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CONSTITUTIONAL DEVELOPMENT IN INDIA

Regulating Act of 1773

- The first step taken by the British Parliament to control and regulate the affairs of the East India Company in India.
- It designated the **Governor** of Bengal (Fort William) as the **Governor-General (of Bengal)**.
- Warren Hastings became the first Governor-General of Bengal.
- Executive Council of the Governor-General was established (Four members). There was no separate legislative council.
- It subordinated the Governors of Bombay and Madras to the Governor-General of Bengal.
- The Supreme Court was established at Fort William (Calcutta) as the Apex Court in 1774.
- It prohibited servants of the company from engaging in any private trade or accepting bribes from the natives.
- Court of Directors (governing body of the company) should report its revenue.

Pitt's India Act of 1784

- Distinguished between commercial and political functions of the company.
- Court of Directors for Commercial functions and Board of Control for political affairs.

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- Reduced the strength of the Governor General's council to three members.
- Placed the Indian affairs under the direct control of the British Government.
- The companies territories in India were called "the British possession in India".
- Governor's councils were established in Madras and Bombay.

Charter Act of 1813

- The Company's monopoly over Indian trade terminated; Trade with India open to all British subjects.

Charter Act of 1833

- **Governor-General (of Bengal)** became as the Governor-General of India.
- First Governor-General of India was Lord William Bentick.
- This was the final step towards centralization in the British India.
- Beginning of a Central legislature for India as the act also took away legislative powers of Bombay and Madras provinces.
- The Act ended the activities of the East India Company as a commercial body and it became a pure administrative body.

Charter Act of 1853

- **The legislative and executive functions of the Governor-General's Council were separated.**
- 6 members in Central legislative council. Four out of six members were appointed by the provisional governments of Madras, Bombay, Bengal and Agra.
- It introduced a system of open competition as the basis for the recruitment of civil servants of the Company (Indian Civil Service opened for all).

Government of India Act of 1858

- The rule of Company was replaced by the rule of the Crown in India.
- The powers of the British Crown were to be exercised by the Secretary of State for India
- He was assisted by the **Council of India**, having 15 members
- He was vested with complete authority and control over the Indian administration through the Vice roy as his agent
- The Governor-General was made the Viceroy of India.
- Lord Canning was the first Viceroy of India.
- Abolished Board of Control and Court of Directors.

Indian Councils Act of 1861

- It introduced for the first time Indian representation in the institutions like Viceroy's executive and legislative council (non-official). **3 Indians entered Legislative council.**
- Legislative councils were established in Center and provinces.
- It provided that the Vice-roys Executive Council should have some Indians as the non-official members while transacting the legislative businesses.
- It accorded statutory recognition to the portfolio system.
- Initiated the process of decentralisation by restoring the legislative powers to the Bombay and the Madras Provinces.

India Council Act of 1892

- Introduced indirect elections (nomination).
- Enlarged the size of the legislative councils.
- Enlarged the functions of the Legislative Councils and gave them the power of discussing the Budget and addressing questions to the Executive.

Indian Councils Act of 1909

1. This Act is also known as the Morley-Minto Reforms.

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2. Direct elections to legislative councils; first attempt at introducing a representative and popular element.
3. It changed the name of the Central Legislative Council to the Imperial Legislative Council.
4. The member of Central Legislative Council was increased to 60 from 16.
5. Introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'.
6. **Indians for the first time in Viceroy's executive council.** (Satyendra Prasad Sinha, as the law member)

Government of India Act of 1919

- This Act is also known as the Montague-Chelmsford Reforms.
- The Central subjects were demarcated and separated from those of the Provincial subjects.
- The scheme of dual governance, 'Dyarchy', was introduced in the Provincial subjects.
- Under dyarchy system, the provincial subjects were divided into two parts – transferred and reserved. On reserved subjects Governor was not responsible to the Legislative council.
- The Act introduced, for the first time, **bicameralism at center.**
- **Legislative Assembly** with 140 members and **Legislative council** with 60 members.
- Direct elections.

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- The Act also required that the three of the six members of the Viceroy's Executive Council (other than Commander-in-Chief) were to be Indians.
- Provided for the establishment of Public Service Commission.

Government of India Act of 1935

- The Act provided for the establishment of an All-India Federation consisting of the Provinces and the Princely States as units, though the envisaged federation never came into being.
- Three Lists : The Act divided the powers between the Centre and the units in items of three lists, namely the Federal List, the Provincial List and the Concurrent List.
- The Federal List for the Centre consisted of 59 items, the Provincial List for the provinces consisted of 54 items and the Concurrent List for both consisted of 36 items
- The residuary powers were vested with the Governor-General.
- The Act abolished the Dyarchy in the Provinces and introduced 'Provincial Autonomy'.
- It provided for the adoption of Dyarchy at the Centre.
- Introduced bicameralism in 6 out of 11 Provinces.

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- These six Provinces were Assam, Bengal, Bombay, Bihar, Madras and the United Province.
- Provided for the establishment of Federal Court.
- Abolished the Council of India.

Indian Independence Act of 1947

- It declared India as an Independent and Sovereign State.
- Established responsible Governments at both the Centre and the Provinces.
- Designated the Viceroy India and the provincial Governors as the Constitutional (normal heads).
- It assigned dual functions (Constituent and Legislative) to the Constituent Assembly and declared this dominion legislature as a sovereign body.

Points to be noted

- Laws made before Charter Act of 1833 were called **Regulations** and those made after are called **Acts**.
- Lord Warren Hastings created the office of District Collector in 1772, but judicial powers were separated from District collector later by Cornwallis.
- From the powerful authorities of unchecked executives, the Indian administration developed into a responsible government answerable to the legislature and people.

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- The development of portfolio system and budget points to the separation of power.
- Lord Mayo's resolution on financial decentralization visualized the development of local self-government institutions in India (1870).
- 1882: Lord Ripon's resolution was hailed as the 'Magna Carta' of local self government. He is regarded as the 'Father of local self-government in India'.
- 1921: Railway Budget was separated from the General Budget.
- From 1773 to 1858, the British tried for the centralization of power. It was from the 1861 Councils act they shifted towards devolution of power with provinces.
- 1833 Charter act was the most important act before the act of 1909.
- Till 1947, the Government of India functioned under the provisions of the 1919 Act only. The provisions of 1935 Act relating to Federation and Dyarchy were never implemented.
- The Executive Council provided by the 1919 Act continued to advice the Viceroy till 1947. The modern executive (Council of Ministers) owes its legacy to the executive council.
- The Legislative Council and Assembly developed into Rajyasabha and Loksabha after independence.

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NATIONAL SYMBOLS

National Flag

- The National Flag is a horizontal tricolour of deep saffron (kesaria) at the top, white in the middle and dark green at the bottom in equal proportion
- The ratio of width of the flag to its length is two to three.
- In the centre of the white band is a navy-blue wheel which represents the charka.
- Its design is that of the wheel which appears on the abacus of the Sarnath Lion Capital of Ashoka.
- Its diameter approximates to the width of the white band and it has 24 spokes.
- The design of the National Flag was adopted by the Constitution Assembly of India on 22 July 1947.
- Apart from non-statutory instructions issued by the Government from time to time, display of the National Flag is governed by the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 and the prevention of Insults of National Honour Act, 1971.
- The Flag Code of India, 2002 is an attempt to bring together all such laws, conventions, practices and instructions for the guidance and benefit of all concerned.
- The Flag Code of India, 2002, took effect from 26 January 2002 and superseded the 'Flag Code-Indias' as it existed.
- As per the provisions of the Flag Code of India, 2002, there are no restriction on the display of the National Flag by members of general public, private organisations, educational institutions, etc., except to the extent provided in the Emblems and Names (Prevention of Improper Use) Act, 1950 and Prevention of Insults of National Honour Act, 1971 and any other law enacted on the subject.

National Emblem

- The state emblem is an adaptation from the Sarnath Lion Capital of Ashoka.

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- In the original, there are four lions, standing back to back, mounted on an abacus with a frieze carrying sculptures in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening wheels over a bell shaped lotus.
- Carved out of a single block of polished sandstone, the Capital is crowned by the Wheel of the Law (Dharma Chakra).
- In the state emblem, adopted by the Government of India on 26 January 1950, only three lions are visible, the fourth being hidden from view.
- The wheel appears in relief in the centre of the abacus with a bull on right and a horse on left and the outlines of other wheels on extreme right and left.
- The bell-shaped lotus has been omitted.
- The words Satyameva Jayate from Mundaka Upanishad, meaning 'Truth Alone Triumphs', are inscribed below the abacus in Devanagari script.

National Anthem

- The song "Jana-gana-mana", composed originally in Bengali by Ravindra Nath Tagore, was adopted in Hindi version by the Constituent Assembly as the National Anthem of India on 24th January 1950.
- It was first sung on 27th December 1911 at the Calcutta session of the Indian National Congress.

National Song

- The song Vande Mataram, composed in Sanskrit by Bankim Chandra Chatterji, was a source of inspiration to the people in their struggle for freedom.
- It has an equal status with 'Jana-gana-mana'.
- The first political occasion when it was sung was the 1896 session of the Indian National Congress.

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National Calendar

- The national calendar based on the Saka Era, with Chaitra as its first month and a normal year of 365 days was adopted from 22 March 1957 along with the Gregorian calendar for the following official purposes:
 - i) Gazette of India,
 - ii) news broadcast by All India Radio,
 - iii) calendars issued by the Government of India and
 - iv) Government communications addressed to the members of the public.
- Dates of the national calendar have a permanent correspondence with dates of the Gregorian calendar, 1 Chaitra falling on 22 March normally and on 21 March in leap year.

Flag Code of India, 2002

- 'Flag Code-India' is neither a statute nor a statutory rule or regulation. It is, in reality, a mere consolidation of executive instructions issued by the Government of India from time to time and contains detailed instruction in regard to the shape, size and colour of the National Flag, the correct display, instances of misuse and display on National Days or special occasions.
- And now, Flag Code of India, 2002 is an attempt to bring together all such laws, conventions, practices and instructions for the guidance and benefit of all concerned.
- For the sake of convenience, Flag Code of India, 2002 has been divided into three parts. Part I of the code contains general description of the National Flag. Part II by members of public, private organizations and educational institutions. Part III of the Code relates to display of the National Flag by Central and State governments and organizations and agencies.

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- Flag Code of India, 2002 has taken effect from January 26, 2002 by superseding the 'Flag Code – India' as it existed.

The New Flag Code

- One can hoist the flag only from sunrise to sunset
- The ratio of width to length of the flag should be 2:3.
- Don't print it on a costume, cushion or napkin either.
- Don't drape the flag on vehicles.
- Don't hoist it upside down. Must not touch the ground.
- must fly higher than all other flags except that of the UN or other nations.
- Don't fly a damaged flag.
- The amended code came into effect from January 26, 2003.

National animal.

- The magnificent tiger, *Panthera tigris*, is the National Animal
- The combination of grace, strength, agility and enormous power has earned the tiger its pride of place as the national animal of India.
- To check the dwindling population of tigers in India, 'Project Tiger' was launched in April 1973.
- So far, 29 tiger reserves have been established in the country under this project.

National Bird

- The Indian peacock, *Pavo cristatus*, the national bird of India, is a colourful, swan-sized bird, with a fan-shaped crest of feathers, a white patch under the eye and a long, slender neck.
- The male of the species is more colourful than the female, with a glistening blue breast and neck and spectacular bronze-green train of around 200 elongated feathers.

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- The female is brownish, slightly smaller than the male and lacks the train.
- The peacock is widely found in the Indian subcontinent from the south and the east of the Indus river, Jammu and Kashmir, east Assam, south Mizoram and the whole of the Indian peninsula.
- The peacock is fully protected under the Indian Wildlife (Protection) Act, 1972.

National Flower

- Lotus (*Nelumbo Nucifera Gaertn*) is the national flower of India.
- It is a sacred flower and occupies a unique position in the art and mythology of ancient India and has been an auspicious symbol of Indian culture since time immemorial.

National Tree

- Indian fig tree, *Ficus bengalensis*, whose branches root themselves like new trees over a large area.
- The roots then give rise to more trunks and branches.
- Because of this characteristic and its longevity, this tree is considered immortal and is an integral part of the myths and legends of India.
- Even today, the banyan tree is the focal point of village life and the village council meets under the shade of this tree.

National River

- The Ganga or Ganges is the longest river of India flowing over 2,510 kms of mountains, valleys and plains.
- It originates in the snowfields of the Gangotri Glacier in the Himalayas as the Bhagirathi River.
- It is later joined by other rivers such as the Alaknanda, Yamuna, Son, Sumti, Kosi and Ghagra.
- The Ganga river basin is one of the most fertile and densely populated areas of the world and covers an area of 1,000,000 sq. km.
- There are two dams on the river – one at Haridwar and the other at Farakka.

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- Dolphin is an endangered animal that specifically inhabits these rivers.
- The Ganga is revered by Hindus as the most sacred river on earth.
- Key religious ceremonies are held on the banks of the river at cities such as Varanasi, Haridwar and Allahabad.
- The Ganga widens out into the Ganges Delta in the Sunderbans swamp of Bangladesh, before it ends its journey by emptying into the Bay of Bengal.

National Fruit

- A fleshy fruit of the tree *Mangifera indica*, the mango is one of the important and widely cultivated fruits of the tropical world.
- Mangoes have been cultivated in India from time immemorial.
- The poet Kalidasa sang its praises.
- Alexander savored its taste, as did the Chinese pilgrim Hieun Tsang.
- Mughal emperor Akbar planted 100,000 mango trees in Darbanga, Bihar at a place now known as Lakhi Bagh.

National Game

- Hockey is the National Game of India.
- Unmatched excellence and incomparable virtuosity brought India a string of Olympic gold medals.
- The Golden Era of hockey in India was the period from 1928 – 1956 when India won 6 consecutive gold medals in the Olympics.
- During the Golden Era, India played 24 Olympic matches, won all 24, scored 178 goals (at an average of 7.43 goals per match) and conceded only 7 goals.
- The two other gold medals for India came in the 1964 Tokyo Olympics and the 1980 Moscow Olympics.

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Framing of the Constitution of India

- The Constitution of India was framed and adopted by the Constituent Assembly of India.
- The Constitution Assembly was set up in November 1946 as per the Cabinet Mission Plan of 1946.
- The demand for the Constitution Assembly to draft the Constitution of India was, for the first time, raised by the Congress in 1935.
- The British Government accepted this demand, for the first time, in the 'August Offer' of 1940.
- The seats were allocated to three communities- Muslims, Sikhs and General- in proportion to their population.
- There were a total of 389 members in the Constituent Assembly of which 296 were elected by the members of the Provincial Assemblies and the rest were nominated by the Princely States.
 - The Mountbatten Plan of June 3, 1947 announced the partition of the country and a separate Constituent Assembly for the proposed State of Pakistan.
 - Consequently the members of the Constituent Assembly representing those areas which were included in Pakistan. East Bengal, North-West Frontier Province (NWFP), West Punjab, Sindh, Baluchistan, and Sylhet district of Assam, were no more members of the Constituent Assembly of India.

Three Phases of the Constituent Assembly

i) 1st Phase: As Constituent Assembly under the limitations of Cabinet Mission, Plan from 6th December 1946 to 14th August 1947.

ii) 2nd Phase: As Constituent Assembly, a Sovereign body + Provisional Parliament from 15th August 1947 to 26th November 1949.

iii) 3rd Phase: As a Provisional Parliament from 27th November 1949 to March 1952.

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- North-West Frontier Province and Sylhet decided through a referendum to remain with Pakistan.
- Therefore, the membership of the Constituent Assembly for India was reduced to 299 after partition.
- Its first meeting was held on 9th December 1946, with Sachidanand Sinha as the interim President.
- On 11th December 1946, Dr. Rajendra Prasad was elected as the President of the Constituent Assembly.
- The historic 'Objective Resolution' was moved in the Constituent Assembly by Pt. Jawahar Lal Nehru on 13th December 1946.
- The first meeting of Constituent Assembly was boycotted by the Muslim League.
- Shri B. N. Rau was appointed as the Legal Advisor of the Constituent Assembly.
- Dr. B.R. Ambedkar is rightly regarded as the 'Father of the Constitution of India'.
- The Constituent Assembly formed 13 important committees for framing the Constitution.
- The Drafting Committee of 7 members were appointed on 29 August 1947, with Dr. B.R. Ambedkar as the Chairman.
- The first draft of the Constitution was prepared in October 1947 and was published in January 1948.
- The Draft Constitution of India prepared by the Drafting Committee was submitted to the President of the Assembly on 21 February 1948.
- As many as 7,635 amendments were proposed and 2473 were actually discussed.
- The clause-by-clause consideration of the Draft Constitution was taken up between 15 November 1948 and 17 October 1949.
- On 26 November 1949, the people of India through the Constituent Assembly adopted, enacted and gave to themselves the Constitution of India.

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- The Constitution was finally signed in by the members of the Constituent Assembly on 24 January 1950, which was the last day of the Assembly.
- The Constitution came into full operation with effect from 26 January 1950.
- During this period, the Constituent Assembly acted as a 'Temporary Parliament' [15 August 1947 – 26 November 1949]
- The Constitution was approved by the members and was signed in by 284 members of the Constituent Assembly.
- It is considered to be the lengthiest Constitution in the world.
- Originally, it had 22 Parts, 395 Articles and 8 Schedules.
- The Constituent Assembly held 11 sessions.

Drafting Committee of Constituent Assembly

Chairman: Dr. BR Ambedkar

- Members**
1. N Gopalaswamy Ayyangar
 2. Alladi Krishnaswami Iyer
 3. KM Munshi
 4. Mohammed Sadullah
 5. BL Mittar (replaced by N Madhav Rao)
 6. DP Khaitan (who died in 1948 and was replaced by TT Krihnamachari)

- The Draft Constitution was considered for 114 days. The Constituent Assembly took 2 years, 11 months and 18 days to frame the Constitution.
- It cost the exchequer Rs. 6.4 crore.
- The design of the National Flag was adopted by the Constituent Assembly on July 22, 1947.
- The National Anthem was adopted by the Constituent Assembly on January 24, 1950.
- The Constituent Assembly of India was converted into the provisional Parliament of India on November 26, 1949.
- The only State having constitution of its own is Jammu & Kashmir.

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Committees of the Constituent Assembly

The Constituent Assembly appointed 22 committees to deal with different task of Constitution-making. Out of these, 10 were on procedural affairs and 12 on substantive affairs. The report of these committees formed the basis on which the first draft of the Constitution was prepared. These were as follows:

Committees on Procedural Affairs

1. Steering Committee (Chairman: Dr K M Munshi)
2. Rules of Procedure Committee (Chairman: Dr. Rajendra Prashad)
3. House Committee
4. Hindi Translation Committee
5. Urdu Translation Committee
6. Finance and Staff Committee
7. Press Gallery Committee
8. Committee on the effect of Indian Independence Act of 1947.
9. Orders of Business Committee
10. Credential Committee

Committees of Substantive Affairs

1. Drafting Committee (Chairman: Dr B R Ambedkar)
2. Committee for Negotiating with States (Chairman: Dr Rajendra Prashad)
3. Committee on Chief Commissioners' Provinces.
4. Union Constitution Committee (Chairman: Jawaharlal Nehru)
5. Provincial Constitution Committee (Chairman: Sardar Patel).
6. Special Committee to Examine the Draft Constitution (Chairman: Sir Alladi Krishnaswamy Iyer)
7. Commission on Linguistic Provinces
8. Expert Committee on Financial Provisions
9. Ad-hoc Committee on National Flag
10. Union Powers Committee (Chairman: Jawaharlal Nehru)
11. Ad. hoc Committee on the Supreme Court

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12. Committee on Fundamental Rights and Minorities (Chairman: Sardar Patel)

Important members of the Constituent Assembly

Jawaharlal Nehru, Rajendra Prasad, Sardar Patel, Maulana Azad, Gopalaswamy Ayyangar, Gobind Ballabh Pant, Abdur Ghaffar Khan, TT Krishnamachari, Alladi Krishnaswami Ayyar, H N Kunzru, H S Gour, K V Shah, Masani, Acharya Kripalani, Dr Ambedkar, Dr Radha Krishnan, Dr Jaykar, Liaquat Ali Khan, Khwaja Nazimuddin, Sir Feroze Khan Noor, Suhrawardy, Sir Zafurullah Khan and Dr Sachchidananda Sinha.

- The first elections to the Parliament were held in 1952.
- The first amendment to the Constitution was effected in 1951.
- According to Article 394, provisions relating to the citizenship, elections, provisional Parliament and temporary and temporary and transitional provisions contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 came into force on the day of adoption (i.e. 26 November 1949) of the Constitution and the remaining provisions of the Constitution came into being on the day of the commencement (i.e. 26 January 1950) of the Constitution.
- According to Article 395, the Government of India Act of 1935 and the Indian Independence Act of 1947 got replaced with the commencement of the Constitution of India.
- January 26 was selected as the date of commencement of the Constitution of India because on this date in 1930, Indian people observed 'Independence day', following the resolution of 'Purna Swaraj' of the Congress session held in the midnight of December 31, 1929 at Lahore.

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- Constituent Assembly could not be called a sovereign body. It was established by the British government and could be abolished by it. So its authority was limited, and it worked within the framework of the Cabinet Mission Plan. These limitations were nullified by the passing of the Indian Independence Act of 1947.

Different sources of our Constitution

- The founding fathers of our Constitution had before them the accumulated experience from the working of all the known constitutions of the world, and were aware of the difficulties faced in the working of those constitutions.
- Hence, besides incorporating some provisions from the other constitutions, a number of provisions were included to avoid some of the difficulties experienced in the working of these constitutions.
- This is an important reason for making our Constitution the lengthiest and the most comprehensive of all written constitutions of the world.
- The most profound influence was exercised by the Government of India Act of 1935. The federal scheme, office of governor, power of federal judiciary, emergency powers etc were drawn from this Act.
- The British practice influenced the lawmaking procedures, rule of law, system of single citizenship besides, of course, the model of a parliamentary form of government.
- The US Constitution inspired details on the independence of judiciary, judicial review, fundamental rights, and the removal of Supreme Court and High Court judges.
- The Irish Constitution was the source of the Directive Principles, method of Presidential elections, and the

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- nomination of members of Rajya Sabha by the President.
 - From the Canadian Constitution was taken the idea of a federation with a strong Centre, and placing residuary powers with the Centre.
- The Weimar Constitution of Germany was the source of provisions concerning the suspension of fundamental rights during emergency.
- The idea of a Concurrent List was taken from the Australian Constitution.

Parts

The individual Articles of the Constitution are grouped together into the following Parts:

<p>Part I – Union and its Territory</p> <p>Part II – Citizenship.</p> <p>Part III – Fundamental Rights</p> <p>Part IV – Directive Principles of State Policy</p> <p>Part IVA – Fundamental Duties</p> <p>Part V – The Union</p> <p>Part VI – The States</p> <p>Part VII – States in the B part of the First schedule (<i>repealed</i>)</p> <p>Part VIII – The Union Territories</p> <p>Part IX – The Panchayats</p> <p>Part IXA – The Municipalities</p> <p>Part IXB – The Co-operative Societies.</p> <p>Part X – The scheduled and Tribal Areas</p> <p>Part XI – Relations between the Union and the States</p>	<p>Part XII – Finance, Property, Contracts and Suits</p> <p>Part XIII – Trade and Commerce within the territory of India</p> <p>Part XIV – Services Under the Union, the States</p> <p>Part XIVA – Tribunals</p> <p>Part XV – Elections</p> <p>Part XVI – Special Provisions Relating to certain Classes</p> <p>Part XVII – Languages</p> <p>Part XVIII – Emergency Provisions</p> <p>Part XIX – Miscellaneous</p> <p>Part XX – Amendment of the Constitution</p> <p>Part XXI – Temporary, Transitional and Special Provisions</p> <p>Part XXII – Short title, date of commencement, Authoritative text in Hindi and Repeals</p>
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Schedules

Schedules are lists in the Constitution that categorize and tabulate bureaucratic activity and policy of the Government.

First Schedule (Articles 1 and 4) - This lists the states and territories of India, lists any changes to their borders and the laws used to make that change.

Second Schedule (Articles 59(3), 65(3), 75(6), 97, 125, 148(3), 158(3), 164(5), 186 and 221)- – This lists the salaries of officials holding public

office, judges, and Comptroller and Auditor General of India.

Third Schedule (Articles 75(4), 99, 124(6), 148(2), 164(3), 188 and 219)—Forms of Oaths – This lists the oaths of offices for elected officials and judges.

Fourth Schedule (Articles 4(1) and 80(2)) – This details the allocation of seats in the *Rajya Sabha* (the upper house of Parliament) per State or Union Territory.

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Fifth Schedule (Article 244(1)) – This provides for the administration and control of Scheduled Areas^[Note 5] and Scheduled Tribes^[Note 6] (areas and tribes needing special protection due to disadvantageous conditions).

Sixth Schedule (Articles 244(2) and 275(1))— Provisions made for the administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram.

Seventh Schedule (Article 246) —The union (central government), state, and concurrent lists of responsibilities.

Eighth Schedule (Articles 344(1) and 351)— The official languages.

Ninth Schedule (Article 31-B) – Validation of certain Acts and Regulations.^[40]

Tenth Schedule (Articles 102(2) and 191(2))— "Anti-defection" provisions for Members of Parliament and Members of the State Legislatures.

Eleventh Schedule (Article 243-D) — *Panchayat Raj* (rural local government),

Twelfth Schedule (Article 243-W) — Municipalities (urban local government).

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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 2[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.

- Derived from “objectives Resolution” passed by J.Nehru in Constituent Assmebly.
- Basic Structure of a constitution
- Once amended by 42nd constitutional amendment act, 1976 which was inserted “SOCIALIST, SECULAR, INTEGRITY” in preamble.

PART I THE UNION AND ITS TERRITORY

1. (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.

(3) The territory of India shall comprise—
(a) the territories of the States;
(b) the Union territories specified in the First Schedule; and
(c) such other territories as may be acquired.

2. Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

3. Parliament may by law—
(a) 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;
(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:

4[Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President

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.

4. 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.

PART II CITIZENSHIP

(Part II.—Citizenship.—Arts. 7—11.)

5. 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 immediately preceding such commencement, shall be a citizen of India.

6. Citizenship at the commencement of the Constitution. Rights of citizenship of certain persons who have migrated to India from Pakistan.

7. 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.

8. Notwithstanding anything in article 5, any person who or either of whose parents or any of whose grandparents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefor to such diplomatic or consular representative, whether before or after the commencement of

this Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India.

9. No person shall be a citizen of India by virtue of article 5, or be deemed to be a citizen of India by virtue of article 6 or article 8, if he has voluntarily acquired the citizenship of any foreign State.

10. 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.

11. 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.

Citizenship act 1955 gives how to acquire / how to loss citizenship. It was amended in 1986, 1992, 2003, 2005, 2013, 2015.

How to acquire:

1. By birth
2. By descent
3. By registration
4. By naturalization
5. By incorporation of territory

How to loss:

1. **Renunciation**
2. Termination
3. Deprivation

PART III FUNDAMENTAL RIGHTS

- Drawn from USA constitution
- Judicially enforceable

General

12. 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.

13. (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.

Right to Equality

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

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

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

17. “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.

18. (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.

Right to Freedom

19. (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;
(g) to practise any profession, or to carry on any occupation, trade or business.

20. (1) No 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.

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

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

21. No person shall be deprived of his life or personal liberty except according to procedure established by law.

21A. 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

22. (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) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise 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

Right against Exploitation

23. Traffic in human beings and *begar* and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

24. 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.

Right to Freedom of Religion

25. Freedom of conscience and free profession, practice and propagation of religion.

26. the right— (a) to establish and maintain institutions for religious and charitable purposes;

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

Prohibition of employment of children in factories, etc.

27. 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.

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

Cultural and Educational Rights

29. (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.

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

31. [*Compulsory acquisition of property.*] Repealed by the Constitution (Forty-fourth Amendment) Act, 1978.

Right to Constitutional Remedies

32. (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.

33. 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 organization established by the State for purposes of intelligence or counter intelligence;

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

35. Parliament shall have, and the Legislature of a State shall not have, power to make laws—
Legislation to give effect to the provisions of this Part.

PART IV

DIRECTIVE PRINCIPLES OF STATE POLICY

- Drawn from Ireland constitution
- Judicially not enforceable

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

37. 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.

Socialistic Principles

38. 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.

39. 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 sub serve 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.

39A. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

41. 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.

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

43. 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.

43A. The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.

47. 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,

Gandhian Principles

40. 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.

43. To promote cottage industries

46. 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.

47. the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

48. Prohibition of slaughtering of cows/cattle's.

Liberal / Intellectual Principles

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

45. Provision for early childhood care and education to children below the age of six years.—The State shall endeavour to provide early childhood care and education for all

children until they complete the age of six years.”.

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

48A. Protection and improvement of environment and safeguarding of forests and wild life.

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

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

51. 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.

NATRAJ INSTITUTE OF TNPSC

PART IVA FUNDAMENTAL DUTIES

51A. It shall be the duty of every citizen of India—

(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 women;

(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, and 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 spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;

(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

- 10 Fundamental duties Inserted on the recommendation of Swaran Singh committee by the Constitution (Forty-second Amendment) Act, 1976.
- 11th duty was Inserted by the Constitution (Eighty-sixth Amendment) Act, 2002
- Derived from USSR constitution

THE CONSTITUTION OF INDIA

PART V - THE UNION

CHAPTER I.—THE EXECUTIVE

The President

52. There shall be a President of India.

53. (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) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of the Union shall be vested in the President and the exercise thereof shall be regulated by law.

54. 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.

Election shall be determined in the following manner:—

(a) every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the elected members of the Assembly;

(b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;

(c) each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of Parliament, fractions exceeding one-half being counted as one and other fractions being disregarded.

(3) The election of the President shall be held 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.

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

Provided that—

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

57. A person who holds, or who has held, office as President shall, subject to the other provisions of this Constitution, be eligible for re-election to that office.

60. Every President and every person acting as President or discharging the functions of the President shall, before entering upon his office, 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

61. When a President is to be impeached for “violation of the Constitution”, the charge shall be preferred by either House of Parliament.

Procedure for impeachment of the President:

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.

(c) 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.

(d) If as a result of the investigation a resolution is passed by a majority of not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed.

CHAPTER III.—LEGISLATIVE POWERS OF THE PRESIDENT

123. (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 Ordinances 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.

Vice-President

63. There shall be a Vice-President of India.

64. 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.

65. (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 the date on which a new President elected in accordance with the provisions of this Chapter to fill such vacancy enters upon his office.

66. (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) The Vice-President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either House of Parliament or of a House of the Legislature of any State be elected Vice-President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President.

(3) No person shall be eligible for election as Vice-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 Council of States.

(4) A person shall not be eligible for election as Vice-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.

67. 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.

General points:

71. 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.

72. 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.

(3) Nothing in sub-clause (c) of clause (1) shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor of a State under any law for the time being in force.

Council of Ministers

74. 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

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

75. (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.

The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent. of the total number of members of the House of the People - Inserted by the Constitution (Ninety-first Amendment) Act, 2003

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

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

(4) 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.

(5) 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.

(6) 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.

The Attorney-General for India

76. (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 Other provisions as to Ministers. 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.

Conduct of Government Business

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

CHAPTER II.—PARLIAMENT

General

79. 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.

- 80.** (1) The Council of States shall consist of—
(a) twelve members (in the fields of Literature, science, art and social service) to be nominated by the President and (b) not more than two hundred and thirty-eight 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.
(4) The representatives of each State in the Council of States shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.
(5) The representatives of the Union territories in the Council of States shall be chosen in such manner as Parliament may by law prescribe.

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.

83. (1) The Council of States shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.

Qualifications of MPs

84. A person shall not be qualified to be chosen to fill a seat in Parliament unless he— is a citizen of India, and makes and subscribes before some

person authorised 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.

85. 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.

President's address in the Parliament

87. (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.

88. 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.

Officers of Parliament

89. (1) The Vice-President of India shall be *ex officio* Chairman of the Council of States.
(2) The Council of States shall, as soon as may be, choose a member of the Council to be Deputy Chairman thereof and, so often as the office of Deputy Chairman becomes vacant, the Council

shall choose another member to be Deputy Chairman thereof.

93. 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.

95. (1) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the House of the People as the President may appoint for the purpose.

(2) During the absence of the Speaker from any sitting of the House of the People the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the House, or, if no such person is present, such other person as may be determined by the House, shall act as Speaker.

97. There shall be paid to the Chairman and the Deputy Chairman of the Council of States, and to the Speaker and the Deputy Speaker of the House of the People, such salaries and allowances as may be respectively fixed by Parliament by law and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule.

Conduct of Business

99. 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.

100. (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.

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

Quorum: Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-tenth of the total number of members of the House.

If at any time during a meeting of a House there is no quorum, it shall be the duty of the Chairman or Speaker, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum.

Disqualifications of Members

101. (1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State, and if

a person is chosen a member both of Parliament and of a House of the Legislature of 2[a State], then, at the expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

(3) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant: Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.

102. (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.

Powers, Privileges and Immunities of Parliament and its Members

- 105.** (1) Subject to the provisions of this Constitution and to 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 any thing 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 that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act,

106. 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 respect is so made, 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.

Legislative Procedure

- 107.** (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.
- (2) Subject to the provisions of articles 108 and 109, a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses.
- (3) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.
- (4) 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.
- (5) 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, lapse on a dissolution of the House of the People.

Joint Sitting:

- 108.** (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 Salaries and allowances of members.
- (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 elapsed by reason of a dissolution of the House of the People, 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) In reckoning any such period of six months as is referred to in clause (1), no account shall be

taken of any period during which the House referred to in sub-clause (c) of that clause is prorogued or adjourned for more than four consecutive days.

(3) Where the President has under clause (1) notified his intention of summoning the Houses to meet in a joint sitting,

(4) If at the joint sitting of the two Houses the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:

109. (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.

Money Bill:

110. (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).

(3) If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final.

(4) There shall be endorsed on every Money Bill when it is transmitted to the Council of States under article 109, and when it is presented to the President for assent under article 111, the certificate of the Speaker of the House of the People signed by him that it is a Money Bill.

President's Assent:

111. When a Bill has been passed by the 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: Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they 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 Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom.

Procedure in Financial Matters

Annual Financial Statement / BUDGET

112. (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 Assent to Bills.

(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.

113. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament, but nothing in this clause shall be construed as preventing the discussion in either House of Parliament of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the House of the People, and the House of the People shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the President.

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 article.

116. (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 Supplementary, additional or excess grants.

Votes on account, votes of credit and exceptional grants.

(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 Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purposes for which the said grants are made.

117. (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:

It provides for the imposition, abolition, remission, Special provisions as to financial Bills.

Procedure Generally

120. (1) Notwithstanding anything in Part XVII, but subject to the provisions of article 348, 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.

121. 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.

CHAPTER IV.—THE UNION JUDICIARY

124. (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 30 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:

A Judge may, by writing under his hand addressed to the President, resign his office

Qualification of Judges: 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.

Removal of Judges:

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 "misbehavior or incapacity"

(6) Every person appointed to be a Judge of the Supreme Court 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.

(7) No person who has held office as a Judge of the Supreme Court shall plead or act in any court or before any authority within the territory of India.

125. 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.

129. 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.

Seat of Supreme Court:

130. 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.

Jurisdictions:

131. 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,

132. 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 Supreme Court other proceeding, if the High Court certifies under article 134A that the case involves a substantial question of law as to the interpretation of this Constitution.

133. 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

(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.

136. 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.

137. 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.

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

Advisory Jurisdiction:

143. 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.

The President may, notwithstanding anything in the proviso to article 131, refer a dispute of the kind mentioned in the 3[said proviso] to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion thereon.

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.

CHAPTER V - COMPTROLLER AND AUDITOR-GENERAL OF INDIA (CAG)

148. (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

(4) The Comptroller and Auditor-General shall not be eligible for further office

The administrative expenses of the office of the Comptroller and Auditor-General, including all salaries, allowances and pensions payable to or in respect of the persons serving in that office, shall be charged upon the Consolidated Fund of India.

149. 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

151. 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.

(2) The reports of the Comptroller and Auditor- General of India 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.

PART VI THE STATES

CHAPTER I.—GENERAL

152. In this Part, unless the context otherwise requires, the expression “State” does not include the State of Jammu and Kashmir

CHAPTER II.—THE EXECUTIVE *The Governor*

153. There shall be a Governor for each State:

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

156. (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.

Qualifications:

157. 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.

159. 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 Qualifications for appointment as Governor.

161. 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.

Council of Ministers

163. (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.

164. (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.

The Advocate-General for the State

165. (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 *Conduct of Government Business*

CHAPTER III-THE STATE LEGISLATURE
General

168. (1) For every State there shall be a Legislature which shall consist of the Governor, and— (a) in the States of Telungana, Andhra Pradesh, Bihar, Madhya Pradesh, 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.

169. (1) Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council 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 as Parliament may deem necessary.

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

(1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner 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.

171. (1) The total number of members in the Legislative Council of a State having such a Council shall not exceed one-third of the total number of members in the Legislative Assembly of that State;

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty.

(2) Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3).

(3) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;

(b) as nearly as may be, 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;

(c) as nearly as may be, 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;

(d) as nearly as may be, 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;

(e) the remainder shall be nominated by the Governor in accordance with the provisions of clause (5).

(4) The members to be elected under sub-clauses (a), (b) and (c) of clause (3) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament, and the elections under the said sub-clauses and under sub-clause (d) of the said clause shall be held in accordance with the system of proportional representation by means of the single transferable vote.

(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:— Literature, science, art, co-operative movement and social service.

172. (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 and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may, while a proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

(2) The Legislative Council of a State shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.

173. 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 authorised 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.

174. (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.

200. 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 to him of the Bill 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, Assent to Bills.

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 there from:

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.

201. When a Bill is reserved by a Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that, where the Bill is not a Money Bill, the President may direct the Governor to return the Bill to the House or, as the case may be, the Houses of the Legislature of the State together with such a message as is mentioned in the first proviso to article 200 and, when a Bill is so returned, the House or Houses shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the House or Houses with or without amendment, it shall be presented again to the President for his consideration.

Procedure in Financial Matters

202. (1) The Governor shall in respect of every financial year cause to be laid before the House or Houses of the Legislature of the State a statement of the estimated receipts and expenditure of the State 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 the State; and Bills reserved for consideration.

No demand for a grant shall be made except on the recommendation of the Governor.

Procedure Generally

210. (1) Notwithstanding anything in Part XVII, but subject to the provisions of article 348, business in the Legislature of a State shall be transacted in the official language or languages of the State or in Hindi or in English:

Provided that the Speaker of the Legislative Assembly or Chairman of the Legislative Council, or person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid to address the House in his mother tongue.

211. No discussion shall take place in the Legislature of a State with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

CHAPTER IV.—LEGISLATIVE POWER OF THE GOVERNOR

213. (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 Restriction on discussion in the Legislature.

Courts not to inquire into proceedings of the Legislature.

The Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances 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.

CHAPTER V-THE HIGH COURTS

214. There shall be a High Court for each State.

216. Every High Court shall consist of a Chief Justice and such other Judges as the President may from time to time deem it necessary to appoint.

217. (1) Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court, and shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty two years.

Provided 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 by the President in the manner provided in clause

(4) of article 124 for the removal of a Judge of the Supreme Court;

(c) the office of a Judge shall be vacated by his being appointed by the President to be a Judge of the Supreme Court or by his being transferred by the President to any other High Court within the territory of India.

HC Judge Qualifications:

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

(a) has for at least ten years held a judicial office in the territory of India; or

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

219. Every person appointed to be a Judge of a High Court shall, before he enters upon his office, make and subscribe before the Governor of the State, 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.

221. There shall be paid to the Judges of each High 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.

222. (1) The President may, after consultation with the Chief Justice of India, transfer a Judge from one High Court to any other High Court.

226. (1) Notwithstanding anything in article 32 every 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, within those territories directions, Jurisdiction of existing High Courts.

Power of High Courts to issue certain writs.

orders or writs, including 1[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.

throughout the territories in relation to which it exercises jurisdiction.

227. Every High Court shall have superintendence over all courts and tribunals

Court name	Established	Act established	Jurisdiction	Seat	Benches
Allahabad High Court ^[2]	11 June 1866	Indian High Courts Act 1861	Uttar Pradesh	Allahabad	Lucknow
Bombay High Court	14 August 1862	Indian High Courts Act 1861	Maharashtra, Goa, Dadra and Nagar Haveli, Daman and Diu	Mumbai	Aurangabad, Nagpur, Panaji
Calcutta High Court	2 July 1862	Indian High Courts Act 1861	West Bengal, Andaman and Nicobar Islands	Kolkata	Port Blair
Chhattisgarh High Court	1 November 2000	Madhya Pradesh Reorganisation Act, 2000	Chhattisgarh	Bilaspur	
Delhi High Court ^[3]	31 October 1966	Delhi High Court Act, 1966	National Capital Territory of Delhi	New Delhi	
Gauhati High Court ^[4]	1 March 1948	Government of India Act, 1935	Arunachal Pradesh, Assam, Nagaland, Mizoram	Guwahati	Aizwal, Itanagar, Kohima
Gujarat High Court	1 May 1960	Bombay Reorganisation Act, 1960	Gujarat	Ahmedabad	
High Court of Judicature at Hyderabad ^[5]	5 July 1954	Andhra State Act, 1953	Andhra Pradesh, Telangana	Hyderabad	
Himachal Pradesh High Court	1971	State of Himachal Pradesh Act, 1970	Himachal Pradesh	Shimla	
Jammu and Kashmir High Court	28 August 1943	Letters Patent issued by then Maharaja of Kashmir	Jammu and Kashmir	Srinagar/Jammu ^[6]	
Jharkhand High Court	15 November 2000	Bihar Reorganisation Act, 2000	Jharkhand	Ranchi	

Karnataka High Court ^[7]	1884	Mysore High Court Act, 1884	Karnataka	Bengaluru	Dharwad, Gulbarga
Kerala High Court ^[8]	1956	States Reorganisation Act, 1956	Kerala, Lakshadweep	Kochi	
Madhya Pradesh High Court ^[9]	2 January 1936	Government of India Act, 1935	Madhya Pradesh	Jabalpur	Gwalior, Indore
Madras High Court	15 August 1862	Indian High Courts Act 1861	Tamil Nadu, Puducherry	Chennai	Madurai
Manipur High Court	25 March 2013	North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012	Manipur,	Imphal	
Meghalaya High Court	25 March 2013	<u>North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012</u>	Meghalaya,	Shillong	
Orissa High Court	3 April 1948	Orissa High Court Order, 1948	Odisha	Cuttack	
Patna High Court	2 September 1916	Government of India Act, 1915	Bihar	Patna	
Punjab and Haryana High Court ^[11]	21 March 1919	High Court (Punjab) Order, 1947	Punjab, Haryana, Chandigarh	Chandigarh	
Rajasthan High Court	21 June 1949	Rajasthan High Court Ordinance, 1949	Rajasthan	Jodhpur	Jaipur
Sikkim High Court	16 May 1975	The 36th Amendment to the Indian Constitution	Sikkim	Gangtok	
Tripura	26 March	North-Eastern	Tripura	Agartala	

High Court	2013	Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012			
Uttarakhand High Court	9 November 2000	Uttar Pradesh Reorganisation Act, 2000	Uttarakhand	Nainital	

CHAPTER VI.—SUBORDINATE COURTS

233. (1) Appointments of persons to be, and the posting and promotion of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.

(2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a district judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.

235. The control over district courts and courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of district judge shall be vested in the High Court, but nothing in this article shall be construed as taking away from any such person any right of appeal which he may have under the law regulating the conditions of his service or as authorizing the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.

**PART VIII
THE UNION TERRITORIES**

239. (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.

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.

PART IX THE PANCHAYATS

243. In this Part, unless the context otherwise requires,—

- (a) “district” means a district in a State;
- (b) “Gram Sabha” means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;
- (c) “intermediate level” means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;
- (d) “Panchayat” means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;
- (e) “Panchayat area” means the territorial area of a Panchayat;
- (f) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (g) “village” means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

243-I. (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations Powers to impose taxes by, and Funds of, the Panchayats.

243K. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the

Panchayats shall be vested in Audit of accounts of Panchayats. Elections to the Panchayats.

PART IXA THE MUNICIPALITIES

243P. In this Part, unless the context otherwise requires,—

- (a) “Committee” means a Committee constituted under article 243S;
- (b) “district” means a district in a State;
- (c) “Metropolitan area” means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;
- (d) “Municipal area” means the territorial area of a Municipality as is notified by the Governor;
- (e) “Municipality” means an institution of self government constituted under article 243Q;
- (f) “Panchayat” means a Panchayat constituted under article 243B;
- (g) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

243Q. (1) There shall be constituted in every State,— (a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area; (b) a Municipal Council for a smaller urban area; and (c) a Municipal Corporation for a larger urban area,

243Y. (1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor.

243ZA. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.

PART X THE SCHEDULED AND TRIBAL AREAS

244. (1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam Meghalaya, Tripura and Mizoram.

(2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam Meghalaya, Tripura and Mizoram

PART XI RELATIONS BETWEEN THE UNION AND THE STATES

CHAPTER I.—LEGISLATIVE RELATIONS

Distribution of Legislative Powers

245. (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State. (2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

246. (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”). (2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).

(3) Subject to clauses (1) and (2), the Legislature of any State has 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”).

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List.

Parliament Legislation over State Lists:

249. If the Council of States has declared by resolution supported by not less than two thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.

250. while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List.

252. If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law

253. Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

356. When State emergency is in operation

Co-ordination between States

I - Disputes relating to Waters

262. (1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.

(2) Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1).

II - Inter State Council:

263. If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of—

(a) inquiring into and advising upon disputes which may have arisen between States;

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or

(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject,

it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organisation and procedure.

PART XII

FINANCE, PROPERTY, CONTRACTS AND SUITS

CHAPTER I.—FINANCE

265. No tax shall be levied or collected except by authority of law.

Consolidated Fund of India:

266. (1) Subject to the provisions of article 267 and to the provisions of this Chapter with respect to the assignment of the whole or part of the net proceeds of certain taxes and duties to States, all revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of India”, and all revenues received by the Government of a State, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled “the Consolidated Fund of the State”.

Public Account of India:

266. (2) All other public moneys received by or on behalf of the Government of India or the Government of a State shall be credited to the public account of India or the public account of the State, as the case may be.

(3) No moneys out of the Consolidated Fund of India or the Consolidated Fund of a State shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Constitution.

Contingency fund of India:

267. (1) Parliament may by law establish a Contingency Fund in the nature of an interest 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 authorization of such expenditure by Parliament by law under article 115 or article 116.

(2) The Legislature of a State may by law establish a Contingency Fund in the nature of an interest to be entitled "the Contingency Fund of the State" 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 Governor of the State 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 the Legislature of the State by law under article 205 or article 206.

Distribution of Revenues between the Union and the States

268. Duties levied by the Union but collected and appropriated by the States.

(1) Such stamp duties and such duties of excise on medicinal and toilet preparations as are mentioned in the Union List shall be levied by the Government of India but shall be collected—

(a) in the case where such duties are leviable within any Union territory, by the Government of India, and

(b) in other cases, by the States within which such duties are respectively leviable.

(2) The proceeds in any financial year of any such duty leviable within any State shall not form part of the Consolidated Fund of India, but shall be assigned to that State.

268A. (1) Taxes on services shall be levied by the Government of India and such tax shall be collected and appropriated by the Government of India and the States

269. (1) Taxes on the sale or purchase of goods and taxes on the consignment of goods shall be levied and collected by the Government of India but shall be assigned and shall be deemed to

have been assigned to the States on or after the 1st day of April, 1996

270. (1) All taxes and duties referred to in the Union List, except the duties and taxes referred to in articles 268 and 269, respectively, surcharge on taxes and duties referred to in article 271 and any cess levied for specific purposes under any law made by Parliament shall be levied and collected by the Government of India and shall be distributed between the Union and the States

271. Parliament may at any time increase any of the duties or taxes referred to in those articles by a surcharge for purposes of the Union and the whole proceeds of any such surcharge shall form part of the Consolidated Fund of India.

272. *Taxes which are levied and collected by the Union and may be distributed between the Union and the States.*

Repealed by the Constitution (Eightieth Amendment) Act, 2000

273. There shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of the States of Assam, Bihar, Orissa and West Bengal, in lieu of assignment of any share of the net proceeds in each year of export duty on jute and jute products to those States, such sums as may be prescribed.

274. (1) No Bill or amendment which imposes or varies any tax or duty in which States are interested,

275. (1) Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States.

Finance Commission

280. (1) The President shall, within two years from the commencement of this Constitution and thereafter at the expiration of every fifth year or at such earlier time as the President considers necessary, by order constitute a Finance Commission which shall consist of a Chairman and four other members to be appointed by the President.

(2) Parliament may by law determine the qualifications which shall be requisite for appointment as members of the Commission and the manner in which they shall be selected.

Duties:

(3) It shall be the duty of the Commission to make recommendations to the President as to—

(a) the distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them under this Chapter and the allocation between the States of the respective shares of such proceeds;

(b) the principles which should govern the grants in-aid of the revenues of the States out of the Consolidated Fund of India;

(4) The Commission shall determine their procedure and shall have such powers in the performance of their functions as Parliament may by law confer on them.

281. The President shall cause every recommendation made by the Finance Commission under the provisions of this Constitution together with an explanatory memorandum as to the action taken thereon to be laid before each House of Parliament.

Miscellaneous Financial Provisions

282. The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws.

CHAPTER IV.—RIGHT TO PROPERTY

300A. No person shall be deprived of his property save by authority of law.

PART XIII

TRADE, COMMERCE AND INTERCOURSE WITHIN THE TERRITORY OF INDIA

PART XIV

SERVICES UNDER THE UNION AND THE STATES

CHAPTER I.—SERVICES

ALL-INDIA SERVICES.

312. If the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all India services (including an all-India judicial service) common to the Union and the States, and, subject to the other provisions of this Chapter, regulate the recruitment, and the conditions of service of persons appointed, to any such service.

CHAPTER II.— PUBLIC SERVICE COMMISSIONS

315. (1) Subject to the provisions of this article, there shall be a Public Service Commission for the Union and a Public Service Commission for each State.

(2) Two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public Service Commission (referred to in this Chapter as Joint Commission) to serve the needs of those States.

316. (1) The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of

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a State Commission, by the Governor of the State.

(2) A member of a Public Service Commission shall hold office for a term of six years from the date on which he enters upon his office or until he attains, in the case of the Union Commission, the age of sixty-five years, and in the case of a State Commission or a Joint Commission, the age of sixty-two years, whichever is earlier:

320. (1) It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.

323. (1) It shall be the duty of the Union Commission to present annually to the President a report as to the work done by the Commission and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before each House of Parliament.

PART XIVA TRIBUNALS

323A. (1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to 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 or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.

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PART XV ELECTIONS

Election Commission

324. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President

(2) 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 and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President.

- Subject to the provisions of any law made by Parliament, the conditions of service and tenure of office of the Election Commissioners and the Regional Commissioners shall be such as the President may by rule determine.
- Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment.
- Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

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PART XVI

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

338. There shall be a **Commission for the Scheduled Castes** to be known as the National Commission for the 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.

338A. There shall be a Commission for the Scheduled Tribes to be known as the **National Commission for the Scheduled Tribes**.

(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 The words "and Scheduled Tribes" omitted by the Constitution (Eighty-ninth Amendment) Act, 2003.

Chairperson, Vice-Chairperson and other Members shall be appointed by the President by warrant under his hand and seal.

340. (1) The President may by order appoint a **Commission** consisting of such persons as he thinks fit to investigate the conditions of socially and educationally **backward classes** within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure

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PART XVII

OFFICIAL LANGUAGE

CHAPTER I.—LANGUAGE OF THE UNION

343. (1) The official language of the Union shall be Hindi in Devanagari script.

344. (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;

National Emergency:

352. (1) If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion, he may, by Proclamation, make a declaration to that effect in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation.

(2) A Proclamation issued under clause (1) may be varied or revoked by a subsequent Proclamation.

(3) The President shall not issue a Proclamation under clause (1) or a Proclamation varying such Proclamation unless the decision of the Union Cabinet that such a Proclamation may be issued has been communicated to him in writing.

(4) Every Proclamation issued under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of one month unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

(5) 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 unless before the expiration of the said period of thirty days, a resolution approving the continuance in force of the Proclamation has been also passed by the House of the People.

(6) For the purposes of clauses (4) and (5), a resolution may be passed by either House of Parliament only 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.

Proclamations on different grounds, being war or external aggression or armed rebellion

353. While a Proclamation of Emergency is in operation, then— (a) notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised; (b) the power of Parliament to make laws with respect to any matter shall include power to make laws conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Union or officers and authorities of the Union as respects that matter, notwithstanding that it is one which is not enumerated in the Union List:

355. 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.

State Emergency:

356. (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 this Constitution, the President may by Proclamation.

365. Where any State has failed to comply with, or to give effect to, any directions given in the exercise of the executive power of the Union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

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(3) Every Proclamation under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

It would otherwise have ceased to operate in 6 months, but no such Proclamation shall in any case remain in force for more than three years.

358. While a Proclamation of Emergency, article 19 shall restrict the power of the State as defined in Part III to make any law or to take any executive action which the State would but for the provisions contained in that Part be competent to make or to take, but any law so made shall, to the extent of the incompetency, cease to have effect as soon as the Proclamation ceases to operate, except as respects things done or omitted to be done before the law so ceases to have effect.

359. Where a Proclamation of Emergency is in operation, the President may by order declare that the right to move any court for the enforcement of such of the rights conferred by Part III (except articles 20 and 21) as may be mentioned in the order and all proceedings pending in any court for the enforcement of the rights so mentioned shall remain suspended for the period during which the Proclamation is in force or for such shorter period as may be

Financial Emergency:

360. If the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part of the territory thereof is threatened, he may by a Proclamation make a declaration to that effect.

(b) shall be laid before each House of Parliament;

(c) shall cease to operate at the expiration of two

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months, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:

Notwithstanding anything in this Constitution—
(a) any such direction may include—
(i) a provision requiring the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of a State;
(ii) a provision requiring all Money Bills or other Bills to which the provisions of article 207 apply to be reserved for the consideration of the President after they are passed by the Legislature of the State;

PART XIX MISCELLANEOUS

361. (1) The President, or the Governor or Rajpramukh of a State, shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties

**PART XX
AMENDMENT**

368. 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.

Procedure:

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 and by a majority of not less than two-thirds of the members 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, or

(c) any of the Lists in the Seventh Schedule, or

(d) the representation of States in Parliament, or

(e) the provisions of this article,

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

Amendments to the Indian Constitution

Here is a list of all amendments to the Indian Constitution.

No.	Year	Objectives
1st amendment	June 18, 1951	To fully secure the constitutional validity of zamindari abolition laws. To place reasonable restriction on freedom of speech. A new constitutional device, called Schedule 9 introduced to protect laws that are contrary to the Constitutionally guaranteed fundamental rights. These laws encroach upon property rights, freedom of speech and equality before law
2nd amendment	May 1, 1953	A technical amendment to fix the size of each parliamentary constituency between 650,000 and 850,000 voters.
3rd amendment	February 22, 1955	Limits maximum no of seats in lok Sabha up to 500 States to be divided into constituencies such that one member of a constituency represents between 500000 and 750000 people
4th amendment	April 27, 1955	Restrictions on property rights and inclusion of related bills in Schedule 9 of the constitution
5th amendment	December 24, 1955	Provides for a consultation mechanism with concerned states in matters relating to the amendments to the territorial matters and in the re-naming of the state
6th amendment	September 11, 1956	Amended the Union and State Lists with respect to raising of taxes

7th amendment	November 1, 1956	Reorganization of states on linguistic lines Abolition of Class A, B, C, D states Introduction of Union Territories
8th amendment	January 5, 1960	Clarify state's power of compulsory acquisition and requisitioning of private property Include Zamindari abolition laws in Schedule 9 of the constitution
9th amendment	December 28, 1960	Minor adjustments to territory of Indian Union consequent to agreement with Pakistan for settlement of disputes by demarcation of border villages, etc.
10th amendment	August 11, 1961	Incorporation of Dadra, Nagar and Haveli as a Union Territory after acquisition from Portugal
11th amendment	December 19, 1961	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
12th amendment	December 20, 1961	Incorporation of Goa, Daman and Diu as a Union Territory, after acquisition from Portugal
13th amendment	December 1, 1963	Formation of State of Nagaland, with special protection under Article 371A
14th amendment	December 28, 1962	Incorporation of Pondicherry into the Union of India Creation of Legislative Assemblies for Himachal Pradesh, Tripura, Manipur and Goa
15th amendment	October 5, 1963	Raise retirement age of judges from 60 to 62 Other minor amendments for rationalizing interpretation of rules regarding judges etc.
16th amendment	October 5, 1963	Make it obligatory for seekers of public office to swear their allegiance to the Indian Republic and prescribe the various obligatory templates
17th amendment	June 20, 1964	To secure the constitutional validity of acquisition of Estates and place land acquisition laws in Schedule 9 of the constitution
18th amendment	August 27, 1966	Technical Amendment to include Union Territories in Article 3 and hence permit reorganisation of Union Territories
19th amendment	December 11, 1966	Abolish Election Tribunals and enable trial of election petitions by regular High Courts

20th amendment	December 22, 1966	Indemnify & validate judgments, decrees, orders and sentences passed by judges. Validate the appointment, posting, promotion and transfer of judges except those not eligible for appointment under article 233. Amendment was needed to overcome the effect of judgement invalidating appointments of certain judges in the state of Uttar Pradesh
21th amendment	April 10, 1967	Included Sindhi as a National Language
22nd amendment	September 25, 1969	Provision to form Autonomous states within the State of Assam
23rd amendment	January 23, 1970	Extend reservation for SC / ST and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 1980
24th amendment	November 5, 1971	Enable parliament to dilute fundamental rights through amendments to the constitution
25th amendment	April 20, 1972	Restrict property rights and compensation in case the state takes over private property
26th amendment	December 28, 1971	Abolition of privy purse paid to former rulers of princely states which were incorporated into the Indian Republic
27th amendment	February 15, 1972	Reorganization of Mizoram into a Union Territory with a legislature and council of ministers
28th amendment	August 29, 1972	Rationalized Civil Service rules to make it uniform across those appointed prior to Independence and post independence
29th amendment	June 9, 1972	Places land reform acts and amendments to these act under Schedule 9 of the constitution
30th amendment	February 27, 1973	Changes the basis for appeals in Supreme Court of India in case of Civil Suits from value criteria to one involving substantial question of law
31th amendment	October 17, 1973	Increased size of Parliament from 525 to 545 seats. Increased seats went to the new states formed in North East India and minor adjustment consequent to 1971 Delimitation exercise
32nd amendment	July 1, 1974	Protection of regional rights in Telangana and Andhra regions of State of Andhra Pradesh
33rd amendment	May 19, 1974	Prescribes procedure for resignation by members of parliament and state legislatures. Prescribes procedure for verification and acceptance of resignation by house speaker
34th amendment	September 7, 1974	Place land reform acts and amendments to these act under Schedule 9 of the constitution
35th amendment	March 1, 1975	Terms and Conditions for the Incorporation of Sikkim into the Union of India
36th	April 26, 1975	Formation of Sikkim as a State within the Indian Union

amendment		
37th amendment	May 3, 1975	Formation of Arunachal Pradesh legislative assembly
38th amendment	August 1, 1975	Enhances the powers of President and Governors to pass ordinances
39th amendment	August 10, 1975	Negated the judgement of Allahabad High Court invalidating Prime Minister Indira Gandhi's election to parliament. Amendment placed restrictions on judicial scrutiny of post of Prime Minister
40th amendment	May 27, 1976	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
41th amendment	September 7, 1976	Raised Retirement Age Limit of Chairmen and Members of Union and State Public Commissions from sixty to sixty two.
42nd amendment	April 1, 1977	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 "Socialist Secular" Republic
43rd amendment	April 13, 1978	Amendment passed after revocation of internal emergency in the Country. Repeals some of the more 'Anti-Freedom' amendments enacted through Amendment Bill 42
44th amendment	September 6, 1979	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
45th amendment	January 25, 1980	Extend reservation for SC / ST and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 1990
46th amendment	February 2, 1983	Amendment to negate judicial pronouncements on scope and applicability on Sales Tax
47th amendment	August 26, 1984	Place land reform acts and amendments to these act under Schedule 9 of the constitution
48th amendment	April 1, 1985	Article 356 amended to permit President's rule up to two years in the state of Punjab
49th amendment	September 11, 1984	Recognize Tripura as a Tribal State and enable the creation of a Tripura Tribal Areas Autonomous District Council
50th amendment	September 11, 1984	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

51th amendment	June 16, 1986	Provide reservation to Scheduled Tribes in Nagaland, Meghalaya, Mizoram and Arunachal Pradesh Legislative Assemblies
52nd amendment	March 1, 1985	Anti Defection Law - Provide disqualification of members from parliament and assembly in case of defection from one party to other
53rd amendment	February 20, 1987	Special provision with respect to the State of Mizoram.
54th amendment	April 1, 1986	Increase the salary of Chief Justice of India & other Judges Provisions for determining future increases without the need for constitutional amendment
55th amendment	February 20, 1987	Special powers to Governor consequent to formation of state of Arunachal Pradesh
56th amendment	May 30, 1987	Transition provision to enable formation of state of Goa
57th amendment	September 21, 1987	Provide reservation to Scheduled Tribes in Nagaland, Meghalaya, Mizoram and Arunachal Pradesh Legislative Assemblies
58th amendment	December 9, 1987	Provision to publish authentic Hindi translation of constitution Provision to publish authentic Hindi translation of future amendments
59th amendment	March 30, 1988	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
60th amendment	December 20, 1988	Professional Tax increased from a maximum of Rs. 250/- to a maximum of Rs. 2500/-
61th amendment	March 28, 1989	Reduce age for voting rights from 21 to 18
62nd amendment	December 20, 1989	Extend reservation for SC / ST and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 2000
63rd amendment	January 6, 1990	Emergency powers applicable to State of Punjab, accorded in Article 359A as per amendment 59 repealed
64th amendment	April 16, 1990	Article 356 amended to permit President's rule up to three years and six months in the state of Punjab
65th amendment	March 12, 1992	National Commission for Scheduled Castes and Scheduled Tribes formed and its statutory powers specified in The Constitution.
66th amendment	June 7, 1990	Place land reform acts and amendments to these act under Schedule 9 of the constitution
67th amendment	October 4, 1990	Article 356 amended to permit President's rule up to four years in the state of Punjab
68th amendment	March 12, 1991	Article 356 amended to permit President's rule up to five years in the state of Punjab

69th amendment	February 1, 1992	To provide for a legislative assembly and council of ministers for Federal National Capital of Delhi. Delhi continues to be a Union Territory
70th amendment	December 21, 1991	Include National Capital of Delhi and Union Territory of Pondicherry in electoral college for Presidential Election
71th amendment	August 31, 1992	Include Konkani, Manipuri and Nepali as National Languages
72nd amendment	December 5, 1992	Provide reservation to Scheduled Tribes in Tripura State Legislative Assembly
73rd amendment	April 24, 1993	Statutory provisions for Panchayat Raj as third level of administration in villages
74th amendment	June 1, 1993	Statutory provisions for Local Administrative bodies as third level of administration in urban areas such as towns and cities
75th amendment	May 15, 1994	Provisions for setting up Rent Control Tribunals
76th amendment	August 31, 1994	Enable continuance of 69% reservation in Tamil Nadu by including the relevant Tamil Nadu Act under 9th Schedule of the constitution
77th amendment	June 17, 1995	A technical amendment to protect reservation to SC/ST Employees in promotions
78th amendment	August 30, 1995	Place land reform acts and amendments to these act under Schedule 9 of the constitution
79th amendment	January 25, 2000	Extend reservation for SC / ST and nomination of Anglo Indian members in Parliament and State Assemblies for another ten years i.e. up to 2010
80th amendment	June 9, 2000	Implement Tenth Finance Commission recommendation to simplify the tax structures by pooling and sharing all taxes between states and The Centre
81th amendment	June 9, 2000	Protect SC / ST reservation in filling backlog of vacancies
82nd amendment	September 8, 2000	Permit relaxation of qualifying marks and other criteria in reservation in promotion for SC / ST candidates
83rd amendment	September 8, 2000	Exempt Arunachal Pradesh from reservation for Scheduled Castes in Panchayati Raj institutions
84th amendment	February 21, 2002	Extend the usage of 1971 national census population figures for state wise distribution of parliamentary seats
85th amendment	January 4, 2002	A technical amendment to protect seniority in case of promotions of SC/ST Employees
86th amendment	December 12, 2002	Provides Right to Education until the age of fourteen and Early childhood care until the age of six
87th amendment	June 22, 2003	Extend the usage of 1971 national census population figures for state wise distribution of parliamentary seats
88th amendment	January 15, 2004	To extend statutory cover for levy and utilization of Service Tax

89th amendment	September 28, 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
90th amendment	September 28, 2003	Reservation in Assam Assembly relating to Bodoland Territory Area
91th amendment	January 1, 2004	Restrict the size of council of ministers to 15 % of legislative members & to strengthen Anti Defection laws
92nd amendment	January 7, 2004	Enable Levy of Service Tax Include Bodo, Dogri, Santali and Maithili as National Languages
93rd amendment	January 20, 2006	To enable provision of reservation for other backward classes (O.B.C.) in government as well as private educational institutions
94th amendment	June 12, 2006	To provide for a Minister of Tribal Welfare in newly created Jharkhand and Chhattisgarh States
95th amendment	25 January 2010	Extended the reservation of seats in Lok Sabha and State Assemblies for SC and ST from sixty to seventy years
96th amendment	23 September 2011	Substituted "Odia" for "Oriya"
97th amendment	12 January 2012	Added the words "or co-operative societies" in Article 19(l)(c) and inserted article 43B i.e, Promotion of Co-operative Societies and added Part-IXB i.e, THE CO-OPERATIVE SOCIETIES
98 th amendment	2012	Insertion of ne article 371 J. Special provisions with respect to state of Karnataka

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PART XXI

TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS

369. Notwithstanding anything in this Constitution, Parliament shall, during a period of five years from the commencement of this Constitution, have power to make laws with respect to the following matters as if they were enumerated in the Concurrent List,

Special Status to Jammu and Kashmir:

370. (1) Notwithstanding anything in this Constitution,— (a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to—

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

THE CONSTITUTION OF INDIA

PART XXII

SHORT TITLE, COMMENCEMENT AUTHORITATIVE TEXT IN HINDI AND REPEALS