proclamation shall be laid before Parliament as soon as possible after it is issued, and shall be subject to annulment by Parliament.

(3) Notwithstanding anything in the foregoing provisions of this article, a Proclamation issued under this article shall cease to have effect at the expiration of six weeks from the date of its issue, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

Article 401: Custody of the Consolidated Funds, Contingency Fund and moneys credited to the public accounts

(1) The custody of the Consolidated Fund of India, the Contingency Fund of India and all other moneys credited to the public accounts of the Union shall be entrusted to such person or persons as the President may direct or authorise.

(2) No moneys out of the Consolidated Fund of India or the Contingency Fund of India shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Constitution.

(3) No moneys shall be withdrawn from the Consolidated Fund of India except under appropriation made by law passed in accordance with the provisions of this Constitution.

(4) No moneys shall be withdrawn from the Contingency Fund of India except to meet unforeseen expenditure, pending authorisation of such expenditure by Parliament by law under article 115.

Article 402: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the annual financial statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India—

(a) the emoluments and allowances of the President and other expenditure relating to his office;

(b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(d) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court;

(e) the pensions payable to or in respect of Judges of any High Court;

(f) the salaries, allowances and pensions payable to or in respect of the Comptroller and Auditor-General of India;

(g) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(h) any other expenditure declared by this Constitution or by Parliament by law to be so charged.

Article 403: Custody, etc., of Consolidated Funds, Contingency Funds and moneys credited to the public accounts of the States

(1) The custody of the Consolidated Fund of a State, the Contingency Fund of a State and all other moneys credited to the public accounts of a State shall be entrusted to such person or persons as the Governor may direct or authorise.

(2) No moneys out of the Consolidated Fund of a State or the Contingency Fund of a State shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Constitution.

(3) No moneys shall be withdrawn from the Consolidated Fund of a State except under appropriation made by law passed in accordance with the provisions of this Constitution.

(4) No moneys shall be withdrawn from the Contingency Fund of a State except to meet unforeseen expenditure pending authorisation of such expenditure by the Legislature of the State by law under article 206.

#### Article 404: Withdrawals from Consolidated Fund of India

No moneys out of the Consolidated Fund of India shall be withdrawn except in accordance with law and for the purposes and in the manner provided in this Constitution.

#### Article 405: Custody, etc., of Consolidated Funds, Contingency Funds and moneys credited to the public accounts of the Union and of the States

(1) The custody of the Consolidated Fund of India, the Contingency Fund of India, the Public Account of India and all other moneys credited to the public accounts of the Union shall be entrusted to such person or persons as the President may direct or authorise.

(2) The custody of the Consolidated Fund of a State, the Contingency Fund of a State, the Public Account of a State and all other moneys credited to the public accounts of the State shall be entrusted to such person or persons as the Governor may direct or authorise.

#### Article 406: Appropriation Bills

(1) As soon as may be after the grants under article 405 have been made by the House of the People, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of India of all moneys required to meet—

(a) the grants so made by the House of the People; and

(b) the expenditure charged on the Consolidated Fund of India but not exceeding in any case the amount shown in the statement previously laid before Parliament.

(2) No amendment shall be proposed to any such Bill in either House of Parliament which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of India, and the decision of the person presiding as to whether an amendment is admissible under this clause shall be final.

#### Article 407: Money Bills

(1) A Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely:

(a) the imposition, abolition, remission, alteration or regulation of any tax;

(b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;

(c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;

(d) the appropriation of moneys out of the Consolidated Fund of India;

(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;

(f) the receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State; or

(g) any matter incidental to any of the matters specified in sub-clauses

(a) to (f).

(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

Article 408: Power of the President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President.

Article 409: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the annual financial statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India—

(a) the emoluments and allowances of the President and other expenditure relating to his office;

(b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(d) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court;

(e) the pensions payable to or in respect of Judges of any High Court;

(f) the salaries, allowances and pensions payable to or in respect of the Comptroller and Auditor-General of India;

(g) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(h) any other expenditure declared by this Constitution or by Parliament by law to be so charged.

Article 410: Rules of procedure

(1) Subject to the provisions of this Constitution, each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.

(2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to the Houses of Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

Article 411: Annual financial statement and the Appropriation Bill not to be submitted to vote

The annual financial statement and the Appropriation Bill shall not be submitted to the vote of Parliament or any House thereof.

Article 412: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the annual financial statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

Article 413: Contingency Fund of India

(1) Parliament may by law establish a Contingency Fund in the nature of an imprest to be entitled the Contingency Fund of India into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the President to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament:

Provided that there shall be laid before both Houses of Parliament any amount expended from the Fund together with the circumstances leading to such expenditure.

(2) The advances made from the Contingency Fund of India shall be subsequently recouped by amounts voted by Parliament.

Article 414: Supplementary, additional or excess grants

(1) The President shall cause to be laid before both Houses of Parliament for every financial year a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the annual financial statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

Article 415: Vote on Account

(1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of

the law in accordance with the provisions of article 114 in relation to that expenditure; and

(b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement.

(2) The provisions of articles 112, 113 and 114 shall have effect in relation to the making of any grant under clause (1) and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.

#### Article 416: Supplementary, additional or excess grants

(1) The President shall cause to be laid before both Houses of Parliament any estimate supplementary, additional or excess expenditure, if any, required to be made from the Consolidated Fund of India in respect of every financial year.

(2) The provisions of articles 112, 113 and 114 shall have effect in relation to the making of any grant under clause (1) and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.

#### Article 417: Contingency Fund of India

(1) Parliament may by law establish a Contingency Fund in the nature of an imprest to be entitled the Contingency Fund of India into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the President to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament:

Provided that there shall be laid before both Houses of Parliament any amount expended from the Fund together with the circumstances leading to such expenditure.

(2) The provisions of articles 112, 113 and 114 shall have effect in relation to the making of any grant under clause (1) and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.

#### Article 418: Power of the President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President.

#### Article 419: Special provisions as to financial Bills

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the of the President and a Bill making such provision shall not be introduced in the Council of States:

Provided that no shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

#### Article 420: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the annual financial statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

#### Article 421: Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases

(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—

(a) in all cases where the punishment or sentence is by a Court Martial;

(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

(c) in all cases where the sentence is a sentence of death.

(2) Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a Court Martial.

#### Article 422: Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases

(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—

(a) in all cases where the punishment or sentence is by a Court Martial;

(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

(c) in all cases where the sentence is a sentence of death.

(2) Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a Court Martial.

#### Article 423: Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases

(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—

(a) in all cases where the punishment or sentence is by a Court Martial;

(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

(c) in all cases where the sentence is a sentence of death.

(2) Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a Court Martial.

#### Article 424: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India—

(a) the emoluments and allowances of the President and other expenditure relating to his office;

(b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

#### Article 425: Supplementary, additional or excess grants

(1) The President shall cause to be laid before both the Houses of Parliament for every financial year a statement of the estimated amount of supplementary, additional or excess grants that he may be called upon to recommend during the course of that year.

(2) The provisions of articles 113 and 114 shall have effect in relation to the statement so laid before the Houses of Parliament under clause (1) as they have effect in relation to the annual financial statement referred to in article 114.

#### Article 426: Votes on account, votes of credit and exceptional grants

(1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year; and

(d) to make any grant for the purpose of enabling advances to be made out of the Consolidated Fund of India.

(2) The provisions of articles 113 and 114 shall have effect in relation to the making of any grant under clause (1) and to any law to be made



under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorization of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.

#### Article 427: Contingency Fund of India

(1) Parliament may by law establish a Contingency Fund in the nature of an imprest to be entitled the Contingency Fund of India into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the President to enable advances to be made by him out of such Fund for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament:

Provided that there shall be laid before both the Houses of Parliament any expenditure so made as soon as may be after the making of such expenditure.

(2) The provisions of articles 114 and 115 shall have effect in relation to the Contingency Fund of India as they have effect in relation to the Consolidated Fund of India.

#### Article 428: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the annual financial statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India—

(a) the emoluments and allowances of the President and other expenditure relating to his office;

(b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

#### Article 429: Votes on account, votes of credit and exceptional grants

(1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year; and

(d) to make any grant for an expenditure charged on the Consolidated Fund of India, but not exceeding in amount the sum so charged for the preceding financial year.

#### Article 430: Transitional provisions

(1) Notwithstanding anything in this Constitution, as from the appointed day—

(a) all property and assets which immediately before that day were vested in His Majesty for the purposes of the Government of India or of any State shall vest in the Union or, as the case may be, in the successor State;

(b) all rights, liabilities and obligations of the Government of India or of any State, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations of the Government of India or, as the case may be, of the successor State;

(c) all suits and other legal proceedings instituted or which could have been instituted by or against the Government of India or any State immediately before that day may be continued or may be instituted by or against the Government of India or, as the case may be, the successor State;

(d) all matters in the Concurrent List which immediately before that day were regulated by Parliament alone shall be regulated by Parliament and the Legislature of every successor State;

(e) all matters other than those referred to in clause (d) which immediately before that day were regulated by the Legislature of any State alone shall be regulated by the Legislature of the successor State alone;

(f) any reference in the Constitution to the Governor of a State shall, in relation to any area within the territory of India which on the appointed day is transferred from one State to another, be construed as a reference to the Governor or Rajpramukh of the successor State.

(2) In this article, the expression "appointed day" means the date on which the Constitution (Seventh Amendment) Act, 1956, comes into force.

#### Article 431: Power of President to make regulations for certain Union territories

(1) The President may, with respect to any Union territory or part thereof, by public notification, make regulations for the peace, progress and good government of the territory or part thereof, and any regulation so made may repeal or amend any Act of Parliament or any other law which is for the time being applicable to that territory or part thereof.

(2) Any regulation so made may contain such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the purposes of the regulation.

(3) All regulations made under this article shall be laid before Parliament, and shall be subject to such modifications, whether by way of repeal or amendment, as Parliament may make during the session in which they are so laid.

#### Article 432: Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it

are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President.

Article 433: Power of President to promulgate Ordinances during recess of State Legislature

(1) If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance—

(a) shall be laid before the Legislative Assembly of the State, or where there is a Legislative Council in the State, before both Houses, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the Governor.

Article 434: Power of President to promulgate Ordinances when both Houses of Parliament are dissolved

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President.

Article 435: Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President.

Article 436: Special provisions as to financial Bills

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the of the President and a Bill making such provision shall not be introduced in the Council of States:

Provided that no shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

#### Article 437: Power of President to promulgate Ordinances during recess of State Legislature

(1) If at any time, except when the Legislative Assembly of a State is in session, or where there is a Legislative Council in a State, except when both Houses are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require.

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of the Legislature of the State assented to by the Governor, but every such Ordinance—

(a) shall be laid before the Legislative Assembly of the State, or where there is a Legislative Council in the State, before both the Houses, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the Governor.

#### Article 438: Validation of certain Acts and Regulations

(1) Notwithstanding any judgment, decree or order of any court, tribunal or other authority, all acts done by the President or the Governor or any person acting under the authority of the President or the Governor in the exercise of his functions shall be deemed to have been done in accordance with law.

(2) No law made by the Legislature of a State shall be deemed to be invalid on the ground that it makes provision with respect to any matter with respect to which Parliament has no power to make laws, if it has received the assent of the President.

(3) In this article, "law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law.

#### Article 439: Special provisions as to financial Bills

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in a State Legislature except on the recommendation of the Governor.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

#### Article 440: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

- (a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and
- (b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

Article 441: Supplementary, additional or excess grants

- (1) The President shall cause to be laid before both the Houses of Parliament for every financial year a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".
- (2) The estimates of expenditure embodied in the annual financial statement shall show separately—
  - (a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and
  - (b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

Article 442: Vote on account

- (1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power—
  - (a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure; and
  - (b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement.
- (2) The provisions of articles 115 and 116 shall have effect in relation to the making of any grant under clause (1) and to any law to be made under article 114 in relation to such grant as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorization of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.

Article 443: Supplementary, additional or excess grants

- (1) The President shall cause to be laid before both the Houses of Parliament any estimate supplementary, additional or excess expenditure, if any, required to be made from the Consolidated Fund of India in respect of every financial year.
- (2) The provisions of articles 113 and 114 shall have effect in relation to those estimates as they have effect in relation to the annual financial statement and the statement of estimated receipts and expenditure of the Government of India for that year.

Article 444: Power of Parliament to amend the Constitution and procedure therefor

- (1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.
- (2) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the

Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in—

(a) Article 54, Article 55, Article 73, Article 162 or Article 241, or  
(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI,  
the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.

(3) In this article, reference to any substantial question of law as to the interpretation of this Constitution shall be construed as including a reference to any substantial question of law as to the interpretation of the Government of India Act, 1935 (including any enactment amending or supplementing that Act), or of any Order in Council or order made thereunder, or of the Indian Independence Act, 1947, or of any order made thereunder.

Article 445: Procedure for amendment in certain cases

(1) Notwithstanding anything in this Constitution, the provisions of this Chapter shall not apply to any amendment of this Constitution made under article 368 to—

(a) Article 54, Article 55, Article 73, Article 162 or Article 241, or  
(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI.

(2) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976 shall be called in question in any court on any ground.

Article 446: Special provisions as to financial Bills

(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in a State Legislature except on the recommendation of the Governor.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India or the Consolidated Fund of a State shall not be passed by either House of Parliament or by the Legislature of a State unless the President or the Governor, as the case may be, has recommended to that House the consideration of the Bill.

Article 447: Interpretation

In this Chapter and in any law made by Parliament or the Legislature of a State, references to any substantial financial powers of the President or the Governor shall include references to any other powers vested in him which are exercisable in his discretion for the purpose of giving effect to the provisions of this Constitution relating to the appropriation of moneys out of the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be.

Article 448: Annual financial statement

(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated

receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India, and shall distinguish expenditure on revenue account from other expenditure.

#### Preamble:

We, the People of India, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation, do hereby adopt, enact and give to ourselves this Constitution.

We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the Nation.

#### Fundamental Rights:

The Fundamental Rights are the basic rights and freedoms that are guaranteed to all citizens of India by the Constitution of India. They are enshrined in Part III of the Constitution, and are divided into six categories:

- \* Right to Equality
- \* Right to Freedom
- \* Right against Exploitation
- \* Right to Freedom of Religion
- \* Cultural and Educational Rights
- \* Right to Property
- \* Right to Constitutional Remedies

The Fundamental Rights are enforceable in the courts, and any violation of these rights can be challenged in a court of law.

#### Schedules:

##### Schedule 1: The Union List

The Union List is one of the three lists in the Seventh Schedule of the Indian Constitution. It lists the subjects on which the Union Parliament has exclusive legislative power. The other two lists are the State List and the Concurrent List.

##### Schedule 2: Salaries and Allowances of President, Vice-President, Governors, etc.

Schedule 2 of the Indian Constitution lists the salaries and allowances of the President, Vice-President, Governors, Speakers of the two Houses of Parliament, the Chief Justice of India, and other high-ranking officials.

##### Schedule 3: Allocation of Revenues between the Union and the States

Schedule 3 of the Indian Constitution lists the sources of revenue that are allocated between the Union and the States.

#### Schedule 4: Allocation of Seats in the Council of States

Schedule 4 of the Indian Constitution specifies the number of seats that are allocated to each State and Union Territory in the Council of States.

#### Schedule 5: Administration of Scheduled Areas and Scheduled Tribes

Schedule 5 of the Indian Constitution deals with the administration of Scheduled Areas and Scheduled Tribes in India.

#### Schedule 6: Special Provisions Relating to Certain States

Schedule 6 of the Indian Constitution contains special provisions relating to the States of Assam, Meghalaya, Mizoram, and Nagaland.

#### Schedule 7: Finance, Property, Contracts and Suits

Schedule 7 of the Indian Constitution deals with the distribution of legislative powers between the Union and the States in relation to finance, property, contracts and suits.

#### Schedule 8: Language

Schedule 8 of the Indian Constitution lists the 22 official languages of India. These languages are used for official purposes in the Union and in the States.

#### Schedule 9: Laws to be Passed by Parliament with Special Majority

Schedule 9 of the Indian Constitution lists certain laws that can only be passed by Parliament with a special majority.

#### Schedule 10: Provisions as to Disqualification on Ground of Defection

Schedule 10 of the Indian Constitution deals with the disqualification of members of Parliament and State Legislatures on the ground of defection.

#### Schedule 11: Panchayats

Schedule 11 of the Indian Constitution deals with the establishment, composition, powers and functions of Panchayats in India.

#### Schedule 12: Finance Commission

Schedule 12 of the Indian Constitution deals with the composition, functions, and powers of the Finance Commission.

#### Fundamental Duties:

Fundamental duties are the moral obligations that every citizen of India has towards the nation and fellow citizens. They were added to the Indian Constitution in 1976.

#### Directive Principles of State Policy:

Directive Principles of State Policy (DPSP) are a set of guidelines for the government of India to follow in order to create a just and equitable society. They were added to the Indian Constitution in 1950.

#### Part I - The Union and its Territories:

Part I of the Indian Constitution deals with the Union and its Territories. It defines the territories that constitute the Union of India, and it establishes the central government of India.

#### Part II - Citizenship:

Part II of the Indian Constitution deals with Citizenship. It defines who is a citizen of India, and it sets out the procedures for acquiring and losing citizenship.

#### Part III - Fundamental Rights:



Part III of the Indian Constitution deals with Fundamental Rights. It guarantees certain rights to all citizens of India, including the right to equality, the right to freedom, the right to property, and the right to life and personal liberty.

Part IV - Directive Principles of State Policy:

Part IV of the Indian Constitution contains a set of principles that the state should strive to achieve. These principles are not enforceable by the courts, but they are nevertheless important in guiding the government's policies.

Part IV A - Fundamental Duties:

Part IV A of the Indian Constitution contains a list of 11 fundamental duties that are expected of all citizens of India. These duties are not enforceable by the courts, but they are nevertheless important in guiding the behavior of citizens.

Part V - The Union:

Part V of the Indian Constitution deals with the structure of the Union government. It establishes a parliamentary system of government at the Union level, with a President as the head of state and a Prime Minister as the head of government.

Part VI - The States:

(1) Legislative powers of the State.—Subject to the provisions of this Constitution, the Legislature of a State shall have exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List").

(2) Nothing in clause (1) shall derogate from the powers of Parliament to make laws with respect to any matter for a State or any part thereof.

Part VII - The States in Part B of First Schedule:

Part VII of the Indian Constitution deals with the states that were formerly princely states or 'Part B' states. These states were governed by a Rajpramukh, who was appointed by the President. The Rajpramukh had the power to appoint the Chief Minister and the Council of Ministers.

Part VIII - The Union Territories:

Article 239: Administration of Union territories.—(1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.

(2) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union territory, and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

(3) Nothing in this article shall in any way affect the provisions of article 239A.

Article 239A: Creation of local Legislatures or Council of Ministers or both for certain Union territories.—(1) Parliament may by law create for the Union territory of Puducherry—

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or

(b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368

notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.

#### Part IX - The Panchayats:

Part IX of the Indian Constitution deals with the panchayats, which are local self-government institutions in India. The panchayats are responsible for a wide range of functions, including:

- \* Providing basic amenities such as water, sanitation, and education.
- \* Promoting rural development.
- \* Ensuring the participation of the people in local governance.

#### Part IXA - The Municipalities:

Part IXA of the Indian Constitution deals with the municipalities, which are local self-government institutions in India. The municipalities are responsible for a wide range of functions, including:

- \* Providing basic amenities such as water, sanitation, and education.
- \* Promoting urban development.
- \* Ensuring the participation of the people in local governance.

#### Part IXB - The Co-operative Societies:

Part IXB of the Indian Constitution deals with the co-operative societies, which are voluntary organizations formed by people to meet their common economic, social, and cultural needs.

#### Part X - The Scheduled and Tribal Areas:

(1) The provisions of this Constitution relating to the Scheduled Castes and the Scheduled Tribes shall apply to the Scheduled Castes and the Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.

(2) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(3) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

(4) Notwithstanding anything contained in paragraph 2, no notification in relation to a State or Union territory shall be issued under that paragraph except in consultation with the Governor of that State or Union territory.

#### Part XI - Relation between the Union and the States:

Part XI of the Indian Constitution deals with the relationship between the Union and the States. This part of the Constitution sets out the powers of the Union and the States, as well as the ways in which the two levels of government can interact with each other.

#### Part XII - Finance, Property, Contracts and Suits:

Part XII of the Indian Constitution deals with the financial, property, contractual and judicial aspects of the Union and the States. This part of the Constitution sets out the rules and procedures for the management of public finances, the ownership of property, the enforcement of contracts, and the resolution of disputes.

#### Part XIII - Trade, Commerce and Intercourse within the territory of India:

Part XIII of the Indian Constitution deals with the trade, commerce, and intercourse within the territory of India. This part of the Constitution sets out the principles for the free movement of goods, people, and services within India.

Part XIV - Services Under the Union and the States:

(1) The services under the Union and the States shall be regulated by the appropriate law made by Parliament or, as the case may be, the Legislature of the State.

(2) In particular, and without prejudice to the generality of the foregoing power, such law may provide for—

(a) the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State;

Part XIVA - Tribunals:

(1) Parliament may, by law, provide for the establishment of tribunals for the adjudication of disputes relating to matters specified in clause (2) with respect to which any law made by Parliament is competent to enact.

(2) The provisions of this article shall apply to the following classes of tribunals, namely:

(a) tribunals for the Union and a State or for two or more States;

(b) tribunals for foreign exchange, customs and excise or industrial and labour disputes;

(c) tribunals for taxes on income other than agricultural income;

(d) tribunals for land reforms by way of acquisition by the State of any estate as defined in article 31A or of any rights therein or the extinguishment or modification of any such rights or for deciding disputes in respect of any matter arising from such acquisition or extinguishment or modification of rights;

(e) tribunals to determine the validity, or otherwise, of decisions of the Central and State Governments or any local or other authority that are violative of the rights of citizens as envisaged in Part III of this Constitution;

(f) tribunals for any matter referred to them by any law made by Parliament.

Part XV - Elections:

(1) The President, Vice-President, members of Parliament, the State Legislatures and the members of the Committee referred to in clause (1) of article 324 shall be elected by direct election.

(2) Election to the House of the People and to the Legislative Assemblies of States shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

(3) of the People Act, 1950 and the of the People Act, 1951 shall provide for the conduct of elections to the Houses of Parliament and to the Houses of the Legislature of each State, the qualifications of voters at such elections, the delimitation of constituencies for the purpose of elections, the preparation of electoral rolls, the manner of filling seats in the Council of States to be filled by representatives of Union territories, and matters connected therewith.

Part XVI - Special provisions relating to certain classes:

Part XVI of the Indian Constitution deals with special provisions relating to certain classes, including Scheduled Castes, Scheduled Tribes, and Anglo-Indians. This part of the Constitution sets out the special rights and privileges that are granted to these classes.

Part XVII - Official language:

Part XVII of the Indian Constitution deals with the official language of India. This part of the Constitution sets out the languages that are to be used for official purposes in India.

Part XVIII - Emergency Provisions:

Part XVIII of the Indian Constitution deals with the emergency provisions. This part of the Constitution allows the President of India to declare a state of emergency in the country.

Part XIX - Miscellaneous:

Part XIX of the Indian Constitution deals with miscellaneous provisions. This part of the Constitution includes provisions on a variety of topics, such as the appointment of the Comptroller and Auditor General, the salaries of the President and the Prime Minister, and the privileges of Parliament.

Part XX - Amendment of the Constitution:

Part XX of the Indian Constitution deals with the amendment of the Constitution. This part of the Constitution lays down the procedure for amending the Constitution, which is more difficult than the procedure for amending ordinary laws.

Part XXI - Temporary, Transitional and Special Provisions:

Part XXI of the Indian Constitution deals with temporary, transitional and special provisions. This part of the Constitution includes provisions on a variety of topics, such as the continuation of existing laws, the establishment of the Election Commission, and the special provisions for the State of Jammu and Kashmir.

Part XXII - Short Title, Commencement, Authoritative Text in Hindi and Repeals:

Part XXII of the Indian Constitution deals with the short title, commencement, authoritative text in Hindi and repeals. This part of the Constitution includes provisions on the short title of the Constitution, the commencement of the Constitution, the authoritative text of the Constitution in Hindi, and the repeal of certain laws.

PREAMBLE:

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the

nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

PART I: THE UNION AND ITS TERRITORY

Article 1: Name and territory of the Union.

Article 2: Admission or establishment of new States.

Article 2A: [Repealed].

Article 3: Formation of new States and alteration of areas, boundaries or names of existing States.

Article 4: Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

## PART II: CITIZENSHIP

Article 5: Citizenship at the commencement of the Constitution.

Article 6: Rights of citizenship of certain persons who have migrated to India from Pakistan.

Article 7: Rights of citizenship of certain migrants to Pakistan.

Article 8: Rights of citizenship of certain persons of Indian origin residing outside India.

Article 9: Persons voluntarily acquiring citizenship of a foreign State not to be citizens.

Article 10: Continuance of the rights of citizenship.

Article 11: Parliament to regulate the right of citizenship by law.

## PART III : FUNDAMENTAL RIGHTS

### General:

Article 12: Definition.

Article 13: Laws inconsistent with or in derogation of the fundamental rights.

### Right to Equality:

Article 14: Equality before law.

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 16: Equality of opportunity in matters of public employment.

Article 17: Abolition of Untouchability.

Article 18: Abolition of titles.

### Right to Freedom:

Article 19: Protection of certain rights regarding freedom of speech, etc.

Article 20: Protection in respect of conviction for offences.

Article 21: Protection of life and personal liberty.

Article 21A: Right to education

Article 22: Protection against arrest and detention in certain cases.

### Right against Exploitation:

Article 23: Prohibition of traffic in human beings and forced labour.

Article 24: Prohibition of employment of children in factories, etc.

### Right to Freedom of Religion:

Article 25: Freedom of conscience and free profession, practice and propagation of religion.

Article 26: Freedom to manage religious affairs.

Article 27: Freedom as to payment of taxes for promotion of any particular religion.

Article 28: Freedom as to attendance at religious instruction or religious worship in certain educational institutions.

### Cultural and Educational Rights:

Article 29: Protection of interests of minorities.

Article 30: Right of minorities to establish and administer educational institutions.

Article 31: [Repealed].

#### Saving of Certain Laws:

Article 31A: Saving of Laws providing for the acquisition of estates, etc.

Article 31B: Validation of certain Acts and Regulations.

Article 31C: Saving of laws giving effect to certain directive principles.

Article 31D: [Repealed].

#### Right to Constitutional Remedies:

Article 32: Remedies for enforcement of rights conferred by this Part.

Article 32A: [Repealed.]

Article 33: Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc.

Article 34: Restriction on rights conferred by this Part while martial law is in force in any area.

Article 35: Legislation to give effect to the provisions of this Part.

#### PART IV: DIRECTIVE PRINCIPLES OF STATE POLICY

Article 36: Definition.

Article 37: Application of the principles contained in this Part.

Article 38: State to secure a social order for the promotion of the welfare of the people.

Article 39: Certain principles of policy to be followed by the State.

Article 39A: Equal justice and free legal aid.

Article 40: The organisation of village panchayats.

Article 41: Right to work, to education and to public assistance in certain cases.

Article 42: Provision for just and humane conditions of work and maternity relief.

Article 43: Living wage, etc., for workers.

Article 43A: Participation of workers in the management of industries.

Article 43B: Promotion of co-operative societies.

Article 44: Uniform civil code for the citizens.

Article 45: Provision for free and compulsory education for children.

Article 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

Article 47: Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

Article 48: The organisation of agriculture and animal husbandry.

Article 48: A Protection and improvement of environment and safeguarding of forests and wildlife.

Article 49: Protection of monuments and places and objects of national importance.

Article 50: Separation of judiciary from the executive.

Article 51: Promotion of international peace and security.

#### PART IVA: FUNDAMENTAL DUTIES

Article 51A: Fundamental duties.

#### PART V: THE UNION:

##### CHAPTER I: THE EXECUTIVE

#### The President:

Article 52: The President of India.

Article 53: The executive power of the Union.

Article 54: Election of President.

Article 55: Manner of election of President.

Article 56: Term of office of President.

Article 57: Eligibility for re-election.

Article 58: Qualifications for election as President.  
Article 59: Conditions of the President's office.  
Article 60: Oath or affirmation by the President.  
Article 61: Procedure for impeachment of the President.  
Article 62: Time of holding the election to fill the vacancy in the office of President and the term of office of person elected to fill the casual vacancy.

#### The Vice-President:

Article 63: The Vice-President of India.  
Article 64: The Vice-President to be ex officio Chairman of the Council of States.  
Article 65: The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President.  
Article 66: Election of Vice-President.  
Article 67: Term of office of Vice-President.  
Article 68: Time of holding the election to fill the vacancy in the office of Vice-President and the term of office of person elected to fill the casual vacancy.  
Article 69: Oath or affirmation by the Vice-President.  
Article 70: Discharge of President's functions in other contingencies.  
Article 71: Matters relating to, or connected with, the election of a President or Vice-President.  
Article 72: Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.  
Article 73: The extent of executive power of the Union.

#### Council of Ministers:

Article 74: Council of Ministers to aid and advise the President.  
Article 75: Other provisions as to Ministers.

#### The Attorney-General for India:

Article 76: Attorney-General for India.

#### Conduct of Government Business:

Article 77: Conduct of business of the Government of India.  
Article 78: Duties of Prime Minister as respects the furnishing of information to the President, etc.

## CHAPTER II: PARLIAMENT

### General

Article 79: Constitution of Parliament.  
Article 80: Composition of the Council of States.  
Article 81: Composition of the House of the People.  
Article 82: Readjustment after each census.  
Article 83: Duration of Houses of Parliament.  
Article 84: Qualification for membership of Parliament.  
Article 85: Sessions of Parliament, prorogation and dissolution.  
Article 86: Right of President to address and send messages to Houses.  
Article 87: Special address by the President.  
Article 88: Rights of Ministers and Attorney-General as respects Houses.

### Officers of Parliament:

Article 89: The Chairman and Deputy Chairman of the Council of States.  
Article 90: Vacation and resignation of, and removal from, the office of Deputy Chairman.  
Article 91: Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman.

Article 92: The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration.  
Article 93: The Speaker and Deputy Speaker of the House of the People .  
Article 94: Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker.  
Article 95: Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker.  
Article 96: The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.  
Article 97: Salaries and allowances of the Chairman and Deputy Chairman and the Speaker and Deputy Speaker.  
Article 98: Secretariat of Parliament.

#### Conduct of Business:

Article 99: Oath or affirmation by members.  
Article 100: Voting in Houses, power of Houses to act notwithstanding vacancies and quorum.

#### Disqualifications of Members:

Article 101: Vacation of seats.  
Article 102: Disqualifications for membership.  
Article 103: Decision on questions as to disqualifications of members.  
Article 104: Penalty for sitting and voting before making oath or affirmation under article 99 or when not qualified or when disqualified.  
Powers, Privileges and Immunities of Parliament and its Members  
Article 105: Powers, privileges, etc., of the Houses of Parliament and of the members and committees thereof.  
Article 106: Salaries and allowances of members.

#### Legislative Procedure:

Article 107: Provisions as to introduction and passing of Bills.  
Article 108: Joint sitting of both Houses in certain cases.  
Article 109: Special procedure in respect of Money Bills.  
Article 110: Definition of "Money Bills".  
Article 111: Assent to Bills.

#### Procedure in Financial Matters:

Article 112: Annual financial statement.  
Article 113: Procedure in Parliament with respect to estimates.  
Article 114: Appropriation Bills.  
Article 115: Supplementary, additional or excess grants.  
Article 116: Votes on account, votes of credit and exceptional grants.  
Article 117: Special provisions as to financial Bills.

#### Procedure Generally:

Article 118: Rules of procedure.  
Article 119: Regulation by law of procedure in Parliament in relation to financial business.  
Article 120: Language to be used in Parliament.  
Article 121: Restriction on discussion in Parliament.  
Article 122: Courts not to inquire into proceedings of Parliament.

#### CHAPTER III: LEGISLATIVE POWERS OF THE PRESIDENT:

Article 123: Power of President to promulgate Ordinances during recess of Parliament.

#### CHAPTER IV: THE UNION JUDICIARY

Article 124: Establishment and constitution of Supreme Court.



Article 124A: National Judicial Appointments Commission. (Declared unconstitutional by the Supreme Court, however not repealed by the Parliament)  
Article 124B: Functions of Commission.  
Article 124C: Power of Parliament to make law.  
Article 125: Salaries, etc., of Judges.  
Article 126: Appointment of acting Chief Justice.  
Article 127: Appointment of ad hoc judges.  
Article 128: Attendance of retired Judges at sittings of the Supreme Court.  
Article 129: Supreme Court to be a court of record.  
Article 130: Seat of Supreme Court.  
Article 131: Original jurisdiction of the Supreme Court.  
Article 131A: [Repealed].  
Article 132: Appellate jurisdiction of Supreme Court in appeals from High Courts in certain cases.  
Article 133: Appellate jurisdiction of Supreme Court in appeals from High Courts in regard to Civil matters.  
Article 134: Appellate jurisdiction of Supreme Court in regard to criminal matters.  
Article 134A: Certificate for appeal to the Supreme Court.  
Article 135: Jurisdiction and powers of the Federal Court under existing law to be exercisable by the Supreme Court.  
Article 136: Special leave to appeal by the Supreme Court.  
Article 137: Review of judgments or orders by the Supreme Court.  
Article 138: Enlargement of the jurisdiction of the Supreme Court.  
Article 139: Conferment on the Supreme Court of powers to issue certain writs.  
Article 139A: Transfer of certain cases.  
Article 140: Ancillary powers of Supreme Court.  
Article 141: Law declared by Supreme Court to be binding on all courts.  
Article 142: Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.  
Article 143: Power of President to consult Supreme Court.  
Article 144: Civil and judicial authorities to act in aid of the Supreme Court.  
Article 144A: [Repealed].  
Article 145: Rules of Court, etc.  
Article 146: Officers and servants and the expenses of the Supreme Court.  
Article 147: Interpretation.

#### CHAPTER V: COMPTROLLER AND AUDITOR-GENERAL OF INDIA

Article 148: Comptroller and Auditor-General of India.  
Article 149: Duties and powers of the Comptroller and Auditor-General.  
Article 150: Form of accounts of the Union and of the States.  
Article 151: Audit reports.

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Article 152: Definition.

##### CHAPTER II: THE EXECUTIVE

###### The Governor:

Article 153: Governors of States.  
Article 154: Executive power of State.  
Article 155: Appointment of Governor.  
Article 156: Term of office of Governor.  
Article 157: Qualifications for appointment as Governor.  
Article 158: Conditions of Governor's office  
Article 159: Oath or affirmation by the Governor.

Article 160: Discharge of the functions of the Governor in certain contingencies.  
Article 161: Power of Governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.  
Article 162: Extent of executive power of State.

Council of Ministers:

Article 163: Council of Ministers to aid and advise Governor.  
Article 164: Other provisions as to Ministers.

The Advocate-General for the State:

Article 165: Advocate-General for the State.

Conduct of Government Business:

Article 166: Conduct of business of the Government of a State.  
Article 167: Duties of Chief Minister as respects the furnishing of information to Governor, etc.

CHAPTER III: THE STATE LEGISLATURE

General

Article 168: Constitution of Legislatures in States.  
Article 169: Abolition or creation of Legislative Councils in States.  
Article 170: Composition of the Legislative Assemblies.  
Article 171: Composition of the Legislative Councils.  
Article 172: Duration of State Legislatures.  
Article 173: Qualification for membership of the State Legislature.  
Article 174: Sessions of the State Legislature, prorogation and dissolution.  
Article 175: Right of Governor to address and send messages to the House or Houses.  
Article 176: Special address by the Governor.  
Article 177: Rights of Ministers and Advocate-General as respects the Houses.

Officers of the State Legislature:

Article 178: The Speaker and Deputy Speaker of the Legislative Assembly.  
Article 179: Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker.  
Article 180: Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker.  
Article 181: The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.  
Article 182: The Chairman and Deputy Chairman of the Legislative Council.  
Article 183: Vacation and resignation of, and removal from, the offices of Chairman and Deputy Chairman.  
Article 184: Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman.  
Article 185: The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration.  
Article 186: Salaries and allowances of the Speaker and Deputy Speaker and the Chairman and Deputy Chairman.  
Article 187: Secretariat of State Legislature.

Conduct of Business:

Article 188: Oath or affirmation by members.  
Article 189: Voting in Houses, power of Houses to act notwithstanding vacancies and quorum.

Disqualifications of Members:

Article 190: Vacation of seats.

Article 191: Disqualifications for membership.  
Article 192: Decision on questions as to disqualifications of members.  
Article 193: Penalty for sitting and voting before making oath or affirmation under article 188 or when not qualified or when disqualified.

Powers, privileges and immunities of State Legislatures and their Members:

Article 194: Powers, privileges, etc., of the Houses of Legislatures and of the members and committees thereof.  
Article 195: Salaries and allowances of members.

Legislative Procedure:

Article 196: Provisions as to introduction and passing of Bills.  
Article 197: Restriction on powers of Legislative Council as to Bills other than Money Bills.  
Article 198: Special procedure in respect of Money Bills.  
Article 199: Definition of "Money Bills".  
Article 200: Assent to Bills.  
Article 201: Bills reserved for consideration.

Procedure in Financial Matters:

Article 202: Annual financial statement.  
Article 203: Procedure in Legislature with respect to estimates.  
Article 204: Appropriation Bills.  
Article 205: Supplementary, additional or excess grants.  
Article 206: Votes on account, votes of credit and exceptional grants.  
Article 207: Special provisions as to financial Bills.

Procedure Generally:

Article 208: Rules of procedure.  
Article 209: Regulation by law of procedure in the Legislature of the State in relation to financial business.  
Article 210: Language to be used in the Legislature.  
Article 211: Restriction on discussion in the Legislature.  
Article 212: Courts not to inquire into proceedings of the Legislature.

#### CHAPTER IV : LEGISLATIVE POWER OF THE GOVERNOR

Article 213: Power of Governor to promulgate Ordinances during recess of Legislature.

#### CHAPTER V: THE HIGH COURTS IN THE STATES

Article 214: High Courts for States.  
Article 215: High Courts to be courts of record.  
Article 216: Constitution of High Courts.  
Article 217: Appointment and conditions of the office of a Judge of a High Court.  
Article 218: Application of certain provisions relating to Supreme Court to High Courts.  
Article 219: Oath or affirmation by Judges of High Courts.  
Article 220: Restriction on practice after being a permanent Judge.  
Article 221: Salaries, etc., of Judges.  
Article 222: Transfer of a Judge from one High Court to another.  
Article 223: Appointment of acting Chief Justice.  
Article 224: Appointment of additional and acting Judges.  
Article 224A: Appointment of retired Judges at sittings of High Courts.  
Article 225: Jurisdiction of existing High Courts.  
Article 226: Power of High Courts to issue certain writs.  
Article 226A: [Repealed].  
Article 227: Power of superintendence over all courts by the High Court.  
Article 228: Transfer of certain cases to High Court.

Article 228A: [Repealed].  
Article 229: Officers and servants and the expenses of High Courts.  
Article 230: Extension of jurisdiction of High Courts to Union territories.  
Article 231: Establishment of a common High Court for two or more States.

#### CHAPTER VI : SUBORDINATE COURTS

Article 233: Appointment of district judges.  
Article 233A: Validation of appointments of, and judgments, etc., delivered by, certain district judges.  
Article 234: Recruitment of persons other than district judges to the judicial service.  
Article 235: Control over subordinate courts.  
Article 236: Interpretation.  
Article 237: Application of the provisions of this Chapter to certain class or classes of magistrates.

#### PART VII: THE STATES IN PART B OF THE FIRST SCHEDULE

Article 238: [Repealed].

#### PART VIII: THE UNION TERRITORIES

Article 239: Administration of Union territories.  
Article 239A: Creation of local Legislatures or Council of Ministers or both for certain Union territories.  
Article 239AA: Special provisions with respect to Delhi.  
Article 239AB: Provision in case of failure of constitutional machinery.  
Article 239B: Power of the administrator to promulgate Ordinances during recess of Legislature.  
Article 240: Power of President to make regulations for certain Union territories.  
Article 241: High Courts for Union territories.  
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Article 243: Definitions.  
Article 243A: Gram Sabha.  
Article 243B: Constitution of Panchayats.  
Article 243C: Composition of Panchayats.  
Article 243D: Reservation of seats.  
Article 243E: Duration of Panchayats, etc.  
Article 243F: Disqualifications for membership.  
Article 243G: Powers, authority and responsibilities of Panchayats.  
Article 243H: Powers to impose taxes by, and Funds of, the Panchayats.  
Article 243-I: Constitution of Finance Commission to review financial position.  
Article 243J : Audit of accounts of Panchayats.  
Article 243K: Elections to the Panchayats.  
Article 243L: Application to Union territories.  
Article 243M: Part not to apply to certain areas.  
Article 243N: Continuance of existing laws and Panchayats.  
Article 243O: Bar to interference by courts in electoral matters.

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Article 243P: Definitions.  
Article 243Q: Constitution of Municipalities.  
Article 243R: Composition of Municipalities.  
Article 243S: Constitution and composition of Wards Committees, etc.  
Article 243T: Reservation of seats.  
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Article 243V: Disqualifications for membership.

Article 243W: Powers, authority and responsibilities of Municipalities, etc.  
Article 243X: Power to impose taxes by, and Funds of, the Municipalities.  
Article 243Y: Finance Commission.  
Article 243Z: Audit of accounts of Municipalities.  
Article 243ZA: Elections to the Municipalities.  
Article 243ZB: Application to Union territories.  
Article 243ZC: Part not to apply to certain areas.  
Article 243ZD: Committee for district planning.  
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Article 243ZF: Continuance of existing laws and Municipalities.  
Article 243ZG: Bar to interference by Courts in electoral matters.

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Article 243ZH: Definitions  
Article 243ZI: Incorporation of co-operative societies  
Article 243ZJ: Number and term of members of the board and its office bearers.  
Article 243 ZK: Election of members of board.  
Article 243ZL: Supersession and suspension of the board and interim management.  
Article 243ZM: Audit of accounts of co-operative societies.  
Article 243ZN: Convening of general body meetings.  
Article 243ZO: Right of a member to get information,  
Article 243ZP: Returns.  
Article 243ZQ: Offences and penalties.  
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#### PART X: THE SCHEDULED AND TRIBAL AREAS

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Article 244A: Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.

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Article 247: Power of Parliament to provide for the establishment of certain additional courts.  
Article 248: Residuary powers of legislation.  
Article 249: Power of Parliament to legislate with respect to a matter in the State List in the national interest.  
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##### Proclamation of Emergency is in operation:

Article 251: Inconsistency between laws made by Parliament under articles 249 and 250 and laws made by the Legislatures of States.  
Article 252: Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State.  
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Article 257: Control of the Union over States in certain cases.

Article 257A: [Repealed].

Article 258: Power of the Union to confer powers, etc., on States in certain cases.

Article 258A: Power of the States to entrust functions to the Union.

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Article 260: Jurisdiction of the Union in relation to territories outside India.

Article 261: Public acts, records and judicial proceedings.

### Disputes relating to Waters:

Article 262: Adjudication of disputes relating to waters of inter-State rivers or river valleys.

### Co-ordination between States:

Article 263: Provisions with respect to an inter-State Council.

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#### General

Article 264: Interpretation.

Article 265: Taxes not to be imposed save by authority of law.

Article 266: Consolidated Funds and public accounts of India and of the States.

Article 267: Contingency Fund.

### Distribution of Revenues between the Union and the States:

Article 268: Duties levied by the Union but collected and appropriated by the State.

Article 268A: [Repealed].

Article 269: Taxes levied and collected by the Union but assigned to the States.

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Article 270: Taxes levied and distributed between the Union and the States.

Article 271: Surcharge on certain duties and taxes for purposes of the Union.

Article 272: [Repealed].

Article 273: Grants in lieu of export duty on jute and jute products.

Article 274: Prior recommendation of President required to Bills affecting taxation in which States are interested.

Article 275: Grants from the Union to certain States.

Article 276: Taxes on professions, trades, callings and employments.

Article 277: Savings.

Article 278: [Repealed].

Article 279: Calculation of "net proceeds", etc.

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Article 280: Finance Commission.

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### Miscellaneous financial provisions

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Article 285: Exemption of property of the Union from State taxation.  
Article 286: Restrictions as to imposition of tax on the sale or purchase of goods.  
Article 287: Exemption from taxes on electricity.  
Article 288: Exemption from taxation by States in respect of water or electricity in certain cases.  
Article 289: Exemption of property and income of a State from Union taxation.  
Article 290: Adjustment in respect of certain expenses and pensions.  
Article 290A: Annual payment to certain Devaswom Funds.  
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#### CHAPTER II: BORROWING

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Article 293: Borrowing by States.

#### CHAPTER III: PROPERTY, CONTRACTS, RIGHTS, LIABILITIES, OBLIGATIONS AND SUITS

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Article 296: Property accruing by escheat or laps or as bona vacantia.  
Article 297: Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union.  
Article 298: Power to carry on trade, etc.  
Article 299: Contracts.  
Article 300: Suits and proceedings.

#### CHAPTER IV: RIGHT TO PROPERTY

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Article 302: Power of Parliament to impose restrictions on trade, commerce and intercourse.  
Article 303: Restrictions on the legislative powers of the Union and of the States with regard to trade and commerce.  
Article 304: Restrictions on trade, commerce and intercourse among States.  
Article 305: Saving of existing laws and laws providing for State monopolies.  
Article 306: [Repealed].  
Article 307: Appointment of authority for carrying out the purposes of articles 301 to 304.

#### PART XIV: SERVICES UNDER THE UNION AND THE STATES

##### CHAPTER I: SERVICES

Article 308: Interpretation.  
Article 309: Recruitment and conditions of service of persons serving the Union or a State.  
Article 310: Tenure of office of persons serving the Union or a State.  
Article 311: Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.  
Article 312: All-India services.

Article 312A: Power of Parliament to vary or revoke conditions of service of officers of certain services.

Article 313: Transitional provisions.

Article 314: [Repealed]

#### CHAPTER II: PUBLIC SERVICE COMMISSIONS

Article 315: Public Service Commissions for the Union and for the States.

Article 316: Appointment and term of office of members.

Article 317: Removal and suspension of a member of a Public Service Commission.

Article 318: Power to make regulations as to conditions of service of members and staff of the Commission.

Article 319: Prohibition as to the holding of offices by members of Commission on ceasing to be such members.

Article 320: Functions of Public Service Commissions.

Article 321: Power to extend functions of Public Service Commissions.

Article 322: Expenses of Public Service Commissions.

Article 323: Reports of Public Service Commissions.

#### PART XIVA: TRIBUNALS

Article 323A: Administrative tribunals.

Article 323B: Tribunals for other matters.

#### PART XV: ELECTIONS

Article 324: Superintendence, direction and control of elections to be vested in an Election Commission.

Article 325: No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.

Article 326: Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.

Article 327: Power of Parliament to make provision with respect to elections to Legislatures.

Article 328: Power of Legislature of a State to make provision with respect to elections to such Legislature.

Article 329: Bar to interference by courts in electoral matters.

Article 329A: [Repealed].

#### PART XVI: SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

Article 330: Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.

Article 331: Representation of the Anglo-Indian community in the House of the People.

Article 332: Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

Article 333: Representation of the Anglo-Indian community in the Legislative Assemblies of the States.

Article 334: Reservation of seats and special representation to cease after sixty years.

Article 335: Claims of Scheduled Castes and Scheduled Tribes to services and posts.

Article 336: Special provision for Anglo-Indian community in certain services.

Article 337: Special provision with respect to educational grants for the benefit of the Anglo-Indian Community.

Article 338: National Commission for Scheduled Castes.

Article 338A: National Commission for Scheduled Tribes.

Article 338A: National Commission for Backward Classes.

Article 339: Control of the Union over the Administration of Scheduled Areas and the welfare of Scheduled Tribes.



Article 340: Appointment of a Commission to investigate the conditions of backward classes.

Article 341: Scheduled Castes.

Article 342: Scheduled Tribes.

Article 342A: Socially and educationally backward classes.

#### PART XVII: OFFICIAL LANGUAGE

##### CHAPTER I: LANGUAGE OF THE UNION

Article 343: Official language of the Union.

Article 344: Commission and Committee of Parliament on official language.

##### CHAPTER II: REGIONAL LANGUAGES

Article 345: Official language or languages of a State.

Article 346: Official language for communication between one State and another or between a State and the Union.

Article 347: Special provision relating to language spoken by a section of the population of a State.

##### CHAPTER III: LANGUAGE OF THE SUPREME COURT, HIGH COURTS, ETC.

Article 348: Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.

Article 349: Special procedure for enactment of certain laws relating to language.

##### CHAPTER IV: SPECIAL DIRECTIVES

Article 350: Language to be used in representations for redress of grievances.

Article 350A: Facilities for instruction in mother-tongue at the primary stage.

Article 350B: Special Officer for linguistic minorities.

Article 351: Directive for development of the Hindi language.

#### PART XVIII: EMERGENCY PROVISIONS

Article 352: Proclamation of Emergency.

Article 353: Effect of Proclamation of Emergency.

Article 354: Application of provisions relating to distribution of revenues while a Proclamation of Emergency is in operation.

Article 355: Duty of the Union to protect States against external aggression and internal disturbance.

Article 356: Provisions in case of failure of constitutional machinery in States.

Article 357: Exercise of legislative powers under Proclamation issued under article 356.

Article 358: Suspension of provisions of article 19 during emergencies.

Article 359: Suspension of the enforcement of the rights conferred by Part III during emergencies.

Article 359A: [Repealed].

Article 360: Provisions as to financial emergency.

#### PART XIX: MISCELLANEOUS

Article 361: Protection of President and Governors and Rajprakhys.

Article 361A: Protection of publication of proceedings of Parliament and State Legislatures.

Article 361B: Disqualification for appointment on remunerative political post.

Article 362: [Repealed].

Article 363: Bar to interference by courts in disputes arising out of certain treaties, agreements, etc.

Article 363A: Recognition granted to Rulers of Indian States to cease and privy purses to be abolished.

Article 364: Special provisions as to major ports and aerodromes.  
Article 365: Effect of failure to comply with, or to give effect to, directions given by the Union.  
Article 366: Definitions.  
Article 367: Interpretation.

#### PART XX: AMENDMENT OF THE CONSTITUTION

Article 368: Power of Parliament to amend the Constitution and procedure therefor.

#### PART XXI: TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS

Article 369: Temporary power to Parliament to make laws with respect to certain matters in the State List as if they were matters in the Concurrent List.  
Article 370: Temporary provisions with respect to the State of Jammu and Kashmir.  
Article 371: Special provision with respect to the States of Maharashtra and Gujarat.  
Article 371A: Special provision with respect to the State of Nagaland.  
Article 371B: Special provision with respect to the State of Assam.  
Article 371C: Special provision with respect to the State of Manipur.  
Article 371D: Special provisions with respect to the State of Andhra Pradesh.  
Article 371E: Establishment of Central University in Andhra Pradesh.  
Article 371F: Special provisions with respect to the State of Sikkim.  
Article 371G: Special provision with respect to the State of Mizoram.  
Article 371H: Special provision with respect to the State of Arunachal Pradesh.  
Article 371-I: Special provision with respect to the State of Goa.  
Article 371J: Special provision with respect to the State of Karnataka.  
Article 372: Continuance in force of existing laws and their adaptation.  
Article 372A: Power of the President to adapt laws.  
Article 373: Power of President to make order in respect of persons under preventive detention in certain cases.  
Article 374: Provisions as to Judges of the Federal Court and proceedings pending in the Federal Court or before His Majesty in Council.  
Article 375: Courts, authorities and officers to continue to function subject to the provisions of the Constitution.  
Article 376: Provisions as to Judges of High Courts.  
Article 377: Provisions as to Comptroller and Auditor-General of India.  
Article 378: Provisions as to Public Service Commissions.  
Article 378A: Special provision as to the duration of Andhra Pradesh Legislative Assembly.  
Article 379-391: [Repealed]  
Article 392: Power of the President to remove difficulties.

#### PART XXII: SHORT TITLE, COMMENCEMENT, AUTHORITATIVE TEXT IN HINDI AND REPEALS

Article 393: Short title.  
Article 394: Commencement.  
Article 394A: Authoritative text in the Hindi language.  
Article 395: Repeals.

Question: Whether Preamble is the part of the constitution?

Answer: In the case of Kesvanand Bharti vs. State of Kerala, the supreme has held that preamble is part of the constitution. Preamble is of extreme importance and the constitution should be read and interpreted in the light of grand and noble vision expressed in the preamble. However, two things should be noted:

The preamble is neither a source of power to legislature nor prohibition upon the powers of legislature.  
It is not justiciable i.e. not enforceable in courts of law.

Question: Whether preamble can be amended?

Answer: Supreme Court has held that preamble can be amended subject to the condition that no amendment is done to the 'Basic structure' of the constitution. The Preamble has been amended only once by the 42nd Constitutional Amendment act, which has added three new words- Socialistic, Secular and Integrity- to the preamble.

Question: Corporation when deemed to be state?

Answer: According to the judgment of *Ajay Hasia vs. Khalid Mujib*  
If the entire share capital is held by government.  
Financial assistance is provided by the government to meet the entire expenditure.  
When corporation enjoys a monopoly status.  
When the state is having deep and pervasive control over the affairs of the corporation.  
If the corporation is discharging public function.  
Corporation acting as an agency instrumentality of the government. ( *RD Shetty vs. IAA* ).  
Stock Exchange is not a state because it is independent from the government control. ( *Satish Nayak vs. Cochin Stock Exchange Ltd.* )

In *Prabhu Datt Vs. Union of India* - Supreme Court held that right to know news and information about the functioning of the Govt., is included in the freedom of Press.

In *Union of India Vs. Association for Democratic Reforms*- Supreme Court held that people have right to know about the candidate before voting. Thus, the law preventing the Election Commission from asking for a candidate's wealth, Assets, liabilities education and other such information is invalid.

In *Tata Press Ltd. Vs. M.T.N.L.* the Supreme Court held that commercial speech (Advertisement) is a part of freedom of speech and expression U/A 19(1) (a).

In *Union of India V. Naveen Jindal*, The Court held that "Flying National Flag" is fundamental Right U/A 19(1) (a)

Freedom of Silence - Right not to speak, In *Bijoy Emmanuel Vs. State of Kerala*.

Freedom of the Press - the freedom of press defined in the Indian Constitution U/A 19(1) (a) In *Indian Express newspaper Vs. Union of India*, the Court observed the expression "Freedom of the Press" has not been used in Article 19.

Pre-censorship Invalid - In *Ramesh Thapper Vs. State of Madras*.

In *Maneka Gandhi v. Union of India*. The Court has given the widest possible interpretation of Personal liberty. Thus Article 21 requires the following Conditions to be fulfilled before a Person is deprived of Personal liberty.

There must be a valid law.

The law must provide a Procedure.

The Procedure must be (just, fair and Reasonable) ensuring Natural Justice.

Right to life includes within its ambit the right to live with Human dignity. The S.C. held that the right to life defines not only physical existence but the "quality of life."

Judicial Pronouncement on right to Life & personal liberty:

Right to Travel abroad. (Satwant Singh v. Assistant Passport officer)

Right to livelihood. (D.K.Yadav v. J.M.A Industries)

Right to Shelter. (Chameli Singh v. State of U.P.)

Right to Privacy. (R.Raja Gopal v. State of T.N.)

In PUCL Vs. Union of India, the S.C. held that telephone tapping is a serious invasion of an individual's right to Privacy which is part of the right to life and personal liberty.

Right to Health & Medical Assistance.

Right to die NOT A RIGHT TO LIFE

Protection of Ecology and Environmental Pollution

Right to education under Article 21A

Prisoner's Right. The Court held that if the Prisoner died due to beating by Police Officer, his family is entitled to compensation.

Right to free Legal Aid

Right to speedy Trial

Right Against Handcuffing

Right against Delayed Execution.

Right to food

Right to Marriage. (Lata Singh v. State of U.P.)

Right to Reputation.

Right to Die. In case of Gian Kaur v. State of Punjab "The Constitutional Bench of Supreme Court held that "right to life" Under Article 21 does not include "right to die."

Article 22 has two parts:-

First part deals with the ordinary law

Second part deals with the preventive detention

First part of Article 22: It deals with the detention under the ordinary law and provides for the following:

Right to be informed of the grounds of arrest.

Right to consult and be defended by a legal practitioner.

Right to be produced before magistrate within 24 hours, excluding the journey time.

Right to be released after 24 hours unless the Magistrate authorises further detention.

These safeguards are not available to an alien or a person arrested or detained under preventive detention.

Supreme Court has held that first part is not applicable in case of civil arrest, failure to pay income tax.

Second Part of Article 22: It deals with the detention under the preventive detention law. The protection is available to both citizen as well as alien and includes the following:

The detention of person cannot exceed three months unless an advisory board reports sufficient cause for extended detention.

The grounds of detention should be communicated to the detainee.

The detainee should be afforded an opportunity to make representation against the detention order.

TRADE, COMMERCE AND INTERCOURSE:

Meaning:- The word "trade" means "buying" or "selling" of goods while the term "Commerce" includes all forms of transportation such as by land, air or water. The term "intercourse" means movement of goods from one place

to another place. The words trade commerce and intercourse covers all kinds of activities which are likely to come under the nature of commerce.

It is to be noted that Article 19 (1) (g) also guarantees to citizens the right to practice any profession or carry on any trade, business, etc. But while Article 19 (1) (g) confers a fundamental right on citizens to carry on trade, business etc. Article 301 confers only a statutory right. The right under Article 19 (1) (g) can only be claimed by citizens, but the right under Article 301 can be claimed by any one.

The word "free" in Article 301 - does not mean freedom from Laws or regulations. There is a clear distinction between laws interfering with freedom to carry out the activities constituting trade and law imposing rules of proper conduct or other restraints for the due and orderly manner of carrying out the activities. The distinction is known as regulations.

The word "regulation" has no fixed connotation. Its meaning differs according to the nature of the thing which it is applied. A purely regulatory and compensatory law cannot be regarded as violative of the freedom of trade and commerce. Such laws are intended merely to regulate trade and commerce they tend, to facilitate, and not restrict or restrain freedom of trade. Thus, such measures as traffic regulations, licensing of vehicles, charging for the maintenance of roads, marketing and health regulations, price control, economic and social planning prescribing minimum wages are purely regulatory measures., than a law which levies a tax or toll for the use of a road or bridge is not a barrier or burden on a trade but in reality helps the free-flow of trade by enabling the provision of a more convenient and less expensive route. Such compensatory taxes are no hindrance to any such freedom of trade so long as they are within reasonable limits, if the amount of such taxes are unduly high it certainly would hamper trade.

In this connection the Court has pointed out that the distinction between "freedom" in Article 301 and "restriction" in Article 302 and 304 must be kept in mind, and that which, in reality facilitates trade cannot be a restriction. While that which actually hampers trade will be a restriction.

"The Majority judgement in the Atiabari Tea Co's Case read with a majority judgement in the Automobile's case lead to the following principles relating of Article 301

1. Article 301 assures freedom of inter-State as well as intra-State trade, Commerce and intercourse.
2. Trade, Commerce and intercourse have the widest connotation and take in movement of goods and persons.
3. The freedom is not only from laws enacted in the exercise of the powers conferred by the legislative entries relating to trade and commerce or production, supply and distribution of goods, but also to all laws including tax laws. only those laws whose direct and immediate effect to inhibit or restrict freedom of trade or commerce will come within the mischief of Article 301. Laws which are merely regulatory or which impose purely compensatory taxes, and hence intended to facilitate freedom of trade, are outside the scope Article 301.
4. Restrictions on Trade and Commerce - Article 301 is subject to the restrictions imposed under Article 302 to 305.

Parliament's Power to regulate trade and commerce in the Public interest - Article 302 authorizes Parliament to impose such restrictions on the freedom of trade, commerce or inter course between one State and another or within any part of the territory of India as may be required in the public interest.

State's power to regulate trade and commerce - Article 304 (a) empowers the State to impose any tax on goods imported from other State if similar goods in the State are subject to similar tax so as not to discriminate between goods so imported and goods manufactured or produced in the State.

Saving of existing laws - Article 305 saves existing laws and laws providing for State monopolies in so far as the President may by order otherwise direct. In *Saghir Ahmad v. State of U.P.* The Supreme Court raised the question whether an Act providing for State monopoly in a particular trade or business conflicts with the freedom of trade and commerce, guaranteed by Article 301, but left the question undecided. Article 19 was amended by the Constitution (first Amendment) Act in order to take out such State monopolies out of the purview of Article 19 (1)(g). But no corresponding provision was added to Article 305. It appears from the judgement of the Supreme Court that in spite of such an amendment a law introducing such State monopoly might have to be justified before the courts as being "in the public interest" or as amounting to a "reasonable" under Article 306 (b) of the Constitution.

Borrowed Features of Indian Constitution from other Constitutions:

Bag of Borrowings:

This term is used to signify the Indian Constitution as a conglomeration of various provisions taken from different constitutions in the world. This criticism has been a big topic and many consider that our constitution is merely a copy or a modification of the provisions. The Constitution has borrowed provisions from the constitutions of the UK, USA, France, and USSR.

Following features are borrowed from United Kingdom (British) Constitution:

1. Parliamentary form of government
2. The idea of single citizenship
3. The idea of the Rule of law
4. Institution of Speaker and his role
5. Lawmaking or Legislative procedure
6. Nominal head of the state
7. Post of Prime Minister
8. More powerful lower house
9. Bicameral legislature
10. Cabinet system
11. Prerogative writ
12. Parliamentary privilege

Following features are borrowed from United States (U.S.A) Constitution:

1. Charter of Fundamental Rights, which is similar to the United States Bill of Rights
2. Federal structure of government
3. Power of Judicial Review and independence of the judiciary
4. Bill of Rights that is Fundamental rights
5. Written constitution
6. Preamble to the Constitution
7. Impeachment of the President
8. Post of the Vice President and his functions
9. The institution of the Supreme Court
10. Removal of Supreme Court and High courts judges

11. Electoral College
12. Independent judiciary and separation of powers
13. President as commander-in-chief of the armed forces
14. Equal protection under law

Following features are borrowed from Irish (Ireland) Constitution:

1. Constitutional enunciation of the directive principles of state policy
2. Nomination of members to the Rajya Sabha by the President
3. Method of election of the President

Following features are borrowed from French (France) Constitution:

1. Ideals of Liberty, Equality and Fraternity in the Preamble
2. The ideals of republic in the preamble

Following features are borrowed from Canadian (Canada) Constitution:

1. A quasi-federal form of government – a federal system with a strong central government
2. The idea of Residual Powers retained by the central government
3. Distribution of powers between the central and state governments
4. Appointment of Governor of states by Centre
5. Advisory jurisdiction of the Supreme Court

Following features are borrowed from Australian (Australia) Constitution:

1. The idea of the Concurrent list
2. Freedom of trade and commerce within the country and between the states
3. National legislative power to implement treaties, even on matters outside normal federal jurisdiction
4. Provision of Joint Session of the Parliament
5. Preamble terminology or language of the Preamble

Following features are borrowed from Soviet (Former USSR) Constitution :

1. The Planning Commission and Five-Year Plans to oversee economic development
2. Fundamental Duties under article 51-A
3. Ideals of justice (social, economic and political) in the preamble

Following features are borrowed from Weimar Republic (Germany) Constitution:

1. Suspension of fundamental rights during emergency

Following features are borrowed from South African (South African) Constitution:

1. Amendment procedure of the constitution
2. Election of members of Rajya Sabha

Following features are borrowed from Japanese (Japan) Constitution:

1. Procedure established by law
2. Laws on which the Supreme Court functions

Part I - consists of Articles 1 - 4 on the Union and its Territory

Part II - consists of Articles 5 - 11 on Citizenship.

Part III - consists of Articles 12 - 35 on Fundamental Rights.

1. Articles 14 - 18 on Right to Equality,
2. Articles 19 - 22 on Right to Freedom,
3. Articles 23 - 24 on Right against Exploitation,
4. Articles 25 - 28 on Right to Freedom of Religion,
5. Articles 29 - 31 on Cultural and Educational Rights,

6. Articles 32 - 35 on Right to Constitutional Remedies.

Part IV - consists of Articles 36 - 51 on Directive Principles of State Policy.

Part IV (A) - consists of Article 51A - Fundamental Duties of each citizen of India.

Part V - consists of Articles on the Union.

Part V Chapter I - Articles 52 to 78 on The Executive.

1. Articles 52 - 73 on the President and Vice-President,
2. Articles 74 - 75 on Council of Ministers,
3. Articles 76 - Attorney General of India,
4. Articles 77 - 78 on the Conduct of Government Business

Part V Chapter II - Articles 79 - 122 on Parliament.

1. Articles 79 - 88 on Constitution of Parliament,
2. Articles 89 - 98 on Officers of Parliament,
3. Articles 99 - 100 on Conduct of Business,
4. Articles 101 - 104 on Disqualification of members,
5. Articles 105 - 106 on Powers, privileges and Immunities of Parliament and its Members,
6. Articles 107 - 111 on Legislative Procedure,
7. Articles 112 - 117 on Procedure in Financial Matters,
8. Articles 118 - 122 on Procedure Generally

Part V Chapter III - Article 123 on the Legislative Powers of the President.

Article 123 on Power of president to promulgate Ordinances during recess of Parliament

Part V Chapter IV - Articles 124 - 147 on The Union Judiciary.

Articles 124 - 147 Establishment and Constitution of Supreme Court

Part V Chapter V - Articles 148 - 151 on the Controller and Auditor-General of India.

Articles 148 - 151 on Duties and powers of Comptroller and Auditor-General.

Part VI - Articles on the States.

Part VI Chapter I - Article 152 on the General definition of a State of the Union of India

Article 152 - Exclusion of the state of Jammu and Kashmir from the general definition of a state of the Union of India.

Part VI Chapter II - Articles 153 - 167 on the Executive

1. Articles 153 - 162 on the Governor,
2. Articles 163 - 164 on the Council of Ministers,
3. Article 165 on the Advocate-General for the State.
4. Articles 166 - 167 on the Conduct of Government Business.

Part VI Chapter III - Articles 168 - 212 on The State Legislature.

1. Articles 168 - 177 General
2. Articles 178 - 187 on the Officers of the State Legislature,
3. Articles 188 - 189 on Conduct of Business,
4. Articles 190 - 193 on Disqualification of members,
5. Articles 194 - 195 on Powers, Privileges and Immunities Parliament and its Members,
6. Articles 196 - 201 on Legislative Procedure,
7. Articles 202 - 207 on Procedure in Financial Matters,



8. Articles 208 - 212 on Procedure Generally.

Part VI Chapter IV - Article 213 on the Legislative Powers of the Governor

Article 213 - Power of president to promulgate Ordinances during recess of Parliament

Part VI Chapter V - Articles 214 - 231 on The High Courts in the States.  
Articles 214 - 231 on High Courts in the States

Part VI Chapter VI - Articles 233 - 237 on the Subordinate Courts.  
Articles 232 - 237 on Subordinate Courts

Part VII - consists of Articles on States in the B part of the First schedule.

Article 238 Repealed, Replaced by the Constitution (Seventh Amendment) Act, 1956, s. 29 and Sch.

Part VIII - consists of Articles on The Union Territories  
Articles 239 - 242 Administration, creation of Council of Ministers and High Courts

Part IX - consists of Articles on the Panchayat system.  
Articles 243 - 243O on the Gram Sabha and Panchayat system

Part IXA - consists of Articles on Municipalities.  
Articles 243P - 243ZG on Municipalities

Part X - consists of Articles on the scheduled and Tribal Areas  
Articles 244 - 244A on Administration, creation of Council of Ministers, and legislatures.

Part XI - consists of Articles on Relations between the Union and the States.

Part XI Chapter I - Articles 245 - 255 on the Distribution of Legislative Powers

Articles 245 - 255 on Distribution of Legislative Relations

Part XI Chapter II - Articles 256 - 263 on Administrative Relations

1. Articles 256 - 261 - General
2. Article 262 - on Disputes relating to waters.
3. Article 263 - on Co-ordination between States

Part XII - consists of Articles on Finance, Property, Contracts and Suits

Part XII Chapter I - Articles 264 - 291 on Finance

1. Articles 264 - 267 General
2. Articles 268 - 281 on Distribution Revenues between the Union and the States
3. Articles 282 - 291 on Miscellaneous Financial Provisions

Part XII Chapter II - Articles 292 - 293 on Borrowing

Articles 292 - 293 on Borrowing by States

Part XII Chapter III - Articles 294 - 300 on Property, Contracts, Right, Liabilities, Obligations and Suits

Articles 294 - 300 on Succession to property assets, liabilities, and obligations.

Part XII Chapter IV - Article 300A on the Right to Property

Article 300A - on Persons not to be deprived of property save by authority of law

Part XIII - consists of Articles on Trade and Commerce within the territory of India

1. Articles 301 - 305 on Freedom of Trade and Commerce, and the power of Parliament and States to impose Restrictions on the same.
2. Article 306 - Repealed - Replaced by the Constitution (Seventh Amendment) Act, 1956
3. Article 307 - Appointment of authority for carrying out the purposes of articles 301 to 304.

Part XIV - consists of Articles on Services Under the Union and the States

Part XIV Chapter I - Articles 308 - 314 on Services

1. Articles 308 - 313 on Services
2. Article 314 - Repealed - Replaced by the Constitution (Twenty-eighth Amendment) Act, 1972,

Part XIV Chapter II - Articles 315 - 323 on the Public Service Commissions

Articles 315 - 323 on Public Service Commissions

Part XIVA - consists of Articles on Tribunals  
Articles 323 A - 323 B

Part XV - consists of Articles on Elections

1. Articles 324 - 329 on Elections
2. Article 329A - Repealed - Replaced by the Constitution (Forty-fourth Amendment) Act, 1978.

Part XVI - consists of Articles on Special Provisions relating to certain Classes.

Articles 330 - 342 on Reservations

Part XVII - consists of Articles on Official Language

Part XVII Chapter I - Articles 343 - 344 on Language of the Union

Articles 343 - 344 Official Language of the Union

Part XVII Chapter II - Articles 345 - 347 on Regional Languages

Articles 345 - 347 on Language of the State

Part XVII Chapter III - Articles 348 - 349 on Language of the Supreme Court, High courts, Etc

Articles 348 - 349 on Language used in Supreme Court, High courts Etc

Part XVII Chapter IV - Articles 350 - 351 on Special Directives

1. Article 350 - on Language to be used in representations for redress of grievances.
2. Article 350A - on Facilities for instruction in mother-tongue at primary stage.
3. Article 350B - on provision for Special Officer for linguistic minorities.
4. Article 351 - on Directive for development of the Hindi language.

Part XVIII - consists of Articles on Emergency Provisions

1. Articles 352 - 359 on Emergency Provisions
2. Article 359A - Repealed - Replaced by the Constitution (Sixty-third Amendment) Act, 1989
3. Article 360 - on Provisions as to financial emergency.

#### Part XIX - Miscellaneous

1. Articles 361 - 361A - Miscellaneous
2. Article 362 - Repealed - Replaced by the Constitution (Twenty-sixth Amendment) Act, 1971,
3. Articles 363 - 367 - Miscellaneous.

Part XX - consists of Articles on Amendment of the Constitution  
Articles 368 on the Power of parliament to amend the constitution and procedure therefore

#### Part XXI - consists of Articles on Temporary, Transitional and Special Provisions

1. Articles 369 - 378A on Temporary, Transitional and Special Provisions
2. Article 379 - 391 - Repealed - Replaced by the Constitution (Seventh Amendment) Act, 1956
3. Article 392 - on the Power of the President to remove difficulties.

Part XXII consists of Articles on short title, date of commencement, Authoritative text in Hindi and Repeals.

Articles 393 - 395 Commencement, authoritative text in Hindi and repeals

#### Schedule of Indian Constitution:

First Schedule: List of the States and Union Territories in list I & List II

Second Schedule: Consists of 5 Parts A to E. Provision & Salary of President, Governors, Chief Judges, Judges Of High Court and Supreme Court, Comptroller and Auditor General.

Third Schedule: Forms of Oaths and Affirmations.

Fourth Schedule: Allocation of seats for each State and Union Territory, in the Council of States.

Fifth Schedule: Administration and control of Scheduled Areas.

Sixth Schedule: Provisions for administration of Tribal Area in Assam, Meghalaya, Tripura, Mizoram

Seventh Schedule: Gives allocation of powers and functions between Union & States. It contains 3 lists namely, Union List: 97 Subjects, States List: 66 subjects and Concurrent List: 47 subjects.

Eighth Schedule: 22 languages recognized by the Constitution : 1.

Assamese, 2. Bengali, 3. Gujarati, 4. Hindi, 5. Kannada, 6. Kashmiri, 7. Malayalam, 8. Marathi, 9. Oriya, 10. Punjabi, 11. Sanskrit, 12. Sindhi, 13. Tamil, 14. Telugu, 15, Urdu, 16. Konkani, 17. Manipuri, 18. Nepali. 19. Bodo, 20. Dongri 21. Maithili 22. Santhali

Ninth Schedule: Contains acts & orders related to land tenure, land tax, railways, and industries.

Tenth Schedule: It contains the Anti-defection Act.

Eleventh Schedule: 73rd amendment in 1992. Contains provisions of Panchayati Raj.

Twelfth Schedule: 74th amendment in 1992. Contains provisions of Municipal Corporation.

#### Amendments in the Constitution:

The first Amendment Act 1951: Articles 15, 19, 85, 87, 174, 176, 341, 342, and 376 were amended and Articles 31A and 31B inserted and Ninth Schedule was added.

24th Amendment Act, 1971: It affirmed the power of the Parliament to amend any part of the Constitution.

After this amendment, the President is bound to assent to Constitution Amendment Bill. Education was transferred to the Concurrent List by this amendment.

31st Amendment Act, 1973: Increased the elective strength of the Lok Sabha from 525 to 545. Under the Act, the upper limit of representatives of the States goes up from 500 to 525 and that of the Union Territories decreases from 25 to 20.

36th Amendment Act, 1975: Sikkim became the 22nd State of the Indian Union.

37th Amendment Act, 1975: Parliament on April 26, 1975, to provide for a Legislative Assembly and a Council of Ministers to Arunachal Pradesh.

39th Amendment Act, 1975: The Bill was passed by the Lok Sabha and received Presidential assent. The Act places beyond challenge in courts the election to Parliament of a person holding the office of Prime Minister or Speaker and the election of President and Vice-President.

40th Amendment Act, 1976: This Amendment has a three-fold objective: (1) It places beyond challenge in courts some major Central laws (2) It gives similar protection to several State enactments, mostly relating to land legislation, by including them in the Ninth Schedule of the Constitution; and (3) It provides that the limits of the territorial waters, the Continental Shelf, the Exclusive Economic Zone and the maritime zones of India shall be specified from time to time by law made by Parliament.

42nd Amendment Act, 1976: It was enacted during the period of internal emergency. It was passed by Parliament on November 11, 1976 and received Presidential assent on December 18, 1976.

The 42nd Amendment established beyond doubt the supremacy of Parliament over the other wings of Government; gave the Directive Principles precedence over the Fundamental Rights; enumerated for the first time a set of ten Fundamental Duties. It further imposed limits on the power and jurisdiction of the judiciary; raised the term of the Lok Sabha and the Vidhan Sabha from five to six years; authorised the use of Central armed forces in any State to deal with law and order problems, made the President bound by the advice of the Council of Ministers and envisaged the establishment of administrative tribunals for service matters of Government employees and also other tribunals for economic offences. The Act also clearly laid down that no Constitutional Amendment could be questioned in any court of law.

43rd Amendment Act, 1978: It received the Presidential assent on April 13, 1978. This Act repeals the obnoxious provisions of the Constitution (42nd Amendment) Act passed during the Emergency. It restores civil liberties by deleting Article 31D which gave powers to Parliament to curtail even legitimate trade union activity under the guise of legislation for the prevention of anti-national activities. The new law, which was ratified by more than half of the States in accordance with the Constitution, also restores legislative powers to the States to make appropriate provision for anti-national activities consistent with the Fundamental Rights. Under the Act, the judiciary has also been restored to its rightful place. The Supreme Court will now have power to invalidate State laws, a power taken away by the 42nd Amendment Act. The High Courts will also be able to go into the question of constitutional validity of Central laws thereby enabling persons living in distant places to obtain speedy justice without having to come to the Supreme Court.

44th Amendment Act, 1978: The Act removes major distortions in the Constitution introduced during the Emergency. The duration of the Lok Sabha and State Legislative Assemblies has been reduced from six to five years—the normal term which was extended during the Emergency under the 42nd Amendment to achieve some political purposes. The Right to Property ceases to be a Fundamental Right and becomes only a legal right. Any proclamation of Emergency need henceforward be issued by the President only after receiving the advice of the Cabinet as a whole in writing. The President will not be called upon to act on the basis of advice by the Prime Minister on his own without consulting his Cabinet. Other safeguards provide that the proclamation will have to be adopted by a two-thirds majority of the members of both Houses of Parliament within a month. Safeguards against future subversion of the Constitution for establishing an authoritarian regime. It contains provisions which are designed to make it impossible to impose the kind of emergency the country had experienced for 19 months.

45th Amendment Act, 1980: Reservation of seats for the Scheduled Castes and the Scheduled Tribes in Parliament and the State Assemblies and the representation of Anglo-Indians by nomination for a further period of 10 years.

46th Amendment Bill, 1982: It seeks to authorise the government to prepare an authoritative text of the Constitution, in Hindi.

52nd Amendment Act, 1985: The Act has made defection to another party, after elections illegal. Any member defecting to another party after elections will be disqualified from being Member of Parliament or State Legislature.

53rd Amendment Act, 1986: It confers Statehood on Mizoram and ensures against unnecessary interference by the Central Government with the laws relating to spheres of social relationship and community conduct applicable to Mizoram.

54th Amendment Act, 1986: It enhances the salaries of Judges of High Courts and Supreme Court of India. The salary of Chief Justice of India will be Rs 10,000; Chief Justice of High Courts Rs 9000; Judges of Supreme Court Rs 9000; and Judges of High Courts Rs 8000.

55th Amendment Act, 1987: It grants Statehood to Arunachal Pradesh which consequently became the 24th State of the Indian Union.

56th Amendment Act, 1987: It confers Statehood on Goa and forms a new Union Territory of Daman and Diu. Goa thus became the 25th State of the Indian Republic.

57th Amendment Act, 1987: It made a special provision for the setting up of the new State of Goa. Consequently Daman and Diu were separated from the former to form a Union Territory.

58th Amendment Act, 1988: It provides for special arrangements with regard to reservation of seats for Scheduled Tribes in the States of Arunachal Pradesh, Nagaland, Mizoram and Meghalaya. By amending Article 322 the adjustment of seats has been frozen until 2000 A.D.

59th Amendment Act, 1988: It empowered the Central Government to impose Emergency in Punjab when deemed necessary. Under the amendment,

President's rule can be extended upto three years. Earlier maximum period was two years.

61st Amendment Act, 1989: It lowered the voting age from 21 to 18.

62nd Amendment Act, 1989: It provided for the extension by another 10 years of reservation of seats in the Parliament and State Assemblies for the Scheduled Castes and Tribes and reservation for Anglo Indian community by nomination.

66th Amendment Act, 1990: To bring land reforms within the purview of 9th Schedule of the Constitution.

69th Amendment Act, 1991: Delhi made National Capital Region. The Act also made provision for Legislative assembly and a council of ministers for Delhi.

70th Amendment Act, 1992: Before this act was made Article 54 relating to the election of the President provided for an electoral college consisting only of the elected members of Parliament as well as the legislative assemblies of the States (not of Union Territories). The amendment provide for inclusion of members of legislature of Pondicherry and Delhi.

71st Amendment Act, 1992: The act amends the 8th Schedule to the Constitution to include Konkani, Manipuri and Nepali Languages in the 8th Schedule of the Constitution.

72nd Amendment Act, 1992: To make temporary provision for the determination of the number of seats reserved for the Scheduled Tribes in the State assembly of Tripura, until the re-adjustment of seats is made on the basis of the first census after the year 2000 under article 170 of the Constitution.

73rd Amendment Act, 1992: To ensure direct election to all seats in Panchayats; to reserve seats for SCs and STs in proportion to their population; and for reservation of not less than one third of the seats in Panchayats for women.

74th Amendment Act, 1992: was made to ensure direct election to all seats in Nagarpalikas and Municipalities.

75th Amendment Act 1994: It provides for setting up of State-level Rent Tribunals to exclude the jurisdiction of all courts, except that of the Supreme Court, under Article 136 of the Constitution.

76th Amendment Act, 1994: It relates to the Reservation of Seats in Educational Institutes and of appointments or posts in the Services under a State, for Backward Classes, Scheduled Castes and Scheduled Tribes. The Supreme Court had ruled on November 16, 1992, that the total reservations under Article 16(4) of the Constitution should not exceed 50 per cent.

77th Amendment Act, 1995: According to this Act, the Government have decided to continue the existing policy of reservation in promotion for the Scheduled Castes and Scheduled Tribes.

78th Amendment Act, 1995: It includes land reform laws in the Ninth Schedule so that they cannot be challenged before the courts.

79th Amendment Act, 1999: It extends the reservation of seats for SC, ST and Anglo-Indians in the Lok Sabha and Legislative Assemblies for next 10 years.

80th Amendment Act, 2000: It deals with an alternative scheme for sharing taxes between the Union and the States.

81st Amendment Act, 2000: It provides that the unfilled vacancies of a year reserved for SC/ST kept for being filled up in a year as per Article 16, shall be considered separately for filling vacancies in the succeeding year and the previous list will not be considered for filling the 50% quota of the respective year.

82nd Amendment Act, 2000: It provides that nothing in the Article 355 shall prevent the State from making any provisions in favour of the members of SC/ST for relaxation in qualifying marks with respect to examination/job/promotion.

83rd Amendment Act, 2000: The Act amended Article 243 M to provide that no reservation in Panchayats be made in favour of SC/ST in Arunachal Pradesh where the whole population is tribal.

86th Amendment Act, 2002: Provides Right to Education until the age of 14 and early childhood care until the age of 6.

89th Amendment Act, 2003: The National Commission for Scheduled Castes and Scheduled Tribes was bifurcated into The National Commission for Scheduled Castes and The National Commission for Scheduled Tribes.

91st Amendment Act, 2004: Restrict the size of council of ministers to 15% of legislative members and to strengthen Anti Defection laws. Amended articles 75 and 164. Insert article 361B. Amended schedule 10.

97th Amendment Act, 2012: The amendment objective is to encourage economic activities of cooperatives which in turn help progress of rural India. It is expected to not only ensure autonomous and democratic functioning of cooperatives, but also the accountability of the management to the members and other stakeholders

98th Amendment Act, 2013: To empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region inserted Article 371J in the Constitution

Amendments in the Constitution of India:

As of October 2021, there have been 105 amendments of the Constitution of India since it was first enacted in 1950.

There are three types of amendments to the Constitution of India of which second and third type of amendments are governed by Article 368.

The first type of amendments includes that can be passed by "simple majority" in each house of the Parliament of India.

The second type of amendments includes that can be effected by the parliament by a prescribed "special majority" in each house; and

The third type of amendments includes those that require, in addition to such "special majority" in each house of the parliament, ratification by at least one half of the State Legislatures.

The 1st Amendment 15, 19, 85, 87, 174, 176, 341, 342, 372 and 376.

Insert articles 31A and 31B.

Insert schedule 9.

The objective of 1st Amendment was: Added special provision for the advancement of any socially and educationally backward classes or for the Scheduled Castes and Scheduled Tribes (SCs and STs). To fully secure the constitutional validity of zamindari abolition laws and to place reasonable restriction on freedom of speech. A new constitutional device, called Schedule 9 introduced to protect against laws that are contrary to the Constitutionally guaranteed fundamental rights. These laws encroach upon property rights, freedom of speech and equality before law.  
The 1st Amendment is enforced since: 18 June 1951  
The Prime Minister at the time of 1st Amendment was: Jawaharlal Nehru  
The President at the time of 1st Amendment was: Rajendra Prasad

The 2nd Amendment Amend article 81(1)(b).  
The objective of 2nd Amendment was: Removed the upper population limit for a parliamentary constituency by amending Article 81(1)(b).  
The 2nd Amendment is enforced since: 1 May 1953  
The Prime Minister at the time of 2nd Amendment was: Jawaharlal Nehru  
The President at the time of 2nd Amendment was: Rajendra Prasad

The 3rd Amendment Amend schedule 7.  
The objective of 3rd Amendment was: Re-enacted entry 33 of the Concurrent List in the Seventh Schedule with relation to include trade and commerce in, and the production, supply and distribution of four classes of essential commodities, viz., foodstuffs, including edible oil seeds and oils; cattle fodder, including oilcakes and other concentrates; raw cotton whether ginned or unginned, and cotton seeds; and raw jute.  
The 3rd Amendment is enforced since: 22 February 1955  
The Prime Minister at the time of 3rd Amendment was: Jawaharlal Nehru  
The President at the time of 3rd Amendment was: Rajendra Prasad

The 4th Amendment Amend articles 31, 31A, and 305.  
Amend schedule 9.  
The objective of 4th Amendment was: Restrictions on property rights and inclusion of related bills in Schedule 9 of the constitution.  
The 4th Amendment is enforced since: 27 April 1955  
The Prime Minister at the time of 4th Amendment was: Jawaharlal Nehru  
The President at the time of 4th Amendment was: Rajendra Prasad

The 5th Amendment Amend article 3.  
The objective of 5th Amendment was: Empowered the President to prescribe a time limit for a State Legislature to convey its views on proposed Central laws relating to the formation of new States and alteration of areas, boundaries or names of existing States. Also permitted the President to extend the prescribed limit, and prohibited any such bill from being introduced in Parliament until after the expiry of the prescribed or extended period.  
The 5th Amendment is enforced since: 24 December 1955  
The Prime Minister at the time of 5th Amendment was: Jawaharlal Nehru  
The President at the time of 5th Amendment was: Rajendra Prasad

The 6th Amendment Amend articles 269 and 286.  
Amend schedule 7.  
The objective of 6th Amendment was: Amend the Union List and State List with respect to raising of taxes.  
The 6th Amendment is enforced since: 11 September 1956  
The Prime Minister at the time of 6th Amendment was: Jawaharlal Nehru  
The President at the time of 6th Amendment was: Rajendra Prasad

The 7th Amendment Amend articles 1, 3, 49, 80, 81, 82, 131, 153, 158, 168, 170, 171, 216, 217, 220, 222, 224, 230, 231 and 232.



Insert articles 258A, 290A, 298, 350A, 350B, 371, 372A and 378A.  
Amend part 8.

Amend schedules 1, 2, 4 and 7.

The objective of 7th Amendment was: Reorganisation of states on linguistic lines, abolition of Class A, B, C, D states and introduction of Union territories.

The 7th Amendment is enforced since: 1 November 1956

The Prime Minister at the time of 7th Amendment was: Jawaharlal Nehru

The President at the time of 7th Amendment was: Rajendra Prasad

The 8th Amendment Amend article 334.

The objective of 8th Amendment was: Extended the period of reservation of seats for the Scheduled Castes and Scheduled Tribes and Anglo-Indians in the Lok Sabha and the State Legislative Assemblies till 1970.

The 8th Amendment is enforced since: 5 January 1960

The Prime Minister at the time of 8th Amendment was: Jawaharlal Nehru

The President at the time of 8th Amendment was: Rajendra Prasad

The 9th Amendment Amend schedule 1.

The objective of 9th Amendment was: Minor adjustments to territory of Indian Union consequent to agreement with Pakistan for settlement of disputes by demarcation of border villages, etc.

The 9th Amendment is enforced since: 28 December 1960

The Prime Minister at the time of 9th Amendment was: Jawaharlal Nehru

The President at the time of 9th Amendment was: Rajendra Prasad

The 10th Amendment Amend article 240.

Amend schedule 1.

The objective of 10th Amendment was: Incorporation of Dadra and Nagar Haveli as a Union Territory, consequent to acquisition from Portugal.

The 10th Amendment is enforced since: 11 August 1961

The Prime Minister at the time of 10th Amendment was: Jawaharlal Nehru

The President at the time of 10th Amendment was: Rajendra Prasad

The 11th Amendment Amend articles 66 and 71.

The objective of 11th Amendment was: Election of Vice President by Electoral College consisting of members of both Houses of Parliament, instead of election by a Joint Sitting of Parliament. Indemnify the President and Vice President Election procedure from challenge on grounds of existence of any vacancies in the electoral college.

The 11th Amendment is enforced since: 19 December 1961

The Prime Minister at the time of 11th Amendment was: Jawaharlal Nehru

The President at the time of 11th Amendment was: Rajendra Prasad

The 12th Amendment Amend article 240.

Amend schedule 1.

The objective of 12th Amendment was: Incorporation of Goa, Daman and Diu as a Union Territory, consequent to acquisition from Portugal.

The 12th Amendment is enforced since: 20 December 1961

The Prime Minister at the time of 12th Amendment was: Jawaharlal Nehru

The President at the time of 12th Amendment was: Rajendra Prasad

The 13th Amendment Amend article 170.

Insert new article 371A.

The objective of 13th Amendment was: Formation of State of Nagaland, with special protection under Article 371A.

The 13th Amendment is enforced since: 1 December 1962

The Prime Minister at the time of 13th Amendment was: Jawaharlal Nehru

The President at the time of 13th Amendment was: Sarvepalli Radhakrishnan

The 14th Amendment Amend articles 81 and 240.

Insert article 239A.

Amend schedules 1 and 4.

The objective of 14th Amendment was: Incorporation of Pondicherry into the Union of India and creation of Legislative Assemblies for Himachal Pradesh, Tripura, Manipur and Goa.

The 14th Amendment is enforced since: 28 December 1962

The Prime Minister at the time of 14th Amendment was: Jawaharlal Nehru

The President at the time of 14th Amendment was: Sarvepalli Radhakrishnan

The 15th Amendment Amend articles 124, 128, 217, 222, 224, 226, 297, 311 and 316.

Insert article 224A.

Amend schedule 7.

The objective of 15th Amendment was: Raise retirement age of High Court judges from 60 to 62 and other minor amendments for rationalising interpretation of rules regarding judges etc.

The 15th Amendment is enforced since: 5 October 1963

The Prime Minister at the time of 15th Amendment was: Jawaharlal Nehru

The President at the time of 15th Amendment was: Sarvepalli Radhakrishnan

The 16th Amendment Amend articles 19, 84 and 173.

Amend schedule 3.

The objective of 16th Amendment was: Make it obligatory for seekers of public office to swear their allegiance to the Indian Republic and prescribe the various obligatory templates.

The 16th Amendment is enforced since: 5 October 1963

The Prime Minister at the time of 16th Amendment was: Jawaharlal Nehru

The President at the time of 16th Amendment was: Sarvepalli Radhakrishnan

The 17th Amendment Amend article 31A.

Amend schedule 9.

The objective of 17th Amendment was: To secure the constitutional validity of acquisition of Estates and place land acquisition laws in Schedule 9 of the constitution.

The 17th Amendment is enforced since: 20 June 1964

The Prime Minister at the time of 17th Amendment was: Jawaharlal Nehru

The President at the time of 17th Amendment was: Sarvepalli Radhakrishnan

The 18th Amendment Amend article 3.

The objective of 18th Amendment was: Technical Amendment to include Union Territories in Article 3 and hence permit reorganisation of Union Territories.

The 18th Amendment is enforced since: 27 August 1966

The Prime Minister at the time of 18th Amendment was: Lal Bahadur Shastri

The President at the time of 18th Amendment was: Sarvepalli Radhakrishnan

The 19th Amendment Amend article 324.

The objective of 19th Amendment was: Abolish Election Tribunals and enable trial of election petitions by regular High Courts.

The 19th Amendment is enforced since: 11 December 1966

The Prime Minister at the time of 19th Amendment was: Lal Bahadur Shastri

The President at the time of 19th Amendment was: Sarvepalli Radhakrishnan

The 20th Amendment Insert article 233A.

The objective of 20th Amendment was: Indemnify & validate judgments, decrees, orders and sentences passed by judges and to validate the appointment, posting, promotion and transfer of judges barring a few who were not eligible for appointment under article 233. Amendment needed to

overcome the effect of judgment invalidating appointments of certain judges in the state of Uttar Pradesh.

The 20th Amendment is enforced since: 22 December 1966

The Prime Minister at the time of 20th Amendment was: Lal Bahadur Shastri

The President at the time of 20th Amendment was: Sarvepalli Radhakrishnan

The 21st Amendment Amend schedule 8.

The objective of 21st Amendment was: Include Sindhi as an official language.

The 21st Amendment is enforced since: 10 April 1967

The Prime Minister at the time of 21st Amendment was: Indira Gandhi

The President at the time of 21st Amendment was: Sarvepalli Radhakrishnan

The 22nd Amendment Amend article 275.

Insert articles 244A and 371B.

The objective of 22nd Amendment was: Provision to form Autonomous states within the State of Assam.

The 22nd Amendment is enforced since: 25 September 1969

The Prime Minister at the time of 22nd Amendment was: Indira Gandhi

The President at the time of 22nd Amendment was: V. V. Giri

The 23rd Amendment Amend articles 330, 332, 333 and 334.

The objective of 23rd Amendment was: Discontinued reservation of seats for the Scheduled Tribes in Nagaland, both in the Lok Sabha and the State Legislative Assembly and stipulated that not more than one Anglo-Indian could be nominated by the Governor to any State Legislative Assembly.

Extend reservation for SCs and STs and Anglo Indian members in the Lok Sabha and State Assemblies for another ten years, i.e. up to 1980.

The 23rd Amendment is enforced since: 23 January 1970

The Prime Minister at the time of 23rd Amendment was: Indira Gandhi

The President at the time of 23rd Amendment was: V. V. Giri

The 24th Amendment Amend articles 13 and 368.

The objective of 24th Amendment was: Enable parliament to dilute fundamental rights through amendments to the constitution.

The 24th Amendment is enforced since: 5 November 1971

The Prime Minister at the time of 24th Amendment was: Indira Gandhi

The President at the time of 24th Amendment was: V. V. Giri

The 25th Amendment Amend article 31.

Insert article 31C.

The objective of 25th Amendment was: Restrict property rights and compensation in case the state takes over private property.

However, the Supreme Court quashed a part of Article 31C (4) to the extent it took away the power of judicial review. This was done in the landmark case of Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225 which for the first time enunciated the Basic structure doctrine.

The 25th Amendment is enforced since: 8 December 1971

The Prime Minister at the time of 25th Amendment was: Indira Gandhi

The President at the time of 25th Amendment was: V. V. Giri

The 26th Amendment Amend article 366.

Insert article 363A.

Remove articles 291 and 362.

The objective of 26th Amendment was: Abolition of privy purse paid to former rulers of princely states which were incorporated into the Indian Republic.

The 26th Amendment is enforced since: 28 December 1971

The Prime Minister at the time of 26th Amendment was: Indira Gandhi

The President at the time of 26th Amendment was: V. V. Giri

The 27th Amendment Amend articles 239A and 240.  
Insert articles 239B and 371C.  
The objective of 27th Amendment was: Reorganisation of Mizoram into a Union Territory with a legislature and council of ministers.  
The 27th Amendment is enforced since: (i) 30 December 1971 & (ii) 15 February 1972 [6]  
The Prime Minister at the time of 27th Amendment was: Indira Gandhi  
The President at the time of 27th Amendment was: V. V. Giri

The 28th Amendment Insert article 312A.  
Remove article 314.  
The objective of 28th Amendment was: Rationalise Civil Service rules to make it uniform across those appointed prior to Independence and post independence.  
The 28th Amendment is enforced since: 29 August 1972  
The Prime Minister at the time of 28th Amendment was: Indira Gandhi  
The President at the time of 28th Amendment was: V. V. Giri

The 29th Amendment Amend schedule 9.  
The objective of 29th Amendment was: Place land reform acts and amendments to these act under Schedule 9 of the constitution.  
The 29th Amendment is enforced since: 9 June 1972  
The Prime Minister at the time of 29th Amendment was: Indira Gandhi  
The President at the time of 29th Amendment was: V. V. Giri

The 30th Amendment Amend article 133.  
The objective of 30th Amendment was: Change the basis for appeals in Supreme Court of India in case of Civil Suits from value criteria to one involving substantial question of law.  
The 30th Amendment is enforced since: 9 June 1972  
The Prime Minister at the time of 30th Amendment was: Indira Gandhi  
The President at the time of 30th Amendment was: V. V. Giri

The 31st Amendment Amend articles 81, 330 and 332.  
The objective of 31st Amendment was: Increase size of Parliament from 525 to 545 seats. Increased seats going to the new states formed in North East India and minor adjustment consequent to 1971 Delimitation exercise.  
The 31st Amendment is enforced since: 17 October 1973  
The Prime Minister at the time of 31st Amendment was: Indira Gandhi  
The President at the time of 31st Amendment was: V. V. Giri

The 32nd Amendment Amend article 371.  
Insert articles 371D and 371E.  
Amend schedule 7.  
The objective of 32nd Amendment was: Protection of regional rights in Telangana and Andhra regions of State of Andhra Pradesh.  
Supreme Court in P. Sambamurthy v. State of Andhra Pradesh 1987 SCC (1) 362 held clause (3) and (5) along with its Proviso of Article 371D as unconstitutional and void. It was found to be violative of basic structure doctrine, against the concept of justice and the principle of the rule of law.  
The 32nd Amendment is enforced since: 1 July 1974  
The Prime Minister at the time of 32nd Amendment was: Indira Gandhi  
The President at the time of 32nd Amendment was: V. V. Giri

The 33rd Amendment Amend articles 101 and 190.  
The objective of 33rd Amendment was: Prescribes procedure for resignation by members of parliament and state legislatures and the procedure for verification and acceptance of resignation by house speaker.

The 33rd Amendment is enforced since: 19 May 1974  
The Prime Minister at the time of 33rd Amendment was: Indira Gandhi  
The President at the time of 33rd Amendment was: V. V. Giri

The 34th Amendment Amend schedule 9.  
The objective of 34th Amendment was: Place land reform acts and amendments to these act under Schedule 9 of the constitution.  
The 34th Amendment is enforced since: 7 September 1974  
The Prime Minister at the time of 34th Amendment was: Indira Gandhi  
The President at the time of 34th Amendment was: Fakhruddin Ali Ahmed

The 35th Amendment Amend articles 80 and 81.  
Insert article 2A.  
Insert schedule 10.  
The objective of 35th Amendment was: Terms and Conditions for the Incorporation of Sikkim into the Union of India.  
The 35th Amendment is enforced since: 1 March 1975  
The Prime Minister at the time of 35th Amendment was: Indira Gandhi  
The President at the time of 35th Amendment was: Fakhruddin Ali Ahmed

The 36th Amendment Amend articles 80 and 81.  
Insert article 371F.  
Remove article 2A.  
Amend schedules 1 and 4.  
Remove schedule 10.  
The objective of 36th Amendment was: Formation of Sikkim as a State within the Indian Union.  
The 36th Amendment is enforced since: 26 April 1975  
The Prime Minister at the time of 36th Amendment was: Indira Gandhi  
The President at the time of 36th Amendment was: Fakhruddin Ali Ahmed

The 37th Amendment Amend articles 239A and 240.  
The objective of 37th Amendment was: Formation of Arunachal Pradesh legislative assembly.  
The 37th Amendment is enforced since: 3 May 1975  
The Prime Minister at the time of 37th Amendment was: Indira Gandhi  
The President at the time of 37th Amendment was: Fakhruddin Ali Ahmed

The 38th Amendment Amend articles 123, 213, 239B, 352, 356, 359 and 360.  
The objective of 38th Amendment was: Enhances the powers of President and Governors to pass ordinances.  
The 38th Amendment is enforced since: 1 August 1975  
The Prime Minister at the time of 38th Amendment was: Indira Gandhi  
The President at the time of 38th Amendment was: Fakhruddin Ali Ahmed

The 39th Amendment Amend articles 71 and 329.  
Insert article 329A.  
Amend schedule 9.  
The objective of 39th Amendment was: Amendment designed to negate the judgement of Allahabad HC in State of Uttar Pradesh v. Raj Narain 1975 SCR (3) 333 invalidating PM Indira Gandhi's election to parliament.  
Amendment placed restrictions on judicial scrutiny of post of Prime Minister.  
Later, clauses (4) and (5) of Article 329A were struck down by the Supreme Court in Indira Nehru Gandhi v. Raj Narain 1976 (2) SCR 347, for being in violation of basic structure.  
The 39th Amendment is enforced since: 10 August 1975  
The Prime Minister at the time of 39th Amendment was: Indira Gandhi  
The President at the time of 39th Amendment was: Fakhruddin Ali Ahmed

The 40th Amendment Amend article 297.

Amend schedule 9.

The objective of 40th Amendment was: Enable Parliament to make laws with respect to Exclusive Economic Zone and vest the mineral wealth with Union of India.

Place land reform & other acts and amendments to these act under Schedule 9 of the constitution.

The 40th Amendment is enforced since: 27 May 1976

The Prime Minister at the time of 40th Amendment was: Indira Gandhi

The President at the time of 40th Amendment was: Fakhruddin Ali Ahmed

The 41st Amendment Amend article 316.

The objective of 41st Amendment was: Raise Retirement Age Limit of Chairmen and Members of Joint Public Service Commissions and State Public Service Commissions from sixty to sixty two.

The 41st Amendment is enforced since: 7 September 1976

The Prime Minister at the time of 41st Amendment was: Indira Gandhi

The President at the time of 41st Amendment was: Fakhruddin Ali Ahmed

The 42nd Amendment Amend articles 31, 31C, 39, 55, 74, 77, 81, 82, 83, 100, 102, 103, 105, 118, 145, 150, 166, 170, 172, 189, 191, 192, 194, 208, 217, 225, 226, 227, 228, 311, 312, 330, 352, 353, 356, 357, 358, 359, 366, 368 and 371F.

Insert articles 31D, 32A, 39A, 43A, 48A, 131A, 139A, 144A, 226A, 228A and 257A.

Insert parts 4A and 14A.

Amend schedule 7.

The objective of 42nd Amendment was: Amendment passed during internal emergency by Indira Gandhi. Provides for curtailment of fundamental rights, imposes fundamental duties and changes to the basic structure of the constitution by making India a "Sovereign Socialist Secular Democratic Republic".

However, the Supreme Court, in *Minerva Mills v. Union of India* 1980 SCC (3) 625, quashed the amendments to Articles 31C and 368 as it was in contravention with the basic structure of the Constitution.

The 42nd Amendment is enforced since: 3 January, 1 February & 1 April 1977[6]

The Prime Minister at the time of 42nd Amendment was: Indira Gandhi

The President at the time of 42nd Amendment was: Fakhruddin Ali Ahmed

The 43rd Amendment Amend articles 145, 226, 228 and 366.

Remove articles 31D, 32A, 131A, 144A, 226A and 228A.

The objective of 43rd Amendment was: Amendment passed after revocation of internal emergency in the Country. Repeals some of the more 'Anti-Freedom' amendments enacted through Amendment Bill 42.

The 43rd Amendment is enforced since: 13 April 1978

The Prime Minister at the time of 43rd Amendment was: Morarji Desai

The President at the time of 43rd Amendment was: Neelam Sanjiva Reddy

The 44th Amendment Amend articles 19, 22, 30, 31A, 31C, 38, 71, 74, 77, 83, 103, 105, 123, 132, 133, 134, 139A, 150, 166, 172, 192, 194, 213, 217, 225, 226, 227, 239B, 329, 352, 356, 358, 359, 360 and 371F.

Insert articles 134A and 361A.

Remove articles 31, 257A and 329A.

Amend part 12.

Amend schedule 9.

The objective of 44th Amendment was: Amendment passed after revocation of internal emergency in the Country.

Provides for human rights safeguards and mechanisms to prevent abuse of executive and legislative authority. Annuls some Amendments enacted in Amendment Bill 42.

The 44th Amendment is enforced since: 20 June, 1 August & 6 September 1979 [6]

The Prime Minister at the time of 44th Amendment was: Morarji Desai

The President at the time of 44th Amendment was: Neelam Sanjiva Reddy

The 45th Amendment Amend article 334.

The objective of 45th Amendment was: Extend reservation for SCs and STs and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 1990.

The 45th Amendment is enforced since: 25 January 1980

The Prime Minister at the time of 45th Amendment was: Indira Gandhi

The President at the time of 45th Amendment was: Neelam Sanjiva Reddy

The 46th Amendment Amend articles 269, 286 and 366.

Amend schedule 7.

The objective of 46th Amendment was: Amendment to negate judicial pronouncements on scope and applicability on Sales Tax.

The 46th Amendment is enforced since: 2 February 1983

The Prime Minister at the time of 46th Amendment was: Indira Gandhi

The President at the time of 46th Amendment was: Zail Singh

The 47th Amendment Amend schedule 9.

The objective of 47th Amendment was: Place land reform acts and amendments to these act under Schedule 9 of the constitution.

The 47th Amendment is enforced since: 26 August 1984

The Prime Minister at the time of 47th Amendment was: Indira Gandhi

The President at the time of 47th Amendment was: Zail Singh

The 48th Amendment Amend article 356.

The objective of 48th Amendment was: Article 356 amended to permit President's rule up to two years in the state of Punjab.

The 48th Amendment is enforced since: 1 April 1985

The Prime Minister at the time of 48th Amendment was: Indira Gandhi

The President at the time of 48th Amendment was: Zail Singh

The 49th Amendment Amend article 244.

Amend schedules 5 and 6.

The objective of 49th Amendment was: Recognise Tripura as a tribal state and enable the creation of a Tripura Tribal Areas Autonomous District Council.

The 49th Amendment is enforced since: 11 September 1984

The Prime Minister at the time of 49th Amendment was: Indira Gandhi

The President at the time of 49th Amendment was: Zail Singh

The 50th Amendment Amend article 33.

The objective of 50th Amendment was: Technical Amendment to curtailment of Fundamental Rights as per Part III as prescribed in Article 33 to cover Security Personnel protecting property and communication infrastructure.

The 50th Amendment is enforced since: 11 September 1984

The Prime Minister at the time of 50th Amendment was: Indira Gandhi

The President at the time of 50th Amendment was: Zail Singh

The 51st Amendment Amend articles 330 and 332.

The objective of 51st Amendment was: Provide reservation to Scheduled Tribes in Nagaland, Meghalaya, Mizoram and Arunachal Pradesh in Lok Sabha, similarly for Meghalaya and Arunachal in their Legislative Assemblies.

The 51st Amendment is enforced since: 16 June 1986  
The Prime Minister at the time of 51st Amendment was: Indira Gandhi  
The President at the time of 51st Amendment was: Zail Singh

The 52nd Amendment Amend articles 101, 102, 190 and 191.  
Insert schedule 10.  
The objective of 52nd Amendment was: Anti Defection Law - Provide disqualification of members from parliament and assembly in case of defection from one party to other.  
However, para 7 of the 10th Schedule was struck down by the Supreme Court in the case of Kihoto Hollohan v. Zachillhu 1992 SCR (1) 686, for being in contravention with Article 368 of the Constitution.  
The 52nd Amendment is enforced since: 1 March 1985  
The Prime Minister at the time of 52nd Amendment was: Rajiv Gandhi  
The President at the time of 52nd Amendment was: Zail Singh

The 53rd Amendment Insert article 371G.  
The objective of 53rd Amendment was: Special provision with respect to the State of Mizoram.  
The 53rd Amendment is enforced since: 20 February 1986  
The Prime Minister at the time of 53rd Amendment was: Rajiv Gandhi  
The President at the time of 53rd Amendment was: Zail Singh

The 54th Amendment Amend articles 125 and 221.  
Amend schedule 2.  
The objective of 54th Amendment was: Increase the salary of Chief Justice of India & other Judges and to provide for determining future increases without the need for constitutional amendment.  
The 54th Amendment is enforced since: 1 April 1986  
The Prime Minister at the time of 54th Amendment was: Rajiv Gandhi  
The President at the time of 54th Amendment was: Zail Singh

The 55th Amendment Insert article 371H.  
The objective of 55th Amendment was: Special powers to Governor consequent to formation of state of Arunachal Pradesh.  
The 55th Amendment is enforced since: 20 February 1987  
The Prime Minister at the time of 55th Amendment was: Rajiv Gandhi  
The President at the time of 55th Amendment was: Zail Singh

The 56th Amendment Insert article 371I.  
The objective of 56th Amendment was: Transition provision to enable formation of state of Goa.  
The 56th Amendment is enforced since: 30 May 1987  
The Prime Minister at the time of 56th Amendment was: Rajiv Gandhi  
The President at the time of 56th Amendment was: Zail Singh

The 57th Amendment Amend article 332.  
The objective of 57th Amendment was: Provide reservation to Scheduled Tribes in Nagaland, Meghalaya, Mizoram and Arunachal Pradesh Legislative Assemblies.  
The 57th Amendment is enforced since: 21 September 1987  
The Prime Minister at the time of 57th Amendment was: Rajiv Gandhi  
The President at the time of 57th Amendment was: R. Venkataraman

The 58th Amendment Insert article 394A.  
Amend part 22.  
The objective of 58th Amendment was: Provision to publish authentic Hindi translation of constitution as on date and provision to publish authentic Hindi translation of future amendments.  
The 58th Amendment is enforced since: 9 December 1987



The Prime Minister at the time of 58th Amendment was: Rajiv Gandhi  
The President at the time of 58th Amendment was: R. Venkataraman

The 59th Amendment Amend article 356.  
Insert article 359A.

The objective of 59th Amendment was: Article 356 amended to permit President's rule up to three years in the state of Punjab, Articles 352 and Article 359A amended to permit imposing emergency in state of Punjab or in specific districts of the state of Punjab.  
The 59th Amendment is enforced since: 30 March 1988  
The Prime Minister at the time of 59th Amendment was: Rajiv Gandhi  
The President at the time of 59th Amendment was: R. Venkataraman

The 60th Amendment Amend article 276.  
The objective of 60th Amendment was: Profession Tax increased from a minimum of Rs. 250/- to a maximum of Rs. 2500/-.  
The 60th Amendment is enforced since: 20 December 1988  
The Prime Minister at the time of 60th Amendment was: Rajiv Gandhi  
The President at the time of 60th Amendment was: R. Venkataraman

The 61st Amendment Amend article 326.  
The objective of 61st Amendment was: Reduce age for voting rights from 21 to 18.  
The 61st Amendment is enforced since: 28 March 1989  
The Prime Minister at the time of 61st Amendment was: Rajiv Gandhi  
The President at the time of 61st Amendment was: R. Venkataraman

The 62nd Amendment Amend article 334.  
The objective of 62nd Amendment was: Extend reservation for SCs and STs and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 2000.  
The 62nd Amendment is enforced since: 25 January 1990  
The Prime Minister at the time of 62nd Amendment was: V. P. Singh  
The President at the time of 62nd Amendment was: R. Venkataraman

The 63rd Amendment Amend article 356.  
Remove article 359A.  
The objective of 63rd Amendment was: Emergency powers applicable to State of Punjab, accorded in Article 359A as per amendment 59 repealed.  
The 63rd Amendment is enforced since: 6 January 1990  
The Prime Minister at the time of 63rd Amendment was: V. P. Singh  
The President at the time of 63rd Amendment was: R. Venkataraman

The 64th Amendment Amend article 356.  
The objective of 64th Amendment was: Article 356 amended to permit President's rule up to three years and six months in the state of Punjab.  
The 64th Amendment is enforced since: 16 April 1990  
The Prime Minister at the time of 64th Amendment was: V. P. Singh  
The President at the time of 64th Amendment was: R. Venkataraman

The 65th Amendment Amend article 338.  
The objective of 65th Amendment was: National Commission for Scheduled Castes and Scheduled Tribes formed and its statutory powers specified in The Constitution.  
The 65th Amendment is enforced since: 12 March 1992[6]  
The Prime Minister at the time of 65th Amendment was: V. P. Singh  
The President at the time of 65th Amendment was: R. Venkataraman

The 66th Amendment Amend schedule 9.

The objective of 66th Amendment was: Place land reform acts and amendments to these act under Schedule 9 of the constitution.  
The 66th Amendment is enforced since: 7 June 1990  
The Prime Minster at the time of 66th Amendment was: V. P. Singh  
The President at the time of 66th Amendment was: R. Venkataraman

The 67th Amendment Amend article 356.  
The objective of 67th Amendment was: Article 356 amended to permit President's rule up to four years in the state of Punjab.  
The 67th Amendment is enforced since: 4 October 1990  
The Prime Minster at the time of 67th Amendment was: V. P. Singh  
The President at the time of 67th Amendment was: R. Venkataraman

The 68th Amendment Amend article 356.  
The objective of 68th Amendment was: Article 356 amended to permit President's rule up to five years in the state of Punjab.  
The 68th Amendment is enforced since: 12 March 1991  
The Prime Minster at the time of 68th Amendment was: V. P. Singh  
The President at the time of 68th Amendment was: R. Venkataraman

The 69th Amendment Insert articles 239AA and 239AB.  
The objective of 69th Amendment was: To provide for a legislative assembly and council of ministers for National Capital Territory of Delhi. Delhi continues to be a Union Territory.  
The 69th Amendment is enforced since: 1 February 1992 [6]  
The Prime Minster at the time of 69th Amendment was: P. V. Narasimha Rao  
The President at the time of 69th Amendment was: R. Venkataraman

The 70th Amendment Amend articles 54 and 239AA.  
The objective of 70th Amendment was: Include National Capital Territory of Delhi and Union Territory of Pondicherry in Electoral College for presidential election.  
The 70th Amendment is enforced since: 21 December 1991  
The Prime Minster at the time of 70th Amendment was: P. V. Narasimha Rao  
The President at the time of 70th Amendment was: R. Venkataraman

The 71st Amendment Amend schedule 8.  
The objective of 71st Amendment was: Include Konkani, Manipuri and Nepali as official languages.  
The 71st Amendment is enforced since: 31 August 1992  
The Prime Minster at the time of 71st Amendment was: P. V. Narasimha Rao  
The President at the time of 71st Amendment was: Shankar Dayal Sharma

The 72nd Amendment Amend article 332.  
The objective of 72nd Amendment was: Provide reservation to Scheduled Tribes in Tripura State Legislative Assembly.  
The 72nd Amendment is enforced since: 5 December 1992  
The Prime Minster at the time of 72nd Amendment was: P. V. Narasimha Rao  
The President at the time of 72nd Amendment was: Shankar Dayal Sharma

The 73rd Amendment Insert part 9. Insert schedule 11.  
The objective of 73rd Amendment was: Statutory provisions for Panchyat Raj as third level of administration in villages.  
The 73rd Amendment is enforced since: 24 April 1992  
The Prime Minster at the time of 73rd Amendment was: P. V. Narasimha Rao  
The President at the time of 73rd Amendment was: Shankar Dayal Sharma

The 74th Amendment Insert part 9A , insert schedule 12 , amend article 280.

The objective of 74th Amendment was: Statutory provisions for Local Administrative bodies as third level of administration in urban areas such as towns and cities.

The 74th Amendment is enforced since: 1 June 1992

The Prime Minister at the time of 74th Amendment was: P. V. Narasimha Rao

The President at the time of 74th Amendment was: Shankar Dayal Sharma

The 75th Amendment Amend article 323B.

The objective of 75th Amendment was: Provisions for setting up Rent Control Tribunals.

The 75th Amendment is enforced since: 15 May 1994

The Prime Minister at the time of 75th Amendment was: P. V. Narasimha Rao

The President at the time of 75th Amendment was: Shankar Dayal Sharma

The 76th Amendment Amend schedule 9.

The objective of 76th Amendment was: Enable continuance of 69% reservation in Tamil Nadu by including the relevant Tamil Nadu Act under 9th Schedule of the constitution.

The 76th Amendment is enforced since: 31 August 1994

The Prime Minister at the time of 76th Amendment was: P. V. Narasimha Rao

The President at the time of 76th Amendment was: Shankar Dayal Sharma

The 77th Amendment Amend article 16.

The objective of 77th Amendment was: A technical amendment to protect reservation to SCs and STs Employees in promotions.

The 77th Amendment is enforced since: 17 June 1995

The Prime Minister at the time of 77th Amendment was: P. V. Narasimha Rao

The President at the time of 77th Amendment was: Shankar Dayal Sharma

The 78th Amendment Amend schedule 9.

The objective of 78th Amendment was: Place land reform acts and amendments to these act under Schedule 9 of the constitution.

The 78th Amendment is enforced since: 30 August 1995

The Prime Minister at the time of 78th Amendment was: P. V. Narasimha Rao

The President at the time of 78th Amendment was: Shankar Dayal Sharma

The 79th Amendment Amend article 334.

The objective of 79th Amendment was: Extend reservation for SCs and STs and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 2010.

The 79th Amendment is enforced since: 25 January 2000

The Prime Minister at the time of 79th Amendment was: Atal Bihari Vajpayee

The President at the time of 79th Amendment was: K. R. Narayanan

The 80th Amendment Amend articles 269 and 270.

Remove article 272.

The objective of 80th Amendment was: Implement Tenth Finance Commission recommendation to simplify the tax structures by pooling and sharing all taxes between states and the centre.

The 80th Amendment is enforced since: 9 June 2000

The Prime Minister at the time of 80th Amendment was: Atal Bihari Vajpayee

The President at the time of 80th Amendment was: K. R. Narayanan

The 81st Amendment Amend article 16.

The objective of 81st Amendment was: Protect SCs and STs reservation in filling backlog of vacancies.

The 81st Amendment is enforced since: 9 June 2000

The Prime Minister at the time of 81st Amendment was: Atal Bihari Vajpayee

The President at the time of 81st Amendment was: K. R. Narayanan

The 82nd Amendment Amend article 335.

The objective of 82nd Amendment was: Permit relaxation of qualifying marks and other criteria in reservation in promotion for SCs and STs candidates.

The 82nd Amendment is enforced since: 8 September 2000

The Prime Minister at the time of 82nd Amendment was: Atal Bihari Vajpayee

The President at the time of 82nd Amendment was: K. R. Narayanan

The 83rd Amendment Amend article 243M.

The objective of 83rd Amendment was: Exempt Arunachal Pradesh from reservation for Scheduled Castes in Panchayati Raj institutions.

The 83rd Amendment is enforced since: 8 September 2000

The Prime Minister at the time of 83rd Amendment was: Atal Bihari Vajpayee

The President at the time of 83rd Amendment was: K. R. Narayanan

The 84th Amendment Amend articles 55, 81, 82, 170, 330 and 332.

The objective of 84th Amendment was: Extend the usage of 1971 national census population figures for statewide distribution of parliamentary seats.

The 84th Amendment is enforced since: 21 February 2002

The Prime Minister at the time of 84th Amendment was: Atal Bihari Vajpayee

The President at the time of 84th Amendment was: K. R. Narayanan

The 85th Amendment Amend article 16.

The objective of 85th Amendment was: A technical amendment to protect Consequential seniority in case of promotions of SCs and STs Employees.

The 85th Amendment is enforced since: 4 January 2002

The Prime Minister at the time of 85th Amendment was: Atal Bihari Vajpayee

The President at the time of 85th Amendment was: K. R. Narayanan

The 86th Amendment Amend articles 45 and 51A.

Insert article 21A.

The objective of 86th Amendment was: Provides Right to Education until the age of fourteen.

The 86th Amendment is enforced since: 12 December 2002

The Prime Minister at the time of 86th Amendment was: Atal Bihari Vajpayee

The President at the time of 86th Amendment was: A. P. J. Abdul Kalam

The 87th Amendment Amend articles 81, 82, 170 and 330.

The objective of 87th Amendment was: Extend the usage of 2001 national census population figures for statewide distribution of parliamentary seats.

The 87th Amendment is enforced since: 22 June 2003

The Prime Minister at the time of 87th Amendment was: Atal Bihari Vajpayee

The President at the time of 87th Amendment was: A. P. J. Abdul Kalam

The 88th Amendment Amend article 270.

Insert article 268A.

Amend schedule 7.

The objective of 88th Amendment was: To extend statutory cover for levy and utilisation of Service Tax.

The 88th Amendment is enforced since: 15 January 2004

The Prime Minister at the time of 88th Amendment was: Atal Bihari Vajpayee

The President at the time of 88th Amendment was: A. P. J. Abdul Kalam

The 89th Amendment Amend article 338.

Insert article 338A.

The objective of 89th Amendment was: The National Commission for Scheduled Castes and Scheduled Tribes was bifurcated into The National

Commission for Scheduled Castes and The National Commission for Scheduled Tribes.

The 89th Amendment is enforced since: 28 September 2003

The Prime Minister at the time of 89th Amendment was: Atal Bihari Vajpayee

The President at the time of 89th Amendment was: A. P. J. Abdul Kalam

The 90th Amendment Amend article 332.

The objective of 90th Amendment was: Reservation in Assam Assembly relating to Bodoland Territory Area.

The 90th Amendment is enforced since: 28 September 2003

The Prime Minister at the time of 90th Amendment was: Atal Bihari Vajpayee

The President at the time of 90th Amendment was: A. P. J. Abdul Kalam

The 91st Amendment Amend articles 75 and 164.

Insert article 361B.

Amend schedule 10.

The objective of 91st Amendment was: Restrict the size of council of ministers to 15% of legislative members & to strengthen Anti Defection laws.

The 91st Amendment is enforced since: 1 January 2004

The Prime Minister at the time of 91st Amendment was: Atal Bihari Vajpayee

The President at the time of 91st Amendment was: A. P. J. Abdul Kalam

The 92nd Amendment Amend schedule 8.

The objective of 92nd Amendment was: Include Bodo, Dogri, Santali and Mathili as official languages.

The 92nd Amendment is enforced since: 7 January 2003

The Prime Minister at the time of 92nd Amendment was: Atal Bihari Vajpayee

The President at the time of 92nd Amendment was: A. P. J. Abdul Kalam

The 93rd Amendment Amend article 15.

The objective of 93rd Amendment was: To enable provision of reservation (27%) for Other Backward Class (OBCs) in government as well as private educational institutions.

The 93rd Amendment is enforced since: 20 January 2006

The Prime Minister at the time of 93rd Amendment was: Manmohan Singh

The President at the time of 93rd Amendment was: A. P. J. Abdul Kalam

The 94th Amendment Amend article 164.

The objective of 94th Amendment was: To provide for a Minister of Tribal Welfare in newly created Jharkhand and Chhattisgarh States including Madhya Pradesh and Orissa.

The 94th Amendment is enforced since: 12 June 2006

The Prime Minister at the time of 94th Amendment was: Manmohan Singh

The President at the time of 94th Amendment was: A. P. J. Abdul Kalam

The 95th Amendment Amend article 334.

The objective of 95th Amendment was: To extend the reservation of seats for SCs and STs and Anglo-Indian in the Lok Sabha and states assemblies from Sixty years to Seventy years.

The 95th Amendment is enforced since: 25 January 2010

The Prime Minister at the time of 95th Amendment was: Manmohan Singh

The President at the time of 95th Amendment was: Pratibha Patil

The 96th Amendment Amend schedule 8.

The objective of 96th Amendment was: Substituted "Odia" in the place of "Oriya".

The 96th Amendment is enforced since: 23 September 2011

The Prime Minister at the time of 96th Amendment was: Manmohan Singh

The President at the time of 96th Amendment was: Pratibha Patil

The 97th Amendment Amend Art 19 and added Art 43B and Part IXB.  
The objective of 97th Amendment was: Added the words "or co-operative societies" after the word "or unions" in Article 19(1)(c) and insertion of article 43B i.e., Promotion of Co-operative Societies and added Part-IXB i.e., The Co-operative Societies. In July 2021 Supreme Court Struck Part of the amendment as it was not ratified by the states.  
The amendment objective is to encourage economic activities of cooperatives which in turn help progress of rural India. It is expected to not only ensure autonomous and democratic functioning of cooperatives, but also the accountability of the management to the members and other stakeholders.

The 97th Amendment is enforced since: 12 January 2012

The Prime Minister at the time of 97th Amendment was: Manmohan Singh

The President at the time of 97th Amendment was: Pratibha Patil

The 98th Amendment To insert Article 371J in the Constitution

The objective of 98th Amendment was: To empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region.[108]

The 98th Amendment is enforced since: 1 January 2013

The Prime Minister at the time of 98th Amendment was: Manmohan Singh

The President at the time of 98th Amendment was: Pranab Mukherjee

The 99th Amendment Insertion of new articles 124A, 124B and 124C.

Amendments to Articles 127, 128, 217, 222, 224A, 231.

The objective of 99th Amendment was: Formation of a National Judicial Appointments Commission. 16 State assemblies out of 29 States including Goa, Rajasthan, Tripura, Gujarat and Telangana ratified the Central Legislation, enabling the President of India to give assent to the bill.  
The amendment was struck down by the Supreme Court on 16 October 2015.

The 99th Amendment is enforced since: 13 April 2015 Repealed 16 October 2015

The Prime Minister at the time of 99th Amendment was: Narendra Modi

The President at the time of 99th Amendment was: Pranab Mukherjee

The 100th Amendment Amendment of First Schedule to Constitution

The objective of 100th Amendment was: Exchange of certain enclave territories with Bangladesh and conferment of citizenship rights to residents of enclaves consequent to signing of Land Boundary Agreement (LBA) Treaty between India and Bangladesh.

The 100th Amendment is enforced since: 31 July 2015

The Prime Minister at the time of 100th Amendment was: Narendra Modi

The President at the time of 100th Amendment was: Pranab Mukherjee

The 101st Amendment Addition of articles 246A, 269A, 279A. Deletion of Article 268A.

Amendment of articles 248, 249, 250, 268, 269, 270, 271, 286, 366, 368, Sixth Schedule, Seventh Schedule.

The objective of 101st Amendment was: Introduced the Goods and Services Tax.

The 101st Amendment is enforced since: 1 July 2016

The Prime Minister at the time of 101st Amendment was: Narendra Modi

The President at the time of 101st Amendment was: Pranab Mukherjee

The 102nd Amendment Addition of articles 338B, 342A, and Added Clause 26C.

Modification of articles 338, 366.

The objective of 102nd Amendment was: Constitutional status to National Commission for Backward Classes

The 102nd Amendment is enforced since: 11 August 2018  
The Prime Minister at the time of 102nd Amendment was: Narendra Modi  
The President at the time of 102nd Amendment was: Ram Nath Kovind

The 103rd Amendment Amendment to Article 15, added Clause [6],  
Amendment to Article 16, added Clause [6].  
The objective of 103rd Amendment was: A maximum of 10% Reservation for Economically Weaker Sections (EWSs) of citizens of classes other than the classes mentioned in clauses (4) and (5) of Article 15, i.e. Classes other than socially and educationally backward classes of citizens or the Scheduled Castes and the Scheduled Tribes. Inserted Clause [6] under Article 15 as well as Inserted Clause [6] under Article 16.  
The 103rd Amendment is enforced since: 12 January 2019  
The Prime Minister at the time of 103rd Amendment was: Narendra Modi  
The President at the time of 103rd Amendment was: Ram Nath Kovind

The 104th Amendment Amend article 334.  
The objective of 104th Amendment was: To extend the reservation of seats for SCs and STs in the Lok Sabha and states assemblies from Seventy years to Eighty years. Removed the reserved seats for the Anglo-Indian community in the Lok Sabha and state assemblies by not extending it further.  
The 104th Amendment is enforced since: 25 January 2020  
The Prime Minister at the time of 104th Amendment was: Narendra Modi  
The President at the time of 104th Amendment was: Ram Nath Kovind

The 105th Amendment Amended Article 338B, 342A and 366  
The objective of 105th Amendment was: To restore the power of the state governments to identify Other Backward Classes (OBCs) that are socially and educationally backward. This amendment annulled the Supreme Court judgement of 11 May 2021, which had empowered only the Central government for such identification.  
The 105th Amendment is enforced since: 10 August 2021  
The Prime Minister at the time of 105th Amendment was: Narendra Modi  
The President at the time of 105th Amendment was: Ram Nath Kovind

Important Facts about the Constitution of India:

National Constitution Day: The Ministry of Social Justice and Empowerment, Government of India, declared on November 19th 2015 that November 26th will be celebrated as National Constitution Day. It is a tribute to the father of our Constitution, Dr Bhim Rao Ambedkar.

M. N. Roy's Suggestion was to Develop a Constitution: It was M. N. Roy who suggested the formation of a constitution, a book of code and ethics that should define the procedures, code of conduct, and ethics on all grounds in India. He proposed this idea of forming Constituent Assembly in 1934 and was made official by the Indian National Congress in 1935.

The Father of the Indian Constitution: Dr. B. R. Ambedkar, who has written our Indian Constitution, belonged to an untouchable family and was exposed to discrimination. He used 9 languages fluently and mastered 64 subjects. It was he who introduced equal rights for all natives in India. He also introduced various acts and laws regarding women's rights in the Indian Constitution.

Writer of the Indian Constitution:

You will be surprised to know that Constitution of India has been written, not printed. It was Prem Behari Narain Raizada who patiently wrote the entire document (Constitution of India) with his own hands. It

was his calligraphy in English and Hindi that can be seen on the Constitution information of the original document published in Dehradun. It took almost 3 years to finally draft the Indian Constitution in its final form.

#### Decoration of all the Pages:

The unique features of the Indian Constitution that can be seen on every page are designed by the artists of Shantiniketan. Among the famous names, Nandalal Bose and Behar Rammanohar Sinha were the epitomes of this team. This institute of fine arts was established by Rabindranath Tagore in Bengal.

The Constitution's pages are bound together in black leather, with beautiful gold patterns.

Three original copies of the Constitution are kept safely in special helium-filled cases in the library of the Parliament.

Dr. Ambedkar studied 60 other constitutions in the course of his work. He was assisted in the drafting by a committee.

Constitution of India is the longest in the world, and contains 1.46 lakh words. It took two years, 11 months and 18 days to draft it.

**Living document:** Our supreme law is referred to as a living document, as it can be changed or amended. Those who crafted it wanted it to be in accordance with our citizens' aspirations and understood the need for modifications. Changes done to the Constitution are called constitutional amendments. The document has undergone 105 amendments, the last being in August 2021.

#### Handwritten Constitution:

Prem Behari Narain Raizada handwrote the original Indian Constitution in a flowing italic style with beautiful calligraphy. He used 254 NO.303 pen-holder nibs and it took six months to accomplish the writing. The Government of India assigned him a chamber at the Constitution House to carry out the significant assignment. Instead of demanding a fee, he requested permission to write his name on every page of the constitution, as well as the name of his grandpa on the last page.

#### A constitution with artworks:

Indian Constitution is an example of handcrafted originality. This monumental task of completing the artwork on every page of the Constitution was assigned to Acharya Nandalal Bose and his pupil in Kala Bhawan, Shanti Niketan. Nandalal Bose painted the principal images and directed his students to create other artwork. Beohar Rammanohar Sinha, a pupil of Nandalal Bose, adorned the most important page of the Constitution, "The Preamble," commonly known as the "Face of the Constitution."

#### Total expenditure:

The Constitution finally came into force with a total expenditure of Rupees 6.4 million.

#### Original copies of the constitution:

The original copies of the Constitution are kept in the Parliamentary Library. It is housed in a box filled with helium and wrapped in flannel cloth with naphthalene balls.

#### The time taken to prepare the constitution:

It took around 2 years, 11 months, and 18 days to create the Indian Constitution.



#### From Thought To Action:

The first person to call for an Indian Constituent Assembly was "M.N. Roy", an Indian Revolutionary and radical activist, in 1934. In a resolution that rejected a British proposal known as the "White Paper" on constitutional reforms for India a year later, the Indian National Congress made this an official demand. This resolution would later be enacted as the Government of India Act 1935.

#### More Than 2000 Amendments In First Draft:

A total of 2,475 amendments were made to the original draft. 284 members of the Constituent Assembly accepted and signed the Constitution. The Constitution included 395 Articles, 8 Schedules, and 22 Parts at the time of the last sitting of the Constituent Assembly on January 24, 1950.

#### From Dominion Of India To Republic of India:

The Government of India Act was replaced by the Indian Constitution in 1935. The 1935 Government of India Act serves as the cornerstone for the Indian Constitution. The Dominion of India became the Republic of India when the Constitution took the place of the GOI Act as the primary law of the land.

#### Introduction Of National Emblem:

The Lion Capital Of Ashoka became the country's national emblem on January 26, 1950. The four Asiatic lions stand for strength, courage, pride, and confidence.

#### Father Of The Indian Constitution:

The chief architect of the Indian Constitution was Dr. Bhimrao Ramji Ambedkar, who is regarded as the father of the Indian Constitution. He is the one who drafted the Indian Constitution after researching the laws of around 60 other nations.

#### Women's Right To Vote:

Only until the Indian Constitution went into effect did Indian women acquire the complete right to vote. Full suffrage for women was introduced in India by the Constitution in 1949.

#### Inception Of The Preamble Of Indian Constitution:

Jawaharlal Nehru introduced the Objective Resolution, which later evolved into the Preamble of the Constitution. The words "socialist" and "secular" were added to the Preamble in 1976, during the emergency, thanks to the 42nd amendment. It outlined the fundamental tenets of the Constitution.

#### The First & The Last Signatory:

The Indian Constitution was initially signed by Dr. Rajendra Prasad, the country's first president. The final signatory was Feroze Gandhi, who was the President of the Constituent Assembly at the time.

#### Heart & Soul Of Indian Constitution:

Dr. B. R. Ambedkar referred to Article 32 of the Indian Constitution as the "heart and soul" of the document. It grants a citizen the right to file a complaint with the Supreme Court to have any fundamental rights upheld in the event that they are violated. The Right to Constitutional Remedies is another name for it.

#### Mini-Constitution:

The Indian National Congress, led by Indira Gandhi, passed the 42nd Amendment Act, 1976, one of the most significant revisions to the Indian

Constitution. This statute is also known as "Mini-Constitution" because of the numerous amendments it made to the Indian Constitution. It incorporated sections that sought to curtail the authority of the Supreme Court and the High Courts, outlined citizens' fundamental duties, and added the preamble terms "socialist," "secular," and "integrity."

The Magna Carta Of Indian Constitution:

The Indian Constitution's Part III is referred to as its Magna Carta. The Magna Carta is the Declaration of Rights that King John of England signed in 1215. It is the first piece of writing to discuss a very long and comprehensive list of 'justiciable' fundamental rights for citizens.

What does it mean by the Constitution of India?:

Constitution of India is essentially a set of frameworks that binds our nation together, invoking a sense of patriotism and unity that transcends social boundaries. The ideals embodied in the Indian Constitution are built entirely on a solid ethical framework designed to uplift the populace and propel Indian society ahead with a spirit of tolerance and respect for the nation's diversity.

Despite being a relatively young Constitution, it has undergone through some tremendous changes while demonstrating remarkable resilience to every challenge. Our Indian Constitution is a living testament that proves that the desires of heedless political avarice do not govern the populace; rather, it is the will and the words of the Constitution. As Dr B. R. Ambedkar aptly states, "The Constitution is not a mere lawyer's document, it is a vehicle of life, and its spirit is always the spirit of the age!"

Constituent Assembly of India:

The idea of a constituent assembly was first proposed in 1934 by M.N. Roy. However, the actual constituent assembly was formed in 1946 on the basis of the cabinet mission plan.

Background of the Constituent Assembly of India:

In 1934, M N Roy first proposed the idea of a constituent assembly. The demand was taken up by the Congress Party in 1935 as an official demand. The British accepted this in the August Offer of 1940. Under the Cabinet Mission plan of 1946, elections were held for the formation of the constituent assembly. The members of this assembly were elected indirectly, i.e., by the members of the provincial assemblies by the method of a single transferable vote of proportional representation. The constituent assembly was formed for the purpose of writing a constitution for independent India

Composition of Constituent Assembly:

Initially, the number of members was 389. After partition, some of the members went to Pakistan and the number came down to 299. Out of this, 229 were from the British provinces and 70 were nominated from the princely states.

Dr. Sachchidananda Sinha was the first temporary chairman of the Constituent Assembly. Later, Dr. Rajendra Prasad was elected as the President and its Vice President was Harendra Coomar Mookerjee. BN Rau was the constitutional advisor.

When did the constituent assembly first meet?

The assembly first met on 9 December 1946

Was there any role of the Muslim League in the formation of the Constitution of India ?

No, there was no role played by the Muslim League in the constituent assembly as it had boycotted this meeting citing their demand for partition

What is 'Objective Resolution' concerned with the constituent assembly of India?

Objective Resolution enshrined the aspirations and values of the constitution-makers. Under this, the people of India were guaranteed social, economic and political justice, equality and fundamental freedoms. This resolution was unanimously adopted on 22 January 1947 and the Preamble to the Constitution is based on it.

When was Objective Resolution moved and by who?

On 13 December 1946, Jawaharlal Nehru moved the 'Objective Resolution'.

When was National Flag of Union adopted?

The National Flag of the Union was adopted on 22 July 1947

For how many days, the constituent assembly assembled to frame the constitution?

The time is taken by the assembly to frame the constitution: 2 years, 11 months and 17 days. Money spent in framing the constitution: Rs.64 lakhs

When was Jana Gana Mana adopted as our national anthem?

On 24 January 1950, 'Jana Gana Mana' was adopted as the national anthem

How many articles our final constitution has?

The final document had 22 parts, 395 articles and 8 schedules.

What was the total number of sessions constituent assembly had?

The assembly had met for 11 sessions

When was the draft of the Indian Constitution published?

The draft was published in January 1948 and the country's people were asked for their feedback and inputs within 8 months

What is the date of the last session?

The last session was held during 14 - 26 November 1949. The constitution was passed and adopted by the assembly on 26 November 1949

When did the constitution of India come into force?

The constitution came into force on 26 January 1950 (which is celebrated as Republic Day)

Committees of Constituent Assembly of India:

Drafting Committee: Dr. B R Ambedkar

Union Constitution Committee: Jawaharlal Nehru

Union Powers Committee: Jawaharlal Nehru

States Committee: Jawaharlal Nehru

Steering Committee: Dr. Rajendra Prasad

Rules of Procedure Committee: Dr. Rajendra Prasad

Provincial Constitution Committee: Sardar Vallabhbhai Patel

Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas:

Fundamental Rights Sub-Committee: Acharya Kripalani

Minorities Sub-Committee: H C Mookerjee

Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee: A V Thakkar

North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee: Gopinath Bardoloi

When was the Constituent Assembly formed in India?

The Constituent Assembly was formed in India in 1946 for framing the Constitution of India. It was first proposed in 1934 by M.N. Roy and was devised on the basis of Cabinet Mission Plan.

What was the role of the Constituent Assembly in India?

The Constituent Assembly of India was elected to write the Constitution of India. The Constitution was framed by the Constituent Assembly and established under the Cabinet Mission Plan

History of Indian Constitution:

Background of Indian Constitution:

In 1928, the All Parties Conference convened a committee in Lucknow to prepare the Constitution of India, which was known as the Nehru Report. Most of India was under direct British rule from 1857 to 1947. Upon independence it became clear a new constitution was needed to be created. But for that the all of India needed to be brought into the union. This meant the the Princely States needed to be convinced to become a part of the Indian union. Either by force or diplomacy. Sardar Vallabhai Patel and V.P Menon did this unenviable task. Until this happened India was still legally a dominion under the British, responsible for external security

Thus, the constitution of India repealed the Indian Independence Act 1947 and Government of India Act 1935 when it became effective on 26 January 1950. India ceased to be a dominion of the British Crown and became a sovereign democratic republic with the constitution.

Historical Evolution of the Indian Constitution:

There are various layers in the background of the Indian Constitution:

Regulating Act 1773, Pitt's India Act 1784, Charter Act of 1813, Charter Act of 1833, Charter Act of 1853, Government of India Act 1858, Indian Councils Act 1861, India Councils Act 1892, Morley-Minto Reforms 1909, Montague-Chelmsford Reforms 1919, Government of India Act 1935 and Indian Independence Act 1947.

These acts were in some way instrumental for the development of the Indian Constitution.

Regulating Act 1773:

First time the British Parliament resorted to regulating the affairs of the East India Company. The Governor of Bengal was made the Governor-General of Bengal (Warren Hastings).

An Executive Council of the Governor-General was created with 4 members. Centralised the administration with the Presidencies of Madras and Bombay being made subordinate to the Bengal Presidency. Supreme Court was established at Calcutta as the Apex Court in 1774. Prohibited company officials from engaging in private trade and from accepting gifts from Indians.

Pitt's India Act 1784:

Commercial and political functions of the company separated. The Court of Directors managed the commercial activities while the Board of Control managed political affairs. The company territories in India were called 'British possession in India'. Governor's Councils were set up in Madras and Bombay as well.

Charter Act 1813:

This act ended the East India Company's monopoly over trade with India except in tea and opium. Trade with India was open to all British subjects.

**Charter Act 1833:**

Governor-General of Bengal was designated the Governor-General of India (Lord William Bentinck). The legislative powers of the Bombay and Madras Presidencies were removed.

This act ended the commercial activities of the company and it was transformed into an administrative body.

**Charter Act 1853:**

The legislative and executive powers of the Governor-General's Council were separated. A Central Legislative Council was created of 6 members out of which 4 were appointed by the provisional governments of Madras, Bombay, Agra and Bengal. The Indian civil service was opened as a means to recruit officers for administration through open competition.

**Government of India Act 1858:**

After the 1857 revolt, the rule of the company was ended and the British possessions in India came directly under the British Crown. The office of the Secretary of State for India was created. He was assisted by a 15-member Council of India. The Indian administration was under his authority and the Viceroy was his agent. The Governor-General was designated the Viceroy as well (Lord Canning). The Court of Directors and the Board of Control were abolished.

**Indian Councils Act 1861:**

Indians were given representation in the Viceroy's Councils. 3 Indians entered the Legislative Council. Provisions were made for the entry of Indians in the Viceroy's Executive council also as non-official members. Portfolio system was recognised. Decentralisation initiated with the presidencies of Madras and Bombay being restored their legislative powers.

**Indian Councils Act 1892:**

Indirect elections (nominations) were introduced. Legislative Councils expanded. Gave more functions to the legislative councils such as the discussion of budget and questioning the executive.

**Indian Councils Act 1909 (Morley-Minto Reforms):**

Direct elections to the legislative councils were introduced for the first time. Central Legislative Council became the Imperial Legislative Council. The number of members of the legislative council was increased from 16 to 60. The concept of the separate communal electorate was accepted. For the first time, an Indian was made a member of the Viceroy's Executive Council. (Satyendra Prasad Sinha - Law Member).

**Government of India Act 1919 (Montague-Chelmsford Reforms):**

Central and provincial subjects were separated. Diarchy was introduced in the provincial governments with executive councillors being in charge of the reserved list and the ministers in charge of the transferred list of subjects. The ministers were nominated from among the elected members of the legislative council and were responsible to the legislature. A bicameral legislature was introduced for the first time at the centre. (Legislative council and legislative assembly later to become Rajya Sabha and Lok Sabha respectively). It mandated 3 members of the Viceroy's executive council to be Indians. This act provided for the first time, the establishment of a public service commission in India. This act

extended the right to vote and with this, about 10% of the population acquired voting rights.

#### Government of India Act 1935:

An all-India Federation was proposed which would consist of British India and the princely states. This never materialised though. Subjects were divided between the centre and the provinces. Centre was in charge of the Federal List, provinces in charge of the Provincial List and there was a Concurrent List which both catered to. Diarchy was abolished at the provincial level and introduced at the centre. More autonomy was accorded to the provinces and in 6 out of 11 provinces, the bicameral legislature was introduced. A federal court was established and the Indian Council abolished. Burma and Aden were severed off from India. This act provided for the establishment of the RBI. This Act continued until it was replaced by the new Indian Constitution.

#### Indian Independence Act 1947:

India was declared independent and sovereign. The Viceroy and the Governors were made constitutional (nominal) heads. Set up responsible governments at the centre and the provinces. Assigned both legislative and executive powers to the Constituent Assembly of India.

#### Who is Father of Indian constitution?

The father of the Indian Constitution is widely regarded as Dr. B.R. Ambedkar. On 29 August, he was appointed Chairman of the Constitution Drafting Committee, and was appointed by the Assembly to write India's new Constitution.

#### What is 104th amendment of Indian Constitution?

The Constitution of India's One Hundred and Fourth Amendment (104th Constitutional Amendment Act) extended by ten years the deadline for the cessation of reservation of seats in the Lok Sabha and state legislative assemblies for members of Scheduled Castes and Scheduled Tribes.

#### Preamble of the Indian Constitution:

The 'Preamble' of the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document, and it indicates the source from which the document which derives its authority, meaning, the people. It was adopted on 26 November 1949 by the Constituent Assembly of India and came into effect on 26th January 1950.

#### Preamble of India - Objective Resolution:

In 1946, Objective Resolution was moved by Jawaharlal Nehru, describing the constitutional structure. In 1947 (22nd January) it was adopted. It shaped the Constitution of India and its modified version is reflected in the Preamble of the Indian Constitution. The basic tenets that the objective resolution highlighted were:

1. Constituent Assembly's resolve to see India as independent, sovereign and republic
2. To draw a Constitution for India
3. To make all territories of the pre-independent India into united states of post-independent India
4. To realize residual powers, autonomy on such states as the Constitution of India reflects
5. To realize union with the power which will be different than those given to such states
6. The people of India to play the source of power and authority of the sovereignty, and the independence

7. To provide justice, social, economic and political equality of status of opportunity and, freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality before the law
8. To provide adequate safeguards to the minorities, tribal and backward areas and other depressed and backward classes
9. To maintain the integrity of the Indian republic's territory and its territorial rights on land, sea, air according to the justice and law of the civilized nation
10. To promote peace and welfare among the worldly nations.

Is preamble a part of Indian Constitution?

Yes, it is a part of the Indian constitution, also emphasized in Kesavananda Bharti Case.

Who wrote the preamble of India?

The preamble of India contains tenets highlighted in the Objective Resolution drafted by Jawaharlal Nehru in 1946

How many preambles does the Indian Constitution have?

Only 1 preamble along with 22 parts and 12 schedules and 448 articles, Indian Constitution today exists

What is the most important word in the Preamble of India?

Though no particular word has been given more importance than others, however, 'We, the people of India' are the words which are termed as the most powerful in the Preamble to the Indian Constitution

Why do we need a Preamble?

It gives us fundamental values and highlights of the Constitution

In which case, did the Supreme Court declare passed a judgement that Preamble is not a part of Indian Constitution?

In Berubari Case (1960), SC declared Preamble not to be a part of Indian Constitution

Interesting Facts about Preamble of Indian Constitution:

Preamble was enacted after the enactment of the entire Constitution of India

The term 'secular' was added to the Preamble of the Indian Constitution by the 42nd Constitutional Amendment Act of 1976.

The Preamble secures to all citizens of India liberty of belief, faith and worship

Ideal of justice (social, economic and political) in the Preamble are borrowed from the Soviet Union (Russia) Constitution

Republic and the ideals of liberty, equality and fraternity are borrowed from the French Constitution

Preamble, in itself, has been first introduced through the American Constitution

Four Main Ingredients of the Indian Preamble:

The source of the Indian Constitution, nature of the Indian State, the objectives of the Constitution of India & the date of adoption of the Indian State, are four main ingredients of the Indian Preamble

Source of the Indian Constitution: The People of India are revealed to be the source of the authority of the Indian Constitution. The words, 'We, the People of India' reflect the same.

Nature of the Indian State: The Preamble of India tags India as the sovereign, secular, republic, secular and democratic nation

Objective of the Indian Constitution: Justice, Liberty, Equality and Fraternity are denoted as the objectives of the Preamble of India

Adoption Date of the Constitution of India : November 26, 1949 as the date when then the Indian Constitution

Some important keywords in the Preamble of India like: Sovereign, Socialist, Secular, Democratic, Republic, Justice, Liberty, Equality, Fraternity

How many words are in the Preamble of the Indian Constitution?

The Preamble of Indian Constitution has 73 words. The 73-word Preamble to the Constitution of India outlines the ideals that must guide Indian democracy. Together with the Directive Principles of State Policy, it provides the context in which the country can achieve the fundamental rights guaranteed by the Constitution.

What is Preamble Explain?

A preamble is an introductory statement in a document that explains the document's philosophy and objectives. In a Constitution, it presents the intention of its framers, the history behind its creation, and the core values and principles of the nation. The ideals behind the Preamble to India's Constitution were laid down by Jawaharlal Nehru's Objectives Resolution, adopted by the Constituent Assembly on January 22, 1947. Although not enforceable in court, the Preamble states the objects of the Constitution, and acts as an aid during the interpretation of Articles when language is found ambiguous.

What are the beginning words in the Preamble to the Constitution of India?

The preamble begins with the words "We the people of India..." thus clearly indicating the source of all authority of the constitution. It emphasizes the sovereignty of the people and the fact that all powers of government flow from the people. It is the people of India on whose authority the Constitution rests. The preamble surmises that it is the people of India who are the authors of the constitution. Thus the words "We, the people of India" declares in unambiguous terms that the Constitution has been adopted, enacted and given to themselves by the people of India.

Is the Preamble basic structure of the Constitution?

Preamble is part of the Constitution. Preamble indicates the basic structure of the Constitution. Preamble is neither enforceable nor justifiable in a court of law. This implies that courts cannot pass orders against the government in India to implement the ideas in the Preamble. Preamble can be amended and it has been amended only once through the 42nd Constitutional Amendment Act 1976.

Schedules of Indian Constitution - 12 Schedules of India:

There are 12 Schedules in the Constitution of India. One of the first mentions of Schedules was made in the Government of India Act, 1935 where it included 10 Schedules. Later, when the Indian Constitution was adopted in 1949, it consisted of 8 Schedules. Today, with the amendments in the Indian Constitution, there are a total of 12 Schedules.

First Schedule of Indian Constitution: It contains the name of States and Union Territories, Territorial Jurisdiction of states is also included



Second Schedule of Indian Constitution: The provisions in relation to allowances, privileges, emoluments of:

President of India, Governors of Indian States, Speaker of Lok Sabha & Deputy Speaker of Lok Sabha, Chairman of Rajya Sabha & Deputy Chairman of Rajya Sabha, Speaker and Deputy Speaker of Legislative Assemblies of Indian States, Chairman and Deputy Chairman of Legislative Councils of the Indian States, Supreme Court Judges, High Court Judges, Comptroller & Auditor General of India (CAG)

Third Schedule: It contains the forms of oath and affirmation for: Union Ministers of India, Parliament Election Candidates, Members of Parliament (MPs), Supreme Court Judges, Comptroller and Auditor General, State Ministers, State Legislature Elections' Candidates, State Legislature Members, High Court Judges

Fourth Schedule: It contains the provisions in relation to the allocation of seats for States and Union Territories in the Rajya Sabha

Fifth Schedule: It contains provisions in relation to the administration and control of scheduled areas and scheduled tribes

Sixth Schedule: It contains provisions in relation to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram

Seventh Schedule: Seventh schedule deals with the three legislative lists: Union, State, Concurrent

Eighth Schedule It deals with the 22 official languages recognized by the Constitution of India:

Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu, Urdu

Ninth Schedule: It deals with the state acts and regulations of that deal with land reforms and abolition of the zamindari system. It also deals with the acts and regulations of the Parliament dealing with other matters.

Note: 1st Amendment Act 1951 added the Ninth Schedule to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. However, in 2007, the Supreme Court ruled that the laws included in Ninth schedule after April 24, 1973, are now open to judicial review

Tenth Schedule: It contains provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection.

Note: Tenth schedule was added by the 52nd Amendment Act of 1985, also known as Anti-defection Law

Eleventh Schedule: It contains the provisions that specify the powers, authority and responsibilities of Panchayats. It has 29 matters.

Note: Eleventh schedule was added by the 73rd Amendment Act of 1992

Twelfth Schedule: It deals with the provisions that specify the powers, authority and responsibilities of Municipalities. It has 18 matters.

Note: Twelfth schedule was added by the 74th Amendment Act of 1992

How many Schedules are there in India?

There are 12 Schedules in the Indian Constitution.

What is the 11th and 12th Schedule of India?

Eleventh Schedule - It contains the provisions that specify the powers, authority and responsibilities of Panchayats.

Fundamental Rights - It deals with the provisions that specify the powers, authority and responsibilities of Municipalities.

Which act gave Constitutional recognition to the municipalities?

74th Amendment Act 1992 gave constitutional recognition to urban local bodies i.e. municipalities.

Representation of People Act, 1951:

The Representation of People Act, 1951 was passed by the Parliament in accordance with Article 327 of the Constitution of India. This legislation deals with the conduct of elections in the country and is hence a very important one. Articles 324 to 329 of Part XV of the Indian Constitution provides for the country's electoral system. The Constitution confers upon the Parliament the power to enact laws for all matters connected with elections to the Parliament and the State Legislature.

When was the Representation of the People Act passed?

The first Representation of People Act was enacted in 1950.

What amendment did the Representation of People Act make?

The Representation of People Act was amended many times. In 1966, the amendment to the 1951 Act abolished election tribunals. Many other amendments were passed, the details of which are mentioned in the article.

Can a convicted person contest election in India?

A person convicted of any offence and imprisoned for more than 2 years shall be disqualified from contesting for a period of 6 years after he or she is released from jail. After the 6-year period, he/she can contest elections.

Right to Education Act (RTE):

The Right to Education Act (RTE) is important legislation that marks a watershed in the education system in India. With its enactment, the right to education has become a fundamental right in the country.

The Act is completely titled "the Right of Children to Free and Compulsory Education Act". It was passed by the Parliament in August 2009. When the Act came into force in 2010, India became one among 135 countries where education is a fundamental right of every child.

What are the basic features of Right to Education Act?

Some of the basic features of the RTE are:

1. Free and compulsory education for all children in the age group 6 to 14.
2. There will not be any detention or examination until elementary education is completed. However, there has been an amendment to this (as mentioned above in the criticisms of the Act).
3. This makes providing education a legal obligation of the governments.
4. It also makes it mandatory for all private schools to reserve 25% of their seats for the EWS and disadvantaged groups.

What is the age limit for RTE?

All children between the ages of 6 and 14 have the right to free education under the provisions of the Act.

What is Article 21 of the Constitution?

Article 21 deals with the right to life and personal liberty. It is a fundamental right. To know more click on Right to Life (Article 21) - Indian Polity Notes.

What is the importance of the right to education?

Education is a significant step to achieving all other basic human rights. Education can help decrease poverty, reduce social inequalities, empower women and others marginalised, bring down discrimination and finally help individuals live life to their fullest potentials. It helps improve access to opportunities for a better life in terms of employment and business. It can also bring about peace and overall prosperity to a region. Therefore, education is one of the most important rights.

Right to Information:

The right to information is a fundamental right under Article 19 (1) of the Indian Constitution. In 1976, in the Raj Narain vs the State of Uttar Pradesh case, the Supreme Court ruled that Right to information will be treated as a fundamental right under article 19. The Supreme Court held that in Indian democracy, people are the masters and they have the right to know about the working of the government.

Thus the government enacted the Right to Information act in 2005 which provides machinery for exercising this fundamental right.

What do you mean by the right to information?

Right to information is a right given to the citizens to question and hold the government accountable for its functions. The RTI act 2005 helps in exercising this right.

How can I use the Right to Information Act?

RTI can be filed by any citizen through an application submitting to the designated officer by paying Rupees ten.

Which type of right is right to information?

Right to Information has been categorised as a Fundamental Right under Article 19(1) of the Indian constitution by the Supreme Court.

What is the main objective of RTI?

RTI was introduced to empower citizens to question the government and its working. Any citizen could request for information that does not threaten the internal security and integrity of India.

Roshni Act :

The Roshni Act is formally known as the J&K State Lands (Vesting of Ownership to the Occupants) Act, 2001.

Official Secrets Act 1923:

The Official Secrets Act of 1923 is India's anti-espionage. It states that actions which involve helping an enemy state against India are strongly condemned. It also states that one cannot approach, inspect, or even pass over a prohibited government site or area. As per the act, helping an enemy state can be in the form of communicating a sketch, plan, a model of an official secret, or of official codes or passwords, to the enemy.

Does the official secrets act expire?

No, the OSA 2013 is the official act that hasn't undergone any changes. As per a report, there is a suggestion in the 2nd ARC report to substitute the OSA by a chapter in the National Security Act as the official secrets act has often been in the news post the implementation of Right to Information Act.

Who introduced the Official Secrets Act in India?

The Indian Official Secrets Act 1904 was introduced by Lord Curzon. Later, it was replaced by the OSA 1923.

Epidemic Diseases Act, 1897:

This colonial Act was enacted by the British, for the first time in the then state of Bombay during the Bubonic Plague.

It is a state government Act. The Act strives to protect the common citizens in a particular area during the outbreak of an epidemic of a dangerous disease.

What is 44th Amendment in Indian Constitution?

44th Amendment is an act that was introduced into the constitution by 45th Amendment Bill in the year 1978. In 1976, with the introduction of the 42nd Amendment Act, there were various provisions that were amended against the will of the citizens hence, to reverse those changes and safeguard the interests of the nation, 44th Amendment Act was called into action.

Which right has been abolished by 44th Amendment?

The 44th Amendment of 1978 removed the right to property from the list of fundamental rights. A new provision, Article 300-A, was added to the constitution, which provided that "no person shall be deprived of his property save by authority of law".

What was the aim of the 44th Amendment Act?

The Amendment aimed to undo several changes that had been made to the Constitution by the 42nd Amendment which had been enacted by the Indira Gandhi-led Indian National Congress during the Emergency.

What is the 42nd Amendment Act?

The Constitution of India 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:

1. Attempted to reduce the power of the Supreme Court and the High Courts
2. Laid down Fundamental Duties for citizens
3. 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.

What are the three terms added in preamble through 42nd Constitutional Amendment Act?

The 42nd Constitutional Amendment Act of 1976 added: "Socialist", "Integrity" and "Secular" to the Preamble.

When was the 42nd amendment of Indian Constitution enacted and who was behind it?

The 42nd Amendment Act of the Indian Constitution was enacted in 1976 by the Indian National Congress, led by Indira Gandhi.

Why is 42nd amendment act called the mini Constitution?

The 42nd amendment act is also known as the "Mini-Constitution" because of the enormous number of amendments it has made to the Indian Constitution. It attempted to alter the basic structure of the Indian Constitution.

What are the aims of 42nd constitutional amendment?

Two aims of 42nd amendment act are - to reduce the power of the Supreme Court and the High Courts for the validity of constitutional laws. To lay down the fundamental duties for the citizens of the nation.

In which case was the 42nd amendment Act declared as null and void by the Supreme Court?

In Minerva Mills Case (1980) the supreme court declared two changes made in the constitution by the 42 Amendment Act 1976 to be null and void. These changes were made in article 368 of the Indian constitution. This judgement strengthened the 'Doctrine of Basic Structure'.

Which subject was transferred from the state list to the concurrent list by the 42nd amendment to the Constitution?

The 42nd Amendment Act was enacted in 1976, reorganizing the Seventh Amendment to ensure that the subjects of the State list such as education, forestry, wildlife and bird protection, the administration of justice, and weights and measures were transferred to the Concurrent List.

Disaster Management Act, 2005:

The Disaster Management Act of 2005 (DMA 2005) is an act passed by the government of India for the 'efficient management of disasters and other matters connected to it.

What is the Disaster Management Act, 2005?

The Disaster Management Act of 2005 (DMA 2005) is an act passed by the government of India for the 'efficient management of disasters and other matters connected to it.

When was the Disaster Management Act, 2005 made effective from?

The Disaster Management Act, 2005 was made effective from December 23, 2005, to provide for the effective management of disasters and for matters connected therewith or incidental thereto.

What is the significance of the Disaster Management Act, 2005?

The significance of the Disaster Management Act, 2005:

1. For planning and implementation of disaster plans
2. To prevent or mitigate people from disaster-affected areas
3. To respond and recover from disaster events
4. Coordination and management of disaster-affected areas

What is the role of the National Disaster Management Authority (NDMA)?

The role of the National Disaster Management Authority (NDMA) is:

- 1 Laying down policies for disaster management
2. Approving the plans prepared by the different concerned Departments
3. Draw a National and State Plan

Why was the Disaster Management Act, 2005 criticised?

Given below are the reasons as to why the Disaster Management Act, 2005 was criticised:

1. Absence of the declaration of 'disaster-prone zones'
2. As per DMA, disasters cannot be predicted

Road Safety And Motor Vehicles (Amendment) Act 2019:

The Motor Vehicles Act was recently amended and several new provisions and increased penalties have been added.

Drug Price Control Order 2013 :

The Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers had announced the Drugs Price Control Act, 2013 to improvise the availability of basic medicines at affordable prices across the country. The order has been issued by the Government of India for the regulation of drug pricing in the country under Section 3 of Essential Commodities Act, 1955. National Pharmaceutical Pricing Authority (NPPA) will be responsible for the implementation of DPCO 2013. It was introduced in May 2013 and had affected the pricing of over 300 essential medicines based on their manufacturing cost. As per the DPCO 2013, all dosages mentioned in the National List of Essential Medicines (NLEM) will be under price control.

What is the Drug Price Control Order?

The Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, under the guidance of Government of India announced the revised Drug Price Control Order in 2013 to regulate drug pricing across India for easy availability of essential medicines to the people of the country.

What is the role of NPPA in DPCO?

National Pharmaceutical Pricing Authority or NPPA is attached to the office of the Department of Pharmaceuticals (DoP), Ministry of Chemicals and Fertilizers and is an independent body for regulation of drug pricing in India. All reforms under DPCO are bound to be implemented by NPPA.

What is the significance of Drug Price Control Order 2013?

The DPCO 2013 had been announced to ensure that the essential drugs are available in the market at affordable prices for the general public. This would also ensure the availability of such medicines in bulk so that one may not have to switch to expensive drugs for emergency treatment.

Who regulated drug pricing in India?

In India, the National Pharmaceutical Pricing Authority (NPPA) is the independent organisation established by the Government to manage and regulate the pricing of drugs in the country.

National Medical Commission (NMC) Bill, 2019:

What is the National Medical Commission (NMC) bill?

The National Medical Commission (NMC) Bill proposes a common final year MBBS exam, to be known as National Exit Test (NEXT), for admission to postgraduate medical courses and for obtaining a license to practice medicine. It would also act as a screening test for foreign medical graduates. The Bill provides for setting up of a National Medical Commission (NMC) in place of the MCI for development and regulation of all aspects of medical education, profession and institutions. It also provides for setting up a Medical Advisory Council to advise and make recommendations to the panel.

What is the problem with the NMC bill?

The Indian Medical Association (IMA) has raised concerns over Section 32 of the NMC Bill that provides for licensing of 3.5 lakhs non-medical persons or Community Health Providers to practise modern medicine. "The term Community Health Provider has been vaguely defined to allow anyone connected with modern medicine to get registered in NMC and is licensed to practise modern medicine," said Indian Medical Association (IMA) in an official statement.

What was the purpose of NMC Bill 2019?

The NMC Bill seeks to replace the 63-year-old corruption-plagued Medical Council of India (MCI) with setting up of a National Medical Commission and repeal the Indian Medical Council Act, 1956, which led to the formation of the MCI. Union Health and Family Welfare Minister Harsh Vardhan said the legislation would go down in history as one of the best reforms ending 'inspector raj' in medical education. The Bill aims to usher in major changes in the medical education sector. The NMC Bill was first introduced in Parliament in December 2017. Vardhan noted that NMC Bill 2019 is an improved version of the one brought as an ordinance in 2017.

Mines and Minerals Development and Regulation Amendment Act, 2021:

What were the result of the 2016 Amendment on the Mines and Minerals (Development and Regulation) Act?

The Union Cabinet of India approved amendments in March 2016. The amendment allowed transfer of captive mining leases not granted through auction. Transfer of captive mining leases, granted otherwise than through auction, would allow mergers and acquisitions of companies and facilitate ease of doing business for companies to improve profitability and decrease costs of the companies' dependent on supply of mineral ore from captive leases.

What is the scope of the Mines and Minerals (Development and Regulation) Act?

This act is applicable to all mineral except minor minerals and atomic minerals. It details the process and conditions for acquiring a mining or prospecting licence in India.

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):

What is the aim of MGNREGA?

MGNREGA aims to enhance livelihood security in rural areas by providing at least 100 days of wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work.

What is the objective of MGNREGA?

The MGNREGA was initiated with the objective of "enhancing livelihood security in rural areas by providing at least 100 days of guaranteed wage employment in a financial year, to every household whose adult members volunteer to do unskilled manual work".

When the MGNREGA Scheme officially launched?

2nd February 2006

The Mahatma Gandhi National Rural Employment Guarantee Act was passed on 23rd August 2005

What was MGNREGA earlier called?

It was known to be National Rural Employment Guarantee Act

What is MGNREGA Job Card?

It is a document that renders a worker entitled for work under the MGNREGA Scheme

Mandate of Mahatma Gandhi NREGS: Provision of at least 100 days of work that provides guaranteed wage in a financial year

MGNREGA Official Website: <https://nrega.nic.in/netnrega/home.aspx>

Personal Data Protection Bill, 2019:

When was the Personal Data Protection Bill passed?

The Personal Data Protection Bill, 2019 ("PDPB") was approved by the cabinet ministry of India on December 4, 2019, and was introduced in Lok Sabha by the Minister of Electronics and Information Technology, on December 11, 2019.

What is the Personal Data Protection Bill 2019?

In August 2017, the Supreme Court held that privacy is a fundamental right, flowing from the right to life and personal liberty under Article 21 of the Constitution. Thus, this Bill prescribes the manner in which personal data is to be collected, processed, used, disclosed, stored and transferred.

How has 'data' been classified as per the Personal Data Protection Act, 2019?

Data can be classified into three:

1. Personal data - Name, address, the identity details of a person
2. Sensitive personal data (SPD) - Finances, Health, Caste, Religion, Belief, sexual orientation, etc.
3. Critical personal data - National or Military security information

Information Technology Act, 2000:

The Information Technology Act, 2000 was enacted by the Indian Parliament in 2000. It is the primary law in India for matters related to cybercrime and e-commerce.

What is the main provision of IT Act 2000?

The original act addressed electronic documents, e-signatures, and authentication of those records. It also enacted penalties for security breach offenses including damaging computer systems or committing cyber terrorism.

What are the features of IT Act 2000?

Features of the Information Technology Act, 2000

All electronic contracts created through secure electronic channels were legally valid.

Legal recognition for digital signatures.

Security measures for electronic records and conjointly digital signatures are in place.

How many sections are in the IT Act 2000?

The original Act contained 94 sections, divided into 13 chapters and 4 schedules.

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act):

The NDPS Act prohibits a person from the production/manufacturing/cultivation, possession, sale, purchasing, transport, storage, and/or consumption of any narcotic drug or psychotropic substance.

What are the salient features of Narcotic Drugs and Psychotropic Substances (NDPS) Act?

The Narcotic Drugs and Psychotropic Substances Act, 1985 also known as the NDPS Act, prohibits any individual from engaging in any activity consisting of production, cultivation, sale, purchase, transport, storage, and/or consumption of any narcotic drug or psychotropic substance.

What is difference between narcotic drugs and psychotropic substances?

From a medical point of view, psychotropics designate chemical substances that act upon the mind, that is on the conscious or unconscious mental



life of an individual. Narcotics include substances that cause stupor, muscular relaxation and a reduction or elimination of sensitivity.

Panchayati Raj - 73rd Constitutional Amendment Act:

What is the importance of Panchayati Raj?

Panchayati Raj institutes village local government that plays a significant role in the development of villages especially in areas like primary education, health, agricultural developments, women and child development and women participation in local government, etc.

Which state in India has no Panchayati Raj institution?

All states of India have Panchayati Raj systems except Nagaland, Meghalaya and Mizoram, in all Union Territories except Delhi; and certain other areas.

What are the features of Panchayati Raj?

1. Gram Sabha: Gram Sabha is the primary body of the Panchayati Raj system. It is a village assembly consisting of all the registered voters within the area of the panchayat.
2. Three Tier System: village, intermediate and district levels.
3. Election of members and chairperson: The members to all the levels of the Panchayati Raj are elected directly and the chairpersons to the intermediate and the district levels are elected indirectly.

What are the 3 stages of Panchayati Raj?

The 3 stages or levels of the Panchayati Raj system in India are -Village Panchayat, Block Panchayat and District Panchayat.

Government of NCT of Delhi (Amendment) Act, 2021:

The Act basically gives more power to the Lieutenant Governor (LG) of the National Capital Territory of Delhi and diminished the elected government's power. The Act also seeks to bring in some clarity on certain subjects in the Government of National Capital Territory of Delhi Act, 1991.

What was the Government of NCT of Delhi (Amendment) Act?

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When was the Government of NCT of Delhi (Amendment) Act, 2021 passed?

The Government of NCT of Delhi (Amendment) Act, 2021 received the presidential assent in March 2021.

Places of Worship (Special Provisions) Act, 1991:

In March 2021, the Supreme Court asked the Central Government to respond to a plea that challenged the Places of Worship (Special Provisions) Act, 1991.

The Places of Worship (Special Provisions) Act of 1991 is often seen in the news in relation to the Ram Mandir issue and also the Krishna Temple at Mathura and the Kashi Vishwanath - Gyanvapi Mosque issue. In the most recent of events, the Supreme Court asked the Centre to respond to a plea challenging the Places of Worship (Special Provisions) Act, 1991 which freezes the status of places of worship as it was on August 15, 1947.

What was the objective of 102nd Amendment Act?

The 102nd Amendment sought to grant the National Commission on Backward Classes (NCBC) constitutional status, at par with the National Commission

for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes.

102nd Amendment Act:

The Supreme Court, in May 2021, held that the 102nd Amendment Act of 2018 removed the power of the states to identify socially and educationally backward classes under their territory for grant of quota in jobs and admissions.

What is the National Commission for Backward Classes?

The NCBC is a body set up under the National Commission for Backward Classes Act, 1993. It has the power to examine complaints regarding inclusion or exclusion of groups within the list of backward classes, and advise the central government in this regard. The Bill seeks to establish the NCBC under the Constitution, and provide it the authority to examine complaints and welfare measures regarding socially and educationally backward classes.

Prevention of Corruption Act, 1988:

The Prevention of Corruption Act, 1988 (PCA, 1988) is an Act of the Parliament of India enacted to combat corruption in government agencies and public sector businesses in India.

The Prevention of Corruption Act was enacted in order to fight corruption and other malpractices in government and public sector business in India. Under PCA, 1988 the Central Government has the power to appoint judges to investigate and try those cases where the following offences have been committed

Tribunals Reforms Act, 2021:

The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 was promulgated in April 2021. The Tribunals Reforms Act, 2021 essentially replaces the ordinance.

1. The Act absolves certain appellate tribunals/boards and shifts their functions to other existing judicial bodies such as high courts.
2. It seeks to abolish certain appellate tribunals (for example, the Film Certification Appellate Tribunal, Airports Appellate Tribunal, etc.) and also bring in changes in the terms of service of the tribunal officials.
3. The Supreme Court questioned the government over the hasty passage of the bill and also asked the government to give reasons for the bill's introduction.