

# CONTENTS

	Page
<b>Contents at a Glance</b>	<b>v</b>
<b>List of Statutes Referred</b>	<b>xliv</b>
<b>Table of Cases</b>	<b>xlix</b>
<b>Amendments at a Glance</b>	<b>xciii</b>

## PREAMBLE

• <i>A living law</i>	1
• <i>Basic structure of Constitution</i>	1
• <i>Federal structure</i>	2
• <i>Fundamental law</i>	2
• <i>Idealism</i>	2
• <i>Interpretation by Preamble</i>	2
• <i>Parents patriae</i>	3
• <i>Powers</i>	3
• <i>Preamble: Part of the Constitution</i>	3
• <i>Preamble as basic structure</i>	3
• <i>Secularism</i>	3
• <i>Social justice</i>	4
• <i>Socialistic concept</i>	4
• <i>Sovereign</i>	4
• <i>Structural sources of the Constitution</i>	4
• <i>Structure of Government and fundamental aspects of Constitution</i>	4
• <i>Union of India</i>	5
• <i>Unity of nation</i>	5

## PART I

### THE UNION AND ITS TERRITORY

#### Article

<b>1. Name and territory of the Union</b>	<b>5</b>
• <i>Action subsequent to acquisition</i>	6
• <i>Acquisition of foreign territory</i>	6
• <i>Law applicable to acquired territory</i>	6
• <i>Territorial waters</i>	6
• <i>Territory of India</i>	6
<b>2. Admission or establishment of new States</b>	<b>6</b>
<b>2A. [Repealed]</b>	<b>6</b>
<b>3. Formation of new States and alteration of areas, boundaries or names of existing States</b>	<b>6</b>
• <i>Effects of re-organisation of territory under existing laws</i>	7
• <i>Reference of Bills</i>	7

## Article

4. Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters 7

PART II  
CITIZENSHIP

5. Citizenship at the commencement of the Constitution 7
- Every person 8
  - One domicile 8
6. Rights of citizenship of certain persons who have migrated to India from Pakistan 8
7. Rights of citizenship of certain migrants to Pakistan 8
8. Rights of citizenship of certain persons of Indian origin residing outside India 9
9. Persons voluntarily acquiring citizenship of a foreign State not to be citizens 9
- Citizenship Act, 1955, section 9(2) 9
  - Obtaining passport 9
10. Continuance of the rights of citizenship 9
11. Parliament to regulate the right of citizenship by law 10

PART III  
FUNDAMENTAL RIGHTS

General

12. Definition 10
- Agency outside India 10
  - Board of Control for Cricket in India (BCCI) 10
  - Co-operative societies 10
  - Examples of authorities held to be State 10
  - Local authorities: Writ 11
  - Other authorities 11
  - Private body 12
  - Right to shelter 12
  - State 12
  - State action 12
13. Laws inconsistent with or in derogation of the fundamental rights 13
- Act of State 14
  - Basic features 14
  - Severability 14
  - Treaties on human rights 15
  - Voidness 15
  - Working of Act 16
- Right to Equality*
14. Equality before law 16
- Admission in college 16

Article		Page
	• <i>Arbitrary action and discretion</i>	17
	• <i>Armed Forces (Special Powers) Act, 1958</i>	17
	• <i>Backward areas</i>	17
	• <i>Board of Control for Cricket in India (BCCI)</i>	18
	• <i>Cable T.V. and Doordarshan</i>	18
	• <i>Change of name</i>	18
	• <i>Citizenship</i>	18
	• <i>Contracts</i>	18
	• <i>Disinvestment</i>	18
	• <i>Doctrine of natural justice</i>	18
	• <i>Education</i>	19
	• <i>Equality</i>	19
	• <i>Equals and unequals</i>	19
	• <i>Executive action</i>	19
	• <i>Exemption from tax</i>	19
	• <i>Financial assistance</i>	19
	• <i>Flexibility</i>	20
	• <i>Government department</i>	20
	• <i>Grant-in-aid</i>	20
	• <i>Interpretation</i>	20
	• <i>Land Acquisition</i>	20
	• <i>Land ceiling</i>	20
	• <i>Limitations</i>	20
	• <i>Newspapers</i>	21
	• <i>Panchayat: Removal of members</i>	21
	• <i>Pension</i>	21
	• <i>Principle of equality</i>	21
	• <i>Procedural discrimination</i>	21
	• <i>Rajasthani language</i>	21
	• <i>Reasonableness</i>	21
	• <i>Rent control legislation</i>	22
	• <i>Royalties for industries</i>	22
	• <i>Rule for termination of service</i>	22
	• <i>Sales tax on restaurants</i>	23
	• <i>Scheduled Castes</i>	23
	• <i>Scope</i>	23
	• <i>Service</i>	23
	• <i>Service rules</i>	23
	• <i>Source</i>	23
	• <i>Stock Exchange</i>	24
	• <i>Tax exemptions</i>	24
	• <i>Taxation laws</i>	24
	• <i>Telephones</i>	25
	• <i>Tenders</i>	25
	• <i>Test</i>	25

	Page
• Uncanalised discretion	26
• Zone-wise merit list	26
<b>15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth</b>	<b>26</b>
• Area-wise reservation	26
• Backward class	26
• Discrimination	26
• Medical colleges	27
• Relationship to article 14	27
• Reservation on the basis of domicile	28
• Reservation within reservation	28
• University-wise reservation	28
• Women	28
• Women and sexual harassment	28
<b>16. Equality of opportunity in matters of public employment</b>	<b>29</b>
• Arbitrariness	29
• Constitution (Seventy-seventh Amendment) Act, 1995	29
• Discrimination	30
• Employment	30
• Medical colleges	31
• Object of article 16	31
• Other safeguards	31
• Pay Scales	31
• Qualifying minimum marks	32
• Relaxation in standard of eligibility	32
• Reservation and promotion	32
• Reservation to single post	32
• Revision of pay scales	32
• Right to go anywhere and live with any person	32
• Scheme	32
<b>17. Abolition of untouchability</b>	<b>33</b>
<b>18. Abolition of titles</b>	<b>33</b>
• National awards, not titles	33
• Title	33
	33
	<b>Right to Freedom</b>
<b>19. Protection of certain rights regarding freedom of speech, etc.</b>	<b>34</b>
• AIDS	34
• Arbitrariness	35
• Ban on slaughter	35
• Bandhs	35
• Burden of proof	35
• Business aspects of the media	35
	35

## Contents

xi

### Article

Page

• <i>Business with Government</i>	35
• <i>Constitutionality of</i>	36
• <i>Contempt of court</i>	36
• <i>Convicts</i>	36
• <i>Co-operative Societies Act, 1965 (U.P.)</i>	36
• <i>Corporations as citizens</i>	36
• <i>Criteria of validity of law</i>	37
• <i>Dealings with supplier</i>	37
• <i>Educational institution</i>	37
• <i>False news item about Judges</i>	37
• <i>Fireworks</i>	37
• <i>Freedom of assembly</i>	37
• <i>Freedom of association</i>	37
• <i>Freedom of expression</i>	38
• <i>Freedom of movement</i>	38
• <i>Freedom of profession, etc.</i>	38
• <i>Freedom of residence</i>	39
• <i>Government advertisements</i>	39
• <i>Ivory import</i>	39
• <i>Judicial officers</i>	40
• <i>Letter by employee against the organisation</i>	40
• <i>Licences and permits</i>	40
• <i>Ministers</i>	40
• <i>Press</i>	40
• <i>Price</i>	41
• <i>Price fixation</i>	41
• <i>Relationship with articles 21 and 22</i>	41
• <i>Right to know</i>	41
• <i>Right to carry on business</i>	42
• <i>Right to practise profession</i>	42
• <i>Shareholder</i>	42
• <i>Substantive and procedural aspects</i>	42
• <i>Test of reasonableness</i>	42
• <i>Total prohibition</i>	43
• <i>Transfer of unpaid accumulation</i>	43
• <i>Trial by media</i>	43
• <i>Unincorporated associations</i>	44
<b>20. Protection in respect of conviction for offences</b>	<b>44</b>
• <i>Applicability</i>	44
• <i>Caution to speak</i>	44
• <i>Clash between fundamental rights</i>	44
• <i>Commencement of protection</i>	44
• <i>Compulsion to be a witness</i>	44
• <i>Double jeopardy</i>	45

	<i>Page</i>
• <i>Uncanalised discretion</i>	26
• <i>Zone-wise merit list</i>	26
<b>15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth</b>	<b>26</b>
• <i>Area-wise reservation</i>	26
• <i>Backward class</i>	26
• <i>Discrimination</i>	26
• <i>Medical colleges</i>	27
• <i>Relationship to article 14</i>	27
• <i>Reservation on the basis of domicile</i>	28
• <i>Reservation within reservation</i>	28
• <i>University-wise reservation</i>	28
• <i>Women</i>	28
• <i>Women and sexual harassment</i>	28
<b>16. Equality of opportunity in matters of public employment</b>	<b>29</b>
• <i>Arbitrariness</i>	29
• <i>Constitution (Seventy-seventh Amendment) Act, 1995</i>	29
• <i>Discrimination</i>	30
• <i>Employment</i>	30
• <i>Medical colleges</i>	31
• <i>Object of article 16</i>	31
• <i>Other safeguards</i>	31
• <i>Pay Scales</i>	31
• <i>Qualifying minimum marks</i>	32
• <i>Relaxation in standard of eligibility</i>	32
• <i>Reservation and promotion</i>	32
• <i>Reservation to single post</i>	32
• <i>Revision of pay scales</i>	32
• <i>Right to go anywhere and live with any person</i>	32
• <i>Scheme</i>	32
<b>17. Abolition of untouchability</b>	<b>33</b>
<b>18. Abolition of titles</b>	<b>33</b>
• <i>National awards, not titles</i>	33
• <i>Title</i>	33
	33
	<b>Right to Freedom</b>
<b>19. Protection of certain rights regarding freedom of speech, etc.</b>	<b>34</b>
• <i>AIDS</i>	34
• <i>Arbitrariness</i>	35
• <i>Ban on slaughter</i>	35
• <i>Bandhs</i>	35
• <i>Burden of proof</i>	35
• <i>Business aspects of the media</i>	35
	35

Contents

Article

xi

Page

• <i>Business with Government</i>	35
• <i>Constitutionality of</i>	36
• <i>Contempt of court</i>	36
• <i>Convicts</i>	36
• <i>Co-operative Societies Act, 1965 (U.P.)</i>	36
• <i>Corporations as citizens</i>	36
• <i>Criteria of validity of law</i>	37
• <i>Dealings with supplier</i>	37
• <i>Educational institution</i>	37
• <i>False news item about Judges</i>	37
• <i>Fireworks</i>	37
• <i>Freedom of assembly</i>	37
• <i>Freedom of association</i>	37
• <i>Freedom of expression</i>	38
• <i>Freedom of movement</i>	38
• <i>Freedom of profession, etc.</i>	38
• <i>Freedom of residence</i>	39
• <i>Government advertisements</i>	39
• <i>Ivory import</i>	39
• <i>Judicial officers</i>	40
• <i>Letter by employee against the organisation</i>	40
• <i>Licences and permits</i>	40
• <i>Ministers</i>	40
• <i>Press</i>	40
• <i>Price</i>	41
• <i>Price fixation</i>	41
• <i>Relationship with articles 21 and 22</i>	41
• <i>Right to know</i>	41
• <i>Right to carry on business</i>	42
• <i>Right to practise profession</i>	42
• <i>Shareholder</i>	42
• <i>Substantive and procedural aspects</i>	42
• <i>Test of reasonableness</i>	42
• <i>Total prohibition</i>	43
• <i>Transfer of unpaid accumulation</i>	43
• <i>Trial by media</i>	43
• <i>Unincorporated associations</i>	44
<b>20. Protection in respect of conviction for offences</b>	<b>44</b>
• <i>Applicability</i>	44
• <i>Caution to speak</i>	44
• <i>Clash between fundamental rights</i>	44
• <i>Commencement of protection</i>	44
• <i>Compulsion to be a witness</i>	44
• <i>Double jeopardy</i>	45

• Foreign Exchange Regulation Act, 1973	45
• No right in procedure	45
• Penalty not prescribed	46
• Scope	46
• Testimonial compulsion for the accused	46
• Violation of law and common law offences	46
<b>21. Protection of life and personal liberty</b>	<b>46</b>
• AIDS and employment	46
• Assault on child	46
• Atomic energy	47
• Bail	47
• Beauty contests	47
• Child offenders	47
• Compensation	47
• Compensation in Canada	47
• Cruel punishment	47
• Custodial death	47
• Death sentence: Mandatory	47
• Debtor	48
• Delay in bringing to trial	48
• Delay in execution	48
• Drugs	48
• Ecology: Ecological balance	48
• Ecology and "Public Trust" Doctrine	48
• Environment	48
• Environment: Hazardous chemicals	48
• Environment: Precautionary principle	49
• Fair procedure	49
• Fair trial	49
• Foreign travel	49
• Forests	49
• Handcuffing	49
• Health	49
• Housing	49
• Illegal detention	49
• Inhuman treatment	50
• Insane person	50
• Irish Constitution	50
• Legal aid	50
• Livelihood	50
• Medical aid in Government hospitals	51
• Medical confidentiality	51
• Minimum punishment	51

Article

Page

• Natural justice	51
• Non-revision of pay scale	51
• Obstruction of movement	51
• Oppression of peasants	51
• Passport	52
• Passports Act, 1967	52
• Police atrocities	52
• Position in USA	52
• Preventive detention	52
• Prison restrictions	52
• Prisoners: Classification	52
• Prisoners: Interview	52
• Prisoners: Torture	53
• Prisoners: Wrongful detention	53
• Privacy	53
• Private industries and pollution	53
• Prostitution	53
• Public hanging	53
• Public trial	53
• Punishment for attempted suicide	53
• Radiation (X-ray)	53
• Right to die (provision in IPC)	54
• Right to life: Various rights included	54
• Right to work	54
• Scope of article 21	54
• Scheduled Tribes Women	55
• Sentence: Plea of guilty	55
• Sexual harassment	56
• Smoking in public place	56
• Solitary confinement	56
• Special Courts	56
• Speedy trial	56
• Summary dismissal of appeal	56
• Telephone tapping	56
• Terrorists Act	56
• Traffic control	57
• Undertrial prisoners	57
• Water	57
<b>21A. Right to education</b>	<b>57</b>
<b>22. Protection against arrest and detention in certain cases</b>	<b>57</b>
• Analysis	58
• "Arrest": Meaning thereof	58
• Article 21 may supplement article 22	58

- Consideration of representation 59
- Delay 59
- Documents 59
- Information about grounds of arrest 59
- Language 59
- Preventive detention 60
- Production before the nearest Magistrate 61
- Representation: Preventive detention 61
- Right to consult and to be defended by legal practitioner of his choice 61

#### Right against Exploitation

- 23. Prohibition of traffic in human beings and forced labour** 61
- Child labour 61
  - Children of prostitutes 61
  - Legislation relevant to article 23 61
  - Scope 61
  - Traffic in human beings 62
- 24. Prohibition of employment of children in factories, etc.** 62

#### Right to Freedom of Religion

- 25. Freedom of conscience and free profession, practice and propagation of religion** 62
- Ananda Marg 62
  - Charity 62
  - Foreigners 62
  - Priests 62
  - Regulation by the State 62
  - Religion 63
  - Restrictions that can be imposed 63
  - Scope and object 64
  - Use of loudspeaker 64
- 26. Freedom to manage religious affairs** 64
- Administration of property of religious endowments 64
  - Affairs of religion 64
  - Common burden (land revenue) 65
  - Denomination 65
  - Directive Principles 65
  - Right to own property 65
  - Rituals 65
  - Scope and object 65
- 27. Freedom as to payment of taxes for promotion of any particular religion** 65
- 28. Freedom as to attendance at religious instruction or religious worship in certain educational institutions** 65

Article	Page
<b>Cultural and Educational Rights</b>	
<b>29. Protection of interests of minorities</b>	<b>66</b>
• Minorities	66
• Regional language	67
<b>30. Right of minorities to establish and administer educational institutions</b>	<b>67</b>
• Condition as to admission fees	67
• Conditions for aid or recognition	67
• Conditions: Void	67
• Crucial words	68
• Educational standards	68
• Maladministration	68
• Minorities	68
• Minorities based on religion or language	69
• Regulation by the State	69
• Regulatory laws	69
• Requirements of regulation	70
• Right: Not absolute	70
• Right to receive aid	70
• Scope	70
• Standards	70
<b>31. [Repealed]</b>	<b>71</b>
<b>Saving of certain Laws</b>	
<b>31A. Saving of laws providing for acquisition of estates, etc.</b>	<b>71</b>
• Land reform legislation	72
<b>31B. Validation of certain Acts and Regulations</b>	<b>73</b>
<b>31C. Saving of laws giving effect to certain directive principles</b>	<b>73</b>
<b>31D. [Repealed]</b>	<b>74</b>
<b>Right to Constitutional Remedies</b>	
<b>32. Remedies for enforcement of rights conferred by this Part</b>	<b>74</b>
• Administrative Tribunals Act, 1985	74
• Bail	74
• Basic feature	74
• Certiorari	74
• Child prostitution	75
• Closure of industry	75
• Commissioner	75
• Compensation	75
• Composite petition	75
• Contempt	75
• Continuing mandamus	75
• Counter-affidavits: Detention	75
• Damages	75

## Article

• Death in custody	75
• Detention	75
• Doctrine of Parens patriae	76
• Earlier decision	76
• Economic policy	76
• Enforcement of Act	76
• Estoppel against petitioner	76
• Estoppel against State	76
• False plea	77
• Infringement of fundamental right	77
• Introduction of Bill in the Legislature	77
• Irrigation	77
• Laches	77
• Law making	77
• Legislation on personal law	77
• Liability	77
• Liability of officers	77
• Limits of writ jurisdiction	77
• Locus standi	78
• Mandamus	78
• Natural Justice	78
• Pleadings	78
• Policy of Government	78
• Political question	78
• Pollution	79
• Price fixation	79
• Prostitutes' children	79
• Public interest litigation	79
• Relief	79
• Res judicata	80
• Scope of article 32	80
• Selection Committee	80
• Service matters	80
• Stock Exchange	81
• Supreme Court and High Court: Concurrent Jurisdiction	81
• Variety of rights coming up for enforcement	81
• Writ petition by workers in winding up proceedings	82
• Writ petition to determine age of Chief Justice of India	82
<b>32A. [Repealed]</b>	<b>82</b>
<b>33. Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc.</b>	<b>82</b>
• Effect	82
• Parliamentary legislation and fundamental rights	83

Article	Contents	Page
	• <i>Police Forces (Restriction of Rights) Act, 1966</i>	83
	• <i>Scope</i>	83
	• <i>Writs against courts martial</i>	83
34.	Restriction on rights conferred by this Part while martial law is in force in any area	83
35.	Legislation to give effect to the provisions of this Part	84
PART IV		
DIRECTIVE PRINCIPLES OF STATE POLICY		
36.	Definition	84
37.	Application of the principles contained in this Part	84
	• <i>Directive Principles and UN Convention</i>	84
	• <i>Effect: The positive aspect</i>	85
	• <i>Harmony</i>	85
	• <i>Scope and object: The negative aspect</i>	85
38.	State to secure a social order for the promotion of welfare of the people	85
39.	Certain principles of policy to be followed by the State	86
	• <i>Child labour: Employment of parent</i>	86
	• <i>Declaration in law</i>	86
	• <i>Equal pay for equal work</i>	86
	• <i>Object</i>	87
	• <i>Prices</i>	87
39A.	Equal justice and free legal aid	87
	• <i>Legal aid</i>	87
40.	Organisation of village panchayats	88
41.	Right to work, to education and to public assistance in certain cases	88
42.	Provision for just and humane conditions of work and maternity relief	88
43.	Living wage, etc., for workers	88
43A.	Participation of workers in management of industries	88
44.	Uniform civil code for the citizens	88
	• <i>Personal law</i>	88
	• <i>Religious trusts</i>	89
	• <i>Uniform Code</i>	89
45.	Provision for early childhood care and education to children below the age of six years	90
46.	Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections	90
47.	Duty of the State to raise the level of nutrition and the standard of living and to improve public health	90
48.	Organisation of agriculture and animal husbandry	90

48A. Protection and improvement of environment and safeguarding of forests and wild life	90
49. Protection of monuments and places and objects of national importance	91
50. Separation of judiciary from executive	91
51. Promotion of international peace and security	91
• Extradition	91
• International law and national law (municipal law)	91

## PART IVA

## FUNDAMENTAL DUTIES

51A. Fundamental duties	92
• Environment	92
• Fundamental duties and their enforcement	92
• Scope	92
• Striving towards excellence	93
• Use and interpretation	93

## PART V

## THE UNION

## CHAPTER I

## THE EXECUTIVE

*The President and Vice-President*

52. The President of India	93
53. Executive power of the Union	93
• Executive power	93
54. Election of President	94
55. Manner of election of President	94
56. Term of office of President	95
57. Eligibility for re-election	95
58. Qualifications for election as President	95
59. Conditions of President's office	95
60. Oath or affirmation by the President	95
61. Procedure for impeachment of the President	96
62. Time of holding election to fill vacancy in the office of President and the term of office of person elected to fill casual vacancy	96
63. The Vice-President of India	96
64. The Vice-President to be <i>ex-officio</i> Chairman of the Council of States	96
65. The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President	96
66. Election of Vice-President	97
67. Term of office of Vice-President	97

68. Time of holding election to fill vacancy in the office of Vice-President and the term of office of person elected to fill casual vacancy	98
69. Oath or affirmation by the Vice-President	98
70. Discharge of President's functions in other contingencies	98
71. Matters relating to, or connected with, the election of a President or Vice-President	98
72. Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases	98
• <i>Considerations to be taken into account</i>	99
• <i>Manner of exercise</i>	100
• <i>Need for the power</i>	100
• <i>New Commonwealth</i>	101
• <i>Position elsewhere</i>	101
• <i>Presidential clemency and death sentence</i>	101
• <i>Stay</i>	102
73. Extent of executive power of the Union	102

*Council of Ministers*

74. Council of Ministers to aid and advise President	102
• <i>Advice of Cabinet</i>	103
• <i>Cabinet Government</i>	103
• <i>Confidentiality of Cabinet decisions</i>	103
75. Other provisions as to Ministers	104
• <i>Principle of collective responsibility-Object of</i>	104

*The Attorney-General for India*

76. Attorney-General for India	104
--------------------------------	-----

*Conduct of Government Business*

77. Conduct of business of the Government of India	105
78. Duties of Prime Minister as respects the furnishing of information to the President, etc.	105
• <i>Cabinet Secrecy</i>	105

CHAPTER II

PARLIAMENT

*General*

79. Constitution of Parliament	106
80. Composition of the Council of States	106
81. Composition of the House of the People	106
82. Readjustment after each census	107
83. Duration of Houses of Parliament	108
84. Qualification for membership of Parliament	108
85. Sessions of Parliament, prorogation and dissolution	108

86. Right of President to address and send messages to Houses	108
87. Special address by the President	109
88. Rights of Ministers and Attorney-General as respects Houses	109

*Officers of Parliament*

89. The Chairman and Deputy Chairman of the Council of States	109
90. Vacation and resignation of, and removal from, the office of Deputy Chairman	109
91. Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman	109
92. The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration	110
93. The Speaker and Deputy Speaker of the House of the People	110
94. Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker	110
95. Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker	110
96. The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration	110
97. Salaries and allowances of the Chairman and Deputy Chairman and the Speaker and Deputy Speaker	111
98. Secretariat of Parliament	111

*Conduct of Business*

99. Oath or affirmation by members	111
100. Voting in Houses, power of Houses to act notwithstanding vacancies and quorum	111

*Disqualifications of Members*

101. Vacation of seats	112
102. Disqualifications for membership	112
• Code of conduct	113
• Material date	113
• Office of profit	113
• Principle debarring holders of office of profit	113
103. Decision on questions as to disqualifications of members	113
104. Penalty for sitting and voting before making oath or affirmation under article 99 or when not qualified or when disqualified	114

*Powers, Privileges and Immunities of Parliament and its Members*

105. Powers, privileges, etc., of the Houses of Parliament and of the members and committees thereof	114
• Constitution (Thirty-third Amendment) Act, 1974	114
• Effect of the Constitution (Forty-second) and (Forty-fourth) Amendment Acts	115
• Freedom of speech	115
• Other privileges	115

Article	Page
<ul style="list-style-type: none"> <li>• Privileges, power and immunities of House of legislators and members</li> <li>• Publication by or under the authority of a House</li> <li>• Publication of proceedings</li> <li>• Scope</li> </ul>	115 115 115 115
106. Salaries and allowances of members	116
<i>Legislative Procedure</i>	
107. Provisions as to introduction and passing of Bills	116
108. Joint sitting of both Houses in certain cases	116
109. Special procedure in respect of Money Bills	117
110. Definition of "Money Bills"	117
111. Assent to Bills	118
<i>Procedure in Financial Matters</i>	
112. Annual financial statement	118
113. Procedure in Parliament with respect to estimates	119
114. Appropriation Bills	119
115. Supplementary, additional or excess grants	120
116. Votes on account, votes of credit and exceptional grants	120
117. Special provisions as to financial Bills	120
<i>Procedure Generally</i>	
118. Rules of procedure	121
119. Regulation by law of procedure in Parliament in relation to financial business	121
120. Language to be used in Parliament	121
121. Restriction on discussion in Parliament	122
122. Courts not to inquire into proceedings of Parliament	122
<b>CHAPTER III</b>	
<b>LEGISLATIVE POWERS OF THE PRESIDENT</b>	
123. Power of President to promulgate Ordinances during recess of Parliament	122
<ul style="list-style-type: none"> <li>• Effect of duration</li> <li>• Re-promulgation</li> <li>• Scope</li> </ul>	122 123 123
<b>CHAPTER IV</b>	
<b>THE UNION JUDICIARY</b>	
124. Establishment and Constitution of Supreme Court	123
<ul style="list-style-type: none"> <li>• Appointment of Judge</li> <li>• Consultation</li> </ul>	124 125
125. Salaries, etc., of Judges	125
126. Appointment of acting Chief Justice	125
127. Appointment of <i>ad hoc</i> Judges	126

128. Attendance of retired Judges at sittings of the Supreme Court	126
129. Supreme Court to be a court of record	126
• Contempt power	126
• Income-tax tribunal	126
130. Seat of Supreme Court	126
131. Original jurisdiction of the Supreme Court	126
• Scope and nature of	127
131A. [Repealed.]	127
132. Appellate jurisdiction of Supreme Court in appeals from High Courts in certain cases	127
133. Appellate jurisdiction of Supreme Court in appeals from High Courts in regard to civil matters	128
134. Appellate jurisdiction of Supreme Court in regard to criminal matters	129
134A. Certificate for appeal to the Supreme Court	129
135. Jurisdiction and powers of the Federal Court under existing law to be exercisable by the Supreme Court	130
136. Special leave to appeal by the Supreme Court	130
• Criminal cases	130
• Effect	131
• Fraud	131
• Grounds	131
• New point	131
• Question of fact	131
• Relief	132
• Scope	132
• Scope of interference	132
• Service matters	132
• When leave may be granted	132
• When leave may be refused	133
137. Review of judgments or orders by the Supreme Court	133
• Application for review	133
• Grounds	133
• Scope	133
• Third party	133
138. Enlargement of the jurisdiction of the Supreme Court	133
139. Conferment on the Supreme Court of powers to issue certain writs	134
139A. Transfer of certain cases	134
• Scope	134
140. Ancillary powers of Supreme Court	134
141. Law declared by Supreme Court to be binding on all courts	134
• Binding jurisdiction of the Supreme Court	134
• Law declared	135

Article	Page
• <i>Obiter dicta</i>	135
• <i>Procedure value of a decision</i>	135
• <i>Reconsideration</i>	135
• <i>Retrospective operation</i>	136
• <i>Scope</i>	136
• <i>Stare decisis</i>	136
142. Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.	136
• <i>Elasticity</i>	137
• <i>Scope of the relief</i>	137
143. Power of President to consult Supreme Court	137
144. Civil and judicial authorities to act in aid of the Supreme Court	137
144A. [Repealed]	137
145. Rules of court, etc.	137
146. Officers and servants and the expenses of the Supreme Court	139
147. Interpretation	139

CHAPTER V

COMPTROLLER AND AUDITOR-GENERAL OF INDIA

148. Comptroller and Auditor-General of India	139
149. Duties and powers of the Comptroller and Auditor-General	140
150. Form of accounts of the Union and of the States	140
151. Audit reports	140

PART VI

THE STATES

CHAPTER I

GENERAL

152. Definition	141
-----------------	-----

CHAPTER II

THE EXECUTIVE

*The Governor*

153. Governors of States	141
154. Executive power of State	141
155. Appointment of Governor	141
156. Term of office of Governor	141
157. Qualifications for appointment as Governor	141

xxiv	<i>The Constitution of India</i>	<i>Page</i>
<i>Article</i>		
158. Conditions of Governor's office		142
159. Oath or affirmation by the Governor		142
160. Discharge of the functions of the Governor in certain contingencies		142
161. Power of Governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases		142
162. Extent of executive power of State		143
• <i>Duty of high officers</i>		143
<i>Council of Ministers</i>		
163. Council of Ministers to aid and advise Governor		143
• <i>Classification of orders</i>		144
• <i>Existing Ministry to continue until its successor assumes charge</i>		144
• <i>Governor and the Cabinet</i>		144
164. Other provisions as to Ministers		144
<i>The Advocate-General for the State</i>		
165. Advocate-General for the State		145
<i>Conduct of Government Business</i>		
166. Conduct of business of the Government of a State		146
167. Duties of Chief Minister as respects the furnishing of information to Governor, etc.		146
• <i>Individual officers</i>		147
CHAPTER III		
THE STATE LEGISLATURE		
<i>General</i>		
168. Constitution of Legislatures in States		147
169. Abolition or creation of Legislative Councils in States		147
170. Composition of the Legislative Assemblies		148
171. Composition of the Legislative Councils		149
172. Duration of State Legislatures		149
173. Qualification for membership of the State Legislature		150
174. Sessions of the State Legislature, prorogation and dissolution		150
• <i>Dissolution of Assembly</i>		150
• <i>Endorsement of Bill</i>		151
• <i>Meaning of expression "The House" or "either House"</i>		151
175. Right of Governor to address and send messages to the House or Houses		151
176. Special address by the Governor		151
177. Rights of Ministers and Advocate-General as respects the Houses		151
<i>Officers of the State Legislature</i>		
178. The Speaker and Deputy Speaker of the Legislative Assembly		152
179. Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker		152

Contents

xxv

Article

Page

180. Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker 152
181. The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration 152
182. The Chairman and Deputy Chairman of the Legislative Council 153
183. Vacation and resignation of, and removal from, the offices of Chairman and Deputy Chairman 153
184. Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman 153
185. The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration 153
186. Salaries and allowances of the Speaker and Deputy Speaker and the Chairman and Deputy Chairman 153
187. Secretariat of State Legislature 154

*Conduct of Business*

188. Oath or affirmation by members 154
189. Voting in Houses, power of Houses to act notwithstanding vacancies and quorum 154

*Disqualifications of Members*

190. Vacation of seats 154
191. Disqualifications for membership 155
192. Decision on questions as to disqualifications of members 156
- *Election Commission's opinion* 156
193. Penalty for sitting and voting before making oath or affirmation under article 188 or when not qualified or when disqualified 156

*Powers, Privileges and Immunities of State Legislatures and their Members*

194. Powers, privileges, etc., of the House of Legislatures and of the members and committees thereof 156
195. Salaries and allowances of members 157

*Legislative Procedure*

196. Provisions as to introduction and passing of Bills 157
197. Restriction on powers of Legislative Council as to Bills other than Money Bills 157
198. Special procedure in respect of Money Bills 158
199. Definition of "Money Bills" 158
200. Assent to Bills 159
- *Governor's assent to Bills* 159
201. Bills reserved for consideration 160

*Procedure in Financial Matters*

202. Annual financial statement 160
203. Procedure in Legislature with respect to estimates 161

Article	Page
204. Appropriation Bills	161
205. Supplementary, additional or excess grants	161
206. Votes on account, votes of credit and exceptional grants	162
207. Special provisions as to financial Bills	162

*Procedure Generally*

208. Rules of procedure	162
209. Regulation by law of procedure in the Legislature of the State in relation to financial business	163
210. Language to be used in the Legislature	163
211. Restriction on discussion in the Legislature	164
212. Courts not to inquire into proceedings of the Legislature	164
• <i>Defects of competence</i>	164
• <i>Scope</i>	164

CHAPTER IV

LEGISLATIVE POWER OF THE GOVERNOR

213. Power of Governor to promulgate Ordinances during recess of Legislature	164
--	-----

CHAPTER V

THE HIGH COURTS IN THE STATES

214. High Courts for States	165
215. High Courts to be courts of record	166
• <i>Contempt power</i>	166
216. Constitution of High Courts	166
217. Appointment and conditions of the office of a Judge of a High Court	166
• <i>Consultation: Consumer Protection Act, 1986</i>	167
218. Application of certain provisions relating to Supreme Court to High Courts	167
219. Oath or affirmation by Judges of High Courts	168
220. Restriction on practice after being a permanent Judge	168
221. Salaries etc., of Judges	168
222. Transfer of a Judge from one High Court to another	168
223. Appointment of acting Chief Justice	169
224. Appointment of additional and acting Judges	169
224A. Appointment of retired Judges at sittings of High Courts	169
225. Jurisdiction of existing High Courts	169
226. Power of High Courts to issue certain writs	170
• <i>Acquiescence</i>	171
• <i>Allotment of land</i>	171
• <i>Alternate remedy</i>	171
• <i>Amenability</i>	172

## Contents

xxvii

### Article

Page

• <i>Arbitrariness</i>	172
• <i>Arrest</i>	172
• <i>Bail</i>	172
• <i>Bias</i>	172
• <i>Certiorari</i>	172
• <i>Certiorari and Prohibition</i>	172
• <i>Civil consequences</i>	174
• <i>Code of Civil Procedure</i>	175
• <i>Compensation</i>	175
• <i>Concession: Withdrawal</i>	175
• <i>Consumer Disputes Redressal Commission</i>	175
• <i>Contract</i>	175
• <i>Co-operative societies</i>	176
• <i>Court martial</i>	176
• <i>Criminal investigation</i>	176
• <i>Discretion</i>	176
• <i>Discrimination</i>	177
• <i>Domestic inquiry</i>	177
• <i>Education: Medical colleges</i>	177
• <i>Encroachment and natural justice</i>	177
• <i>Enforcement of an Act</i>	177
• <i>Error of law</i>	177
• <i>Facts</i>	178
• <i>Factual inaccuracy</i>	178
• <i>Fairness</i>	178
• <i>Fraud</i>	178
• <i>Futile writ</i>	178
• <i>Geographical limits</i>	178
• <i>Habeas Corpus</i>	179
• <i>Illegal order</i>	180
• <i>Interim orders</i>	180
• <i>Joint petitions</i>	180
• <i>Jurisdictional limitations</i>	180
• <i>Laches</i>	180
• <i>Legal assistance</i>	180
• <i>Legal binding</i>	181
• <i>Legitimate expectation</i>	181
• <i>Local authority</i>	181
• <i>Locus Standi</i>	181
• <i>Mala fide</i>	181
• <i>Mandamus</i>	181
• <i>Mining lease</i>	182
• <i>Natural justice</i>	182

	<i>Page</i>
• <i>Nemo iudex in causa sua</i>	183
• Notification	183
• Parties	183
• Policy and discretion	183
• Pollution: Disposal of petition by consent	184
• Premature petition	184
• Preventive detention	184
• Preventive detentions: Stay	185
• Price fixation	185
• Prisons	185
• Probationer	185
• Prohibition	185
• Promissory estoppel	185
• Public interest litigation	186
• Quasi-judicial authority	188
• Quo warranto	188
• Reasonableness	188
• Reasons	189
• Refund of tax	189
• Registered or unregistered association	189
• Relief	189
• Remedy: Extraordinary and discretionary	190
• Res judicata	190
• Scope: High Court power	190
• Service matters	191
• State Government	191
• Statutory authority	191
• Statutory instrument	191
• Suppression of facts	191
• Tender forms	191
• Tribunal	191
• Unincorporated association	191
• Universities	191
• Violation of fundamental rights	192
• Waiver	192
<b>Students</b>	
• Circumstantial evidence	192
• Cross-examination	192
• Difference from criminal trials	193
• Disciplinary action	193
• Disciplinary proceedings	193
• Discretion of the institution	193
• Examinations	193

Article	Page
• <i>Illustrations of quasi judicial acts</i>	193
• <i>Inquiry when not necessary</i>	193
• <i>Natural justice</i>	194
• <i>Procedure</i>	194
• <i>Punishment</i>	194
• <i>Standard of proof</i>	194
226A. <i>[Repealed]</i>	194
227. Power of superintendence over all courts by the High Court	194
• <i>Jurisdictional defects</i>	195
• <i>Locus standi</i>	195
• <i>Reasons</i>	195
• <i>Scope and nature</i>	196
228. Transfer of certain cases to High Court	196
228A. <i>[Repealed]</i>	196
229. Officers and servants and the expenses of High Courts	196
230. Extension of jurisdiction of High Courts to Union territories	197
231. Establishment of a common High Court for two or more States	197
232. <i>[Repealed]</i>	197

CHAPTER VI

SUBORDINATE COURTS

233. Appointment of district judges	198
233A. Validation of appointments of, and judgments, etc., delivered by, certain district judges	198
234. Recruitment of persons other than district judges to the judicial service	198
235. Control over subordinate courts	198
• <i>Adverse remarks against subordinate judicial officer</i>	199
236. Interpretation	199
237. Application of the provisions of this Chapter to certain class or classes of magistrates	199

PART VII.—*[Repealed.]*

PART VIII

THE UNION TERRITORIES

239. Administration of Union territories	199
239A. Creation of local Legislatures or Council of Ministers or both for certain Union territories	200
239AA. Special provisions with respect to Delhi	200
239AB. Provision in case of failure of constitutional machinery	202
239B. Power of administrator to promulgate Ordinances during recess of Legislature	202

240. Power of President to make regulations for certain Union territories	203
241. High Courts for Union territories	204
242. [Repealed]	204

PART IX  
THE PANCHAYATS

243. Definitions	204
243A. Gram Sabha	205
243B. Constitution of Panchayats	205
243C. Composition of Panchayats	205
243D. Reservation of seats	206
243E. Duration of Panchayats, etc.	206
243F. Disqualifications for membership	207
243G. Powers, authority and responsibilities of Panchayat	207
243H. Powers to impose taxes by, and Funds of, the Panchayats	207
243I. Constitution of Finance Commission to review financial position	207
243J. Audit of accounts of Panchayats	208
243K. Elections to the Panchayats	208
243L. Application to Union territories	208
243M. Part not to apply to certain areas	209
243N. Continuance of existing laws and Panchayats	209
243-O. Bar to interference by courts in electoral matters	210
• Election process: Gram Panchayats	210

PART IXA  
THE MUNICIPALITIES

243P. Definitions	210
243Q. Constitution of Municipalities	210
243R. Composition of Municipalities	211
243S. Constitution and composition of Wards Committees, etc.	211
243T. Reservation of seats	212
243U. Duration of Municipalities, etc.	212
243V. Disqualifications for membership	213
243W. Powers, authority and responsibilities of Municipalities, etc.	213
243X. Power to impose taxes by, and Funds, of, the Municipalities	213
243Y. Finance Commission	213
243Z. Audit of accounts of Municipalities	214
243ZA. Elections to the Municipalities	214
243ZB. Application to Union territories	214
243ZC. Part not to apply to certain areas	214
243ZD. Committee for district planning	214

<i>Article</i>	<i>Page</i>
243ZE. Committee for Metropolitan planning	215
243ZF. Continuance of existing laws and Municipalities	216
243ZG. Bar to interference by courts in electoral matters	216

## PART X

## THE SCHEDULED AND TRIBAL AREAS

244. Administration of Scheduled Areas and Tribal Areas	216
244A. Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor	217

## PART XI

## RELATIONS BETWEEN THE UNION AND THE STATES

## CHAPTER I

## LEGISLATIVE RELATIONS

*Distribution of Legislative Powers*

245. Extent of laws made by Parliament and by the Legislatures of States	218
• <i>Conditional legislation</i>	218
• <i>Excessive delegation</i>	218
• <i>Incidental provisions</i>	218
• <i>Legislation affecting judicial decisions</i>	218
• <i>Legislation as will of the people</i>	219
• <i>Legislation overriding decision</i>	219
• <i>Legislative powers of Parliament and State Legislatures; Limitations</i>	219
• <i>Motive</i>	220
• <i>Power to direct</i>	220
• <i>Sub-judice</i>	220
• <i>Transgression of limits of power by Legislature</i>	220
• <i>Validating Act</i>	220
246. Subject-matter of laws made by Parliament and by the Legislatures of States	220
• <i>Co-operative societies</i>	220
• <i>Doctrine of pith and substance</i>	221
• <i>Effect of declaration</i>	221
• <i>Effect of the words 'subject to'</i>	221
• <i>Entry of goods</i>	222
• <i>Essential commodities</i>	222
• <i>Industries</i>	222
• <i>Legislative list: Entries</i>	222
• <i>Mala fides</i>	223
• <i>Mines</i>	223
• <i>Preventive detention</i>	223
• <i>Reconciliation</i>	223
• <i>Stamp duties</i>	223

247. Power of Parliament to provide for the establishment of certain additional courts	223
248. Residuary powers of legislation	224
• <i>Constitutionality of</i>	224
249. Power of Parliament to legislate with respect to a matter in the State List in the national interest	224
250. Power of Parliament to legislate with respect to any matter in the State List if a Proclamation of Emergency is in operation	224
251. Inconsistency between laws made by Parliament under articles 249 and 250 and laws made by the Legislatures of States	224
252. Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State	225
253. Legislation for giving effect to international agreements	225
254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States	225
• <i>Repugnancy</i>	226
• <i>Union and State legislation</i>	226
255. Requirements as to recommendations and previous sanctions to be regarded as matters of procedure only	227

## CHAPTER II

## ADMINISTRATIVE RELATIONS

*General*

256. Obligation of States and the Union	227
257. Control of the Union over States in certain cases	228
257A. <i>[Repealed]</i>	228
258. Power of the Union to confer powers, etc., on States in certain cases	228
258A. Power of the States to entrust functions to the Union	229
259. <i>[Repealed]</i>	229
260. Jurisdiction of the Union in relation to territories outside India	229
261. Public acts, records and judicial proceedings	229
<i>Disputes relating to Waters</i>	
262. Adjudication of disputes relating to waters of inter-State rivers or river valleys	229
<i>Co-ordination between States</i>	
263. Provisions with respect to an inter-State Council	229

PART XII

FINANCE, PROPERTY, CONTRACTS AND SUITS

CHAPTER I

FINANCE

*General*

264. Interpretation	230
265. Taxes not to be imposed save by authority of law	230
• Fee	231
266. Consolidated Funds and public accounts of India and of the States	231
267. Contingency Fund	231
<i>Distribution of Revenues between the Union and the States</i>	
268. Duties levied by the Union but collected and appropriated by the States	232
268A. Service tax levied by Union and collected and appropriated by the Union and the States	232
269. Taxes levied and collected by the Union but assigned to the States	232
270. Taxes levied and distributed between the Union and the States	233
271. Surcharge on certain duties and taxes for purposes of the Union	234
272. [Repealed]	234
273. Grants in lieu of export duty on jute and jute products	234
274. Prior recommendation of President required to Bills affecting taxation in which States are interested	234
275. Grants from the Union to certain States	234
276. Taxes on professions, trades, callings and employments	235
277. Savings	236
278. [Repealed]	236
279. Calculation of "net proceeds", etc.	236
280. Finance Commission	236
281. Recommendations of the Finance Commission	237
<i>Miscellaneous Financial Provisions</i>	
282. Expenditure defrayable by the Union or a State out of its revenues	237
283. Custody, etc., of Consolidated Funds, Contingency Funds and moneys credited to the public accounts	237
284. Custody of suitors' deposits and other moneys received by public servants and courts	237
285. Exemption of property of the Union from State taxation	238
286. Restrictions as to imposition of tax on the sale or purchase of goods	238
287. Exemption from taxes on electricity	239
288. Exemption from taxation by States in respect of water or electricity in certain cases	239

302. Exemption of property and income of a State from Union taxation	240
303. Adjustment in respect of certain expenses and pensions	240
304. Annual payment to certain Devaswom Funds	240
305. (Repealed)	240

CHAPTER II

BORROWING

292. Borrowing by the Government of India	241
293. Borrowing by States	241

CHAPTER III

PROPERTY, CONTRACTS, RIGHTS,  
LIABILITIES, OBLIGATIONS AND SUITS

294. Succession to property, assets, rights, liabilities and obligations in certain cases	241
295. Succession to property, assets, rights, liabilities and obligations in other cases	241
296. Property accruing by escheat or lapse or as <i>bona vacantia</i>	242
297. Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union	242
298. Power to carry on trade, etc.	243
• Extra-territorial operation	243
• Trade or business	243
299. Contracts	243
• Doctrine of indoor management	244
300. Suits and proceedings	244
• Government liability in tort	245

CHAPTER IV

RIGHT TO PROPERTY

300A. Persons not to be deprived of property save by authority of law	245
• Expropriation of property	245
• Nature of the right	245
• Requirement	246
• State Finance Corporations Act, 1951	246

PART XIII

TRADE, COMMERCE AND INTERCOURSE  
WITHIN THE TERRITORY OF INDIA

301. Freedom of trade, commerce and intercourse	246
302. Power of Parliament to impose restrictions on trade, commerce and intercourse	247
303. Restrictions on the legislative powers of the Union and of the States with regard to trade and commerce	247

Article

Page

304. Restrictions on trade, commerce and intercourse among States	247
• <i>Regulation and Prohibition must be distinguished from each other</i>	248
305. Saving of existing laws and laws providing for State monopolies	248
306. [Repealed]	248
307. Appointment of authority for carrying out the purposes of articles 301 to 304	248

PART XIV

SERVICES UNDER THE UNION AND THE STATES

CHAPTER I

SERVICES

308. Interpretation	249
309. Recruitment and conditions of service of persons serving the Union or a State	249
• <i>Administrative instructions</i>	249
• <i>Adverse remarks</i>	249
• <i>Appointment</i>	249
• <i>Armed forces</i>	250
• <i>Compulsory retirement</i>	250
• <i>Criminal proceedings</i>	250
• <i>Discrimination</i>	250
• <i>Examination</i>	250
• <i>Exploitation</i>	250
• <i>Gratuity</i>	251
• <i>High Court</i>	251
• <i>Interpretation</i>	251
• <i>Interview</i>	251
• <i>Lien</i>	251
• <i>Mandamus</i>	251
• <i>Mandate to Government</i>	251
• <i>Officiating Post</i>	252
• <i>Privacy</i>	252
• <i>Promissory estoppel</i>	252
• <i>Promotion</i>	252
• <i>Provident fund</i>	252
• <i>Qualification</i>	253
• <i>Quota</i>	253
• <i>Railways</i>	253
• <i>Recruitment</i>	253
• <i>Retrenchment</i>	253
• <i>Retrospectivity</i>	253
• <i>Rules</i>	254
• <i>Rule-making power</i>	254

	Page
• Salary	254
• Seniority	254
• Service matters: Judicial interference	255
• Temporary service	255
• Termination	255
• Transfer	255
• Vacancies	256
<b>310. Tenure of office of persons serving the Union or a State</b>	<b>256</b>
• Contract	256
• Expiry of term	257
• Pleasure: Doctrine of	257
<b>311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State</b>	<b>257</b>
• Abolition of post	258
• Adverse remarks	258
• Administrative Tribunal	258
• Appeal	259
• Civil post	259
• Compulsory retirement	259
• Confirmation	260
• Copy of report	260
• Criminal proceedings	260
• Date of birth	260
• Dismissal	260
• Double jeopardy	260
• Fresh inquiry	261
• Inquiry	261
• Legal assistance	261
• Malice	261
• Misconduct	261
• Opportunity	261
• Penal order	262
• Reinstated employee	262
• Relief by Supreme Court	262
• Removal	262
• Seniority	262
• Temporary appointment	262
• Tenure post	263
• Term: Expiry of	263
<b>312. All-India Services</b>	<b>263</b>
<b>312A. Power of Parliament to vary or revoke conditions of service of officers of certain services</b>	<b>264</b>
<b>313. Transitional provisions</b>	<b>265</b>
<b>314. [Repealed]</b>	<b>265</b>

## CHAPTER II

## PUBLIC SERVICE COMMISSIONS

315. Public Service Commissions for the Union and for the States	265
316. Appointment and term of office of members	265
317. Removal and suspension of a member of a Public Service Commission	266
• <i>Misconduct</i>	267
• <i>Object</i>	267
• <i>Proportion</i>	268
318. Power to make regulations as to conditions of service of members and staff of the Commission	268
319. Prohibition as to the holding of offices by members of Commission on ceasing to be such members	268
320. Functions of Public Service Commissions	268
321. Power to extend functions of Public Service Commissions	270
322. Expenses of Public Service Commissions	270
323. Reports of Public Service Commissions	270

## PART XIVA

## TRIBUNALS

323A. Administrative tribunals	271
• <i>Co-operative societies</i>	272
• <i>Interference by the tribunal</i>	272
323B. Tribunals for other matters	272
• <i>All courts</i>	273
• <i>Appeal to Supreme Court</i>	273
• <i>Scope</i>	274
• <i>Tribunals and writs</i>	274

## PART XV

## ELECTIONS

324. Superintendence, direction and control of elections to be vested in an Election Commission	274
• <i>Articles 174 viz-a-viz Article 324 – Scope</i>	275
325. No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex	276
326. Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage	276
327. Power of Parliament to make provision with respect to elections to Legislatures	276
328. Power of Legislature of a State to make provision with respect to elections to such Legislature	276
329. Bar to interference by courts in electoral matters	276
329A. <i>[Repealed]</i>	277

PART XVI

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People	277
331. Representation of the Anglo-Indian community in the House of the People	277
332. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States	278
333. Representation of the Anglo-Indian community in the Legislative Assemblies of the States	279
334. Reservation of seats and special representation to cease after sixty years	279
335. Claims of Scheduled Castes and Scheduled Tribes to services and posts	280
336. Special provision for Anglo-Indian community in certain services	280
337. Special provision with respect to educational grants for the benefit of Anglo-Indian community	280
338. National Commission for Scheduled Castes	281
338A. National Commission for Scheduled Tribes	282
339. Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes	283
340. Appointment of a Commission to investigate the conditions of backward classes	284
341. Scheduled Castes	284
342. Scheduled Tribes	285
• Conversion	285
• Finality of Presidential Order	285
• Migrants	286

PART XVII

OFFICIAL LANGUAGE

CHAPTER I

LANGUAGE OF THE UNION

343. Official language of the Union	286
344. Commission and Committee of Parliament on official language	287

CHAPTER II

REGIONAL LANGUAGES

345. Official language or languages of a State	288
346. Official language for communication between one State and another or between a State and the Union	288
347. Special provision relating to language spoken by a section of the population of a State	288

## CHAPTER III

LANGUAGE OF THE SUPREME COURT,  
HIGH COURTS, ETC.

348. Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc. 288
349. Special procedure for enactment of certain laws relating to language 289

## CHAPTER IV

## SPECIAL DIRECTIVES

350. Language to be used in representations for redress of grievances 289
- 350A. Facilities for instruction in mother-tongue at primary stage 289
- 350B. Special Officer for linguistic minorities 289
351. Directive for development of the Hindi language 289

## PART XVIII

## EMERGENCY PROVISIONS

352. Proclamation of Emergency 290
353. Effect of Proclamation of Emergency 292
354. Application of provisions relating to distribution of revenues while a Proclamation of Emergency is in operation 292
355. Duty of the Union to protect States against external aggression and internal disturbance 292
356. Provisions in case of failure of constitutional machinery in States 292
357. Exercise of legislative powers under Proclamation issued under article 356 294
- *Judicial review* 295
358. Suspension of provisions of article 19 during emergencies 295
359. Suspension of the enforcement of the rights conferred by Part III during emergencies 296
- 359A. [*Repealed*] 297
360. Provisions as to financial emergency 297

## PART XIX

## MISCELLANEOUS

361. Protection of President and Governors and Rajpramukhs 298
- 361A. Protection of publication of proceedings of Parliament and State Legislatures 298
- 361B. Disqualification for appointment on remunerative political post 299
362. [*Repealed*] 299
363. Bar to interference by courts in disputes arising out of certain treaties, agreements, etc. 299
- 363A. Recognition granted to Rulers of Indian States to cease and privy purses to be abolished 300
364. Special provisions as to major ports and aerodromes 300

Article	Page
365. Effect of failure to comply with, or to give effect to, directions given by the Union	300
366. Definitions	300
• Clause (10): 'existing law'	303
• Clause (17)	303
• Clause (29A)	303
367. Interpretation	304

## PART XX

## AMENDMENT OF THE CONSTITUTION

368. Power of Parliament to amend the Constitution and procedure therefor	304
• Basic features	305
• Object of this proviso is to give effect to the federal principle	305

## PART XXI

## TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS

369. Temporary power to Parliament to make laws with respect to certain matters in the State List as if they were matters in the Concurrent List	306
370. Temporary provisions with respect to the State of Jammu and Kashmir	306
371. Special provision with respect to the States of Maharashtra and Gujarat	307
371A. Special provision with respect to the State of Nagaland	308
371B. Special provision with respect to the State of Assam	310
371C. Special provision with respect to the State of Manipur	311
371D. Special provisions with respect to the State of Andhra Pradesh	311
371E. Establishment of Central University in Andhra Pradesh	314
371F. Special provisions with respect to the State of Sikkim	314
371G. Special provision with respect to the State of Mizoram	316
371H. Special provision with respect to the State of Arunachal Pradesh	316
371-I. Special provision with respect to the State of Goa	317
372. Continuance in force of existing laws and their adaptation	317
• Expression: "All the laws in force"	318
372A. Power of the President to adapt laws	318
373. Power of President to make order in respect of persons under preventive detention in certain cases	318
374. Provisions as to Judges of the Federal Court and proceedings pending in the Federal Court or before His Majesty in Council	319
375. Courts, authorities and officers to continue to function subject to the provisions of the Constitution	319
376. Provisions as to Judges of High Courts	319
377. Provisions as to Comptroller and Auditor-General of India	320
378. Provisions as to Public Service Commissions	320
378A. Special provisions as to duration of Andhra Pradesh Legislative Assembly	320

<i>Schedule</i>	<i>Page</i>
379-391. [Repealed]	321
392. Power of the President to remove difficulties	321
PART XXII	
SHORT TITLE, COMMENCEMENT, AUTHORITATIVE TEXT IN HINDI AND REPEALS	
393. Short title	321
394. Commencement	321
394A. Authoritative text in the Hindi language	321
395. Repeals	321
 <i>FIRST SCHEDULE</i>	 322
I. THE STATES	322
II. THE UNION TERRITORIES	327
 <i>SECOND SCHEDULE</i>	 328
PART A	
PROVISIONS AS TO THE PRESIDENT AND THE GOVERNORS OF STATES	328
PART C	
PROVISIONS AS TO THE SPEAKER AND THE DEPUTY SPEAKER OF THE HOUSE OF THE PEOPLE AND THE CHAIRMAN AND THE DEPUTY CHAIRMAN OF THE COUNCIL OF STATES AND THE SPEAKER AND THE DEPUTY SPEAKER OF THE LEGISLATIVE ASSEMBLY AND THE CHAIRMAN AND THE DEPUTY CHAIRMAN OF THE LEGISLATIVE COUNCIL OF A STATE	328
PART D	
PROVISIONS AS TO THE JUDGES OF THE SUPREME COURT AND OF THE HIGH COURTS	329
PART E	
PROVISIONS AS TO THE COMPTROLLER AND AUDITOR-GENERAL OF INDIA	332
 <i>THIRD SCHEDULE</i>	 333
Forms of Oaths or Affirmations	333
 <i>FOURTH SCHEDULE</i>	 336
Allocation of seats in the Council of States	336
 <i>FIFTH SCHEDULE</i>	 338
Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes	338

PART A

GENERAL	338
1. Interpretation	338
2. Executive power of a State in Scheduled Areas	338
3. Report by the Governor to the President regarding the administration of Scheduled Areas	338

PART B

ADMINISTRATION AND CONTROL OF SCHEDULED AREAS AND SCHEDULED TRIBES

4. Tribes Advisory Council	338
5. Law applicable to Scheduled Areas	339

PART C

SCHEDULED AREAS

6. Scheduled Areas	340
--------------------	-----

PART D

AMENDMENT OF THE SCHEDULE

7. Amendment of the Schedule	340
------------------------------	-----

SIXTH SCHEDULE

PROVISIONS AS TO THE ADMINISTRATION OF TRIBAL AREAS IN THE STATES OF ASSAM, MEGHALAYA, TRIPURA AND MIZORAM

1. Autonomous districts and autonomous regions	341
2. Constitution of District Councils and Regional Councils	342
3. Powers of the District Councils and Regional Councils to make laws	344
4. Administration of justice in autonomous districts and autonomous regions	345
5. Conferment of powers under the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898, on the Regional and District Councils and on certain courts and officers for the trial of certain suits, cases and offences	348
6. Powers of the District Council to establish primary schools, etc.	349
7. District and Regional Funds	349
8. Powers to assess and collect land revenue and to impose taxes	350
9. Licences or leases for the purpose of prospecting for, or extraction of, minerals	350
10. Power of District Council to make regulations for the control of money-lending and trading by non-tribals	351
11. Publication of laws, rules and regulations made under the Schedule	352
12. Application of Acts of Parliament and of the Legislature of the State of Assam to autonomous districts and autonomous regions in the State of Assam	352

<i>Schedule</i>	<i>Page</i>
12A. Application of Acts of Parliament and of the Legislature of the State of Meghalaya to autonomous districts and autonomous regions in the State of Meghalaya	352
12AA. Application of Acts of Parliament and of the Legislature of the State of Tripura to the autonomous district and autonomous regions in the State of Tripura	353
12B. Application of Acts of Parliament and of the Legislature of the State of Mizoram to autonomous districts and autonomous regions in the State of Mizoram	354
13. Estimated receipts and expenditure pertaining to autonomous districts to be shown separately in the annual financial statement	354
14. Appointment of Commission to inquire into and report on the administration of autonomous districts and autonomous regions	354
15. Annulment or suspension of acts and resolutions of District and Regional Councils	355
16. Dissolution of a District or a Regional Council	356
17. Exclusion of areas from autonomous districts in forming constituencies in such districts	356
18. [Omitted]	357
19. Transitional provisions	357
20. Tribal areas	358
20A. Dissolution of the Mizo District Council	359
20B. Autonomous regions in the Union territory of Mizoram to be autonomous districts and transitory provisions consequent thereto	360
20C. Interpretation	361
21. Amendment of the Schedule	361
 <b>SEVENTH SCHEDULE</b>	
List I—Union List	362
List II—State List	367
List III—Concurrent List	370
 <b>EIGHTH SCHEDULE</b>	
LANGUAGES	373
 <b>NINTH SCHEDULE</b>	
374	
 <b>TENTH SCHEDULE</b>	
PROVISIONS AS TO DISQUALIFICATION ON GROUND OF DEFECTION	386
1. Interpretation	386
2. Disqualification on ground of defection	386
3. [Omitted]	387

Articles		
4. Disqualification on ground of defection not to apply in case of merger		387
5. Exemption		388
6. Decision on questions as to disqualification on ground of defection		388
7. Bar of jurisdiction of courts		388
8. Rules		388
ELEVENTH SCHEDULE		390
TWELFTH SCHEDULE		391
APPENDIX I		
THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) ORDER, 1954		392
APPENDIX II		
RE-STATEMENT, WITH REFERENCE TO THE PRESENT TEXT OF THE CONSTITUTION, OF THE EXCEPTIONS AND MODIFICATIONS SUBJECT TO WHICH THE CONSTITUTION APPLIES TO THE STATE OF JAMMU AND KASHMIR		406
APPENDIX III		
EXTRACTS FROM THE CONSTITUTION (FORTY-FOURTH AMENDMENT) ACT, 1978		421
Subject Index		422