CONSTITUTION
OF
INDIA
THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation:

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.
Part 1

The Union and its Territory

1. (1) India, that is to say, shall be a Union of States.
   (2) The States and the territories thereof shall be the States and their territories specified in Part A, B, and C of the First Schedule.
   (3) The territory of India shall comprise—
      (a) the territories of the States;
      (b) the territories specified in Part B of the First Schedule; and
      (c) such other territories as may be acquired.

2. Parliament may by law extend 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 from any State or by uniting two or more States or parts thereof;
   (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;

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, when the proposal contained in the Bill affects
Citizenship

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. Notwithstanding anything in article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if—
(a) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and
(b) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or
(c) in the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been
registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India or in an application made by him thereto through an officer before the commencement of this Constitution in the form and manner prescribed by the Government.
Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Right of citizenship of a citizen by birth out of India

7. Notwithstanding anything in sub-clause 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 sub-clause shall apply to a person who, after having migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for re-settlement or permanent return issued by or under the authority of any law and every such person shall for the purpose of clause (b) of sub-clause 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1949.

Right of citizenship of a citizen by birth out of India

8. Notwithstanding anything in sub-clause 5, any person who either of whose parents or any of whose grand parents 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 thereto by 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.

Right of citizenship of a citizen by birth out of India

9. No person shall be a citizen of India by virtue of sub-clause 5 or 6 be deemed to be a citizen of India by virtue of sub-clause 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 provision of any law that may be made by Parliament, continue to be such citizen.

11. Nothing in the foregoing provisions of this Part shall deprive the power of Parliament to make any provision with respect to the acquisition and termination of citizenship, and all other matters relating to citizenship.
Part III
Fundamental Rights

General

12. In this Part, unless the context otherwise requires, the State includes the Parliament and the Government 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, so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause, shall to the extent of the contravention, be void.

(3) In this Part, unless the context otherwise requires—

(a) "law" includes any ordinance, order, rule, regulation, notification, custom or usage having in the territory of India the force of law;

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

Equality before law

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

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

21. No citizen shall, on grounds only of religion, race, sex, place of birth or any of them, be subject to any disability inability restriction or condition with respect to-

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

(b) the use of wells, tanks, bathing ghats, reservoirs or public means of water supply maintained wholly or partly out of State funds or dedicated to the use of the general public.

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

Equality of opportunity in matters of public employment

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

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

24. Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under any State specified in the First Schedule or any local or other authority within its territory, any requirement as to residence within that State prior to such employment or appointment.

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

(8) Nothing in this article shall affect the tenure of any law which forbids that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Section of Unanimity

17. Unanimity is established and its practice in any form, is forbidden. The enforcement of any disability arising out of Unanimity shall be an offence punishable in accordance with law.

Section of Bills

18. (1) No bill, not being a military or academic distinction, shall be enforced by the State.
(2) No citizen of India shall receive any letter from any foreign State.
(3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any letter from any foreign State.
(4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, remuneration or office of any kind from or under any foreign State.

Right to Freedom

19. (1) All citizens shall have the right—
(a) to freedom of speech and expression,
(b) to assemble peacefully 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,
(f) to acquire, hold and dispose of property,
and
(g) to function as profession, or to carry on any occupation, trade or business.
(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevents the State from making any law relating to, label, standard, definition, contumely of court or any matter which affects against decency or morality or which.
undermine the security of, or tend to overthrow, the State.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from imposing, in the interests of public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clause in the interests of public order or for the protection of the interests of any Scheduled Tribe.

(5) Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clause in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clauses (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from imposing, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it prevents or imposes any restriction on the exercise of any profession, occupation or business.

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

(2) No person shall be prosecuted and punished for the same offence more than once.
21. No person shall be deprived of his life or personal liberty, except according to procedure established by law.

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 seat of the magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply—

(a) to any person who is under an existing sentence;

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

(4) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless

(a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention;

Provided that nothing in this sub-clause shall authorize the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (1), or

(b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (1).
3. When any person is detained, in pursuance of an order made under the Act for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order.

5. Nothing in clause (5) shall require the authority making any such order to be refused to in that clause to decide facts which such authority considers to be against the public interest to decide.

7. Such authority may by due formula—

in the circumstances under which, and the circumstances of cases in which, a person may be detained under any law providing for preventive detention, without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4); and

(2) Within the maximum period for which any person may be detained under any law providing for preventive detention, and

such period to be determined by the Advisory Board in an inquiry under sub-clause (a) of clause (4).

Right to private Exploration

23. No offense in human beings and animals in public order and public health and other similar offenses of force, terror or any other manner of violence, shall be an offense punishable in accordance with law.

4. Nothing in the said shall prevent the State from enacting compulsory service for public purposes, and in enforcing such service the State shall not make any discrimination on grounds only of religion, race, color or creed or any of them.

Right to Freedom of Religion

25. 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.

Freedom of Religion

Section of provisions made in furtherance, protection and promotion of public order and public health and other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate
religion.

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

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

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

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

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

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

28. No religious instruction shall be furnished in any educational institution wholly maintained out of State funds.

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

30. No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution.
29. (1) No 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 religion shall be denied admission into any educational institution maintained by the State or receiving aid from the State funds on grounds only of religion, race, caste, language or any of them.

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

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

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

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

(3) No law as is referred to in clause (2) made by the Legislature of a State shall have effect unless such law, having been moved for the consideration of the President, has received his assent.

(4) If any Bill pending at the commencement of the Constitution in the Legislature of a State has, after it has been passed, by such
Legislation, for reasons for the consideration of the President, and has
called his attention, then, notwithstanding anything in this Constitution,
the law so assented to shall not be called in question in any court on
the ground that it contravenes the provision of clause (2).
(5) Nothing in clause (2) shall affect—
(a) the provisions of any existing law other than a law which
the provisions of clause (1) apply to;
(b) the provisions of any law which the State may hereafter
make—
(i) for the purpose of imposing or levying any tax,
(ii) for the purpose of raising funds,
(iii) for the protection of public health or the prevention
of danger to life or property;
(iv) in pursuance of any agreement entered into between the
Governments of the Dominion of India and the
Governments of any other country, or otherwise, with
respect to property declared by law to be revenue property.
(6) Any law of the State enacted not more than eighteen
months before the commencement of this Constitution may within
three months from such commencement be submitted to the President
for his consideration, and thereafter, if the President by public
notification so certify, it shall not be called in question in any court
on the ground that it contravenes the provisions of clause (2) or this
article or has contravened the provisions of sub-section (2) of section

Right to Constitutional Remedies

32. (1) The right to move the Supreme Court by appropriate
proceedings for the enforcement of the right 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, whatever
may be appropriate, for the enforcement of any of the rights conferred

Note: For enforcement of rights conferred by this Part,
by this Part:

(1) 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 (3).

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

33. Parliament may by law declare to what extent any of the rights conferred by this Part shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

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

35. Notwithstanding anything in this Constitution—

(a) Parliament shall have, and the Legislature of a State shall not have, power to make law—

(1) with respect to any of the matters which, under clause (2) of article 16, clause (3) of article 32, clause 33, and article 34, may be provided for by law made by Parliament, and

(2) for prescribing punishment for those acts which are declared to be offences under this Part, and Parliament shall, so soon as may be after the commencement of this Constitution, make laws for prescribing punishment for the acts referred to in sub-clause (1);

(b) any law in force immediately before the commencement of this Constitution in the territory of India with respect to
any of the matters referred to in sub-clause (so of clause (a) or providing for punishment for any act referred to in sub-clause (s) of that clause, shall, subject to the terms thereof and to any adaptations and modifications that may be made therein under article 372, continue in force until altered, or repealed or amended by Parliament.

Explanation.—In this article, the expression “law in force” has the same meaning as in article 372.
Part IV

Directive Principles of State Policy

Definition.

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

Application of the principles contained in this Part.

37. The precision contained in this Part shall not be enforceable by any court, but the principles herein 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.

38. The State shall strive to promote the welfare of the people by ensuring 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—

- that the citizens, men and women equally, have the
  right to an adequate means of livelihood;
- that the ownership and control of the material means of
  the community are so distributed as best to advance
  the common good;
- that the operation of the economic system does not
  result in the concentration of wealth and means of
  production to the common detriment;
- that there is equal pay for equal work for both men
and women,
so that the health and strength of workers, men and women, and the tender age of children are not abused and that children are not forced by economic necessity to make occupations unsuited to their age or strength;
(4) that childhood and youth are protected against exploitation and against moral and material abandonment.

40. The State shall take steps to organize village panchayats and ensure that they work under such powers and authority as may be necessary to enable them to function as units of self-government.

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 want and need.

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

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

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

45. The State shall endeavor to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

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 ensure the raising of the level of education and the standard of living of its people and the advancement of public health, as among its primary duties and, in particular, the State shall endeavour to bring about the prevention of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health.

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 enforcing the breeds and protecting the slaughter, of live and edible and other useful, and livestock.

49. It shall be the obligation of the State to protect every monument, site, shrine, and object of national importance, declared by Parliament by law to be of national importance, from spoliation, defacement, destruction, removal, vandal, or theft, 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.
Chapter 1—The Executive
The President and the Vice-President

51. There shall be a President of India.

52. 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.

53. (1) 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 same shall be regulated by law.

(2) Nothing in this article shall—

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

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

54. The President shall be elected by the members of electoral college consisting of—

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

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

55. (1) As far as practicable, there shall be conformity in the
scale of representation of the different States at the election of the President:
(3) For the purpose of assigning such representation among the States under as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:

(4) 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;
(5) 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;
(6) 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 Assembly of the State under sub-clause (4) 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 secret ballot.
Explanation. In this sub-clause, the expression ‘population’ means the population as ascertained at the last preceding census of which the relevant figures have been published.
(6.1) The President shall hold office for a term of five years from the date on which he enters upon his office:
(6.2) The President may, by writing under his hand addressed to the Vice-President, resign his office.
(2) The President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 60.
(3) 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.

Eligibility for re-election.

(1) A person shall be eligible for election as President if—
(a) is a citizen of India,
(b) has completed the age of thirty-five years,
(c) is qualified for election as a member of the House of the People.

(2) A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State, or under any local or other authority subject to the control of any of the said Governments.

Explanation—For the purpose of this article, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor or Regent of any State or is a Minister, either for the Union or for any State.

Qualifications of President's office

(1) The 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 he shall be deemed to have vacated his seat in that House on the date on which he assumes upon his office as President.
(2) No President shall be entitled to a remuneration or profits.
(3) The President shall be entitled to a residence and shall be also entitled to such
enclousures, alliances and privileges as may be determined by Parlia-
mant by law and, until provision in that behalf is so made, such
enclousures, alliances and privileges as are specified in the Second Schedule.

89. The enclousures and alliances of the President shall not be
diminished during his term of office.

90. Every President and every person acting as President or
discharging the functions of the President shall, before entering office,
make and subscribe in the presence of the Chief Justice of
India and the Governor General of India, the following declaration, to
wit: "I do solemnly swear in the name of God, that I will
faithfully execute the office of President, to discharge the
functions of the President of India, and will to the best
of my ability preserve, protect and defend the Constitution
and the laws; that I will devote myself to the service
and welfare of the people of India."

91. If, the President is to be impeached for violation of the
Constitution, the charge shall be preferred by either House of Parlia-
ment.

(a) Such charge shall be preferred within
the period of forty-five days of such charge is contained in a
resolution which has been moved after at least fifteen
days' notice in writing served 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) If 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 investiga-
tion.

(d) If as a result of the investigation a resolution is passed
by a majority of 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.

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

(2) An election to fill a vacancy in the office of President
caused by reason of his death, resignation or removal, or otherwise shall be
held as soon as practicable, and in no case later than six months
from the date of occurrence of the vacancy, and the person elected
to fill the vacancy shall, subject to the provisions of sub-section 5, be
entitled to hold office for the full term of five years from the date on which
he takes up his office.

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

64. The Vice-President shall be ex-officio Chairman of the
Council of State and shall not hold any other office or 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 hold the office of Chairman of the
Council of State and shall not be entitled to any salary or
allowance payable to the Chairman of the Council of State under
article 37.

65. 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 is elected in accordance with the
provisions of this Chapter to fill such vacancy caused by his death.

(3) When the President is unable to discharge his functions
away from home or for any other reason, the Vice-President shall
discharge his functions until the date on which the President resumes
his duties.

(4) The Vice-President shall, during, and in respect of the
The Vice-President shall be elected by the members of both Houses of Parliament, assembled at a joint meeting in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

(3) The Vice-President shall not be a member of either House of Parliament or of a House of the Legislature of any State, and no member of either House of Parliament or of a House of the Legislature of any State shall be elected Vice-President; he shall be deemed to have vacated his seat in that House on the date on which he ceases to hold his office as Vice-President.

(4) 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.

(5) 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.

Explanation.—For the purposes of this article, a person shall not be deemed to hold any office of profit by reason only that he is the President or Vice-President of the Union or the Governor or Rajpramukh or Uttrakhandmukh of any State or is a Minister either for the Union or for any State.

Term of office of Vice-President

The Vice-President shall hold office for a term of five years from the date on which he ceases to hold his office.
Provided that—

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

(2) a Vice-President may be removed from his office by a resolution of the Council of States passed by a majority of not less than three members of the Council and accepted 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;

(3) a Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor shall assume office;

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

(5) An election to fill a vacancy in the office of Vice-President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as practicable after the occurrence of the vacancy, and the person elected to fill such vacancy shall, subject to the provisions of article 71, be entitled to hold office for the full term of five years from the date on which he takes upon the office.

(6) Every Vice-President shall, before entering upon his office, take and subscribe before the President, or such person appointed in that behalf by him, an oath or affirmation in the following form, that is to say—

"I, A. B., do solemnly swear that I will bear true faith and allegiance to the Constitution of India and that I will faithfully discharge the duties of the office which I am about to enter.”

(7) Parliament may make such provision as it thinks fit for the discharge of the functions of the President in any contingency not provided for in this article.

(8) All powers and duties appertaining to the office of a President or Vice-President shall be exercised and deemed to be exercised by the President in His absence or for his failure to perform the same.
(1) If the election of a person as President or Vice-President is declared void by the Supreme Court, acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of the decision of the Supreme Court shall not be invalidated by reason of that declaration.

(2) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.

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

(a) in all cases where the sentence or sentence is by a Court Martial;

(b) in all cases where the sentence 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.

(4) 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.

(5) Nothing in sub-clause (b) of clause (1) shall affect the power to suspend, remit or commute a sentence of death passable by the President or Head of State under any law for the time being in force.

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

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

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

Provided that the executive power referred to in sub-clauses (a)
shall not, save as expressly provided in the Constitution or in any law made by Parliament, exceed in any State specified in Part I or Part II of the First Schedule to matters with respect to which the Legislature of the State has the power to make laws.

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

Council of Ministers

4. (1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions.

(2) To decide whether any, and if so what, advice was tendered by Ministers to the President shall not be impeached in any court.

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

(2) The 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 ceases to hold his office, the President shall administer to him the oath of office and of secrecy according to the forms set out in the Second 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 salary and allowances of Ministers shall be such as Parliament may from time to time by law determine and until
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 the Attorney-General for India.

(2) It shall be the duty of the Attorney-General to give advice to the Government of India upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred to or assigned to him by the President, and to discharge the functions conferred on him by or under the 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 services done by the Government of India shall be prescribed to be taken in the name of the President.

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

(3) If the President shall make rules for the more convenient organisation of the business of the Government of India, and for the allocation among Ministers of the said business:

78. It shall be the duty of the Prime Minister—

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

(b) to furnish such information relating to the administration of
the offices of the Union and performs for legislation
as the President may call for, and
(b) if the President so requires, to submit for the consideration
of the Council of Ministers any matter on which a
decision has been taken by a Minister but which has
not been considered by the Council.

Chapter 12—Parliament

General

73. There shall be a Parliament for the Union which shall consist
of the President and the Members to be known respectively as the Council
of States and the House of the People.

80. The Council of States shall consist of—
(a) such members to be nominated by the President in accordance
with the provisions of clause (b), and
(b) not more than ten hundred and thirty-eight representatives
of the States.

(3) The allocation of seats in the Council of States to be filled
by representatives of the States shall be in accordance with the
provisions in that behalf contained in the Fourth Schedule.

(3) The members to be nominated by the President under sub-
clause (a) of clause (1) shall consist of persons having special
knowledge or practical experience in respect of such matters as
the following namely—

Literature, science, art and social service.

(4) The representation of each State specified in Part I of the
First Schedule 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 representation of the States specified in Part II of
the First Schedule in the Council of States shall be chosen in
such manner as Parliament may by law provide.

(6) Subject to the provisions of clause (5) and sub-clause (b)
and 331, the House of the People shall consist of not more than five hundred members directly elected by the voters in the States.

For the purpose of sub-clause (1), the States shall be divided, grouped or formed into territorial constituencies, the number of members to be allocated to each such constituency shall be so determined as to ensure that there shall be not less than one member for every 150,000 of the population and not more than one member for every 500,000 of the population.

The ratio between the number of members allotted to each territorial constituency and the population of that constituency as assessed at the last preceding census or reckoned at the relevant figure has been published shall, so far as practicable, be the same throughout the territory of India.

The representation in the House of the People of the territory comprised within the territory of India but not included within any State shall be such as Parliament may by law provide.

The representation of the several territorial constituencies in the House of the People shall be so adjusted by such authority in such manner and with effect from such date as Parliament may by law determine. Provided that such readjustment shall not affect representation in the House of the People until the expiration of the term of Parliament.

32. Notwithstanding anything in clause (1) of article 80, Parliament may by law provide for the representation in the House of the People of any State specified in Part I of the First Schedule or of any territorial constituency within the territory of India but not included within any State on a basis or in a manner other than that prescribed in that clause.

33(1) The Council of States shall not be subject to dissolution, but so much 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.

(2) The House of the People, when seven members, shall,
31. At the commencement of every session the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

32. Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address and for the provision of such discussion on other business of the House.

33. 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.

Officer of Parliament

34. The Vice-President of India shall be a member of the Council of States,

35. The Council of States shall, as soon as may be, choose a member of the Council to be Deputy Chairman thereof, and, as frequently as the office of Deputy Chairman becomes vacant, the Council shall choose another member to be Deputy Chairman thereof.

36. A member holding office as Deputy Chairman of the Council of States—

(a) shall resign his office if he cease to be a member of the Council;

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

(c) may be removed from the office by a resolution of the Council passed by a majority of all the then members of the Council.

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.
(1) While the office of Chairman is vacant, or during any period when the Vice-President is acting as, or discharging the duties of, President, the duties of the office shall be performed by the Deputy Chairman, or, if the office of Deputy Chairman is also vacant, by such member of the Council of State as the President may appoint for the purpose.

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

(3) At any sitting of the Council of State, while any resolution for the removal of the Vice-President from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside, and the functions of chairmanship (1) of which it shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman, or, as the case may be, the Deputy Chairman, is absent.

(4) The Chairman shall have the right to speak in, and otherwise to take part in, the proceedings of, the Council of State, while any resolution for the removal of the Vice-President from his office is under consideration in the Council, but, notwithstanding anything in article 100, shall not be entitled to vote, shall not make resolutions, or any other matter, during such proceedings.

(5) The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker, and, as soon 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.

(6) If the office held by the Speaker or Deputy Speaker of the House of the People be vacated, or, if he continues to be a member of the House of the People, and the office of Speaker or Deputy Speaker is not filled, such member shall, during the period during which such office remains vacant, continue to act as such, or, if he declines or is unable to act as such, another member shall be elected to act as such.

(7) The Speaker and Deputy Speaker of the House of the People shall, as soon as may be, cause a list of the members of the House to be forwarded to the Governor-General, and, when such list is ready, shall cause it to be published in the Official Gazette, and, if any member resigns his seat, shall cause a notice to be given in the Official Gazette of the resignation of the member, and a copy of such notice to be sent to the member who has ceased to be a member of the House.

(8) The Speaker shall have the power to determine the order of business of the House, and shall have the power to adjourn the House from day to day, and to determine the time for the commencement of the House and for the sitting of the House, and to regulate all its proceedings, and shall, in case of a tie, have a second and deciding vote.

(9) The Speaker shall have the power to call for the information of any public officer, and to require the production of any book or document in the possession of the public officer, and to cause any such book or document to be printed, and to make such regulations as he thinks fit for the better conduct and management of the business of the House.
(v) may at any time, by writing under his hand addressed, of such number as the Speaker, or the Deputy Speaker, or of such number as the Deputy Speaker, or the Speaker, resign his office; and
(vi) may be removed from his office by a resolution of the House of the People passed by a majority of all the then members of the House:
Provided that no resolution for the purpose of clause (v) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution;
Provided further that, whenever the House of the People is dissolved, the Speaker shall not receive his office until immediately before the first meeting of the House of the People after the dissolution.

25. (1) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or of the office of Deputy Speaker is also vacant, by such number 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, in case he is absent, such person as may be appointed 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.

(3) At any sitting of the House of the People, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of clause (2) of article 35 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker, or, as the case may be, the Deputy Speaker, is absent.

(4) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the House of the People while any resolution for his removal from office is under consideration by the House.
and shall, notwithstanding anything in article 100, be entitled to vote, only at the first instance or such resolution or any other matter during such proceedings but not in the case of an equality of votes.

The House shall be presided over by the Chairman and the Deputy Chairman of the Council of States, and by 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 is made in that behalf as aforesaid, such salaries and allowances as are specified in the Second Schedule.

98. Each House of Parliament shall have a separate secretarial staff.

Provided that nothing hereinbefore contained shall be deemed to prevent the creation of posts common to both Houses of Parliament.

99. Parliament may by law regulate the recruitment, and the conditions of service of persons appointed to the secretarial staff of either House of Parliament.

(1) Until provision is made by Parliament under clause (1), the President may, after consultation with the Speaker of the House of the People or the Chairman of the Council of States, as the case may be, make rules regulating the recruitment and the conditions of service of persons appointed to the secretarial staff of the House of the People or the Council of States.

The rules so made shall have effect subject to the provisions of any law made under the said clause.

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. 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
acting, 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 event of an equality of votes.

(2) The House of Parliament shall have power to add notwithstanding any vacancy in the membership thereof, and any proceedings in Parliament shall be void notwithstanding that it is discovered subsequently that some person was not entitled so to do or entitled, or otherwise took part in the proceedings.

(3) Until Parliament by law otherwise provides, the quorum to constitute a meeting of either House of Parliament shall be one-third of the total number of members of the House.

(4) 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. No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the exclusion 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 specified in Part B or Part C of the Second Schedule, and if a person is chosen a member both of Parliament and of a House of the Legislature of such 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 that State.

(3) If a member of either House of Parliament—
(a) becomes subject to any of the disqualifications mentioned in clause (1) of article 102, or
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 Central Legislative Assembly of the Dominion of India.

Legislative Procedure

107. Subject to the provisions of articles 103 and 117 with regard to Money Bills and other financial Bills a Bill may originate in either House of Parliament.

(1) Subject to the provision of articles 103 and 117, a Bill shall not be deemed to have been passed by the House of Parliament unless it has been agreed to by both Houses, either without amendment or with such amendment as has been agreed to by both Houses.

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

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

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

108. If a Bill has been passed by one House and transmitted to the other House—

(a) if the Bill is rejected by the other House; or

(b) if the Houses have finally disagreed as to the amendments to be made in the Bill; or

(c) more than six months elapse from the date of the rejection of the Bill by the other House after the Bill being passed by it, the President may make the Bill lapse by reason of a
...devolution of the House of the People, subject to the House by
message if they are sitting or by public notification if they are
not sitting, has intimation to summon them to meet in a joint sitting
for the purpose of deliberating and voting on the Bill:
Provided that sitting in the House shall apply to a Henry
Bell.
(2) In reckoning any such period of six months as a refusal
if in clause (1), no account shall be taken of any period during
which the House referred to in sub-clause (1) of that clause is
prolonged or adjourned for more than two consecutive days.
(3) Where the President has under clause (1) notified his
intention of summoning the House to meet in a joint sitting,
whether House shall proceed further with the Bill, but the
President may at any time after the date of his notification
summon the House to meet in a joint sitting for the purpose
specified in the notification and, if he does so, the House
shall meet accordingly.
(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 the Constitution to have been passed by both Houses:
Provided that at a joint sitting—
(a) if the Bill, having been passed by one House, has
not been passed by the other House with amendments
and returned to the House in which it originated, no amendment shall be preferred to
the Bill other than such amendments if any
as are made necessary by the delay in the
passage of the Bill;
(b) if the Bill has been so passed and returned, only
such amendments as referred shall be preferred
to the Bill and such other amendments as are
referred to the matter with respect to which the...
House have not agreed;
and the decision of the House prevailing as to the amendments
which are admissible under this clause shall be final.

(3) A joint sitting may be held under this article and
a Bill passed thereof, notwithstanding that a dissolution
of the House of the People has intervened since the President
notified his intention to summon the House to meet thereon.

103.(4) A Money Bill shall not be introduced in the Council
of State.

(5) After a Money Bill has been passed by the
House of the People, it shall be transmitted to the Council
of State for its recommendation and the Council of State
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 therefore either accept or reject all or any of the
recommendations of the Council of State.

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

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

(8) If a Money Bill passed by the House of the
People and transmitted to the Council of State for its
recommendations is not returned to the House of the People
within the said period of fourteen days, it shall be deemed
to have been passed by both Houses at the expiration of the
said period in the form in which it was passed by the House.
of the Bills

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 sequestracy of the Consolidated Fund or the Contingency Fund of India, the payment of money into or the withdrawal of money from any such Fund;

(d) the approbation of money out of the Consolidated Fund of India;

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

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

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

(1) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fees or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax.
by any local authority or body for local purposes.
(9) If any question arises whether a Bill is a Money
Bill or not, the opinion of the Speaker of the House of the
People, herein shall be final.
(10) There shall be inserted on every Money Bill when
it is transmitted to the Council of States under article 113, and
when it is presented to the President for assent under article
113, the certificate of the Speaker of the House of the People,
signed by him that it is a Money Bill.

Annex I

111. When a Bill has been passed by the House of Proba-
ments, 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 feasible after
the presentation, in case of a Bill for assent, return the Bill
if it is not a Money Bill, to the House with a message
requesting that they will reconsider the Bill or may specifical-
ly provisions thereof, and in particular, will consider the practic-
ability of introducing any such amendments as he may recommend
in his message, and when a Bill so returned, the House
shall reconsider the Bill accordingly, and if the Bill is pas-
sed again by the House with or without amendment and
presented to the President for assent, the President shall not
withhold assent therefrom.

Procedures in financial matters

112. (1) The President shall in respect of every financial
year cause to be laid before both the House of People
a statement of the estimated revenue and expenditure of the
Government of India for that year, in the Bill referred to as
the "annual financial statement":
(a) The estimates of expenditure included in the annual
financial statement shall show separately—
(all the sums required to meet expenditure described by
This conclusion as expenditure charged upon
the Consolidated Fund of India, and
shall distinguish expenditure on revenue account from other
expenditure.

The following expenditure shall be expenditure charged on the Consolidated Fund of India—
(a) the salaries, allowances and sums payable to or
on account of judges of the Supreme Court;
(b) the salaries, allowances and sums payable to or
on account of judges of the Federal Court;
(c) the salaries, allowances and sums payable to or
on account of judges of any High Court which
collects jurisdiction in relation to any area included in
the territory of India or which at any
date before the commencement of this
Constitution exercised jurisdiction in relation to any area included in a Province corresponding
to a State specified in Part II of the First Schedule;
(d) the salaries, allowances and sums payable to or
on account of judges of the Supreme Court of India; and
(e) the salaries, allowances and sums payable to or
on account of judges of the Federal Court;
in respect of the Comptroller and Auditor-General of India.

(1) any sum required to satisfy any judgment decree or award of any court or arbitral tribunal;

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

113. (1) As much of the estimate 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 these estimates.

(2) No estimate as to the expenditure shall be submitted in the form of estimates by the House of Commons, and the House of Commons shall have power to amend, or to refuse to assent, to any demand, or to amend 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.

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

(2) the grants so made by the House of Commons; and

(3) the expenditure charged on the Consolidated Fund of India but not exceeding any sum the amount shown in the statement previously laid before Parliament.

(4) No amendment shall be permitted to any such Bill in either House of Parliament which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged.
in the Consolidated Fund of India, and the decision of the
funds, providing as to whether an amendment is necessary with
the clause shall be final.

(d) Subject to the provisions of articles 117 and 118, 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.

Supplementary,
addendum on
some points

115. (1) The President shall—

(a) if the amount authorized by any law made in
accordance with the provision of article 114 to be
expended for a particular service for the current
financial year is found to be insufficient for the
purposes of that year or when a need has arisen
during the current financial year for subplet-
menting or additional expenditure upon some new
service not contemplated in the annual financial
statement for that year, or

(b) if any money has been spent on any service during
a financial year in excess of the amount granted
for that service and for that year,

cause to be laid before both the Houses of Parliament another-
statement showing the estimated amount of that expenditure or
cause to be presented to the House of the People a demand for
such sum, as the case may be.

(2) The provisions of articles 112, 113 and 114 shall have
effect in relation to any such statement and expenditure or
demand, and also to any law to be made authorizing the appro-
pration of moneys out of the Consolidated Fund of India to meet
such expenditure or the grant in respect of such demand as may be
made in relation to the annual financial statement and the
expenditure, mentioned therein, or to a demand for a grant out
the law to be made for the authorization of appropriation of
moneys out of the Consolidated Fund of India to meet
such expenditure or grant.
VI. (1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year, funding the completion of the provision prescribed in article 113 for the voting of each grant, and the framing of the law in accordance with the provisions of article 114 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of India, when in account of the magnitude or the indefinite character of the same, 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 expanse 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.

(2) The provisions of articles 113 and 114 shall have effect in relation to the making of any grant under clause (a) and to any law to be made under that clause, as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.

VI. (2) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States.

Provided that no recommendation shall be required under this clause for the making of an amendment making provision for the reduction or abolition of any tax.
10. A Bill so considered shall not be deemed to make provision for any of the matters referred to in section 9, or to provide for the imposition of fees or other penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration, or regulation of any tax by any local authority or body for local purposes.

11. A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.

Procedural Generalities

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

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature of the Dominion of India shall have effect as rules with respect to Parliament, subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(3) The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses.

(4) At a joint sitting of the two Houses the Speaker of the House of the People, or in his absence such person as may be determined by rules of procedure made under clause (3), shall preside.
matter, or to any Bill for the appropriation of moneys out of the Consolidated Fund of India, and, if and so far as any provision of any law so made is inconsistent with any rule made by a House of Parliament under clause (1) of article 110 or with any rule of
standing order having effect in relation to Parliament under clause
(2) of that article, such provision shall prevail.

120. Notwithstanding anything in Part V, 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.

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

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
removing an address to the President praying for the removal of
the judge, as hereinafter provided.

122. (1) The validity of any proceedings or Parliament shall not be
questioned on the ground of any alleged irregularity of procedure.

(2) No officer or member of Parliament in whom powers are
vested by or under this Constitution for regulating proceedings or the
conduct of business or for maintaining order, in Parliament shall be liable
to the prosecution of any civil action in respect of the exercise by him of those
powers.

Chapter III. Legislative Powers of the President

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

(1) An Ordinance promulgated under the 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 receipt by Parliament, or if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions, and

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

Explanation—Where the House of Parliament is summoned to meet on different dates, the period of six weeks shall be reckoned from the later of those dates for the purpose of this clause.

(2) If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void.

Chapter 17. The Union Judiciary

124. There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament otherwise provides, a larger number, of not more than seven, other Judges.

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

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

Provided further that—

(3A) a Judge may, by writing under his hand addressed to...
the President, resign his office,

its a judge may be removed from his office as the same

as a provision shall not be specified for appointment as a

of a judge of the Supreme Court unless he is a citizen of India and

as has been at least five years a judge of a High

as if he or were such Court in succession

as has been for at least five years an advocate of a High

as a distinguished jurist

[Explanation 1]—In this clause "High Court" means a High Court

[Explanation 2]—In computing for the purpose of this clause

as a judge during which a person has held judicial office not inferior to that

as a judge shall not be removed

as from his office except by an order of the President passed after an

as by such House of Parliament, subject to a majority of the total

as by a majority of not less than

as of more than

as the President in the same session for such removal on

as Parliament may by law regulate the procedure for

as investigation and report, of the proceeding, or incapacity of a judge under clause (v)

alas any person appointed to a judge of the Supreme Court

as he holds office, make and submit before the

as person appointed in such behalf by law, an oath or affirmation according to the form set out for the purpose in the

as no person who has held office as a judge of the Supreme
125.1. Such shall be paid to the judge of the Supreme Court such salaries as are specified in the Seventh Schedule.

126. Every judge shall be entitled to such privileges and allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament, and, until so determined, to such privileges, allowances and rights as are specified in the Seventh Schedule.

Provided that neither the privileges nor the allowances of a judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.

127. When the office of Chief Justice of India is vacated or when the Chief Justice is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such one of the other judges of the Court as the President may appoint for the purpose.

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

130. It shall be the duty of the judge who has been designated, in priority to other duties of his office, to attend the sittings of the Supreme Court at the time and for the period for which his services are requested, and while so attending to shall have all the jurisdiction, powers, and privileges, and shall discharge the duties, of a judge of the Supreme Court.

Providing, anything in this Chapter, the Chief Justice of India may at any time, with the previous consent of the President,
request any person who has held the office of a judge of
the Supreme Court or of the Federal Court to sit and act as
a judge of the Supreme Court, and every such person so
request ed shall, while so sitting and acting, be entitled to
such immunities as the President may, by order determine, and have all the privileges,
powers and penalties of, but shall not otherwise be deemed to be, a
judge of that Court.
Provided that nothing in this article shall be deemed to require
any such person so requested to sit and act as a judge of that
Court unless he consents so to do.
123. 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.
124. 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.
125. Subject to the provisions of this Constitution, the Supreme
Court shall, to the exclusion of any other court, have original
jurisdiction in any dispute—
(a) between the Government of India and one or
more States, or
(b) between the Government of India and any State
or States on one side and one or more other
States on the other, or
(c) between two or more States,
if such as so far as the dispute involves any question (whether of
law or fact) in which the existence or extent of a legal right
depends.
Provided that the said jurisdiction shall not extend to—
(a) a dispute to which a State specified in Part B of
the First Schedule is a party, or
(b) a dispute arising out of any provision of a treaty, agreement,
convention, engagement, covenant or other written
instrument which was induced into or executed
before the commencement of this Constitution and has, or has been, continued in operation after such commencement;

(b) in default to which any defence, if the default arises out of any provision of a treaty, agreement, covenant, engagement, named or other written instrument, which provides that the said payment shall not extend to such a default.

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 other proceeding of the High Court, if the High Court certifies that the said payee involves a substantial question of law as to the interpretation of the Constitution.

(1) Where the High Court has refused to give any certificate, the Supreme Court may, if it is satisfied that the said payee involves a substantial question of law as to the interpretation of the Constitution, grant special leave to appeal from such judgment, decree or final order.

(2) Where such a certificate is given or such leave is granted, any party in the case may appeal to the Supreme Court on the ground that such question as referred to has been wrongly decided and, with the leave of the Supreme Court, on any other ground.

Explanations—(for the purposes of this article, the expression “final order” includes an order declaring an issue which, if decided in favour of the applicant, would be sufficient for the final disposal of the case.

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 if the High Court certified—

(a) that the amount or value of the subject-matter of the dispute in the court of first instance and held in dispute on appeal was not less than twenty thousand rupees or such other sum as may be specified in that behalf by Parliament by law, or
so that the judgment, decree or final order appealed from affirms or
inverts the decision of the court immediately below or any case other than
a case referred to in sub-clause (e) of the High Court further certifies that
the appeal involves an substantial question of law.
(2) Notwithstanding anything to the contrary, any party appeal-
ing to the Supreme Court under clause (1) may urge as one of the
grounds in such appeal, that a substantial question of law arises or the
interpretation of this Constitution has been wrongly decided.
(3) Notwithstanding anything in this article, no appeal shall
under Parliamentary by law authorized for every, lie to the Supreme Court
from the judgment, decree or final order of one judge of a High Court.

134. An appeal shall lie to the Supreme Court from any
decision, final order or sentence in a criminal proceeding of a High
Court in the territory of India of the High Court—
(a) has an appeal reversed an order of acquittal of an
accused person and sentenced him to death;
or
(b) has withdrawn for trial before itself any case from
any court subordinate to its authority and has in
such trial convicted the accused person and
sentenced him to death; or
(c) certifies that the case is a fit one for appeal to the
Supreme Court.
Provided that an appeal under sub-clause (a) shall be subject
to such provisions as may be made in that behalf under clause (1) of
article 145 and to such conditions as the High Court may establish or
regulate.

135. Parliament may by law confer on the Supreme Court
any further powers to colligate, and have appeals from any judgment,
final order or sentence in a criminal proceeding of a High Court in the
ruary of India subject to such conditions and limitations as may be
specified in such law.
135. (1) Subject to law otherwise provided, the Supreme Court shall also have jurisdiction and power with regard to any
matter, to which the provisions of article 133 or article 134 do not
apply, of jurisdiction and power in relation to that matter were
restrained by the Federal Court immediately before the commence-
ment of this Constitution under any existing law.

(2) Notwithstanding anything in the Chapter, the Supreme
Court may, in its discretion, grant special leave to appeal from any
judgement, decree, determination, sentence or order in any cause or matter
passed or made by any court or tribunal in the territory of India.

(3) Nothing in clause (1) shall apply to any judgment, determina-
tion, sentence or order passed or made by any court or tribunal
constituted by or under any law relating to the Armed Forces.

136. (1) Subject to the provisions of any law made by Parliament, or
any rule made under article 143, the Supreme Court shall have power
to revise any judgment, pronouncement or order made by it.

(2) The Supreme Court shall have such further jurisdiction and
power with regard to any matter in the Union List or the Concurrent
list as Parliament may by law confer.

(3) Parliament may by law confer on the Supreme Court power to
make regulations, orders or rules, including rules in the nature of subordinate
regulations, guidelines, production orders and directions, or any of them,
for any purpose other than those mentioned in clause (2) of article 143.

140. Parliament may by law make provision for conferring upon
the Supreme Court such supplemental powers not inconsistent with any
of the provisions of the Constitution as may appear to be necessary or
advisable for the purpose of enabling the Court more effectively to exerci-
the jurisdiction conferred upon it by or under this Constitution.

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

142. The Supreme Court in the exercise of its jurisdiction may frame such rules or make such orders as may be necessary for doing complete justice in any cause or matter pending before it, and any such rules or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by the Central Government, unless provision is made in that behalf in or made, in such manner as the President may order accordingly.

2. Subject to the provisions of any law made in the behalf of the Central Government, the Supreme Court shall, as regards the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, the investigation or punishment of any contumacy or obstruction of any court of law,

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

(2) The President may, notwithstanding anything in clauses of the provision to enable him to refer it to the Supreme Court, for decision, the Supreme Court, after such hearing as it thinks fit, report to the President its opinion thereon.

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

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

192. rules as to the persons presentable before the Court;

193. rules as to the procedure for hearing appeals and other matters pertaining to appeals including the time.
within which appeals to the Court are to be entertained; 
(e) rules as to the proceedings in the Court for the enforce-
ment of any of the rights conferred by Part III;
(f) rules as to the entertainment of appeals under sub-
der 2 of clause (1) of article 139;
(g) rules as to the conditions subject to which any judgment,
pronounced or order made by the Court, may be 
reviewed and the procedure for such review includ-
ing the time within which applications to the 
Court for such review are to be entered;
(h) rules as to the costs of and incidental to any proceedings 
in the Court and as to the fees to be charged in 
respect of proceedings therein;
(i) rules as to the quelling of bail;
(j) rules as to the taking of proceedings;
(k) rules providing for the summary determination of any 
appeal which appeals to the Court, to be preferred or 
questioned or brought, for the purpose of deciding;
(l) rules as to the procedure for inquiries referred to in 
clause (3) of article 231;

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

(4) The minimum number of judges who are to sit for the 
purpose of deciding any case involving a substantial question of law as 
the interpretation of this Constitution or for the purpose of hearing any 
reference under article 192 shall be five.

Provided that, when the Court hearing an appeal under any 
of the provisions of this Chapter other than article 132 consists of ten 
or more judges and in the course of the hearing of the appeal the 
Court is satisfied that the appeal involves a substantial question of law 
as to the interpretation of this Constitution, the determination of which 
is necessary for the disposal of the appeal, such Court shall refer the
question for opinion to a Court constituted as required by the clause for the purpose of deciding any case involving such a question and shall on receipt of the opinion differ from the said opinion in conformity with such opinion.

(6) No judgment shall be delivered by the Supreme Court save in open Court, and no report shall be made under section 143 save in accordance with an opinion also delivered in open Court:

(5) No judgment and no such opinion shall be delivered by the Supreme Court save with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this clause shall be deemed to prevent a judge who does not concur from delivering a dissenting judgment or opinion.

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

Provided that the President may, by rule require that in each case as may be specified in the rule, no person not already attached to the Court shall be appointed to any office connected with the Court, save after consultation with the Union Public Service Commission.

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

Provided that the rules made under this clause shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the President.

(3) The administration, upkeep 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 fine or other money taken by the Court shall form part of that Fund.

147. In this Chapter and in Chapter V of Part VI, references to any substantial question of law as to the interpretation of this
Chapter V—Comptroller and Auditor-General of India

148. 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 hold office on the like terms and in the like mode as a Judge of the Supreme Court.
(1) Every person appointed to the Comptroller and Auditor-General of India shall, before he enters upon the 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 First Schedule.
(2) The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule.

Provided that neither the salary of a Comptroller and Auditor-General nor his right in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(3) The Comptroller and Auditor-General shall be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.
(4) Subject to the provisions of this Constitution and of any law made by Parliament, the construction of orders of revenue事项 in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.

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

142. The Comptroller and Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament and, with the prior sanction of the President in that behalf, as may be prescribed, shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States as are conferred or exercisable by the Auditor-General of India immediately before the commencement of this Constitution in relation to the accounts of the Dominion of India and of the Provinces respectively.

150. The accounts of the Union and of the States shall be kept in such form as the Comptroller and Auditor-General of India may, with the approval of the President, prescribe.

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.

152. The reports of the Comptroller and Auditor-General of India relating to the accounts of a State shall be submitted to the Governor or Lieutenant-Governor of the State, who shall cause them to be laid before the Legislature of the State.
Part VI
The States in Part I of the First Schedule

Chapter I—General

152. In this Part, unless the context otherwise requires, the expression "State" means a State specified in Part I of the First Schedule.

Chapter II—The Executive

The Governor

153. There shall be a Governor for each State.

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

(2) Nothing in this article shall—

(a) be deemed to transfer to the Governor any function conferred by any existing law on any other authority or
(b) prevent Parliament or the Legislature of the State from conferring by law functions on any authority subordinate to the Governor.

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.

14. 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 takes up his office.

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

15. 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.

15A. The Governor shall not be a member of either House of Parliament or of a House of the Legislature of any State, as specified in the First Schedule; and if a member of either House of Parliament or of a House of the Legislature of any such State be appointed Governor, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as Governor.

16. The Governor shall not hold any other office of profit.

17. The Governor shall be entitled, without payment of rent, to the use of his official residence and shall be also entitled to such emoluments, allowances and privileges as may be determined by Parliament by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the Second Schedule.

18. The emoluments and allowances of the Governor shall not be diminished during his term of office.

19. Every Governor and every person discharging the functions of the Governor shall, before entering upon his office, take 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 Metropolitan Judge of that Court, on oath or affirmation in the following form:

I, do solemnly swear that I will faithfully execute the office of Governor (or discharge the functions of the Governor) of (name of the State) and will to the best of my ability forever preserve, protect and defend the Constitution and the law and that I will devote myself to the service and
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.

Provided that in the States of Odisha, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.

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

(13) Before a Minister resigns from his office, the Governor shall administer to him the oath of office and of secrecy according to the forms set out for the purpose in the Third Schedule.

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

(15) The salary and allowance of a Minister 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

W8 10. 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.

(1) It shall be the duty of the Advocate-General to give advice to the Governor of the State on such legal questions, 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 the Constitution, or any other law for the time being in force.

(2) 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

W6 18. All executive action of the Governor of a State shall be referred to be taken in the name of the Governor.

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

13. The Governor shall make rules for the more convenient transac-
tion of the business of the Government of the State, and for the allocation among Members of the said business in so far as it is not known with-
respect to which the Governor is by or under this Constitution required to act in his discretion.

167. It shall be the duty of the Chief Minister of each State—
(a) to communicate to the Governor of the State all decisions of the Council of Ministers relating to the administration of the affairs of the State and pending legislation;
(b) to furnish such information relating to the administration of the affairs of the State and pending legislation as the Governor may call for, and
(c) if the Governor so requests, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

Chapter III—The State Legislature

General

168. There shall be a Legislature which shall consist of the Governor, and
(a) in the States of Agra, Bombay, Madras, Bengal, the United Provinces and West Bengal, two Houses;
(b) in other States, one House.
(c) 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.
103. (1) Notwithstanding anything in article 102, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council, or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting.

(2) Any law referred to in clause (1) shall contain such provision for the amendment of the Constitution as may be necessary to give effect to the provisions of the law and may also contain such subsidiary, incidental and consequential provisions as Parliament may deem necessary.

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

(4) Subject to the provisions of article 367, the Legislative Assembly of each State shall be composed of members chosen by direct election.

(5) The representation of each territorial constituency in the Legislative Assembly of a State shall be in the ratio of the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published and shall, save in the case of the autonomous districts of Assam and the constituencies comprising the cantonment and municipality of Kohima, be on a scale of not more than one member for every seventy-five thousand of the population.

Provided that the total number of members in the Legislative Assembly of a State shall in no case be more than five hundred or less than sixty.

(6) The ratio between the number of members to be allotted to each territorial constituency in a State and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published shall, so far as practicable, be the same throughout the State.

(7) Upon the completion of each census, the representation of the several territorial constituencies in the Legislative Assembly of each
Section 117

(a) The total number of members in the Legislative Council of a State having such a Council shall not exceed one-fourth 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.

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

(c) If the total number of members of the Legislative Council of a State—

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

(ii) as may be; one-twelfth shall be elected by electors 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;

(iii) as may be; one-twelfth shall be elected by electors consisting of persons who have been, for at least three years, engaged in teaching in such educational institutions within the district town or town as shall be prescribed by or under any law made by Parliament;

(iv) as may be; one-twelfth shall be elected by the
member 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 (3).
(f) 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.
(g) 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:

Labour, women, art, co-operative movement and social service.

77A. (1) Every Legislative Assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and at 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 exceeding in any case beyond a period of one month after the Proclamation is rescinded to operate.

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

77B. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless he—
(a) is a citizen of India;
(b) is, in the case of a seat in the Legislative Assembly, not less than twenty years of age; and, in the
case of a soil in the Legislative Council, not less than thirty years of age, and
(30) persons such other qualifications as may be prescribed in that behalf by or under any law made
by Parliament.

174. (1) The House or Houses of the Legislature of the State shall
be summoned to meet twice at least in every year, and six months
shall not intervene between their last sitting in one session and the
date appointed for their first sitting in the next session.
(2) Subject to the provisions of clause (1), the Governor may
from time to time—
(a) summon the House or either House to meet at such
time and place as he thinks fit;
(b) prescribe the House or Houses;
(c) dissolve the Legislative Assembly.

175. (1) The Governor may address the Legislative Assembly or,
in the case of a State having a Legislative Council, either House
of the Legislature of the State, or both Houses assembled together,
and may for that purpose require the attendance of members.
(2) The Governor may send messages to the House or Houses
of the Legislature of the State, whether with respect to a Bill
then pending in the Legislature or otherwise, and to a House to which
any message is sent shall have all convenient delay the matter
required by the message to be taken into consideration.

176. (1) At the commencement of every session, the Governor shall
address the Legislative Assembly or, in the case of a State having
a Legislative Council, both Houses assembled together, and inform
the Legislature of the cause of its summons.
(2) Provision shall be made by the rules regulating the
procedure of the House or either House for the allotment of time
for discussion of the matters referred to in such address and for the
proceedure of such discussion over other business of the House.

177. Every Member and the Advocate-General for a State
shall have the right to speak on, and otherwise to take part in

the proceedings of the Legislative Assembly of the State on, in the case of a State having a Legislative Council, both Houses, and to speak in, and otherwise to take part in, the proceedings of any committee of the Legislature of which he may be named a member, but shall not, by virtue of this article, be entitled to vote.

Officers of the State Legislature

178. Every Legislative Assembly of a State shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker as the case may be.

179. A member holding office as Speaker or Deputy Speaker of an Assembly—

(a) shall vacate his office if he ceases to be a member of the Assembly;

(b) may at any time by writing under his hand address the Speaker, or the Deputy Speaker, or the Governor, his resignation; and

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

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

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

180. (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 Assembly as the Governor may appoint for the purpose.

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

1811. At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside, and the provisions of clause (2) of article 168 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker, is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in, the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in article 168, be entitled to vote only on the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

182. The Legislative Council of every State having such Council shall, as soon as may be, choose two members of the Council to be, respectively, Chairman and Deputy Chairman thereof and, as often as the office of Chairman or Deputy Chairman becomes vacant, the Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.

183. A member holding office as Chairman or Deputy Chairman of a Legislative Council—

(1) shall vacate his office if the case to be a member of the Council;

(2) may at any time by written under his hand addressed to such member as the Chairman, to the Deputy Chairman, and of such member as the Deputy Chairman, to the Council, resign his office, and

(3) may be removed from his office by a resolution of the
137. (1) The House or each House of the Legislature of a State shall have a separate secretarial staff.

Provided that nothing in this clause shall, in the case of the Legislature of a State having a Legislative Council, be construable as precluding the creation of posts common to both Houses of such Legislature.

(2) The Legislature of a State may by law regulate the remuneration, and the conditions of service of persons appointed, to the secretarial staff of the House or Houses of the Legislature of the State.

(3) Until provision is made by the Legislature of the State under clause (2), the Governor may, after consultation with the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Assembly or the Council, and any rules so made shall have effect subject to the provisions of any law made under the said clause.

Conduct of Business

138. Every member of the Legislative Assembly or the Legislative Council of a State shall, before taking his seat, make and subscribe before the Governor, or some person appointed by him in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Second Schedule.

139. Save as otherwise provided in this Constitution, all questions at any sitting of a House of the Legislature of a State shall be determined by a majority of votes of the members present and voting, unless the Speaker or Chairman, or person acting as such, the Speaker or Chairman, or person acting as such, shall have and exercise a casting vote in the case of an equality of votes.

140. A House of the Legislature of a State shall have power to sit notwithstanding any vacancy in the membership thereof, and
every proceedings in the Legislature of a State shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so did so or voted or otherwise took part in the proceedings.

In the Legislature of the State by law otherwise provided, the quorum to constitute a meeting of a House of the Legislature of a State shall be the number or one-twelfth of the total number of members of the House, whichever is greater.

In all cases during a meeting of the Legislative Assembly or the Legislative Council of a State where no quorum is present, it shall be the duty of the Speaker or Chairman, or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum.

Disqualifications of Members

No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for thevacation by a person who is chosen a member of both Houses of the same or one of the other.

No person shall be a member of the Legislature of two or more States specified in the first Schedule and if a person is chosen a member of the Legislatures of two or more such States, then, at the expiration of such period as may be specified in rules made by the President, his seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislature of all but one of the States.

If a member of a House of the Legislature of a State—

(a) becomes subject to any of the disqualifications mentioned in clause (1) of article 191 or

(b) resigns his seat by writing under his hand delivered to the Speaker or the Chairman, as the case may be, his seat shall thereafter become vacant.

(b) If for a period of sixty days a member of a House of the Legislature of a State 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.

13(1) A person shall be disqualified for being chosen or for sitting as a member of the Legislative Assembly or Legislative Council of a State—

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

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

(c) if he is an undischarged bankrupt;

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

(e) if he is so disqualified by or under any law made by Parliament.

(2) In the passage of this article, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Member either for the Union or for such State.

13(3) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (a) of article 13, the question shall be referred for the decision of the Governor and his decision shall be final.

(4) Before giving any decision on any such question the Governor shall obtain the opinion of the Election Commissioner, and shall not according to such opinion.

13(4) If a person sits or votes as a member of the Legislative Assembly or the Legislative Council of a State before he has complied with the requirements of article 88, or when he knows that he is not qualified or
Legislative Procedure

196. Subject to the provisions of articles 190 and 191 with respect to Money Bills and other financial Bills, a Bill may originate in the House of the Legislature of a State which has a Legislative Council.

1. Subject to the provisions of articles 194 and 195, a Bill shall not be deemed to have been passed by the House of the Legislature of a State having a Legislative Council 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 the Legislature of a State shall not lapse by reason of the prorogation of the House or House thereof.

4. A Bill pending in the Legislative Council of a State which has not been passed by the Legislative Assembly shall not lapse on a prorogation of the Assembly.

5. A Bill which is pending in the Legislative Assembly of a State, or which has been passed by the Legislative Assembly is pending in the Legislative Council, shall lapse on a prorogation of the Assembly.

197. If after a Bill has been passed by the Legislative Assembly of a State having a Legislative Council and transmitted to the Legislative Council—

(a) the Bill is rejected by the Council, or

(b) more than three months elapse from the date on which the Bill is laid before the Council without the Bill being passed by it, or

(c) the Bill is passed by the Council with amendments to which the Legislative Assembly does not agree,

the Legislative Assembly may, subject to the rules regulating its procedure, pass the Bill again in the same or in any subsequent session with or without such amendments, if any, as have been made, suggested or agreed to by the Legislative Council and then transmit the Bill as so passed to the Legislative Council.

2. If after a Bill has been so passed for the second time...
by the Legislative Assembly and transmitted to the Legislative Council EventArgs

as the Bill is rejected by the Council, or

(6) more than one month elapses from the date on which the Bill is laid before the Council without the Bill being passed by it, or

(7) the Bill is passed by the Council with amendments to which the Legislative Assembly does not agree,

the Bill shall be deemed to have been passed by the House of the Legislature of the State, in the form in which it was passed by the Legislative Assembly for the second time with such amendments, if any, as have been made or suggested by the Legislative Council and agreed to by the Legislative Assembly.

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


(9) After a Money Bill has been passed by the Legislative Assembly of a State having a Legislative Council, it shall be transmitted to the Legislative Council for its recommendations, and the Legislative Council shall within a period of thirty days from the date of its receipt of the Bill return the Bill to the Legislative Assembly with its recommendations, and the Legislative Assembly may thereafter either accept or reject any of the recommendations of the Legislative Council.

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

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

(12) If a Money Bill passed by the Legislative Assembly and transmitted to the Legislative Council for its recommendations is
not returned to the Legislative Assembly within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the Legislative Assembly.

139 (1) For the purpose 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, alteration, remission, or abolition of any tax;
(b) the regulation of the borrowing of money or the granting of any guarantee by the State or the amendment of the law with respect to any financial obligation undertaken or to be undertaken by the State;
(c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of money out of the Consolidated Fund of the State, the withdrawal of money from any such Fund;
(d) the appropriation of money out of the Consolidated Fund of the State;
(e) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure;
(f) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money;
(g) any matter incidental to any of the matters specified in sub-clauses (a) to (f);

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

(3) If any question arises whether a Bill introduced in the Legislative Assembly of a State which has a Legislative Council is a "Money Bill" or not, the decision of the Speaker of the Legislative Assembly of such State
When a Bill has been passed by the Legislature, Assembly of a State or, in the case of a State having a Legislative Council, by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare within that he assents to the Bill or that he withholds assent therefore 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 provision thereof and, in particular, will consider the desirability of introducing any such amendment as he may recommend in his message and, when a Bill is so returned, the House or Houses shall reconsider the Bill accordingly, and if the Bill, as framed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefore.

Provided further that the Governor shall not assent to, but shall reserve for the consideration of the President any Bill which is in the opinion of the Governor unwise, or in his opinion, is against the public interest, or is such as in his opinion should by the Constitution be enacted by the Legislature of the State:

20. When a Bill is reserved by a Governor for the consideration of the President, the President shall declare whether he assents to the Bill or that he withholds assent therefore.

Provided that, when 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 House of the Legislature of the State together with such a message as is contained in the first section to include 20. and, when a
Bill, if so resolved, the House or Houses shall reconsider it, or must 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 assent.

Procedure in Financial Matters

204. (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 expenditures of the State for that year, in the Bill referred to as the "annual financial statement".

(2) An estimate of expenditure, embodied in the annual financial statement, shall show separately—

(a) the same required to meet expenditure described by the Governor as expenditure charged upon the Consolidated Fund of the State; and

(b) the same required to meet other expenditure projected to be made from the Consolidated Fund of the State, and shall distinguish expenditure on revenue account from other expenditure.

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

(a) the salaries and allowances of the Governor and other expenditure relating to his office;

(b) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly and, in the case of a State having a Legislative Council, of the Chairman and the Deputy Chairman of the Legislative Council;

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

(d) expenditure in respect of the salaries and allowances of Judges of any High Court.
(2) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(3) any other expenditure declared by the Constitution, or by the Legislature of the State, to be so charged.

203. (1) So much of the estimate as relates to expenditure charged upon the Consolidated Fund of a State shall not be submitted to the vote of the Legislative Assembly, but nothing in this clause shall be construed as preventing the discussion in the Legislature of any of these estimates.

(2) So much of the said estimate as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to accept, or to refuse to accept, to any demand, or to accept 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 Governor.

204. (1) As soon as may be after the grants under article 203 have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet—

(a) the grants so made by the Assembly;

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the House as same.

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

(3) Subject to the provisions of articles 205 and 206, no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the
provisions of this article.

205. The Governor shall—

(a) if the amount authorised by any law made in accordance with the provisions of article 204 to be expended for a particular service in the current financial year is found to be insufficient for the purposes of that year or when and on account during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the House or the House of the Legislature of the State another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the State a demand for such excess, as the case may be.

The provisions of articles 200, 203 and 204 shall have effect in relation to any such statement and expenditure or demand, and also to any law to be made authorising the appropriation of money out of the Consolidated Fund of the State to meet such expenditure or the grant in respect of such demand, as they have effect in relation to the annual financial statement and the expenditure mentioned therein or a demand for a grant and the law to be made for the authorisation of the appropriation of money out of the Consolidated Fund of the State to meet such expenditure or grant.

206. Notwithstanding anything in the foregoing provisions of this Chapter, the Legislative Assembly of a State shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 200 for the setting of such grant, and the passing of the law in accordance with the provisions of article 204 in relation to that expenditure,
procedure generally

203. (1) A House of the Legislature of a State may make rules for regulating, subject to the provisions of the Constitution, its procedure and the conduct of its business.

(i) Such rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of the Constitution with respect to the Legislature for the corresponding Province shall have effect in relation to the Legislature of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly, or the Chairman of the Legislative Council, as the case may be.

(ii) In a State having a Legislative Council, the Governor, after consultation with the Speaker of the Legislative Assembly and the Chairman of the Legislative Council, may make rules as to the procedure with respect to communications between the two Houses.

208. The Legislature of a State may, for the purpose of the timely completion of financial business, regulate by law the procedure of, and the conduct of business in, the House or Houses of the Legislature of the State in relation to any financial matter or to any Bill for the appropriation of money out of the Consolidated Fund of the State, and, and for so as any provision of any law so made is inconsistent with any rule made by the House or other House of the Legislature of the State under clause (1) of article 208 or with any rule or standing order having effect as reference to the Legislature of the State under clause (2) of that article, such provision shall prevail.

209. Notwithstanding anything in Part XIII, but subject to the provisions of article 396, business in the Legislature of that shall be transacted in the official language or language of the State or in Hindi or in English.

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

(5) Under the Legislature of the State by law, unless provided by law, the period of fifteen years from the commencement of this Constitution, shall, as if the words "or in English"

2. Re-election shall take place in the Legislature of a State with the consent of any Judge of the Supreme Court of a High Court or the discharge of his duties.

3. The validity of any proceeding in the Legislature of a State shall be subject to the jurisdiction of any court, in respect of the exercise by any of these powers.

Chapter IV: Legislative Power of the Governor

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

Provided that the Governor shall not, without instructions from the President, formulate any such Ordinance if:

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

(b) it would have deemed it necessary to invoke a Bill containing the same provisions for the consideration of the Governor, or
(10) An Act of the Legislature of the State containing the
same provision as that under the Constitution, have
been enacted under, having been reserved for the
consideration of the President, shall receive the
assent of the President.
(11) 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—
(12) shall be laid before the Legislature Assembly of the State,
or where there is a Legislative Council in the State,
before both the House, and shall come to operate
to the expiration of six weeks from the presentation
of the Ordinance, or if before the expiration of
that period, a resolution disapproving it is passed
by the Legislature 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
(13) may be withdrawn at any time by the Governor.
Explanation—When the Houses of the Legislature of a State
having a Legislative Council are summoned to assemble on different
dates, the period of six weeks shall be reckoned from the later of
these dates for the purpose of this clause.
(14) If and so far as an Ordinance under this article makes
any provision which would not be valid if enacted in an Act of the
Legislature of the State assented to by the Governor, it shall be void.
Provided that, for the purposes of the provisions of this Constitution
relating to the effect of an Act of the Legislature of a State
which is repugnant to an Act of Parliament or an existing
law with respect to a matter enumerated in the Government List,
an Ordinance promulgated under this article in pursuance of instruction
from the President shall be deemed to be an Act of the Legisla
ture of the State which has been reserved for the consideration of the
President and assented to by him.
Chapter 2: The High Courts in the State

There shall be a High Court for each State:

1. For the purposes of this Constitution the High Court exercising jurisdiction in relation to any Province immediately before the commencement of this Constitution shall be deemed to be the High Court for the corresponding State.

2. The provisions of this Chapter shall apply to every High Court referred to in the aforesaid.

3. Every High 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 court.

4. Every High Court shall consist of a Chief Justice and such other Judges as the President may, from time to time, declare necessary to its appointment.

Provided that the Judges as appointed shall, at no time, exceed in number such maximum number as the President may, from time to time, by order in relation to such Court,

5. 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 until he attains the age of sixty 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 clauses (b) of article 129 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.
(a) A person shall not be qualified for appointment as a Judge of a High Court unless he is a citizen of India and—

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

(2) has for at least ten years been an advocate of a High Court in any State specified in the First Schedule or of two or more such Courts in succession.

Explanation—For the purposes of this clause—

(1) in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which the person has held judicial office after he became an advocate;

(2) in computing the period during which a person has held judicial office in the territory of India or been an advocate of a High Court, there shall be included any period before the commencement of this Constitution during which he has held judicial office in any area which was comprised before the thirtieth day of August, 1947, within India as defined by the Government of India Act, 1935, or has been an advocate of any High Court in any such area, as the case may be.

215. The provisions of clauses (5) and (6) of article 124 shall apply in relation to a High Court as they apply in relation to the Supreme Court with the substitution of references to the High Court for references to the Supreme Court.

216. Every person appointed to be a Judge of a High Court in a State shall, before the judge assumes his office, make and subscribe before the Governor of the State or some person appointed on his behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

217. No person who has held office as a Judge of a High Court after the commencement of this Constitution shall hold or act in any court, or before any authority within the territory of India.
Courts, unless he consents so to do.

225. Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature, made by virtue of powers conferred on that Legislature by this Constitution, the jurisdiction of any existing High Court, and the jurisdiction of any new High Court, in relation to the administration of justice in the Court, including any power to make rules of Court, and to regulate the sittings of the Court and of members thereof sitting alone or in Division Courts, shall be the same as immediately before the commencement of this Constitution.

Provided that any restrictions to which the exercise of original jurisdiction by any of the High Courts with respect to any matter concerning the revenue or concerning any act ordered or done in the collection thereof are subject immediately before the commencement of this Constitution shall no longer apply to the exercise of such jurisdiction.

226. (1) Notwithstanding anything in article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to make to any person or authority, including in appropriate cases any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred on a High Court by subrule (1) shall not be an delegation of the power conferred on the Supreme Court by clause (3) of article 32.

227. (1) Every High Court shall have supervisory power over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

(a) call for returns from such courts;
(b) make and issue general rules and forms for regulating the conduct and proceedings of such courts, and
(c) prescribe forms in which books, orders and accounts shall be

...
by the Chief Justice to make rules for that purpose:

Provided that the rules made under this clause shall, as far as they relate to salaries, allowances, leave, or pension, require the approval of the Governor of the State on which the High Court has its principal seat.

21. The administrative expenses of a High Court, including all salaries, allowances and pension payable to or in respect of the officers and servants of the Court, shall be charged upon the Consolidated Fund of the State, and any fine or other monies taken by the Court shall form part of that Fund.

230. Reference may be made—

(a) to extend the jurisdiction of a High Court to, or to exclude the jurisdiction of a High Court from, any State specified in the First Schedule other than, or any area not within, the State on which the High Court has its principal seat,

(b) to extend the jurisdiction of a High Court in relation to any area outside the State in which it has its principal seat, nothing in this subsection shall be construed—

(i) in empowering the Legislature of the State in which the Court has its principal seat to increase, restrict or abolish that jurisdiction;

(ii) in empowering the Legislature of a State specified in Part A or Part B of the First Schedule in which any such area is specified, to alter that jurisdiction, or

(iii) in proceeding the Legislature having power to make laws, in that behalf, for any such area, from passing subject to the provisions of clause (i), such laws with respect to the jurisdiction of the Court in relation to that area as it would be competent to pass if the principal seat of the Court were in that area.

232. When a High Court exercises jurisdiction in relation to more than one State specified in the First Schedule or in relation to a State and an area not forming part of the State—

(a) references in the Schedule to the Governor in relation to the Judge of a High Court shall be construed as
reference to the Governor of the State in which the Court has its principal seat,

as the reference to the approval by the Governor of rules, forms and tables for subordinate courts shall be construed as a reference to the approval thereof by the Governor in the Lieutenant-Governor of the State in which the subordinate court is situated, or if it is situated in an area not forming part of any State specified in Part A or Part B of the First Schedule, by the President,

and

as references to the Consolidated Fund of the State shall be construed as references to the Consolidated Fund of the State in which the Court has its principal seat.

Chapter IV—Subordinate Courts

Appointment of District Judge

233. (1) Appointment of persons to be, and the fixing 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 as recommended by the High Court for appointment.

Recruitment of persons other than district judges to the judicial service of a State shall be made by the Governor of the State in accordance with rules made by him in that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State.

245. The said, district courts and courts subordinate thereto, including the fixing 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
froze any right of appeal which he may have under the law regulating the conditions of his service or in asserting the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.

220 In the Chapter—

As the expression “district judge” includes judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge.

As the expression “judicial service” means a service consisting exclusively of services intended to fill the post of district judge and other civil judicial posts inferior to the post of district judge.

231 The Governor may by public notification direct that the foregoing provision of the Chapter and any rules made thereunder shall with effect from such date as may be fixed by him in that behalf apply in relation to any class or classes of magistrates in the State as are applied in relation to persons appointed to the judicial service of the State subject to such exceptions and modifications as may be specified in the notification.
Part VII

The States in Part B of the First Schedule

238. The provisions of Part VII shall apply in relation to the States specified in Part B of the First Schedule as they apply in relation to the States specified in Part A of that Schedule, subject to the following modifications and omissions, namely:

(i) For the word "Governor" wherever it occurs in the said Part VII, and shall occur for the second time in clause of article 232, the word "High Commissioner" shall be substituted.

(ii) In article 182, for the word and letter "Part A" the word and letter "Part B" shall be substituted.

(iii) Articles 159, 161 and 163 shall be omitted.

(iv) In article 158,

("in clause for the word "inapplicable" the word "unless" shall be substituted;

(v) the following clause shall be substituted, namely—

"In the High Commissioner shall, under he has been present in the principal seat of Government of the State, be entitled without payment of rent to the use, for official residence and shall be entitled to such rights and privileges as the President may, by general or special order, determine;"

(vi) in clause 163, the word "inapplicable" shall be omitted.
(3) In article 153, after the words "assessment judge of that Court"
and before the words "or in such other manner as may be prescribed in
that behalf by the President" shall be inserted:
"Provided that in the State of Madhya Pradesh there shall be
a Minister in charge of tribal affairs who may in
addition to or in charge of the welfare of the Scheduled
Castes and backward classes or any other work.
(4) In article 164, for the proviso to clause (a) the following proviso
shall be substituted, namely:
"Provided that in the State of Madhya Pradesh there shall be
a Minister in charge of tribal affairs who may in
addition to or in charge of the welfare of the Scheduled
Castes and backward classes or any other work.
(5) In article 169, for clause (a) the following clause shall be
substituted, namely:
"(a) for every State there shall be a Legislature which shall
consist of the Rajpramukh and
as in the State of Mysore, six Councils,
(b) in other States, one House.
(6) In article 186, for the words "as are specified in the Second
Schedule" the words "as the Rajpramukh may determine"
shall be substituted.
(7) In article 195, for the words "as were immediately before the
commencement of this Constitution applicable in the case of
members of the Legislature Assembly of the corresponding
Province" the words "as the Rajpramukh may determine"
shall be substituted.
(8) In clause (a) of article 202:
(a) for sub-clause (a), the following sub-clause shall be substitut-
ed, namely:
"in the advancement of the Rajpramukh and other implementation
relating to the office as determined by the President
by general or special order;"
(b) for sub-clause (b), the following sub-clause shall be substituted,
namely:
"(b) in the case of the State of Travancore-Cochin, a sum
of fifty-crore rupees payable in equal instalments
over the period of ten years, and further the annual income
of the Travancore fund under the covenant entered
...
state before the commencement of the Constitution by the States of the Indian States of Transmone and Cashin for the formation of the United States of Transmone and Cashin.

(9) any other expenditure declared by the Constitution, or by the Legislature of the State, by law, to be so charged.

(10) In Article 208, for clause (b), the following clause shall be substituted, namely—

"Until rules are made under clause (a), the rules of procedure and standing orders in force immediately before the commencement of the Constitution with respect to the Legislature of the State or, where no House of the Legislature for the State existed, the rules of procedure and standing orders in force immediately before such commencement with respect to the Legislature of the State, as may be specified in that behalf by the President of the State, shall have effect in relation to the Legislature of the State, subject to such modifications and adaptations as may be made therein by the Speaker of the Legislature, Assembly, or the Chairman of the Legislative Council, as the case may be."

(11) In clause 20 of article 204, for the words "Indian State" the words "Indian State shall be substituted.

(12) In article 241, the following clause shall be substituted, namely—

"There shall be paid to the judge of each High Court such remuneration as may be determined by the President after consultation with the President of India."

(13) Every judge shall be entitled to such remuneration and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament and, until so determined, to such allowances and rights as
may be determined by the President, after consulta-

tion with the Justices of the Supreme Court.

Provided that neither the salary of a Judge
nor his rights in respect of tenure of office or

pension shall be varied to his disadvantage after
his appointment.
Part xiii
The States in Part C of the First Schedule

210(1) Wherever it is desirable, the President shall consult the Governor of the State concerned in the appointment to the office of Chief Minister and in the replacement of a Chief Minister in any State or in any other capacity in which the Governor is concerned:

(a) a person who is a member of the National or Provincial legislature or has held a high office in the Government of India or of the State,

(b) a person who is an expert in the field of public administration or politics or who has held a high position in any Government,

(c) a person who is a member of the upper or lower house of the legislature of the State,

(d) a person who is a member of the executive council of the State or a member of the Council of Ministers of the State.

Provided that the Governor, before appointing any person to the office of Chief Minister in any State, shall consult the Governor of the State concerned and shall also consult the Governor of any other State which may be specified in the First Schedule to the Constitution.

210(2) In case of a vacancy in the office of Chief Minister, the Governor shall appoint a person who is a member of the National or Provincial legislature or has held a high office in the Government of India or of the State, or a person who is an expert in the field of public administration or politics or who has held a high position in any Government, or a person who is a member of the upper or lower house of the legislature of the State, or a person who is a member of the executive council of the State or a member of the Council of Ministers of the State, or a person who is a member of the upper or lower house of the legislature of any other State which may be specified in the First Schedule to the Constitution.

Provided that the Governor shall consult the Governor of the State concerned and the Governor of any other State which may be specified in the First Schedule to the Constitution before appointing any person to the office of Chief Minister in any State.
(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of clause 365 notwithstanding that it contains any provision which amends or has the effect of amending the Constitution.

24(1) Parliament may by law constitute a High Court for a Part or Parts specified in Part E of the First Schedule or declare any court in any such Part to be a High Court for all or any of the purposes of this Constitution.

(2) The provisions of Divisions V & VI shall apply in relation to every High Court referred to in clause (1) as they apply in relation to a High Court referred to in article 249 subject to such modifications or exceptions as Parliament may by law provide.

(3) Subject to the provisions of the Constitution and to the provisions of any law of the appropriate Legislature made by virtue of power conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of this Constitution or in relation to any Part specified in Part E of the First Schedule or any area excluded therein shall continue to exercise such jurisdiction in relation to that Part or area after such commencement.

(4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court in any Part specified in Part A or Part B of the First Schedule or, from any Part specified in Part C of that Schedule or any area excluded within that Part.

24(2) Until Parliament by law otherwise provides, the constitution, powers, and functions of the Court of Session shall be the same as they were immediately before the commencement of this Constitution.

(5) The arrangements with respect to revenue collected in any Part or Parts referred to in clause (4) shall continue to apply in respect of that Part or Parts until other provision is made in that behalf by the President by order, continue unchanged.
Part IX

The Territories in Part D of the First Schedule and other Territories not specified in that Schedule

263. (1) Any territory specified in Part D of the First Schedule and any other territory comprised within the territory of India but not specified in that Schedule shall be administered by the President acting in such capacity as he thinks fit, through a Chief Commissioner or other authorities to be appointed by him.

(2) The President may make regulations for the peace and good government of any such territory, and any regulations so made may repeal or amend any law made by Parliament or any existing law which is for the time being applicable to such territory, and, where sanctioned by the President, shall have the same force and effect as an act of Parliament which applies to such territory.
Part X
The Scheduled and Tribal Areas

24(10) In the provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State specified in Part I or Part II of the First Schedule other than the State of Assam.

25 The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam.
Part XI

Relations between the Union and the States

Chapter I - Legislative Relations

Distribution of Legislative Power

24. (1) Subject to the provisions of the 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.

28. (1) Notwithstanding anything in clause (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 the Constitution referred to as the "Union List").

(2) Notwithstanding anything in clause (2), the Legislature of any State specified in Part A or Part B of the First Schedule, as the case may be, has power to make laws with respect to any of the matters enumerated in List II in the Seventh Schedule (in the Constitution referred to as the "Concurrent List").

(3) Subject to clause (3) and (3), the Legislature of any State specified in Part A or Part B of the First Schedule has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List III in the Seventh Schedule (in the Constitution referred to as the "State List").

29. Parliament has power to make laws with respect to any
7. A law made by Parliament, which Parliament could not but be for the State or any part of the territory of India with respect to any of the matters enumerated in the State List.

15. A law made by Parliament, which Parliament could not but be for the State or any part of the territory of India with respect to any of the matters enumerated in the State List.

25. Nothing in articles 149 and 250 shall restrict the power of the Legislature of a State to make any law which under the Constitution it has power to make, but of any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament has under either of the said articles power to make, the law made by Parliament, whether passed before or after the law made by the Legislature of the State, shall prevail, and the law made by the Legislature of the State shall be to the extent of the repugnancy, null and void, only as the law made by Parliament continues to have effect, to the extent.

25. (1) If it appears to the Legislature 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, as provided in articles 149 and 250, should be regulated in each State by Parliament by law, and if resolution to that effect are passed by all the Houses of the Legislatures of such States, it shall be lawful for Parliament, to pass, after reporting that matter accordingly, and any Act so passed shall apply to each of the States, by which it is adopted afterwards by resolution, passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislatures of such States.

15. (1) Any Act so passed by Parliament may be amended or repulsed by an Act of Parliament passed or adopted in that State or in any other State, in the same manner as if it were an Act of Parliament passed or adopted in that State.

25. Without prejudice to anything in the foregoing provisions of this Chapter, 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境内 or any decision made by any international conference, association, or other body.

25A.—If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament, such provision may be, on the recommendation of the President upon an address from the Legislature of such State, or as the case may be, the existing law, shall, forthwith and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

26. If a law made by the Legislature of any State specified in Part A or Part B of the First Schedule with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provision of any other law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been referred to the consideration of the President, and has received his assent, prevail in that State:

Provided that nothing in the clause shall prevent Parliament from enacting any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

27. An Act of Parliament or of the Legislature of a State specified in Part A or Part B of the First Schedule, and no provision in any such Act shall be voided by reason only that such recommendation or previous sanction required by the Constitution was not given, if accorded to that Act was given—
(1) when the recommendation required was that of the Governor, either by the Governor or by the President:
(2) when the recommendation required was that of the Governor, either by the Governor or by the President:
(3) when the recommendation or previous sanction required was that of the President by the President:
Chapter 11. Administrative Relations

General

256. The execution of every State shall be so exercised as to
ensure compliance with the laws made by Parliament and any existing
decrees or rules applicable in that State, and the executive power of the Union
shall extend to the giving of such directions to a State as may appear to the
Government of India to be necessary for that purpose.

257. The executive power of every State shall be so exercised as
not to impede or prejudice the exercise of the executive power of the Union,
and the executive power of the Union shall extend to the giving of such
directions to a State as may appear to the Government of India to be
necessary for that purpose.

The executive power of the Union shall extend to the
giving of directions to a State as to the construction and maintenance of
means of communication declared by the Governor to be national or
military importance.

Provided that nothing in this clause shall be taken as restricting
the power of Parliament to declare highways or waterways to be national
highways or national waterways or the power of the Union with respect
to the highways or waterways so declared or the power of the Union to
control and maintain means of communication as part of its functions
with respect to road, railway, and air force works.

The executive power of the Union shall extend to the
giving of directions to a State as to the measures to be taken for the protection
of the railways within the State.

Where on carrying out any direction given to a State under
clause (2) as to the construction or maintenance of any means of communica-
tion or waterways (3) as to the measures to be taken for the protection of any
railway, costs have been incurred in excess of those which would have been
incurred in the discharge of the normal duties of the State and such direction
had not been given, there shall be paid by the Government of India
to the State such sum as may be agreed, or in default of agreement, as
may be determined by an arbitrator appointed by the Chief Justice of
258. (1) Notwithstanding anything in this Constitution, the President may, with the consent of the Government of India, ratify any treaty, convention, or agreement to which the executive power of the Union extends.

(2) A law made by Parliament which applies to any State may, notwithstanding that it relates to a matter with respect to which the Legislature of the State has no power to make laws, confer powers and impose duties, or authorise the conferring of powers and the imposition of duties, upon the State or officers and authorities thereof.

(3) Where by virtue of this article powers and duties have been conferred or imposed upon a State or officers or authorities thereof, there shall be paid by the Government of India to the State such sums as may be agreed on, or in default of agreement, as may be determined by an arbitratorappointed by the Chief Justice of India, in respect of any tax or fees of administration incurred by the State in connection with the exercise of these powers and duties.

259. Notwithstanding anything in this Constitution, a State specified in Part III of the First Schedule, having any Armed Forces immediately before the commencement of this Constitution may, until such time as the President may from time to time so determine, continue to maintain the said Armed Forces, subject to such general or special orders as the President may from time to time give in that behalf.

260. Any such Armed Forces as are referred to in clause (9) shall form part of the Armed Forces of the Union.

261. The Government of India may, by agreement with the Government of any territory not being part of the territory of India, undertake any executive, legislative or judicial functions vested in the Government of each such territory, but every such agreement shall be subject to, and governed by, any law relating to the exercise of foreign jurisdiction for the time being in force.

262. Such faith and credit shall be given throughout the territory of India to franked acts, receipts and judicial proceedings of the Union and of every State.
(3) The manner in which the said Federal Court, or the Federal Court and the High Courts, as the case may be, shall be held, and the said Federal Court, or the Federal Court and the High Courts, as the case may be, shall hear and determine the said appeal, shall be as provided by law made by Parliament.

(4) Any appeal against any final judgment or order delivered or passed by any court or tribunal in any part of the territory of India shall be capable of revision anywhere within that territory according to law.

Disputes relating to Waters

262. [Clause 262.1 added by the 75th Amendment Act, 2001.]

Disputes relating to Waters

262.1. Parliament may by law provide for the adjudication of any dispute or conflict of interest between the use, distribution or control of the waters of or in any inter-State river or river valley.

(1) Without prejudice to anything in the Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or conflict as is referred to in clause (1).

Co-ordination between States

263. It shall be lawful for the President, if at any time it appears to the President that the public interest would be served by the establishment of a Council charged with the duty of-

(a) assuming and discharging where disputes arise between States,
(b) regulating and determining 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 where any such subject exists, in particular recommendations for the better co-ordination of fishing and navigation, 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 organization and procedure.
Part XII
Finance, Property, Contracts and Liens
Chapter 1—Finance
General

264. In this Part, unless the context otherwise requires—
(a) "Finance Commission" means a Finance Commission constituted under article 264;
(b) "States" do not include a State specified in Part C of the First Schedule;
(c) reference to States specified in Part C of the First Schedule shall include reference to any territory specified in Part D of the First Schedule and any other territory comprised within the territory of India but not specified in that Schedule.

265. No law shall be made or estimated raised by authority of law.

266. 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 raised by the Government of India, all laws raised by that Government by the issue of treasury bills, loans or ways and means advances and all money raised by that Government in employment of these bills from one consolidated fund to be included in the Consolidated Fund of India, and all revenues raised by the Government of a State, all laws raised by that Government by the issue of treasury bills, loans or ways and means advances and all money raised by that State.
Government, in repayment of loans, shall form a consolidated fund to be called the Consolidated Fund of the State.

(2) All other public moneys raised 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) All moneys out of the Consolidated Fund of India or the Consolidated Fund of a State shall be appropriated only in accordance with law and for the purposes and in the manner provided in this Constitution.

167. Parliament may by law establish a Contingency Fund in the nature of an account to be called 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 purpose of meeting unforeseen expenditure not authorized by such expenditure by Parliament by law under Article 115 or Article 116.

168. The Legislature of a State may by law establish a Contingency Fund in the nature of an account to be called 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 or the Lieutenant Governor of the State to enable advances to be made by him out of such Fund for the purpose of meeting unforeseen expenditure not authorized by such expenditure by the Legislature of the State by law under Article 213 or Article 214.

Distribution of Revenue between the Union and the State

168A. Such sums, duties and such duties of revenue on landed and held properties as are mentioned in the Union List shall be levied by the Government of India, and shall be collected—

(a) in the case where such duties are leviable within any State, specified in Part B of the First Schedule by the Government of India, and

(b) in all other cases, by the State within which such duties are leviable.
279. In the financial year of any such tax or duty leviable in any State, the proceeds thereof shall be distributed between the Union and the States in the manner provided in clause (a), namely—

(a) out of the proceeds of any such tax or duty leviable—

(i) on goods or passengers carried by railway, sea or air;

(ii) on sale by auction or otherwise of goods at retail or wholesale;

(iii) on sale by auction or otherwise of goods at retail or wholesale and at public auctions;

(iv) on the sale or purchase of immovable and movable property.

(b) The net proceeds of any financial year of any such tax or duty leviable—

(i) on goods or passengers carried by railway, sea or air;

(ii) on sale by auction or otherwise of goods at retail or wholesale;

(iii) on sale by auction or otherwise of goods at retail or wholesale and at public auctions;

(iv) on the sale or purchase of immovable and movable property.

280. In the financial year of any such tax or duty leviable in any State, the proceeds thereof shall be distributed between the Union and the States in the manner provided in clause (a), namely—

(a) out of the proceeds of any such tax or duty leviable—

(i) on goods or passengers carried by railway, sea or air;

(ii) on sale by auction or otherwise of goods at retail or wholesale;

(iii) on sale by auction or otherwise of goods at retail or wholesale and at public auctions;

(iv) on the sale or purchase of immovable and movable property.

(b) The net proceeds of any financial year of any such tax or duty leviable—

(i) on goods or passengers carried by railway, sea or air;

(ii) on sale by auction or otherwise of goods at retail or wholesale;

(iii) on sale by auction or otherwise of goods at retail or wholesale and at public auctions;

(iv) on the sale or purchase of immovable and movable property.

281. In the financial year of any such tax or duty leviable in any State, the proceeds thereof shall be distributed between the Union and the States in the manner provided in clause (a), namely—

(a) out of the proceeds of any such tax or duty leviable—

(i) on goods or passengers carried by railway, sea or air;

(ii) on sale by auction or otherwise of goods at retail or wholesale;

(iii) on sale by auction or otherwise of goods at retail or wholesale and at public auctions;

(iv) on the sale or purchase of immovable and movable property.

(b) The net proceeds of any financial year of any such tax or duty leviable—

(i) on goods or passengers carried by railway, sea or air;

(ii) on sale by auction or otherwise of goods at retail or wholesale;

(iii) on sale by auction or otherwise of goods at retail or wholesale and at public auctions;

(iv) on the sale or purchase of immovable and movable property.

282. In the financial year of any such tax or duty leviable in any State, the proceeds thereof shall be distributed between the Union and the States in the manner provided in clause (a), namely—

(a) out of the proceeds of any such tax or duty leviable—

(i) on goods or passengers carried by railway, sea or air;

(ii) on sale by auction or otherwise of goods at retail or wholesale;

(iii) on sale by auction or otherwise of goods at retail or wholesale and at public auctions;

(iv) on the sale or purchase of immovable and movable property.

(b) The net proceeds of any financial year of any such tax or duty leviable—

(i) on goods or passengers carried by railway, sea or air;

(ii) on sale by auction or otherwise of goods at retail or wholesale;

(iii) on sale by auction or otherwise of goods at retail or wholesale and at public auctions;

(iv) on the sale or purchase of immovable and movable property.
For the purposes of clause (2), an States in any financial year — such percentage as may be prescribed of so much of the net proceeds of duties on excise as in any financial year shall be deemed to represent proceeds attributable to States specified in Part IV of the First Schedule.

(4) In this sub-clause —
(a) the term "excise" does not include a corporation tax;
(b) "prescribed" means —
(i) until an Income Tax Commission has been constituted, prescribed by the President, by order, and
(ii) after such Income Tax Commission has been constituted, prescribed by the President, by order after considering the recommendations of such Commission.
(c) State expenses include all expenses and pensions paid out of the Consolidated Fund of India on respect of which income-tax is chargeable.

27.1. Notwithstanding anything contained in sub-clauses 27.2 and 27.3, Parliament may at any time increase, reduce or alter any of the duties or taxes referred to in this sub-clause by a statement for the purpose of the House and the whole proceeds of any such increase shall be paid into the Consolidated Fund of India.

27.2. Yields of excise other than such duties of excise in internal and light industries as are mentioned in the Union List shall be treated and distributed by the Government of India, but if Parliament by law so provides, they shall be paid into the Consolidated Fund of India to the States to which the law referring the duty extends, entirely or partly or any part of the net proceeds of such duties, and thereout shall be distributed among the States, in accordance with such principles of distribution as may be formulated by such law.

27.3. There shall be charged on the Consolidated Fund of India in each year out of the revenues of the States of Assam, Bihar, Orissa and West Bengal, in lieu of any demand of any State of the net proceeds in each year of export duty on jute and jute products to those States, such sums as may be prescribed.

The same as aforesaid shall continue to be charged on the
Consolidated Fund of India, so long as any such duty or tax or duty or cess or tax or duty or cess on which States are entitled, or which varies in the meaning of the expression "agricultural income" as defined for the purpose of the provisions relating to Indian income tax, or which affects the provisions on which under any of the foregoing provisions of the Eighth Schedule money so or may be distributable to States which come to any such variation for the purpose of the Union as is mentioned in the foregoing provisions of the Eighth Schedule, shall be introduced or moved in either House of Parliament except on the recommendation of the President.

272. (1) No Bill or amendment which imposes or varies any tax or duty on which States are entitled, or which varies in the meaning of the expression "agricultural income" as defined for the purpose of the provisions relating to Indian income tax, or which affects the provisions on which under any of the foregoing provisions of the Eighth Schedule money so or may be distributable to States which come to any such variation for the purpose of the Union as is mentioned in the foregoing provisions of the Eighth Schedule, shall be introduced or moved in either House of Parliament except on the recommendation of the President.

273. (1) No Bill or amendment which imposes or varies any tax or duty on which States are entitled, or which varies in the meaning of the expression "agricultural income" as defined for the purpose of the provisions relating to Indian income tax, or which affects the provisions on which under any of the foregoing provisions of the Eighth Schedule money so or may be distributable to States which come to any such variation for the purpose of the Union as is mentioned in the foregoing provisions of the Eighth Schedule, shall be introduced or moved in either House of Parliament except on the recommendation of the President.

274. (1) No Bill or amendment which imposes or varies any tax or duty on which States are entitled, or which varies in the meaning of the expression "agricultural income" as defined for the purpose of the provisions relating to Indian income tax, or which affects the provisions on which under any of the foregoing provisions of the Eighth Schedule money so or may be distributable to States which come to any such variation for the purpose of the Union as is mentioned in the foregoing provisions of the Eighth Schedule, shall be introduced or moved in either House of Parliament except on the recommendation of the President.

275. (1) No Bill or amendment which imposes or varies any tax or duty on which States are entitled, or which varies in the meaning of the expression "agricultural income" as defined for the purpose of the provisions relating to Indian income tax, or which affects the provisions on which under any of the foregoing provisions of the Eighth Schedule money so or may be distributable to States which come to any such variation for the purpose of the Union as is mentioned in the foregoing provisions of the Eighth Schedule, shall be introduced or moved in either House of Parliament except on the recommendation of the President.

276. (1) No Bill or amendment which imposes or varies any tax or duty on which States are entitled, or which varies in the meaning of the expression "agricultural income" as defined for the purpose of the provisions relating to Indian income tax, or which affects the provisions on which under any of the foregoing provisions of the Eighth Schedule money so or may be distributable to States which come to any such variation for the purpose of the Union as is mentioned in the foregoing provisions of the Eighth Schedule, shall be introduced or moved in either House of Parliament except on the recommendation of the President.
...
62. The power of the Legislature of a State to make law in reference to the laws made by any local authority or body for the purpose of the State, municipality, district or other local area may, notwithstanding that such laws, duties, taxes or fees are included in the Union List, continue to be levied and to be applied to the same purpose, subject to the conditions made by Parliament by law.

67. Any laws, duties, taxes or fees which, immediately before the commencement of the Constitution, were being carefully levied by the Government of a State or by any municipality or other local authority or body for the purpose of the State, municipality, district or other local area may, notwithstanding that such laws, duties, taxes or fees are included in the Union List, continue to be levied and to be applied to the same purpose, subject to the conditions made by Parliament by law.

68. (1) Notwithstanding anything in the Constitution, the Government of India may, subject to the provisions of clause (2), enter into an agreement with the Government of a State specified in Part B of the First Schedule with respect to—

(a) the levy and collection of any tax or duty levied by the Government of India in such State and for the distribution of the proceeds thereof otherwise than in accordance with the provisions of this Chapter;

(b) the grant of any financial assistance by the Government of India to such State in consequence of the loss of any revenue which that State would have derived from any tax or duty leviable under the Constitution by the Government of India or from any other source;

(c) the contribution by such State in respect of any payment made by the Government of India under clause (a) of sub-section (2), and, when an agreement is so entered into, the provisions of this Chapter shall in relation to such State have effect subject to the terms of such agreements.

(2) An agreement entered into under clause (1) shall continue in force for a period not exceeding ten years from the commencement of the Constitution.

Provided that the President may at any time after the expiration of five years from such commencement terminate or modify any such agreement.
of the consideration of the report of the Finance Commission he thinks it necessary to do so.

1773. In the following provisions of this Chapter, net proceeds mean in relation to any tax or duty the proceeds thereof reduced by the cost of collection, and for the purpose of these provisions the net proceeds of any tax or duty, or of any part of any tax or duty, as or applicable to any such tax or duty be ascertained and certified by the Comptroller and Auditor General of India, when certificate shall be final.

1774. Subject as aforesaid, and to any other express provision of this Chapter, a tax made by Parliament or by order of the President may, in any case where under this Part the proceeds of any duty or tax are or may be assigned to any State, proceed for the manner in which the proceeds are to be calculated, for the time from or at which and the manner in which any assessments are to be made, for the making of adjustments between one financial year and another, and for any other incidental or ancillary matter.

1775. The President shall within one year from the commencement of the 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 as by the President.

1776. 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.

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, assigned between them under this Chapter and the distribution between the States of the respective shares of such proceeds;

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

(c) the continuance, or modification, of the terms of any agreement entered into by the Government of India with the Government of

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of any State described in Part II of the First Schedule under clause 15 of article 278 or under articles 306 and 307, and
do any other matter referred to the Commission by the President,
in the interests of sound finance.
On the Commission shall determine the procedure and shall have
such powers in the performance of their functions as Parliament may by law
conferr 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 therein, to be laid before each House of
India:
Miscellaneous Financial Provisions
282 The States 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 law.
283 (1) The custody of the Consolidated Fund of India and the Contingency
Fund of India, the payment of money into such Funds, the withdrawal
of money therefrom, the custody of public money other than that credited to
such Funds received by or on behalf of the Government of India, the payment
into or withdrawal from such accounts and the withdrawal of money from
such account, and all other matters connected with or ancillary to
money received shall be regulated by law made by Parliament, and, until provision
in that behalf is so made, shall be regulated by rules made by the President.
(2) The custody of the Consolidated Fund of a State and the Contingency
Fund of a State, the payment of money into such Funds, the withdrawal
of money therefrom, the custody of public money other than that credited to
such Funds received by or on behalf of the Government of the State, the payment
into the funds account of the State and the withdrawal of money from such account,
and all other matters connected with or ancillary to matters aforesaid, shall be
regulated by law made by the Legislature of the State, and, until provision in
that behalf is so made, shall be regulated by rules made by the Governor or
Regimental of the State.
284 All money received by or deposited with—
sections received by
public account and
must
shall be paid into the public account of India or the public account of the State, as the case may be.

86. (1) No property of the Union shall, save as so far as Parliament may by law otherwise provide, be exempt from all laws imposed by a State or its authority within a State.

(2) Nothing in subsection (1) shall, save as Parliament by law otherwise provides, prevent any authority within a State from imposing any law or any property of the Union to which such property was immediately before the commencement of this Constitution liable or limited as land, so long as that tax continues to be levied on that land.

87. (1) A tax of a State shall impose, or authorize the imposition of, a tax, on the sale or purchase of goods where such sale or purchase takes place—

(a) outside the State; or

(b) in the course of the import of the goods into, or export of the goods out of, the territory of India.

Explanation—In the purchase or sale of goods, a tax or purchase tax shall be deemed to have been paid where the goods have actually been delivered as a result of such sale or purchase for the purpose of consumption in that State, notwithstanding that such sale or purchase of goods, the property in the goods has by reason of such sale or purchase passed into another State.

(2) Except as so far as Parliament may, by law otherwise provide, no tax of a State shall impose, or authorize the imposition of a tax on such sale or purchase of any goods where such sale or purchase takes place in the course of sale or purchase of goods which are being legally traded by the Government of any State immediately before the commencement of this Constitution, or:

Preceded by the President, may, by order direct, that any tax on the sale or purchase of goods which are being legally traded by the Government of any State immediately before the commencement of this Constitution, or...
notwithstanding that the imposition of such tax is contrary to the provisions of this clause, continue to be levied until the thirty-first day of March, 1927.

20. No law made by the Legislature of a State imposing or authorizing the imposition of a tax on the sale or purchase of any such goods as have been designated by Parliament by law to be essential for the life of the community shall have effect unless it has been reserved for the consideration of the President and has received his assent.

287. Save so far as Parliament may by law otherwise provide, no law of a State shall impose, or authorize the imposition of, a tax on the consumption or sale of electricity (whether produced by a Government or other person) which is—

(a) consumed by the Government of India, or sold to the Government of India, for consumption by that Government, or
(b) consumed in the construction, maintenance or operation of any railway by the Government of India or any railway company operating such railway, or sold to that Government or any such railway company for consumption in the construction, maintenance or operation of such railway, and any such tax imposing, or authorizing the imposition of, a tax on the sale of electricity shall ensure that the price of electricity sold to the Government of India for consumption by that Government, or to any such railway company as referred to in clause (b), be less by the amount of the tax than the price charged to other consumers of a substantial quantity of electricity.

288. Save so far as the President may by order otherwise provide, no law of a State in force immediately before the commencement of this Constitution shall impose, or authorize the imposition of, a tax in respect of any water or electricity stored, generated, consumed, distributed or sold by any local authority established by any existing law or any law made by Parliament for regulating or developing any inter-States river or river-valley.

Explanatory—The expression tax of a State in force in this clause shall include a tax of a State in force before the commencement of this Constitution and not previously revoked, notwithstanding that it or parts of it may not be then in operation either in all or in particular areas.
13. The Legislature of a State may by law empower or authorize the imposition of any such tax as is mentioned in clause (1), but no such law shall have any effect unless it has, after having been reserved for the consideration of the President, received his assent, and, if any such law provides for the fixation of the rate and other incidents of such tax by means of rules or orders to be made under the law by any authority, the law shall provide for the previous concurrence of the President being obtained in the making of any such rules or orders.

13A. The property and income of a State shall be exempt from Union taxation.

13B. Nothing in clause 13 shall prevent the Legislature of any State from imposing an excise or local tax on any article or thing produced, manufactured, or used in the State, or from prescribing any reasonable regulations for the purpose of such production or manufacture or use, or from imposing or allowing any excise or other tax on any manufacture or article to be produced, manufactured, or used in the State.

13C. Nothing in clause 13 shall apply to any article or thing produced, manufactured, or used in any place to which the ordinary functions of government shall be exercised.

23. Where under the provisions of this Constitution the revenue of any State is assessed under the head of the Union or a State, it shall be paid into the Consolidated Fund of India or the Consolidated Fund of a State, as the case may be, and be distributed among the States and the Union in accordance with the provisions of this Constitution.

24. Where under the provisions of this Constitution the revenue of any State is assessed under the head of the Union or a State, it shall be paid into the Consolidated Fund of India or the Consolidated Fund of a State, and be distributed among the States and the Union in accordance with the provisions of this Constitution.

25. Where under the provisions of this Constitution the revenue of any State is assessed under the head of the Union or a State, it shall be paid into the Consolidated Fund of India or the Consolidated Fund of a State, and be distributed among the States and the Union in accordance with the provisions of this Constitution.
Chapter III. Property, Contracts, Rights, Liabilities, Obligations and States

294. As from the commencement of this Constitution—

(a) all property and assets which immediately before such commencement were vested in Her Majesty for the purposes of the Government of the Dominion of India and all property and assets which immediately before such commencement were vested in Her Majesty for the purposes of the Government of each Governor-General, shall vest respectively in the Union and the corresponding State,

and

(b) all rights, liabilities and obligations of the Government of the Dominion of India and of the Government of each Governor-General, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations respectively of the Government of India and the Government of each corresponding State,

subject to any adjustment, made or to be made by reason of the creation before the commencement of the Constitution of the Dominion of Pakistan or of the Province of West Bengal, East Bengal, West Bengal and East Bengal.

295. As from the commencement of the Constitution—

(a) all property and assets which immediately before such commencement were vested in any Indian State corresponding to a State specified in Part B of the First Schedule.
shall vest in the Union of the provinces for which such property
and rights were held immediately before such commencement
shall, subject to any agreement made in that behalf by the Government of India with the Government of that State,
incorporate any State specified in Part III of the First Schedule shall, as from the commencement of this
Constitution, be the successor of the Government of the corresponding Indian
State in respect of property and rights and all rights, liabilities and obligations, whether arising out of any contract or otherwise, other than those referred to in clauses (i), (ii), (iii).
234. Subject to the provisions hereby made, any property in the territories of
India which, at the date when this Constitution came into force, would have vested in the
property and rights or the successor of the Government of an Indian State shall, subject to the provisions of this Article, be vested in the Union.

Explanation.—In this article, the expressions "State" and "Indian State" have the same meanings as in Article 363.
287. All lands, minerals and other things of value underlying the same within the territorial waters of India shall rest in the Union, and be held for the benefit of the Union.

288. The executive power of the Union and of each State shall extend, subject to any law made by the appropriate Legislature or the grant, sale, disposition or mortgage of any property held for the benefit of the Union or of such State, as the case may be, and to the purchase acquisition of property for these purposes respectively, and to the making of contracts:

(i) All property acquired for the benefit of the Union or a State shall rest in the Union or in such State, as the case may be.

(ii) All contracts made on the exercise of the executive power of the Union or of a State shall be express to be made by the President or by the Governor or the Deputy-Governor of the State, as the case may be, and all such contracts and all assurances of property made on the exercise of that power shall be executed on behalf of the President or the Governor or the Deputy-Governor by such person and in such manner as he may direct or authorize.

(iii) Neither the President nor the Governor nor the Deputy-Governor shall be personally liable on respect of any contract or assurance made or executed for the benefit of the Constitution, or for the purpose of any enactment relating to the Territory of India before its forms, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable on respect thereof.

300. The Government of India may be sued by the name of the President of India and the Government of a State may be sued by the name of the Governor of State subject to any provision which may be made by Act of Parliament or by the Legislature of such State enacted by virtue of power conferred by this Constitution, or be sued in relation to, any proceeding arising in the like case as the Dominion of India and the corresponding Province or the corresponding Indian States might have sued or been sued in the Convention between the Convention had not been executed.

(i) At the commencement of the Constitution—

301. If at the commencement of the Constitution—

302. If the Union of India is a family, the Union of India shall be deemed to be substituted for the Dominion in their proceedings.
A page from a illuminated manuscript with an ornate border and an illustration on the right side. The text is partially visible, with some words and phrases cut off or obscured by the frame. Due to the nature of the image, a natural text representation cannot be accurately transcribed.
to enforce such reasonable restrictions on the freedom of trade, commerce or intercourse with or within that State or may be required in the public interest:

Provided that no Bill or amendment for the purpose of which it shall be introduced or moved in the Legislature of a State without the previous sanction of the President.

305. Allowing an article 303 and 303 shall affect the operation of any existing law except in so far as the President may by order otherwise provide.

306. Authorising anything in the foregoing provisions of this Part or any other provision of this Constitution, any State shall, on Part XII of the First Schedule, which before the commencement of this Constitution underlying any law or duty on the import of goods into the State from other States or on the export of goods from the State to other States, if by an agreement on that behalf has been entered into between the Government of India and the Government of that State, continue to levy and collect such tax or duty subject to the terms of such agreement and for such period not exceeding ten years from the commencement of this Constitution as may be specified in the agreement.

Provided that the President may at any time after the expiration of five years from such commencement terminate or modify any such agreement if, after consideration of the report of the Finance Commission constituted under article 280, he thinks it necessary to do so.

307. President may by law empower such authority as he may deem appropriate for enforcing the restrictions of articles 303, 362, 363 and 319, and confer on the authority so empowered such powers and such duties as it thinks necessary.
Part XV

Schedules to the Union and the States

Chapter I. Service

368. In the Part, unless the context otherwise requires, the expression "State" means a State specified in Part I or Part II of the First Schedule.

369. Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State.

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor or Governor-General of a State or such person as he may direct, in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service, of persons appointed to such services and posts, and provision in that behalf is made by or under any Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

370. As far as is reasonably practicable by the Constitution, every person who is a member of a defence service or of a civil service of the Union or of an all-India service or holds any post connected with defence or any civil post under the Union held office during the tenures of the President, and every person who is a member of a civil service of a State or holds any civil post under a State held office during the tenures of the Governor or, as the case may be, the Governor-General of the State.
(2) Notwithstanding that a person holding a civil post under the Union or a State holds office during the pleasure of the President or, in the case may be, of the Governor or Governor-in-Chief of the State, any contract under which a person, not being a member of a defence service or of an all-India service or of a civil service of the Union or a State, is appointed under this Constitution to hold such a post, may, if the President or the Governor or the Governor-in-Chief, as the case may be, deems it necessary in order to secure the service of such a person, be varied or terminated in any manner or in any way, and if before the expiration of an agreed period such post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post—

31. No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

32. No civil servant shall be dismissed or removed or reduced in rank unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in respect to him.

Provided that this clause shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge;

(b) where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be stated by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause;

or

(c) where the President or Governor or Governor-in-Chief, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity.

33. If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under clause (3), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.
All India service

Art. 71. Subject to anything in Part XI of the Constitution, the Central Government may, 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, by law provide for the creation of one or more all India services 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.

Art. 72. The services known at the commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this Article.

Art. 73. All other services are to be and shall be provided for by law and shall be deemed to be services created by Parliament under this Article.

Art. 74. Except as otherwise expressly provided by the Constitution, every person who has been appointed by the Governor-General in Council to a civil service of the Union is to continue in such office after the commencement of this Constitution, and if a person is in such service and is appointed by the Governor-General in Council to a similar service under the Government of India or of a State, the person shall be deemed to continue in such service, and the same rules as to tenure of office, superannuation, leave, and pension, and the same rights as to discipline and control in matters of discipline and control as are in force on the commencement of this Constitution shall continue to apply to such person.

Chapter II. Public Service Commissions

Art. 75. 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.

Art. 76. No or more States may agree that there shall be one Public Service Commission for all or any of the States, and if so agreed to that effect is passed by the House or Houses in each State, by each House of the Legislature, or by the Legislature, as the case may be, Parliament may by law provide for the
appended to each State Public Service Commission (formerly known as Joint Commission) to serve the needs of their State.

20. Any such law so framed may enable such incidental, mere, consequential provisions as may be necessary or desirable for giving effect to the purpose of the law.

21. The Public Service Commission for the Union of England and Wales by the Governor or Deputy-Governor of a State, may, with the approval of the President, agree to serve all or any of the needs of the State.

22. Reference to the Candidates to the Union Public Service Commission or a State Public Service Commission, should, under the worst circumstances, be construed as reference to the Commission among the needs of the Union or, as the case may be, the State as regards the particular matter in question.

36. The Governor 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 a State Commission, by the Governor or Deputy-Governor of the State.

Provided that so nearly as may be one-half of the members of any Public Service Commission shall be persons who at the date of their appointment have held office for at least ten years either under the Government of India or under the Government of a Provincial or conferring this, any period of ten years any period before the commencement of the Constitution during which a person has held office under the Government of India or under the Government of an Indian State shall be included.

23. A member of a Public Service Commission shall hold office for a term of one year from the date he takes upon his office or until his death in the case of the Union Commission, the age of sixty-five years, and in the case of a State Commission, the age of sixty years, whichever is earlier.

Provided that:

1. a member of a Public Service Commission may, by writing under his hand addressed in the case of the Union Commission or a Joint Commission, to the President, and in the case of a State Commission, to the Governor or Deputy-Governor of
the State resign his office; as a member of a Public Service Commission may be removed from his office in the manner provided in clause 12 or clause 17.

17. A person who holds office as a member of a Public Service Commission shall, on the expiration of his term of office, be ineligible for reappointment to that office.

18. Subject to the provisions of clause 17, the Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President, on the ground of misconduct after the Supreme Court, on reference being made to it, by the President, has, on inquiry held in accordance with the provisions inserted in that behalf under clause 14, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.

19. The President, in the case of the Union Commission or a State Commission, and the Governor, in the case of a State Commission, may suspend from office the Chairman or any other member of the Commission in respect of whose reference has been made to the Supreme Court under clause 17 until the President has passed orders on receipt of the report of the Supreme Court on such reference.

20. Notwithstanding anything in clause 18, the President may by order remove from office the Chairman or any other member of a Public Service Commission if the Chairman or such other member, as the case may be—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

21. If the Chairman or any other member of a Public Service Commission is or becomes in any way concerned or interested in any contract or agreement made by, or on behalf of, the Government of India or the Government of a State or in the conduct of any business or of any way in the profit thereof or in any bought or indemnity arising therefrom otherwise than as a member and no concern with the other member of an incorporated company, he shall, for the purpose of clause 17, be deemed to be guilty of misconduct.
318. In the case of the Union Public Service Commission, the President, and in the case of a State Public Service Commission, the Governor or Lieutenant-Governor of the State may by regulation—

(a) determine the number of members of the Commission and their conditions of service; and

(b) make provision with respect to the number of members of the staff of the Commission and their conditions of service.

Provided that the conditions of service of a member of a Public Service Commission shall not be varied to his disadvantage after his appointment.

319. On ceasing to hold office—

(a) the Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government of a State;

(b) the Chairman of a State Public Service Commission shall be ineligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;

(c) a member other than the Chairman of the Union Public Service Commission shall be ineligible for appointment as the Chairman of the Union Public Service Commission or as the Chairman of a State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;

(d) a member other than the Chairman of a State Public Service Commission shall be ineligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of that State or any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State.

320. 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 service of the State respectively.

17. It shall also be the duty of the State Public Service Commissions, of

regarded by any law or rule, to be made, to assist the State in formulating and

adapting schemes of public service for any service for which candidates

having special qualifications are required.

18. The State Public Service Commissions, or the State Public Service Com-

mission, as the case may be, shall be consulted—

on all matters relating to methods of recruitment and service and

for civil posts:

on the principles to be followed in making appointments to civil

service and posts and in making transfers and transfers

between service and another and on the suitability of candidates

for such appointments, promotions or transfers,

on all disciplinary matters affecting a person serving under the

Government of India or the Government of a Part or a

civil capacity, including matters of discipline relating to

such matters;

on any claim by or on behalf of a person who is serving or has

served under the Government of India or the Government

of a Part of the Crown in India or under the Govern-

ment of an Indian State, in a civil capacity, that any cost

incurred by him in defending legal proceedings and losses

against him in respect of such done or performed to be done

in the execution of the duty shall be paid out of the Con-

solidated Fund of India, or in the case may be, out of the

Consolidated Fund of the State;

on any claim for the cost of a person in respect of inquiries

made on his behalf under the Government

of India or the Government of a Part or under the Crown

in India or under the Government of an Indian State,

in a civil capacity, and any question as to the amount

of any such cost;

and it shall be the duty of a Public Service Commission to advise on any matter

as referred to them and on any other matter which the President, or as tho-
case may be, the Governor or Ropharnamh of the State may refer to them.

Provided that the President as regards the all-India service and also as

refers other services and posts in connection with the affairs of the Union, and the

Governor or Ropharnamh, as the case may be, as regards other services and posts

in connection with the affairs of a State, may make regulations specifying the matters

in which, generally or in any particular class of cases or in any particular cir-

cumstances, it shall not be necessary for the Public Service Commission to be consulted.

Nothing in clause (v) shall require a Public Service Commission to consider

arbitrations in which any opinion referred to in clause (v) may be made or as regards the manner in which effect may be given to the

provisions of article 335.

320. All regulations made under the powers to clauses (i) (v) the President

or the Governor or Ropharnamh of a State shall be laid for not less than fourteen
days before each House of Parliament or the House or each House of the Legis-
lature of the State, as the case may be, as soon as possible after they are made,
and shall be subject to such modifications, whether by way of rejection or amendment,
as both House of Parliament of the House of both Houses of the Legislature
of the State may make during the session in which they are laid.

321. An Act made by Parliament or, as the case may be, the Legislature

of a State may provide for the exercise of additional functions by the Union

Public Service Commission or the State Public Service Commission as regards the

services of the Union or the State; and also as regards the services of any local

corporation or other body corporation constituted by law or by any public institution.

322. The services of the Union or a State Public Service Commission,

including any services, advancement and pensions, payable to or on respect of the

members or staff of the Commission, shall be charged on the Consolidated Fund

of India or, as the case may be, the Consolidated Fund of the State.

323. (1) It shall be the duty of the Public Service Commission to present annually to the President a report as to the work done by the Commission and an account

of such report, the President shall cause a copy thereof together with a

memorandum explaining, as regards the income, if any, where the assets of the

Commission were not sufficient, the reasons for such non-acceptance to be laid

before each House of Parliament:

(2) It shall be the duty of a State Commission to present annually
to the Governor or Governor-in-Council of the State a report as to the work done by the Commission, and it shall be the duty of a Joint Commission to forward annually to the Governor or Governor-in-Council of each of the States the reports of which are served by the Joint Commission. A report as to the work done by the Commission in relation to that State, and in either case the Governor or Governor-in-Council, as the case may be, shall on receipt of such report, cause a copy thereof to be sent with a memorandum explaining, as far as the case of any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State.
Part xx

Sections

32A. The Superintendence, direction, and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislative Assembly of every State and of elections to the offices of Chief Minister and Vice-Chief Minister held under this Constitution, including the appointment of election officers for the direction of election and for the registration of returned candidates, and for the decision of disputes arising out of or in connection with elections to Parliament and to the Legislative Assembly in relation to the Chief Minister and other such officers shall be vested in a Commission (hereinafter in this Constitution called the Election Commission).

1. The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix, 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.

2. If the Chief Election Commissioner is appointed, the Chief Election Commissioner shall act as the Chairman of the Election Commission.

3. Before such general elections to the House of Representatives and to the Legislative Assembly of each State, and before the first general election and thereafter before such general election to the Legislative Council of each State, during such election, the President may, after consultation with the Election Commission or Regional Commission as he may consider necessary, appoint any person to assist the Election Commission in the performance of the functions conferred on the Commission by clause (1).
...conditions of service and tenure of office of the Indian Commissioners and the Regional Commissioners shall be such as the President may by order determine.

Provided that the Chief Indian Commissioner shall not be removed from his office except in the manner and on the like grounds as a judge of the Supreme Court and the conditions governing the Chief Indian Commissioner shall not be varied to his disadvantage after his appointment.

Provided further that any other Indian Commissioner or Regional Commissioner shall not be removed from his office except on the recommendation of the Chief Indian Commissioner.

(2) A President, or the Governor of a Province or the Governor of a State, shall, when so required by the Indian Commissioner, make available to the Indian Commissioner or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Indian Commissioner by clauses (1).

32. No shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for exclusion on any such roll or claim to be excluded on any special electoral roll for any such constituency on grounds only of religion, race, colour, sex or age of them.

33. The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage, that is to say, every person who is a citizen of India and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of race, colour, religion, place of birth, sex or age of them, shall be entitled to be registered as a voter at any such election.

34. Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the declaration of constituencies and all other matters necessary for carrying out the due constitution of such House or House.

35. Subject to the provisions of this Constitution and insofar as provision is made therein, election to any seat in Parliament, the Legislature of a State may...
from time to time by law make provision with respect to all matters relating to, or in connection with, the elections to the House or either House of the Legislature of the State including the preparation of electoral rolls and all other matters necessary for securing the due conduct of such House or Houses.

103. Referring anything to the Constitution as the validity of any law relating to the delimitation of constituencies or the establishment of such constituencies, made or purporting to be made under articles 327 or article 328, shall not be called in question on any account, or to either House of Parliament or to the House or either House of the Legislature of a State, shall be called in question except by an election petition presented to such authority and in such manner as may be prescribed by or under any law made by the appropriate Legislature.
Special Provisions relating to Certain Classes

330. Seats shall be reserved in the House of the People for:
(a) the Scheduled Castes,
(b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam, and
(c) the Scheduled Tribes in the autonomous districts of Assam.

331. The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clauses (a) and (b) hereof shall be as nearly as may be the same proportion to the total number of such seats in the House of the People in the State or States of the Scheduled Castes or the Scheduled Tribes as the number of such castes or tribes in the said State or States, is to the total population of the State.

332. Nothing herein contained shall prevent the President, having regard to (a) the proportion of the Scheduled Castes and the Scheduled Tribes to the total population of the State, and (b) the need to represent the views of the several communities, from dividing the seats so reserved between the State and the autonomous districts of the State.

333. Seats shall be reserved also for the autonomous districts in the Legislature of the State of Assam.

In number of seats reserved for the Scheduled Castes or the
Scheduled Tribes on the Legislative Assembly of any State under clauses 10, 11, 12, and 13, in so far as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Areas in the State or of the Scheduled Area in the State or part of the State, as the case may be, in respect of which such are so reserved, bears to the total population of the State.

10. The number of seats reserved for any autonomous district in the Legislative Assembly of the State of Assam shall be to the total number of seats in that Assembly in the proportion not less than the population of the district bears to the total population of the State.

11. The population for the said reserved for any autonomous district of Assam shall not comprise any area outside the scheduled except in the case of the constitution comprising the cantonment and municipality of Bhubaneswar.

12. No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that scheduled except from the constituency comprising the cantonment and municipality of Bhubaneswar.

33. Notwithstanding anything in article 161 of the Constitution or anything in this Part III, the State Government of a State may, if it so deems fit and proper that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate such number of members of the community to the Assembly as he considers appropriate.

34. Notwithstanding anything in the foregoing provisions of this Part, if the provision of the Constitution relating to—

(i) the reservation of seats for the Scheduled Castes and the Scheduled Tribes on the House of the People and in the Legislative Assembly of the State, and

(ii) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assembly of the State by nomination,

shall cease to have effect on the expiration of a period of ten years from the commencement of the Constitution,

 Provided that nothing in the said clause shall affect any representation in the House of the People or in the Legislative Assembly of the State until the dissolution of the then existing House or Assembly, as the case may be.
335. The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, concurrently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

336. (1) During the first ten years after the commencement of the Constitution, appointments of members of the Anglo-Indian community to posts in the ministry, customs, postal and telegraphic services of the Union shall be made on the same basis as immediately before the fifteenth day of August, 1947.

During every succeeding period of ten years, the number of posts reserved by the State Government for the members of the said community in the said services shall, as nearly as possible, be ten by ten per cent. of the number so reserved during the immediately preceding period of the same length:

Provided that at the end of ten years from the commencement of the Constitution all such reservations shall cease.

(2) Nothing in clause (1) shall bar the appointment of members of the Anglo-Indian community to posts other than, or in addition to, those reserved for the community under that clause, if such members are found qualified for appointment on merit as compared with the members of other communities.

337. During the first three financial years after the commencement of this Constitution, the same grants as any, shall be made by the Union and by each State, whichever is relevant, in respect of education as were made in the financial year ending on the thirty-first day of March, 1948:

During every succeeding period of three years the grants may be ten by ten per cent. more than those for the immediately preceding period of three years:

Provided that at the end of ten years from the commencement of the Constitution, laws shall be enacted to give effect to which they are a special provision. As for Anglo-Indian community shall cease:

Provided further that no educational institution shall be established to receive any grant under this article unless at least forty per cent. of the enrolment therein are made available to members of communities other than the Anglo-Indian community.

338. There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.
22. It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and report to the President when the working of these safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

23. In the whole, references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (3) of article 342, by order, specify and also to the Anglo-Indians community.

333. The President may at any time and shall at the expiration of ten years from the commencement of the Constitution by order appoint a Commission to report on the administration of the Scheduled Area and the affairs of the Scheduled Tribes in the State specified in Part A and Part B of the Schedule.

The order may define the composition, powers and provisions of the Commission and may assign such incidental or ancillary functions as the President may deem necessary or advisable.

32. The executive power of the Union shall extend to the making of directions to any such State as to the drawing up and execution of schemes specified in the direction to be carried out for the welfare of the Scheduled Tribes in the State.

340. The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of society 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 provisions to be followed by the Commission.

24. If a Commission so appointed shall investigate the matter referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.

25. The President shall cause a copy of the report so presented together
with a memorandum explaining the action taken therein to be laid before each House of Parliament.

Scheduled Code

341. The President may, after consultation with the Governor or Regent of a State, by public notification, specify the codes, races or tribes or part of or groups within codes, races or tribes which shall for the purpose of this Constitution be deemed to be Scheduled Codes in relation to that State.

(2) Parliament may, by law include in or exclude from the list of Scheduled Codes specified in a notification issued under clause (1) any code, race or tribe or part of or groups within any code, race or tribe, but such an amendment or notification issued under the said clause shall not be revised by any subsequent notification.

Scheduled Tribe

342. The President may, after consultation with the Governor or Regent of a State, by public notification, specify the tribes or tribal communities or castes or tribes or part of or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to that State.

(2) Parliament may, by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or groups within any tribe or tribal community, but such an amendment or notification issued under the said clause shall not be revised by any subsequent notification.
Part 10

Official Language
Chapter I - Language of the Union

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

(i) The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.

(ii) Preceding anything in clause (i), for a period of fifteen years from the commencement of the Constitution, the English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement.

Provided that the President may, during the said period, by order authorize the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.

(iii) After five years from the aforesaid period, the President may by law provide for the use, after the said period of fifteen years, of -

(a) the English language, or

(b) the Devanagari form of numerals,

for such purposes as may be specified in the law.

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 Chairman and such other members representing the different languages specified in the
Eighth Schedule to the Constitution, as the Constitution may enable, and the order shall define the procedure to be followed by the Commission.

62. It shall be the duty of the Commission to make recommendations to the President as to—

(a) the progression on the use of the Hindi language for the official purpose of the Union;

(b) the reduction 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 sub-clause (b);

(d) the form of numerals to be used for any one or more specified purposes of the Union;

(e) any other matter referred to the Commission by the President as regards the official language of the Union and the language for communication between the Union and a State or between one State and another and their own.

In making their recommendations under clause (b), the Commission shall have due regard to the industrial, cultural and scientific advancement of India and the past claims and the interests of persons belonging to the non-Hindi speaking areas as regards to the public service.

63. There shall be constituted a Committee consisting of thirty members of whom twenty-five shall be members of the House of the People and five shall be members of the House of the People to be elected respectively by the members of the House of the People and the members of the Houses of State in accordance with the system of proportional representation by means of the single transferable vote.

64. It shall be the duty of the Committee to examine the recommendations of the Commission constituted under clause (b) and to report to the President thereon thereupon.

65. Without prejudice to anything in article 348, the President may, after consideration of the report referred to in clause (b), exercise any power in accordance with the whole or any part of that report.

Chapter III—Regional Languages

345. Subject to the provisions of articles 346 and 347, the Legislature of a State
may by law enable any one or more of the languages in use in the State or States as the language or languages to be used for all or any of the official purposes of such State.

Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution.

346. The language for the time being authorised for use in the Union for official purposes shall be the official language for communication between the States and another State, and between States and the Union.

Provided that if two or more States agree that the Hindi language shall be the official language for communication between such States, that language may be used for such communication.

347. On a demand being made on that behalf, the President may, if he is satisfied that a substantial proportion of the population of a State desires the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purposes as he may specify.

Chapter IV—Language of the Supreme Court, High Courts, etc.

348. Notwithstanding anything in the foregoing provisions of the Part, until Parliament by law otherwise provides—

(a) all proceedings in the Supreme Court and in any High Court, or the High Courts, as the case may be, shall be in the English language.

(b) all Bills to be introduced or amended shall be read in either House of Parliament or in the House or houses of the Legislature of a State;

(c) all Acts passed by Parliament or the Legislature of any State and all amendments thereto made by the President or the Governor or Administrator of a State, and

(d) all orders, rules, regulations and by-laws made under the enactments shall be in the English language.
22. Notwithstanding anything in sub-clause (a) of clause (1), the Governor or Governor of a State may, with the previous consent of the President, authorize the use of the Hindi language, or any other language, and for any official purpose of the State, in preference to the English language, so far as it is prescribed and in that State.

Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court.

23. Notwithstanding anything in sub-clause (c) of clause (1), where the Legislature of a State has prescribed any language other than the English language for an Act, or an Act passed by, the Legislature of the State or any Ordinance, promulgated by the Governor or Governor of the State or in any order, rule, regulation, or by-law referred to in paragraph (b) of that sub-clause, a translation of the same in the English language published under the authority of the Governor or Governor of the State in the Official Gazette of that State shall be deemed to be the authentic text thereof in the English language under this article.

34. During the period of fifteen years from the commencement of this Constitution, in all cases of amendment, making provision for the language to be used for any of the purposes mentioned in clause (c) of article 342, shall be introduced or moved in either House of Parliament under the previous sanction of the President, and the President shall not give his sanction to the introduction of any such Bill or the moving of any such amendment except after he has taken into consideration the recommendations of the Commission constituted under clause (a) of article 344 and the report of the Committee constituted under clause (f) of that article.

Chapter V - Special Provisions

350. Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.

351. It shall be the duty of the Union to promote the spread of the Hindi language, to absorb it so that it may form a part of reference for all the elements of the composite culture of India and to ensure its soundly assimilating without interfering with its growth in its style and appearance used in...
Hindustani and in the other languages of India specified in the English Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily in Sanskrit and secondarily in other languages.
Part VII
Emergency Provisions

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 internal disturbance, he may by Proclamation, make a declaration to that effect.

(2) A Proclamation made under sub-section (1) —
(a) may be modified by a subsequent Proclamation;
(b) may be laid before each House of Parliament;
(c) shall cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolution of both Houses of Parliament:

Provided that if any such Proclamation is made at a time when the House of the People has been dissolved or the dissolution of the House of the People has taken place during the period of two months referred to in sub-clause (a), and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People met after its re-convening unless before the expiration of the said period of thirty days a resolution approving the Proclamation has been also passed by the House of the People.

(3) A Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external
as declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;

(1) if any such incidental and consequential provisions or powers so given to the President be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending the laws, or in fact, the operation of any provision of the Constitution relating to any body or authority on the State

Provided that nothing in this clause shall authorize the President to assume to himself any of the powers vested in or exercisable by a High Court, or to exercise in which or in fact, the operation of any provision of the Constitution relating to a High Court;

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

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

Provided that if any such Proclamation (not being a Proclamation regarding a previous Proclamation) is issued at a time when the House of the People is dissolved or the dissolution of the House of the People takes place during the period of six months referred to in this clause, and if a resolution approving the Proclamation has been passed by the Council of States, but no resolution, with respect to such Proclamation has been passed by the House of the People before the expiration of that period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution unless before the expiration of the said period thirty days a resolution approving the Proclamation has been also passed by the House of the People.

(4) A Proclamation so referred shall receive effect on the expiration of a period of one month from the date of the passing of the second of the resolutions approving the Proclamation under clause (3).

Provided that if and as often as a resolution approving the continuance in force of such a Proclamation is passed by each House of Parliament, the Proclamation
shall, under the circumstances remain in force for a further period of six months from the date on which the same ceased to operate, but no such Proclamation shall in any case remain in force for more than three years.

Provided further that if the dissolution of the House of the People takes place during any such period of six months and a resolution approving the continuance in force of such Proclamation has been passed by the Council of State, and no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution under before the expiration of the said period of thirty days and resolution approving the continuance in force of the Proclamation has been also passed by the House of the People.

38. (1) When a Proclamation issued under clause (2) of article 354, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be confirmed—
(2) so far Parliament is concerned, the powers of the Legislature of the State to make laws, and to punish the President to dissolve, except in such circumstances as the may think fit to impose, the powers so conferred to any other authority to be specified by him in that behalf,
(3) so far Parliament or for the President or for any other authority or any such power to make laws in the total voids under article (2) to make laws confining powers and conferring duties or conferring the suspending of laws and the imposition of orders, when the same is in force and authority thereof,
(4) so far the President or any authority when the House of the People is not an session, shall suspend the operation of such Proclamation by

(1) clauses (2) so far Parliament or the President or any other authority referred to in said clause (2) of article (2) which Parliament or the President or any other authority would not, but for the same, have been confirmed to make.
shall, in the event of the proclamation, cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as regards things done or omitted to be done before the expiration of the said period, under the proviso which shall, in case of the proclamation being repealed or re-enacted with or without modification by Act of the appropriate Legislature.

330. While a Proclamation of Emergency is in operation, nothing in either of the sections of this Part to which the President is referred in sections 329 or 331 shall limit the power of the President as defined in Part III to make any law or to take any executive action which the President would have been empowered to take in the event of the proclamation being repealed or re-enacted with or without modification by Act of the appropriate Legislature.

331. Where a Proclamation of Emergency is in operation, the President may by order direct that the right to move any court for the enforcement of such of the rights conferred by Part III as may be mentioned in the order, and all pending applications for such enforcement, shall remain suspended for the period during which the Proclamation is in force; or for such shorter period as may be specified in the order.

[Order made as aforesaid may extend to the whole or any part of the territory of India.]

[Every order made under clause (v) shall, as soon as may be after it is made, be laid before each House of Parliament.

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

(2) The powers of subsection (1) of article 360 shall apply in relation to a Proclamation issued under the said article as they apply in relation to a Proclamation of Emergency issued under article 352.

(3) Any proclamation made under this sub-section shall be laid before each House of Parliament.

(4) In the event of any such Proclamation as is referred to in subsection (2) being confirmed, the executive authority of the Union shall, in the absence of any orders to the contrary, be deemed to be such as may be required or made by the other directions as the President may deem necessary and adequate for the purpose.

(5) Notwithstanding anything in the Constitution—
(c) Any such duties may include:

(i) a power requiring the reduction of salaries and allowances of all or any class of persons serving in connection with the office of a Judge;
(ii) a power requiring all money held or paid to which the salaries of judges are applied to be returned to the exchequer of the Government of India after being paid by the Judges.

It shall be continued for the President during the period any Proclamation made under this article is in operation to cause directions for the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the State including the Judges of the Supreme Court and the High Courts.
Part XIX
Miscellaneous

3649. The President, or the Governor or Governor-British of a State, shall not be amenable to any court for the acts or omissions of the person or official in office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties.

Provided that the conduct of the President may be brought under review by any court, tribunal, or body appointed or designated by the Supreme Court for the investigation of a charge made under 3649.

Provided further that nothing in the clause shall be construed as restricting the right of any person to bring appropriate proceedings against the Government of India or the Government of a State.

(c) No criminal proceedings whatsoever shall be instituted or continued against the President, or the Governor or Governor-British of a State, in any court during his term of office.

(d) A person for the arrest, or enforcement, of the President, or the Governor or Governor-British of a State, shall cease from any arrest during his term of office.

(e) All civil proceedings in which relief is claimed against the President, or the Governor or Governor-British of a State, shall be instituted during the term of office in any court an order of any act done or purporting to be done by him in the exercise of those powers and duties, whether before or after the ending of his term of office as President, or as Governor or Governor-British, of such State, until the expiration of six months next after notice in writing has been delivered to the President or the Governor or Governor-British, of such State.
the President, as the case may be, or left at his office stating the nature of the proceedings, the cause of action therein, the name, description and place of residence of the party by whom such proceedings are to be instituted and the relief which he claims.

362. In the exercise of the powers of Parliament, as the Legislature of a State to make laws or in the exercise of the executive power of the Governor of a State, the Governor shall be guided by the guarantee or assurance given under any such agreement or agreement as a reference to any claim under article 234 with respect to the personal rights, privileges and dignity of the Ruler of an Indian State.

363. (1) Notwithstanding anything in this Constitution, the President may, subject to this provision of article 96, make the Supreme Court or any other court shall have jurisdiction in any dispute arising out of any provision of a treaty, agreement, covenant, engagement, grant or other similar instrument which was entered into or executed before the commencement of the Constitution by any Ruler of an Indian State and to which the Government of the Dominion of India or any of its predecessors in Government was a party, and which has or has been assigned or confirmed after such commencement, or in any dispute or reference if any right arising under or by virtue of or obligation arising out of any of the provisions of the Constitution relating to any such treaty, agreement, covenant, engagement, grant or other similar instrument.

(2) In this article—

(a) "Indian State" means any leading or recognized prior to the commencement of the Constitution by His Majesty or the Governor of the Dominion of India as being such a State, and

(b) "Ruler" includes the Governor, Chief or other person recognized prior to such commencement by His Majesty or the Governor of the Dominion of India as being such a State.

364. (1) Notwithstanding anything in this Constitution, the President may by public notification declare that as from such date as may be specified in the notification,

(a) any law made by Parliament or by the Legislature of a State shall not apply to any minor part or area thereof which shall apply thereto subject to such modifications as may be specified in the notification.
as any existing law shall cease to have effect in any major part or provisions thereof to require things done or prohibited to be done before the said date, or shall in its application to such part or provisions have effect subject to such acceptance modifications as may be directed in the notification.

13. In this Act—

(a) "major part" means a part declared to be a major part of any law made by the Parliament or any existing law and includes areas for the time being included within the limits of such part;

(b) "minor" means anything as defined for the purposes of the said Act relating to various, aircraft and sea navigation.

365. Where any State has failed to comply with, or to give effect to, any direction 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 continued in accordance with the provisions of this Constitution.

366. In this Constitution, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say—

(a) "agricultural income" means agricultural income as defined for the purpose of the assessment relating to income tax;

(b) "art. 370, 371, 372, 373 and 374" means the provisions of the said articles as contained in the Constitution Act, 1950, as from time to time amended and read with the Constitution Act, 1956, as from time to time amended;

(c) "Article" means an article of this Constitution;

(d) "law" includes the exercise of any power by the President, and "law" shall be construed accordingly;

(e) "law" means any law in which the reference occurs;

(f) "law" means any law to which an income, so far as that income is chargeable by any person and so tax on which the following conditions are fulfilled—

(1) the assessment is made under the income tax laws;

(2) the income is chargeable to tax under the income tax laws;

(3) the income is chargeable to tax under the income tax laws as amended by the Income Tax (Second Amendment) Act, 1953;

(4) the income is chargeable to tax under the income tax laws as amended by the Income Tax (Third Amendment) Act, 1954;

(5) the income is chargeable to tax under the income tax laws as amended by the Income Tax (Fourth Amendment) Act, 1955;

(6) the income is chargeable to tax under the income tax laws as amended by the Income Tax (Fifth Amendment) Act, 1956;
so that it is not chargeable in respect of agricultural income;
so that no deduction in respect of the tax paid by companies is by any
amount which may apply to the tax, authorized to be made
from dividends payable by the companies to individuals;
so that no provision need be taken for paying the tax in fixed rates account in
computing for the purpose of Indian income-tax the total
income of individuals receiving such dividends, or in computing
the Indian income-tax payable by, or refundable to, such
individuals;
Corresponding Province"; "corresponding Indian State" or "corresponding
State" means in case of doubt such Province, Indian State or State
as may be determined by the President to be the "corresponding
Province", the "corresponding Indian State" or the "corresponding State"
as the case may be, for the purposes for which in question;
shall include any liability on account of any obligation to repay capital
sums by way of annuities and any liability under any guarantee
and debt charges shall be construed accordingly;
shall mean a duty to be assessed on or by reference to the principal
value, or amount in accordance with such rules as may be prescribed
by or under law made by Parliament or the Legislature of a State
relating to the duty, of all insurances passing upon death or death under
the provisions of the said law, or to part;
existing law" means any law, Ordinance, order, bye-law, rule or regulation
enacted or made before the commencement of this Constitution by any
Legislature, authority or person having power to make such law,
Ordinance, order, bye-law, rule or regulation;
"Federal Act" means the Federal Act consolidated under the
Government of India Act, 1935;
"goods" includes all materials, commodities, and articles;
"guarantee" includes any obligation undertaken by the government
of the Federal government, or of any State government, of a similar
amount;
"High Court" means any court which is deemed for the purposes
of this provision to be a High Court for any State and includes—
as any Court in the territory of India constituted or recognized under the Constitution as a High Court, and
its any other Court in the territory of India which may be declared by Parliament by law to be a High Court for all or any of
the purposes of this Constitution,
(3) Indian State means any territory which the Parliament of India recognizes as such a State,
(4) Part means a Part of this Constitution,
(5) person means a person, whether contributing or not, of any kind whatever payable to or in respect of any person, and includes any
thing payable, a gratuity or otherwise and any sum or sums payable by any of the revenues, with or without interest levied or
any other additional amount of subscription to a public fund,
(6) Publication of Emergency means a Proclamation under authority,
(7) of article 322,
(8) Public Notification means a notification in the Gazette of India,
(9) as the case may be, the official Gazette of a State,
(10) raison does not include
(11) a legal entity, within a municipal area, or
to any other law of communication wholly relates in one State
and declared by Parliament by law not to be a raison,
(12) Replacement means
(13) in relation to the State of Hyderabad, the person who for
the time being is recognized by the President as the Ruler of
Hyderabad,
(14) in relation to the State of Jammu and Kashmir or the State of
Jammu, the person who for the time being is recognized
by the President as the Maharaja of that State and
(15) in relation to any other State specified in Part III of the First
Schedule, the person who for the time being is recognized
by the President as the Ruler or of that State,
and includes in relation to any of the said States any person for
the time being recognized by the President as competent to exercise
the powers of the Replacement in relation to that State.
"Rule" in relation to an Indian State means the Governor, Chief or other person by whom any such convention or agreement was referred to in clause (c) of article 231 or in which said and who for the time being is recognised by the President in the State, and includes any person who for the time being is recognised by the President as the successor of such person.

"Schedule" means a Schedule to the Constitution.

"Scheduled Tribe" means such tribes or tribes or attached communities or parts of tribes within such tribes as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution.

"Scheduled Area" means such tribes or tribals communities or parts of tribes within such tribes or tribal communities as are deemed under article 342 to be Scheduled Areas for the purposes of this Constitution.

"conceived" includes idea.

"sub-clause" means a sub-clause of the clause in which the expression occurs.

"Inclusion" includes the inclusion of any one or more, whether general or specific, and shall be construed accordingly.

"Law on income" includes a law on the raising of an income assessment.

"Permanent Settlement" in relation to any State unless in Part B of the First Schedule means the person who for the time being is recognised by the President as the Permanent Settlement of that State.

361. (1) So far as the context otherwise requires, the General Clauses Act, 1897, shall subject to any adaptations and modifications that may be made therein under clause 371, apply for the interpretation of this Constitution as it applies for the interpretation of an Act of the Legislature of the Division of India.

(2) Any reference in the Constitution to Act or law of, or made by, the Legislature of, or to Act or law made by, the Legislature of a State referred to in Part I or Part B of the First Schedule, shall be construed as including a reference to an Ordinance made by the President or to an Ordinance made by a Governor or Prothonotary, as the case may be.

(3) For the purposes of this Constitution "foreign State" means any State other than India.
Amendment of the Constitution

368. An amendment of the Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and where 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 for his assent, and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill.

Provided that if such amendment seeks to make any change in—
1. Article 24, article 55, article 73, article 82 or article 179, or
2. Chapter 16 of Part V, Chapter 1 of Part VI, or Chapter 1 of Part XV,
3. any of the Lists in the Schedule, or
4. the representation of States in Parliament, or
5. the provinces of the Union,

the amendment shall also require to be approved by the Legislatures of not less than one-half of the States specified in Part II and Part X of the First Schedule by resolutions to that effect passed by those Legislatures before the Bill becoming provision for such amendment is presented to the President for assent.
the State of Jammu and Kashmir,
in the power of Parliament to make laws for the said State shall be limited to—

(a) 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 for which
the Government of the State is entitled to make laws by
the Constitution of Jammu and Kashmir,

(b) such other matters in the said List as with the concurrence
of the Governor of the State, the President may by
order declare.

Explanation—In the purpose of this article, the Government of the State
means the Governor of the State in the capacity of the Governor of the State,
acting on the advice of the Council of Ministers for the time being in office under

(2) so the provisions of article 171 and of this article shall apply in
relation to that State,
as such of the other provisions of the Constitution shall apply in
relation to that State subject to such exceptions and modifications as the President may by
order declare.

Provided that no such order which relates to the matters
obligated in the Schedule or Article 171 of the Constitution
shall be made except in consultation with the Governor of the State.

Provided further that no such order which relates to matters
other than those referred to in the last preceding proviso
shall be made without the concurrence of that Governor.

(3) If the concurrence of the Governor of the State referred to
in paragraph (2) of sub-clause (a) of clause (c) in the second proviso to
sub-clause (d) of that clause be given before the Concurrent Assembly for the
of joining the Constituent Assembly, it shall be placed before such Assembly for such decision as it may take thereon.

31. Notwithstanding anything in the foregoing provision of this article, the President, by public notification, declare that this article shall cease to be operative or shall be operative only with such amendment and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the Part referred to in clause (b) shall be necessary before the President can make such a notification.

31A. Notwithstanding anything in the Constitution, during a period of two years from the commencement thereof, or during such longer or shorter period as Parliament may by law prescribe in respect of any Part, the Government of every Part specified in Part B of the First Schedule shall be under the general control of and comply with such fundamental directions, if any, as may from time to time be given by the President.

Provided that the President may by order direct that the provisions of this article shall not apply to any Part specified in the order.

31B. Notwithstanding the refusal by the Constituent Assembly of the constituent referred to in article 31A, all provisions of the Constitution, all the laws in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a constituent Legislature or other competent authority.

32. The power of bringing the provisions of any law in force in the territory of India into accord with the provisions of this Constitution, the President may by order make such adaptations and modifications of such laws, whether in any of respect or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law.

33. Nothing in clause (c) shall be deemed to empower the President to make any adaptation or modification of any law after the expiration of two years from the commencement of this Constitution, or to prevent any constituent Legislature or other competent authority...
from repealing or amending any law adopted or modified by the President under the said clause.

Explanation 1—The expression law or law in this article shall include a law passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that it or part of it may not be in operation either at all or in particular areas.

Explanation 2—Any law passed or made by a Legislature or other competent authority in the territory of India which immediately before the commencement of this Constitution had extra-territorial effect as well as effect in the territory of India shall, subject to any such adaptations and modifications as may be necessary to have such extra-territorial effect.

Explanation 3—Nothing in this article shall be construed as continuing any temporary law in force beyond the date fixed for its expiration or the date on which it would have expired if this Constitution had not come into force.

Explanation 4—An Ordinance promulgated by the Governor of a State under section 23 of the Government of India Act, 1935, and in force immediately before the commencement of this Constitution shall, under the authority of the President of the corresponding Union territory, cease to operate as the expiration of six weeks from the first meeting after such commencement of the Legislature of that State functioning under clause (3) of article 233, and nothing in this article shall be construed as continuing any such Ordinance in force beyond the said period.

373. Orders passed in exercise of power under clause (1) of article 233 or until the expiration of six weeks from the commencement of this Constitution, which are in exercise, the said article shall have effect as if for any reference to Parliament in clauses 112 and 113 thereof there were substituted a reference to the President and for any reference to any law made by Parliament in those clauses there were substituted a reference to an order made by the President.

374. (1) The judges of the Federal Court holding office immediately before the commencement of this Constitution shall, unless they have elected otherwise, become on such commencement the judges of the Supreme Court, and shall thereby be entitled to such salaries and allowances and to such rights in respect
of these of tenure and pension as are provided for under article 125 in respect of the judge of the Supreme Court.

(2) All such appeals and proceedings, civil or criminal, pending in the Federal Court at the commencement of the Constitution shall stand removed to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the same, and the judgments and orders of the Federal Court delivered or made before the commencement of the Constitution shall have the same force and effect as if they had been delivered or made by the Supreme Court.

(3) Nothing in the Constitution shall entitle the exercise of jurisdiction by His Majesty in Council to declare of appeals and petitions from or in respect of any judgment, decree or order of any court within the territory of India as far as the exercise of such jurisdiction is authorized by law, and any order of His Majesty in Council made on any such appeal or petition after the commencement of this Constitution shall for all purposes have effect as if it were an order or decree made by the Supreme Court on the exercise of the jurisdiction conferred on such Court by the Constitution.

(4) One and from the commencement of this Constitution the jurisdiction of the authority functioning as the Chief Justice in a State specified in Part B of the First Schedule to entertain and dispose of appeals and petitions from or in respect of any judgment, decree or order of any court within that State shall cease, and all appeals and other proceedings pending before the said authority at such commencement shall be transferred to, and disposed of by, the Supreme Court.

(5) Further provision may be made by Parliament by law to give effect to the provisions of this article.

315. All such civil, criminal and revenue jurisdiction, all authority and all officers, judicial, executive and ministerial, throughout the territory of India, shall continue to exercise their respective functions subject to the provisions of this Constitution.

316. Nothing contained in any clause (2) of article 123 to the judges of a High Court or any person holding office immediately before the commencement of this Constitution shall, unless they have so elected otherwise, become in such commencement the judge of the High Court in the corresponding State and
shall thereafter be entitled to such salaries and allowances and to such rights in respect of tenure of office and pension as are provided for under article 232 in respect of the judges of such High Court.

(2) The judges of a High Court in any Indian State comprising to any State specified in Part B of the First Schedule holding office immediately before the commencement of this Constitution shall, unless they have elected otherwise, become on such commencement the judges of the High Court in such State as specified and shall, notwithstanding anything in clause (1) and sub-para (2) of article 237 but subject to the further provisions of that article, continue to hold office until the expiration of such term as the President may by order determine.

(3) In this article, the expression “judge” does not include an acting judge or an additional judge.

317. The Auditor-General of India holding office immediately before the commencement of this Constitution shall, unless he has elected otherwise, become on such commencement the auditor and Auditor-General of India and shall thereafter be entitled to such salaries and to such rights in respect of tenure of office and pension as are provided for under clause (1) of article 178 in respect of the Auditor of the Central Government and the Auditor-General of India and to continue to hold office until the expiration of his term of office as determined under the provisions which were applicable to him immediately before such commencement.

318. (1) The members of the Public Service Commission for the Union of India holding office immediately before the commencement of this Constitution shall, unless they have elected otherwise, become on such commencement the members of the Public Service Commission for the Union and shall, notwithstanding anything in clause (1) and sub-para (2) of article 320 but subject to the further provisions of that article, continue to hold office until the expiration of their term of office as determined under the rules which were applicable immediately before such commencement to such members.

(2) The members of a Public Service Commission of a Province or of a Public Service Commission serving the needs of a group of Provinces holding office immediately before the commencement of this Constitution shall, unless they have elected otherwise, become on such commencement the members of the Public Service Commission for the corresponding Province or the members of the joint Public Service Commission serving the needs of the corresponding Provinces.
may be, and shall, notwithstanding anything in clauses (1) and (2) of article 34, but subject to the persons to clause (2) of that article, continue to hold office until the expiration of their term of office as determined under the rules which were applicable immediately before such commencement to such members.

373 (1) Until both Houses of Parliament have been duly constituted and summoned to meet for the first session under the provisions of this Constitution, the body functioning as the Constituent Assembly of the Dominion of India immediately before the commencement of this Constitution shall be provisional Parliament and shall exercise all the powers and perform all the duties conferred by the provisions of this Constitution on Parliament.

Explanation—For the purpose of this clause, the Constituent Assembly of the Dominion of India includes—

(i) the members chosen to represent any State or other territory for which representation is provided under clause (2), and

(ii) the members chosen to fill casual vacancies in the said Assembly.

(1) The President may, by rule provide for—

(a) the representation in the provisional Parliament functioning under clause (ii) of any State or other territory which was not represented in the Constituent Assembly of the Dominion of India immediately before the commencement of this Constitution,

(b) the manner in which the representation of such State or other territory in the provisional Parliament shall be chosen, and

(c) the qualifications to be possessed by such representation.

(2) If a member of the Constituent Assembly of the Dominion of India was, on the sixth day of October, 1945, or thereafter at any time before the commencement of this Constitution, a member of a House of the Legislature of a Provincial Province, or of an Indian State corresponding to any State specified in Part B of the First Schedule or a Member for any such State, then, as from the commencement of this Constitution the said of such member in the Constituent Assembly shall, unless he has ceased to be a member
of that Assembly under, become vacant, and every such vacancy shall be deemed to be a casual vacancy.

44. Notwithstanding that any such vacancy in the Council of the Dominion of India as is mentioned in clause (3) has not occurred under that clause, steps may be taken before the commencement of the Constitution for the filling of such vacancy, but any person chosen before such commencement to fill the vacancy shall not be entitled to take his seat in the said Assembly until after the vacancy has so occurred.

45. Any person holding office immediately before the commencement of the Constitution as Speaker or Deputy Speaker of the Central Assembly functioning as the Dominion Legislature under the Government of India Act, 1935, shall on such commencement be the Speaker, or in the case may be, the Deputy Speaker of the provisional Parliament functioning under clause (3).

380. (1) Such person as the Governor-General of the Dominion of India shall have elected in that behalf shall be the President of India until a President has been elected in accordance with the provisions contained in Chapter 1 of Part V and has entered upon his office.

(2). In the event of the occurrence of any vacancy in the office of the President as elected by the Governor-General of the Dominion of India by reason of his death, resignation, or removal, or otherwise, it shall be filled by a person elected in that behalf by the provisional Parliament functioning under such Schedule, and until a person is so elected, the Chief Justice of India shall act as President.

381. Such person as the President may appoint in that behalf shall become members of the Council of Ministers of the President under the Constitution, and, until appointments are so made, all persons holding office as Ministers for the Dominion of India immediately before the commencement of the Constitution shall on such commencement become, and shall continue to hold office as members of the Council of Ministers of the President under the Constitution.

382. (1) While the House or House of the Legislature of each State specified in Part IV of the First Schedule has or have been duly constituted and committed to work for the first session under the provisions of the Constitution, the House or House of the Legislature of the corresponding Province functioning immediately before the commencement of this Constitution shall remain the house or houses from the said constituted by the provisions of the Constitution on the House or House of
the Legislature of such State.

(3) Notwithstanding anything in clause (2) where a general election to remodel the Legislative Assembly of a Province has been ordered before the commencement of the Constitution, the election may be completed after such commencement as if the Constitution had not come into operation, and the Assembly so remodelled shall be deemed to be the Legislative Assembly of that Province for the purpose of that clause.

(4) Any person holding office immediately before the commencement of the Constitution as Speaker or Deputy Speaker of the Legislative Assembly, President or Deputy President of the Legislative Council of a Province shall on such commencement be the Speaker—Deputy Speaker of the Legislative Assembly or the Chairman—Deputy Chairman of the Legislative Council, as the case may be, of the corresponding State specified in Part III of the First Schedule, and such Assembly or Council functions under clause (3).

Provided that where a general election has been ordered for the remodelation of the Legislative Assembly of a Province before the commencement of this Constitution, and the first meeting of the Assembly so remodelled is held after such commencement, the provisions of this clause shall not apply and the Assembly so remodelled shall elect its members in the Assembly to be refunding the Speaker and Deputy Speaker thereof.

(5) Any person holding office as Governor in any Province immediately before the commencement of this Constitution shall on such commencement be the Governor of the corresponding State specified in Part IV of the First Schedule, and a new Governor has been appointed in accordance with the provisions of Clauses 8 of Part IV and has entered upon his office.

(6) Such person as the Governor of a State may appear in that behalf, shall become member of the Council of Ministers of the Governor under the Constitution, and, until otherwise is so made, all persons holding office as Ministers for the corresponding Province immediately before the commencement of the Constitution shall on such commencement become, and shall continue to hold office as ministers of the Council of Ministers of the Governor of the State under the Constitution.

(7) Until the Assembly of the Legislature of a State specified in Part III of the First Schedule has or have been duly constituted and summoned to meet for the first session under the provisions of this Constitution, the legislative authority
Council of Ministers

387. For the purposes of elections held under any of the provisions of this
Constitution, during a period of three years from the commencement of this
Constitution, the population of India or of any part thereof may, notwithstanding
anything in this Constitution, be determined in such manner as the President
may, by order dated, and different provisions may be made for different States
and for different purposes by such order.

388. (1) Formal notice in the said of member of the House of
Representatives under sub-section (3) of section 90, including notice referred to in clauses
(1) and (2) of sub-sections, shall be filed, and all matters in connection with the
filing of such notice (including the decision of double and defaults arising out
of or in connection with, election to fill such vacancies) shall be regulated
in accordance with such rules as may be made in that behalf
by the President, and

the said rules so made, in accordance with the rules relating to
the filling of casual vacancies in the Legislative Assembly
of the Dominion of India and matters connected therewith
in force at the time of the filing of such notice or immedi-
ately before the commencement of this Constitution, or the
case may be, subject to such acceptance and modifications
as may be made therein before such commencement by the
President of that Assembly and thereafter by the President
of India.

Provided that where any such rule as is referred to in the above

in force at the time of the filing of such notice or immedi-
ately before the commencement of this Constitution, or the
case may be, subject to such acceptance and modifications
as may be made therein before such commencement by the
President of that Assembly and thereafter by the President
of India.
immediately before it becomes vacent, held by a person belonging to the Scheduled Caste or to the Muslim or the Sikh community and representing a Province or, as the case may be, a State specified in Part I of the First Schedule, the tenure to fill such seat shall, unless the President of the Constituent Assembly or the President of India, as the case may be, considers it necessary or expedient to provide otherwise, be of the same community.

Provided further that in an election to fill any such vacancy in the seat of a member representing a Province or a State specified in Part I of the First Schedule, every member of the Legislative Assembly of that Province or of the corresponding State, as the case may be, shall be entitled to participate and vote.

Explanation—For the purpose of this clause—

as all such seats, save or except or point of or group of or group of seats, save or except as are specified in the "Governments of India (Scheduled Castes) Order, 1950", to be "Scheduled Caste" in relation to any Province shall be deemed to be "Scheduled Caste" in relation to that Province or the corresponding State and a notification has been issued by the President under clause (b) of Article 341 specifying the Scheduled Castes or relating to that corresponding State,

to all the Scheduled Castes in any Province or State shall be deemed to be a single community.

(1) Vacant or in the seat of member of a House of the Legislature of a State, belonging to which are seats, save or except or point of or group of seats, save or except as are specified in the "Governments of India (Scheduled Castes) Order, 1950", to be "Scheduled Caste" in relation to any Province, the election to fill such vacancy, or, in the case of a House of the Legislature of a State, the election to fill such vacancy, shall be regulated in accordance with such provisions governing the filling of such vacancies as were in force immediately before the commencement of the Constitution, subject to such exceptions and modifications as the President may by order direct.

381. A Bill which immediately before the commencement of the Constitution was pending in the Legislature of the Dominion of India or in the Legislature of any Province or Indian State may, subject to any provision to the contrary which may be included in or made by resolution by Parliament or the Legislature of the corresponding
State under the Constitution, by Ordinance or the Legislative of the corresponding State, as the case may be, and the provisions taken with reference to the Rule in the Constitution of the Dominion of India, or in the Constitution of the Province or Indian State to which this Constitution has been made and/or in the Constitution of the corresponding State.

391. The provisions of this Constitution relating to the Consolidated Fund of India or the Consolidated Fund of any State and the appropriation of money out of such Funds shall not apply in relation to money received or raised or expenditure incurred by the Government of India or the Government of any State before the commencement of the Constitution and the thirty-first day of March, 1950, both days inclusive, and any expenditure incurred during that period shall be deemed to be duly authorized if the expenditure was specified in a schedule of authorized expenditure authorized in accordance with the provisions of the Government of India Act, 1935, by the Governor-General of the Dominion of India or the Governor of the corresponding Province as is authorized by the Governor-General of the State in accordance with such rules as were applicable to the authorization of expenditure from the revenues of the corresponding Indian State immediately before such commencement.

392. (1) At any time between the framing of the Constitution and its commencement, any action is taken under the provisions of the Government of India Act, 1935, which is the subject of the President's order or the order of the President or the Governor-General, the President may, notwithstanding anything in the Constitution, by order, make such amendments in the said Schedule as he may deem necessary to give effect to the action taken, and any such order may contain such supplemental, consequential and incidental provisions with respect to the President's order, as the President may deem necessary.

(2) When the First Schedule or the Second Schedule is amended or any reference to the Schedule is made as a reference to such Schedule as so amended.

393. The President may, for the purpose of ensuring any difficulty, particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution, by order direct that this Constitution shall, during such period as may be specified in the order, have effect subject to such adaptations, modifications, additions or omissions as may be determined.
Provided that no such order shall be made after the first meeting of the Senate duly constituted under Chapter II of Part V.

(5) Every order made under clause (1) shall be laid before Parliament.

(6) The powers conferred on the President by this article by article 306, by clause (5) of article 307 and by article 308 shall, before the commencement of this Constitution, be exercisable by the Governor-General of the Dominion of India.
Art. 383. The Constitution may be called the Constitution of India.

Art. 394. The articles and articles 3, 6, 7, 8, 9, 10, 324, 366, 367, 329, 389, 388, 391, 392 and 393 shall come into force at once, and the remaining provisions of this Constitution shall come into force on the twenty-sixth day of January, 1950, which day is referred to in this Constitution as the commencement of the Constitution.

### Part A

<table>
<thead>
<tr>
<th>State Name</th>
<th>Corresponding Province</th>
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<tbody>
<tr>
<td>Assam</td>
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<tr>
<td>Bihar</td>
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<tr>
<td>The United Provinces</td>
<td>The United Provinces</td>
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<tr>
<td>West Bengal</td>
<td>West Bengal</td>
</tr>
</tbody>
</table>

**Schedule**

(See schedule 1 (a) and (b))

The States and the territories of India

**Part A**

- **Assam**
- **Bihar**
- **Madras**
- **Punjab**
- **The United Provinces**
- **West Bengal**

**Schedule**

(See schedule 1 (a) and (b))

The States and the territories of India

**Part A**

- **Assam**
- **Bihar**
- **Madras**
- **Punjab**
- **The United Provinces**
- **West Bengal**

**Territories of States**

The territory of the State of Assam shall comprise the territory which immediately before the commencement of this Constitution was comprised in the Province of Assam, the Assam State and the Assam Island Areas.

The territory of the State of West Bengal shall comprise the territory which immediately before the commencement of this Constitution was comprised in the Province of West Bengal.

The territory of each of the other States in this Part shall comprise the territories which immediately before the commencement of this Constitution were comprised in the corresponding Province and the territories which, by virtue of an order made under section 360-A of the Government of India Act, 1935, were immediately before such commencement being administered as if they formed part of that Province.
Part B

Names of States

1. Hyderabad.
4. Meghalaya.
5. Puducherry and Cane Prince State Union.
6. Rajasthan.
7. Sikkim.
8. Tripura.

Territories of States

The territory of each of the States in the Part shall comprise the landlocked state immediately before the commencement of the Constitution was comprised in the corresponding Indian State and-

(a) in the case of each of the States of Jammu and Kashmir, shall also comprise the territories which immediately before such commencement were being administered by the Government of the corresponding Indian State, whether under the provisions of the East Bengal Reorganisation Act, 1950, or otherwise, and

(b) in the case of the State of Madhya Pradesh, shall also comprise the territory which immediately before such commencement was comprised in the Chief Commissioner's Province of North Bihar.
Part D

Territorial Divisions

The territory of each of the States of Assam, Burma, and Bihar which comprised the territory which immediately before the commencement of the Constitution was comprised in the Chief Commissioner's Province of Assam-Meranwa, Burma and Bihar, respectively.

The territory of each of the other States in the Part shall comprise the territories which, by virtue of an order made under section 296A of the Government of India Act, 1935, were immediately before the commencement of the Constitution being administered as if they were a Chief Commissioner's Province of the same name.

Part E

The Andaman and Nicobar Islands
Second Schedule

[Article 35(1), 35(2), 35(3), 35(4), 35(5), 35(6), 35(7), 35(8) and 35(9)]

Part A

Provisions as to the President and the Governor of States specified in Part A of the First Schedule

1. There shall be paid to the President and to the Governor of the State specified in Part A of the First Schedule the following emoluments for reasons, that is to say—
   - The President: 10,000 rupees
   - The Governor of a State: 5,500 rupees

2. There shall also be paid to the President and to the Governor of the State specified such allowances as were payable respectively to the Governor-General of the Dominion of India and to the Governor of the corresponding Province immediately before the commencement of this Constitution.

3. The President and the Governor of each State throughout their respective terms of office shall be entitled to the same perquisites to which the Governor-General and the Governor of the corresponding Province were respectively entitled immediately before the commencement of this Constitution.

4. While the Vice-President or any other person is discharging the functions of, or is acting as, President, or any person is discharging the functions of the Governor, he shall be entitled to the same emoluments, allowances and perquisites as the President or the Governor whose functions he discharges or for whom he acts, as the case may be.

Part B

Provisions as to the Ministers for the Union and for the States on Part A and Part B of the First Schedule

5. There shall be paid to the Prime Minister and to each of the other Ministers for the Union, such salaries and allowances as were payable respectively to the Prime Minister and to each of the other Ministers for the Dominion of India immediately before the commencement of this Constitution.

6. There shall be paid to the Ministers for any State specified in Part A or Part B of the First Schedule.
Part C

Provision 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 of a State in Part A of the said Schedule and the Chairman and the Deputy Chairman of the Legislative Council of any such State

There shall be paid to the Speaker of the House of the People and the Chairman of the Council of States such salaries and allowances as are payable to the Speaker of the Constituent Assembly of the Dominion of India immediately before the commencement of this Constitution and there shall be paid to the Deputy Speaker of the House of the People and to the Deputy Chairman of the Council of States such salaries and allowances as are payable to the Deputy Speaker of the Constituent Assembly of the Dominion of India immediately before such commencement.

There shall be paid to the Speaker and the Deputy Speaker of the Legislative Council of a State specified in Part A of the said Schedule and to the Chairman and the Deputy Chairman of the Legislative Council of such State such salaries and allowances as are payable respectively to the Speaker and the Deputy Speaker of the Legislative Assembly and the President and the Deputy President of the Legislative Council of the corresponding House immediately before the commencement of this Constitution and, where the corresponding House had no Legislative Council immediately before such commencement, there shall be paid to the Chairman and the Deputy Chairman of the Legislative Council of the State such salaries and allowances as the Governor of the State may determine.

Part D

Provision as to the Judge of the Supreme Court and of the High Courts on Salary in Part A of the said Schedule

There shall be paid to the Judge of the Supreme Court, in respect of time spent on actual service, salary at the following rates per annum, that is to
The Chief Justice 2000 rupees
Any other judge 1000 rupees

Provided that if a judge of the Supreme Court at the time of his appointment is in receipt of a pension (other than a disability or annual pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, the salary in respect of service in the Supreme Court shall be reduced by the amount of that pension.

(2) Every judge of the Supreme Court shall be entitled without frequent interval to the use of an official residence;

(3) Nothing in sub-paragraph (2) of this paragraph shall apply to a judge who, immediately before the commencement of this Constitution—

(a) was holding office as the Chief Justice of the Federal Court and has become on such commencement the Chief Justice of the Supreme Court under clause (i) of sub-clause (1) or

(b) was holding office as any other judge of the Federal Court and has on such commencement become a judge (other than the Chief Justice) of the Supreme Court under the said clause;

during the period he held office as such Chief Justice or other judge, and every judge who so becomes the Chief Justice or other judge of the Supreme Court shall, in respect of time spent on actual service as such Chief Justice or other judge, as the case may be, be entitled to receive in addition to the salary specified in sub-paragraph (2) of this paragraph as special pay an amount equivalent to the difference between the salary so specified and the salary which he was drawing immediately before such commencement.

(4) Every judge of the Supreme Court shall receive such reasonable allowance as may be determined by the President for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connexion with travelling as the President may from time to time prescribe.

(5) The rights on respect of leave of absence (including leave on compassionate grounds) of the judges of the Supreme Court, shall be governed by the provisions which immediately before the commencement of this Constitution were applicable to the judges of the Federal Court.

(6) There shall be paid to the judges of the High Court of each State specified in Part I of the First Schedule, in respect of time spent on actual service,
...at the following rates per annum, that is to say—

<table>
<thead>
<tr>
<th>The Chief Justice</th>
<th>6000 rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other judge</td>
<td>3640 rupees</td>
</tr>
</tbody>
</table>

7. Every person who immediately before the commencement of the Constitution—

| 7(a) was holding office as the Chief Justice of a High Court or any Province and has on such commencement become the Chief Justice of the High Court in the corresponding State under clause (d) of article 70, or
| 7(b) was holding office as any other judge of a High Court in any Province and has on such commencement become a judge (other than the Chief Justice) of the High Court in the corresponding State under the said clause,

shall if he was immediately before such commencement drawing a salary at a rate higher than that specified in sub-paragraph (5) of this paragraph, be entitled to receive in respect of time spent on such service as such Chief Justice or other judge, as the case may be, in addition to the salary specified in the said sub-paragraph as special pay an amount equivalent to this difference between the salary so specified and the salary which he was drawing immediately before such commencement.

8. Every judge of a High Court shall receive such remuneration allowances as re-inforces him for expenses occasioned in travelling on duty within the territory of India and shall be afforded such remuneration facilities in connection with travelling as the President may from time to time prescribe.

9. The rights in respect of leave of absence (excluding leave allowances) and pension of the judge of the High Court of any State shall be governed by the provisions which, immediately before the commencement of this Constitution, were applicable to the judge of the High Court in the corresponding Province.

10. In the Pacts under the said otherwise provided—

| 10(a) the expression 'Chief Justice' includes any Chief Justice, and a 'judge' includes an old title judge;
| 10(b) 'includ service' includes—
| 10(c) time spent by a judge on duty as a judge or in the performance of such other functions as he may at the request of the President undertake to discharge;
| 10(d) leave, excluding any time during which the judge...
Part C

Provisions as to the Comptroller and Auditor-General of India.

12. (1) There shall be paid to the Comptroller and Auditor-General of India a salary at the rate of four thousand rupees per mensem.

(2) The person who was holding office immediately before the commencement of the Constitution as Comptroller and Auditor-General of India and has become as such commenced the Comptroller and Auditor-General of India under Article 312 shall, in addition to the salary specified in sub-clause (1) of this paragraph, be entitled to receive as special pay an amount required to make up the difference between the salary so specified and the salary which he was drawing as Auditor-General of India immediately before such commencement.

13. The rights in respect of leave, of absence and pension and the other conditions of service of the Comptroller and Auditor-General of India shall be governed or shall continue to be governed, as the case may be, by the provisions which were applicable to the Auditor-General of India immediately before the commencement of the Constitution, and all references in those provisions to the Governor-General shall be construed as references to the President.
Form of oath of office for a Minister for the Union—

I. A B, do, swear in the name of God, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Minister for the Union and that I will do right to all manner of people, in accordance with the Constitution and the law, without fear or favour, affection or prejudice.

Form of oath of secrecy for a Minister for the Union—

II. A B, do, swear in the name of God, that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the Union except as may be required for the due discharge of my duties as such Minister.

Form of oath or affirmation to be made by a member of Parliament—

III. A B, having been elected (or nominated) a member of the Council of States (or the House of the People) do, swear in the name of God, that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duties upon which I am about to enter.

Form of oath or affirmation to be made by the Judges of the Supreme Court and the High Court and Auditor-General of India—

IV. A B, having been appointed Chief Justice (or a judge) of the Supreme...
Treat of India (or Governor and Auditor-General of India) do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully perform to the best of my ability, knowledge, and judgment the duties of my office without fear or favour, affection or ill-will, and that I will uphold the Constitution and the law.

V

Form of oath of office for a Minister for a State—

I, A.B., do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Minister for the State of and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will.

VI

Form of oath of secrecy for a Minister for a State—

I, A.B., do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the State of except as my oath may require for the due discharge of my duties as such Minister.

VII

Form of oath or affirmation to be made by a member of the Legislature of a State—

I, A.B., having been elected (or nominated) a member of the Legislature Assembly (or Legislative Council) do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.

VIII

Form of oath or affirmation to be made by the Judge of a High Court—
I, A. B., having been appointed Chief Justice (or a Judge) of the High Court at (or of), do swear on the sacred name of God, that I will be true, faithful, and obedient to the Constitution of India as by law established, that I will duly and faithfully send to the best of my ability, knowledge, and judgment, perform the duties of my office without fear or favour, affection or dislike, and that I will uphold the Constitution and the law.
Fourth Schedule
[Articles 401, 402 and 514]
Allocation of seats in the Council of State

To each State or group of States specified in the first column of the table below, there shall be allotted the number of seats specified in the second column of the said table opposite to that State or group of States as the case may be.

Table of Seats

<table>
<thead>
<tr>
<th>State</th>
<th>Total Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assam</td>
<td>6</td>
</tr>
<tr>
<td>Bihar</td>
<td>21</td>
</tr>
<tr>
<td>Bombay</td>
<td>17</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>12</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>27</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>9</td>
</tr>
<tr>
<td>Bengal</td>
<td>0</td>
</tr>
<tr>
<td>The United Provinces</td>
<td>31</td>
</tr>
<tr>
<td>West Bengal</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>96</strong></td>
</tr>
</tbody>
</table>

Representation of States specified in Part B of the First Schedule

<table>
<thead>
<tr>
<th>State</th>
<th>Total Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hyderabad</td>
<td>1</td>
</tr>
<tr>
<td>Assam and Bihar</td>
<td>4</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>6</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>6</td>
</tr>
<tr>
<td>Madhya and East Bengal State Union</td>
<td>35</td>
</tr>
<tr>
<td>Punjab</td>
<td>9</td>
</tr>
<tr>
<td>Sikkim</td>
<td>4</td>
</tr>
<tr>
<td>Tripura</td>
<td>6</td>
</tr>
<tr>
<td>Uttarakhand</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>33</strong></td>
</tr>
</tbody>
</table>
### Representation of States specified in Part B of the First Schedule

<table>
<thead>
<tr>
<th>States and Sources of States</th>
<th>Total lbs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Angra</td>
<td></td>
</tr>
<tr>
<td>2. Banyar</td>
<td></td>
</tr>
<tr>
<td>3. Barabesh</td>
<td></td>
</tr>
<tr>
<td>4. Balians</td>
<td></td>
</tr>
<tr>
<td>5. Baresh</td>
<td></td>
</tr>
<tr>
<td>6. Anamshik Pindar</td>
<td></td>
</tr>
<tr>
<td>7. Banor Bohon</td>
<td></td>
</tr>
<tr>
<td>8. Bolto</td>
<td></td>
</tr>
<tr>
<td>9. Bolte</td>
<td></td>
</tr>
<tr>
<td>10. Bhitar</td>
<td></td>
</tr>
<tr>
<td>11. Mutadar</td>
<td></td>
</tr>
<tr>
<td>12. Saharan</td>
<td></td>
</tr>
</tbody>
</table>

| Total lbs.                   | 765        |
Fifth Schedule
(Article 294(10))

Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes

Part A
General

1. Interpretation.—In this Schedule, unless the context otherwise requires, the expression “State” means a State specified in Part A or Part B of the First Schedule but does not include the State of Assam.

2. Executive Power of a State in Scheduled Areas.—Subject to the provisions of this Schedule, the executive power of a State extends to the Scheduled Areas therein.

3. Report by the Governor or Rajpramukh to the President regarding the administration of Scheduled Areas.—The Governor or Rajpramukh of each State having Scheduled Areas therein shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

Part B
Administration and Control of Scheduled Areas and Scheduled Tribes

4. Tribal Advisory Council.—(1) There shall be established in each State having Scheduled Areas therein and if the President so directs, also in any State having Scheduled Areas but not Scheduled Areas therein, a Tribal Advisory Council consisting of not more than twenty members of whom, as nearly as may be, three-fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State.

Provided that if the number of representatives of the Scheduled Tribes in the Legislative Assembly of the State so exceeds the number of such representatives, the remaining seats shall be filled by other members of the tribe.

(2) It shall be the duty of the Tribal Advisory Council to advise on such...
matter pertaining to the welfare and advancement of the Scheduled Tribe in the State as may
be referred to them by the Governor or President, as the case may be.
(i) The Governor or President may make rules prescribing or regulating,
as the case may be—
(a) the number of members of the Council, the mode of their appointment,
and the appointment of the Chairman of the Council and of
the officers and servants thereof;
(b) the conduct of its meetings and its procedure in general; and
(c) all other incidental matters.
5. Applicable to Scheduled Areas—(i) Notwithstanding anything in the
Constitution, the Governor or President, as the case may be, may by public notification direct
that any particular Act of Parliament, or of the Legislature of the State, shall not apply to a
Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or
any part thereof in the State, subject to such exceptions and modifications as he may specify
in the notification and any decision given under the sub-paragraph may be given so as to
have retrospective effect.
(ii) The Governor or President, as the case may be, may make regulations
for the peace and good government of any area in a State which is for the time being
a Scheduled Area.

In particular and without prejudice to the generality of the foregoing power
such regulations may—
(a) prohibit or restrict the transfer of land by or among members of the
Scheduled Tribe in such area;
(b) regulate the allotment of land to members of the Scheduled Tribe
in such area;
(c) regulate the carrying on of business as money lenders by persons
who hold money to members of the Scheduled Tribe in such
area;
(d) in making any such regulation as is referred to in sub-paragraph (c)
of this paragraph, the Governor or President may repeal or amend any Act of State
made or of the Legislature of the State or any existing law which is for the time being
applicable to the area in question.
(e) All regulations made under this paragraph shall be submitted forthwith to
the President and, unless assented to by him, shall have no effect.
65. A regulation shall be made under this paragraph under the Governor or the Governor making the regulation has in the case where a State Advisory Council for the State, consulted such Council.

Part C
Scheduled Areas

66. Scheduled Areas.—(1) In this Constitution, the expression "Scheduled Areas" means such areas as the President, may by order declare to be Scheduled Areas.
(2) The President may at any time by order—
(a) do all that the whole or any specified part of a Scheduled Area shall cease to be a Scheduled Area or a part of such an area;
(b) alter, but only by way of redefinition of boundaries, any Scheduled Area;
(c) make any alteration of the boundaries of a State or on the admission into the Union of a new State, declare any territory not previously included in any State to be, or to form part of, a Scheduled Area;

and any such order may contain such incidental and consequential provisions as appear to the President to be necessary and proper, but save as aforesaid, the order made under sub-
paragraph (3) of the paragraph shall not be revoked by any subsequent order.

Part D
Amendment of the Schedule

7. Amendment of the Schedule.—(1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule, and, when the Schedule is so amended, any reference to the Schedule in this Constitution shall be construed as a reference to such Schedule as so amended.
(2) No such law as is mentioned in sub-paragraph (1) of the paragraph shall be deemed to be an amendment of the Constitution for the purpose of article 368.
SCHEDULE
(The Act of 1862, as amended by the Act of 1867)

Paragraphs relating to the Administration of Tribal Areas in Assam

1. Autonomous districts and autonomous regions.—(1) Subject to the provisions of this paragraph, the tribal areas in each item of Part II of the Table appended to paragraph 20 of the Schedule shall be an autonomous district.

(2) If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions.

(3) The Governor may, by public notification,
   (a) include any area in Part II of the said Table,
   (b) exclude any area from Part II of the said Table,
   (c) create a new autonomous district,
   (d) increase the area of any autonomous district,
   (e) diminish the area of any autonomous district,
   (f) unite two or more autonomous districts or parts thereof so as to form one autonomous district,
   (g) define the boundaries of any autonomous district:

Provided that no order shall be made by the Governor under clause (e), (f), or (g) of the said paragraph except after consideration, if the report of a Boundary Commission appointed under sub-paragraph (c) of paragraph 19 of the Schedule.

2. Constitution of District Councils and Regional Councils.—(1) There shall be a District Council for each autonomous district consisting of not more than twenty-four members, of whom not less than three-fourths shall be elected on the basis of adult suffrage.

(2) There shall be a separate Regional Council for each area constituted as autonomous region under sub-paragraph (g) of paragraph 19 of the Schedule.

(3) Each District Council and each Regional Council shall be body corporate by the name respectively of the District Council of (name of district) and the Regional Council of (name of region), which shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(4) Subject to the provisions of this Schedule, the administration of an autonomous...
district, shall, so far as it is not vested under the Schedule or any Regional Council within such district, be vested in the District Council for such district and the administration of such regions shall be vested in the Regional Council for such region.

23. In an autonomous district with Regional Councils, the District Council shall have only such powers with respect to the areas under the authority of the Regional Council as may be delegated to it by the Regional Council in addition to the powers conferred on it by the Schedule with respect to such areas.

24. The Governor shall make rules for the first constitution of District Councils and Regional Councils in consultation with the existing local Councils or other representative local organizations within the autonomous districts or regions concerned, and such rules shall provide for—

(a) the composition of the District Councils and Regional Councils and the election of such members;
(b) the delimitation of territorial constituencies for the purpose of elections to such Councils;
(c) the qualification for voting at such elections and the preparation of electoral rolls therefor;
(d) the qualification for being elected at such elections as members of such Councils;
(e) the term of office of members of such Councils;
(f) any other matter relating to or connected with elections or nominations to such Councils;
(g) the procedure and the conduct of business in the District and Regional Councils;
(h) the appointment of officers and staff of the District and Regional Councils.

25. The District or the Regional Council may after its first constitution make rules with regard to the matters specified in sub-paragraph (c) of this paragraph and may also make rules regulating—

(a) the formation of autonomous local Councils or Boards and their procedure and the conduct of their business and
d(b) generally all matters relating to the transaction of business pertaining to the administration of the district or region, as the case may be.

Provided that such rules are made by the District or the Regional Council.
under this sub-paragraph the said acts of the Governor under sub-paragraph 25 of the pre-

paragraph shall have effect in respect of elections to the officers and staff of, and the procedure and the conduct of business in, such Council.

Provided further that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, of the North Eastern and Akbar Hill shall be the Chairman ex

officio of the District Council in respect of the territories included in items 5 and 6 respectively

of Part III of the schedule appended to this paragraph to this Act and shall have power for a period of six years after the first constitutions of the District Councils, subject to the control of the Governor, to annul or modify any resolution or decision of the District Council or to give such instructions to the District Council, as he may consider appropriate, and the

District Council shall comply with every such instruction issued.

3 Power of the District Councils and Regional Councils to make laws—

9. The Regional Council for an autonomous region or respect of all areas within such regions

and the District Council for an autonomous district in respect of all areas within the district

except those which are under the authority of Regional Councils, if any, within the district

shall have power to make laws with respect to—

(a) the assessment, collection or use, or the sale or leasing of land, water,

or any lands which is a reserved forest, for the purpose of

agriculture or grazing or for residential or other non-agricultural

purposes or for any other purpose likely to promote the interests

of the inhabitants of any village or town;

Provided that nothing in such laws shall prevent the

confiscatory acquisition of any land, whether occupied or unoccupied

for public purposes by the Government of Bengal in accordance

with the laws for the time being in force authorising such

acquisition,

(a) the management of any forest not being a reserved forest;

(b) the use of any canal or water course for the purpose of irrigation;

(c) the regulation of the grazing of graziers or other forms of livestock

cultivation;

(d) the establishment of villages or town committees or councils and their

powers;

(e) any other matter relating to village or town administration, including

village or town police and public health and sanitation;
(1) The appointment or succession of Chiefs or Head-men,
(2) the inheritance of property,
(3) marriage,
(4) social customs.

(5) In this paragraph, 'reserved forest' means any area which is a reserved forest under the Indian Forest Regulations, 1906, or under any other law for the time being in force in the area in question.

(6) All laws made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.

Administration of justice in autonomous districts and autonomous regions.

(1) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of areas within the district, other than those which are under the authority of the Regional Councils, if any, within the district may constitute village councils or courts for the trial of suits and cases between the parties of whom being up to Schedule F. suits within such areas, other than suits and cases to which the provisions of sub-paragraph (2) of paragraph 5 of this Schedule apply, to the exclusion of any court in the State, and may appoint suitable persons to be members of such village councils or presiding officers of such courts, and may also appoint such officers as may be necessary for the administration of the laws made under paragraph 3 of this Schedule.

(2) Notwithstanding anything in this Constitution, the Regional Council for an autonomous region or any court constituted in that behalf by the Regional Council or, if there is no Regional Council, the District Council for such district, or any court constituted in that behalf by the District Council, shall exercise the powers of a court of appeal in respect of all suits and cases decided by a village council or court constituted under such paragraph (1) of the paragraphs within such region or area, as the case may be, other than those to which the provisions of sub-paragraph (3) of paragraph 5 of this Schedule apply, and no other court except the High Court and the Supreme Court shall have jurisdiction over such suits or cases.

(3) The High Court of Assam shall have and exercise such jurisdiction over the suits and cases to which the provisions of sub-paragraph (2) of this paragraph apply as the Governor may from time to time by order specify.

(4) A Regional Council or District Council, as the case may be, may make the provisions approved of the Governor rules regulating—

(5) the constitution of village councils and courts and the procedure
enormed by those under the paragraph,
the procedure to be followed by village councils or courts in the trial of suits and cases under the paragraph (ii) of this paragraph,
the procedure to be followed by the Regional or District Council or any court constituted by such Council on appeals and other proceedings under such paragraph (ii) of this paragraph,
the enforcement of decisions and orders of such Councils and courts,
to all other ancillary matters for the carrying out of the provisions of sub-
paragraph (i) and (ii) of this paragraph.

5. Conferred powers under the Code of Civil Procedure, 1908, and the
Code of Criminal Procedure, 1855, on the Regional and District Councils, and on certain courts and officers for the trial of certain suits, cases and offences are as follows:

(i) The Governor may, for the trial of suits or cases arising out of any loss or injury in any autonomous district or region, commence an action in that behalf by the Governor, or for the trial of offences punishable with death, transportation for life, or imprisonment for a term of not less than five years under the Indian Penal Code or under any other law for the time being applicable to such district or region, confer on the District Council or the Regional Council having authority over such district or region or on courts constituted by such District Council or on any officer appointed in that behalf by the Governor, such powers under the Code of Civil Procedure, 1908, or as this Act may be, the Code of Criminal Procedure, 1855, as to exercise alternative and otherwise the said Council or officer shall by the said cure or office in exercise of the power so conferred.

(ii) The Governor may substitute or modify any of the powers conferred on a
District Council, Regional Councils, court or officer under sub-paragraph (ii) of this paragraph.

(iii) Laws as specified in the provisions, the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1855, shall not apply to the trial of any suit or case or offence in an autonomous district or in any autonomous region to which the provisions of this paragraph apply.

(iv) Power of the District Council to establish primary schools, etc. — The
District Council for an autonomous district may establish, conduct, or manage primary schools, defences, works, canals, forests, fisheries, roads and waterways in the district, and in this connection may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

(v) District and Regional Funds There shall be constituted for such autonomous
district, a District Fund and for each autonomous region, a Regional Fund to which shall be credited all sums received respectively by the District Council for that district and the Regional Council for that region in the course of the administration of such district or region, as the case may be, in accordance with the provisions of this Constitution.

(ii) Except to the approval of the Governor, rules may be made by the District Council and by the Regional Council for the management of the District Fund or, as the case may be, the Regional Fund, and the rules so made may prescribe the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of money therefore, the custody of money therein and any other matter connected with or ancillary to the matters aforesaid.

3. Power to assess and collect land revenue and to impose taxes.—(1) The Regional Council for an autonomous region or the District Council for an autonomous district, or, as the case may be, the Regional Council or the District Council, shall have power to assess and collect revenue on account of such lands as are under the authority of Regional Council, or, as the case may be, the District Council, and to impose such taxes on land and buildings, and acts or processes connected with such lands.

(2) The District Council for an autonomous district shall have the power to assess and collect all or any of the following taxes within such district, that is to say:
(a) taxes on professions, trades, callings and employments,
(b) taxes on animals, vehicles and boats,
(c) taxes on the sale of goods into a market for sale therein, and taxes on passengers and goods carried on ferries, and
d) taxes for the maintenance of schools, dispensaries or roads.

(3) The Regional Council or District Council, as the case may be, may make rules and regulations to provide for the levy and collection of any of the taxes and duties imposed under paragraphs (1) and (2) of this paragraph.

4. Licence or taxes for the purpose of preserving, or destruction of game. Each district shall have power to assess and collect each year from license or taxes for the purpose of preserving,
or the cultivation of mines operated by the Government of Assam, or within an autonomous district, as may be agreed upon between the Government of Assam and the District Council of such district, shall be made over to that District Council.

23. If any dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination, and the amount determined by the Governor or his advisor shall be deemed to be the amount payable under sub paragraph (1) of this paragraph in the District Council and the decision of the Governor shall be final.

24. Power of District Council to make regulations for the control of money-lending and trading by non-Brahmins. — (1) The District Council of an autonomous district may make regulations for the regulation and control of money-lending or trading within the district by persons other than Scheduled Tribes resident in the district.

25. In particular, and without prejudice to the generality of the foregoing powers, such regulations may —

(a) prescribe that no one except the holder of a licence issued in that behalf shall carry on the business of money-lending,

(b) prescribe the maximum rate of interest which may be charged or be recovered by a money-lender,

(c) provide for the maintenance of accounts by money-lenders and for the inspection of such accounts by officers appointed in that behalf by the District Council;

(d) prescribe that no person who is not a member of the Scheduled Tribes resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the District Council.

Provided that no regulation may be made under this paragraph unless they are passed by a majority of not less than three-fourths of the total membership of the District Council.

Provided further that it shall not be considered under any such regulations to refuse the grant of a licence to a money-lender or a trader who has been carrying on business within the district since before the time of the making of such regulation.

26. All regulations made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.

27. Publication of laws, rules and regulations made under the Schedule. All laws, rules and regulations made under the Schedule by a District Council or a Regional
General shall be published forthwith in the Official Gazette of the State and shall on such publication have the force of law.


(a) an Act of the Legislature of the State in respect of any matter enumerated in paragraph 3 of the Schedule or matters with respect to which a District Council or a Regional Council may make laws, and an Act of the Legislature of the State forbidding or restricting the consumption of any non distilled alcoholic liquor shall apply to any autonomous district or autonomous region in either case the District Council for such district or having jurisdiction over such region by public notification as regards, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof, be subject to such exceptions or modifications as it thinks fit.

(b) the Governor may by public notification, direct that any Act of Parliament or of the Legislature of the State in which the omission of clause (a) of this sub paragraph does not apply shall not apply to an autonomous district or an autonomous region, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification.

(c) Any direction given under sub paragraph (b) of this paragraph may be given so as to have retrospective effect.

(d) Estimated receipts and expenditure pertaining to autonomous districts to be shown separately in the annual financial statement. The estimated receipts and expenditure pertaining to an autonomous district which are to be included, or a to be made from, the Consolidated Fund of the State of Assam shall be placed before the District Council for discussion and, after such discussion be shown separately in the annual financial statement of the State to be laid before the Legislature of the State under article 200.

13. Appointment of Commission to inquire into and report on the administration of autonomous district and autonomous regions—The Governor may at any time appoint a Commission to examine and report on any matter specified by him relating to the
administration of the autonomous districts and autonomous regions in the State, excluding matters specified in clauses (1), (2), (3) and (4) of sub paragraph (1) of paragraph 1 of this Part, or any order or resolution made by or under the authority of the Governor in the context of the administration of autonomous districts and autonomous regions in the State generally, and in particular on—

(a) the provision of educational and cultural facilities and communications in such districts and regions;

(b) the need for any new or special legislation in respect of such districts and regions;

c) the administration of the law, rules and regulations made by the District and Regional Councils;

d) the procedure to be followed by such Commission.

2. The report of every such Commission with the recommendations of the Governor made, thereof shall be laid before the Legislative Assembly of the State by the Minister concerned together with an explanatory memorandum regarding the action proposed to be taken thereon by the Governor of Assam.

3. In regulating the business of the Government of the State amongst Assam the Governor may place on or his Ministers specially in charge of the affairs of the autonomous districts and autonomous regions in the State.

4. Amendment or suspension of acts and resolutions of District and Regional Councils—(1) If at any time the Governor is satisfied that an act or resolution of a District or a Regional Council is likely to endanger the safety of Assam, he may suspend or rescind such act or resolution and take such steps as he may consider necessary (including the suspension of the Council and the appointment to himself or to any of the provost Marshal or exercisable by the Council) to prevent the commission or continuance of such act, or the giving of effect to such resolution.

(2) Any order made by the Governor under sub paragraph (1) of this paragraph, together with the reasons therefor, shall be laid before the Legislative Assembly of the State as soon as possible and the entire order, unless rescinded by the Legislative Assembly of the State, continue in force for a period of twelve months from the date on which it was so made.

Provided that if, and so often as a resolution approving the continuance in force of such order is passed by the Legislative Assembly of the State, the order shall cease to have effect on the Governor's continuance in force for a further period of twelve months from the date on which such resolution passed thereon it would otherwise have ceased to operate.

5. Resolution of a District or a Regional Council—The Governor may an
the recommendation of a Commission appointed under paragraph 19 of this Schedule by public notification under the seal of the District or a Regional Council and—

(a) that a fresh general election shall be held immediately for the reconstitution of the Council, or

(b) subject to the previous approval of the Legislature of the State assume the administration of the area under the authority of such Council himself or place the administration of such area under the Commission appointed under the said paragraph or any other body considered suitable by him for a period not exceeding two months.

Provided that, when an order under clause (a) of this paragraph has been made, the Governor may take the action referred to in clause (b) of this paragraph with regard to the administration of the area in question pending the reconstitution of the Council on fresh general election.

Provided further that no action shall be taken under clause (b) of this paragraph without giving the District or the Regional Council, as the case may be, an opportunity of stating its view before the Legislature of the State.

17. Exclusion of areas from autonomous districts on forming constituencies in such districts.—For the purposes of elections to the Legislative Assembly of Assam, the Governor may, by order dated that any area within an autonomous district shall not form part of any constituency to fill a seat or seats in the Assembly reserved for any such district but shall form part of a constituency to fill a seat or seats in the Assembly not so reserved to be adopted in the order.

18. Application of the provisions of this Schedule to areas specified in Part D of the table appended to paragraph 26—19. The Governor may—

(a) subject to the previous approval of the President, by public notification, apply all or any of the foregoing provisions of this Schedule to any listed area specified in Part D of the table appended to paragraph 26 of this Schedule or any part of such area and thereby such area or part shall be administered in accordance with such provisions and

(b) in such like referred, by public notification, exclude from the said table any listed area specified in Part D of the table or any part of such area.

19. Holding a notification is issued under each paragraph of this paragraph in.
In the discharge of his functions under such paragraph (5) of this paragraph as the agent of the President, the Governor shall act in his discretion.

19. Transitory provisions. — (1) As soon as practicable after the commencement of this Constitution the Governor shall take steps for the constitution of a District Council for each autonomous district in the State under the Schedule and, until a District Council is so constituted for an autonomous district, the administration of such district shall be vested in the Governor and the following provisions shall apply to the administration of the areas within such district instead of the foregoing provisions of this Schedule, namely—

20. an Act of Parliament, or of the Legislature of the State, shall apply to any such area unless the Governor by public notification so directs, and the Governor in giving such a direction with respect to any Act may direct that the Act shall, on its application to the area or to any specified part thereof, be subject to such exceptions or modifications as he thinks fit.

(2) The Governor may make regulations for the peace and good government of any such area and any regulations so made may, subject to review, amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable for such area.

(3) Any direction given by the Governor under clause (2) of sub-paragraph (5) of this paragraph may be given so as to have retrospective effect.

(4) All regulations made under clause (5) of such paragraphs of the Schedule shall be submitted forthwith to the President, and, until acceded to by him, shall have no effect.

21. Tribal areas. — (1) The areas specified in Part A and B of the list below shall be the tribal areas within the State of Assam.

(2) The Scheduled tribes specified in Part A of the list below shall comprise the territories which before the commencement of this Constitution were known as the Mising Tribe and the Hail and Scheduled tribes, excluding any area for the time being comprised within
the condominium and municipality of Bulawayo, but excluding so much of the area comprised within the municipality of Bulawayo as forms part of the Third State of Matabeleland.

Provided that for the purposes of clauses 87 and 88 of sub-paragraph (5) of paragraph 3, paragraph 4, paragraph 5, paragraph 6, sub-paragraph (5) of clause 64, sub-clause (8) of sub-paragraph 90 of paragraph 10 of this Schedule, so part of the area comprised within the municipality of Bulawayo shall be deemed to be within the District.

9(2) Any reference in the table below to any district (other than the United Three Jointsi Hills District) or administrative area shall be construed as a reference to that district or area at the commencement of this Constitution.

Provided that the local areas specified in Part B of the table below shall not exclude any such area in the plains as may, with the previous approval of the President, be adopted by the Governor of Zimre in that behalf.

<table>
<thead>
<tr>
<th>Table</th>
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<tbody>
<tr>
<td>Part A</td>
</tr>
<tr>
<td>1. The United Three Jointsi Hills District.</td>
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<tr>
<td>2. The Tete Hills District.</td>
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<tr>
<td>3. The Lobos Hills District.</td>
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<tr>
<td>4. The Nyanga Hills District.</td>
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<tr>
<td>5. The North Eastern Hills.</td>
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<tr>
<td>Part B</td>
</tr>
<tr>
<td>1. North East Tete Trench including Richardton, Tete, Frel, Free, Nketa Hills District and Mungeni Hills District.</td>
</tr>
<tr>
<td>2. The Nyanga Hills Area.</td>
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</tbody>
</table>

Amendment of the Schedule.—(1) Parliament may from time to time by law amend by way of addition, variation or reduction any of the provisions of this Schedule and, when the Schedule as so amended, any reference to the Schedule in the Constitution shall be construed as a reference to such Schedule as so amended.

(2) As much law as is inconsistent with sub-paragraphs of this paragraph shall be deemed to be an amendment of the Constitution for the purposes of clause 368.
Seventh Schedule

(Antidote)

List I - Union List

1. Defence of India and every part thereof, including preparation for defence and all such acts as may be necessary in time of war to its preservation and after its termination to effectuate demobilisation.
2. Naval, military and air forces, any other armed forces of the Union.
3. Delimitation of constitutional areas, local self-government in such areas, the said limits and powers within such areas of constitutional authorities and the regulation of human accommodation (including the control of rents) in such areas.
4. Naval, military and air forces.
5. Armament, ammunition and explosive.
6. Atomic energy and nuclear resources necessary for its production.
7. Industries declared by Parliament by law to be necessary for the purpose of defence or for the preservation of peace.
8. Central Bureau of Intelligence and Investigation.
9. Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of India; powers subjected to such detention.
10. Foreign Affairs, all matters which bring the Union into relation with any foreign country.
11. Diplomatic and trade representation.
13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.
14. Printing into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.
15. Law and justice.
16. Foreign juridical.
17. Citizenship, naturalisation, and aliens.
19. Admission into, and emigration and expulsion from, India.
26. Bicycles to be used outside India
27. Crimes and offences committed on the high seas or in the air, offences against the law of nations committed on land or the high seas or in the air
28. Peace
29. Shipping declared by or under law made by Parliament to be national High seas
30. Shipping and navigation on inland waters, declared by Parliament by law to be national navigation, as regards economically profitable vessels; the rule of the road on such waters
31. Marine, shipping and navigation, including shipping and navigation on inland waters, provisions of education and training for the accounted marine and regulation of such vessels and training provided by State and other agencies
32. Lighthouses, including lightships, beacons and other facilities for the safety of shipping and aircraft
33. Port declared by or under law made by Parliament or existing law to be major port, including their delimitation, and the conditions and powers of port authorities there
34. Port operation, including hospitals connected therewith, coast and marine hospitals
35. Airports, airlanes and air navigation, provisions of aerodromes, resolution and organization of air traffic, and of aerodromes, provision for airmail, aviation, and immigration and regulation of such education and training provided by State and other agencies
36. Carriage of passengers and goods by railways, sea or air, or by national waterways or economically profitable vessels
37. Post and telegraphs, telephones, wireless broadcasting and other like forms of communication
38. Property of the Union and the revenues therefrom, but so much property situated in a State, ships, in Part A or Part B of the First Schedule subject to legislation by the State, as so far as Parliament by law otherwise provides
39. Matters of wheat for the estate of Rashtriya Indian Rail
40. Public debt of the Union
41. Currency, coinage and legal tender; foreign exchange
42. Reserve Bank of India
43. Post Office Savings Bank
10. Trade in goods with foreign countries, export and import across customs frontier, definition of customs frontier, establishment of customs frontier.
11. Trade and commerce.
12. Inception, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies.
13. Inception, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.
14. Banking
15. Bills of exchange, cheques, promissory notes and other like instruments.
16. Insurance.
17. Stock exchange and futures markets.
18. Patents, inventions and designs, copyright, trade marks and merchantable marks.
20. Establishment of standards of quality for goods to be imported into India or transferred from one State to another.
21. Industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.
22. Regulation and development of utilizable and mineral oil resources, petroleum and petrochemical products, other liquids and substances declared by Parliament by law to be dangerous by infamous.
23. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.
24. Regulation of labour and safety in mines and utilizable.
25. Regulation and development of coal, slate, iron and iron ore, to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.
26. Fishing and fisheries beyond territorial waters.
27. Manufacture, supply and distribution of salt by Union agencies, regulation and control of manufacture, supply and distribution of salt by other agencies.
28. Filmmaking, manufacture, and sale for export of film.
29. Sorting and classification of textile fibres for exhibition.
30. Industrial disputes concerning Union employees.
22. The following shall be Constituents of the Central Secretariat:
The Secretary to the Government of India in the Ministry of the Prime Minister.

23. For the purposes of this Act, the following shall be treated as official documents:
(a) Acts of Parliament;
(b) Orders, circulars, and instructions issued by the Government of India, the President, or the Prime Minister;
(c) Minutes of meetings of the Cabinet Committee on Public Undertakings and the Committee on Public Undertakings established by the Prime Minister; and
(d) Minutes of meetings of the Standing Committee of the House of the People and the House of the Senate established by the Prime Minister.
7. Emoluments, allowances, priviledges, and rights in respect of leave of absence, of the
President and Governor, salute and advances of the Minister for the Union, the salaries, allowances and
right in respect of leave of absence, and other conditions of service of the Governor-General and
Governor-General.
8. Audit of the accounts of the Union and of the States.
9. Constitution, organization, jurisdiction and powers of the Supreme Court (including
control of such Court), and the fees taken therein, persons entitled to practice before the Supreme
Court.
10. Constitution and organization of the High Court except provision as to officers
and servants of High Court, persons entitled to practice before the High Court.
11. Extension of the jurisdiction of a High Court having its principal seat in any
State to, and exclusion of the jurisdiction of any such High Court from, any area outside that
State.
12. Extension of the powers and jurisdiction of members of a police force belonging
to any State to any area outside that State, but not so as to enable the police of one State to
exercise powers and jurisdiction in any area outside that State without the consent of the
Government of the State in which such area is situated; extension of the powers and jurisdiction
of members of a police force belonging to any State to rendering across outside that State.
13. Inter-State migration; inter-State guarantees.
14. Taxes on income other than agricultural income.
15. Duties of customs excluding excise duties.
16. Taxes on goods on debate and other goods manufactured or produced in India
except—
17. Alcoholic liquors for human consumption;
18. Arms, Indian hemp, and other narcotic drugs and narcotics,
but including medicinal and toilet preparations containing alcohol or any substance included in
sub-paragraphs (i) of this entry.
19. Dye-stuffs;
20. Tax on the capital value of the assets, exclusive of agricultural land, of
individuals and companies, born on the capital of company;
21. Duty on transfer of property other than agricultural land;
22. Duty on transfer of securities other than agricultural land;
23. Terminal dues on goods or passengers, caused by railway, air airways, taxes on
railway fares and freights.
90. Taxes on the sale of goods in transactions in stock exchanges and futures markets.
91. Rules of stock exchange in respect of bullion, exchange, cheques, promissory notes, bills of lading, letters of credit, transfer of shares, debentures, bonds and receipts.
92. Taxes on the sale or purchase of investments and on advertisements published therein.
93. Officers required laws with respect to any of the matters in the List.
94. Inquiries, surveys and statistics for the purpose of any of the matters in the List.
95. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in the List.
96. Tax in respect of any of the matters in the List, but not including for taken in any court.
97. Any other matter not enumerated in List II or List III, including any tax not mentioned in either of those Lists.

**List III—State List**

1. Public order (but not including the use of armed, military or air force or any other armed force of the Union in aid of the civil power).
2. Police, including mining and police duties.
3. Administration of justice, constitution and organization of all courts, except the Supreme Court and the High Court, officers and servants of the High Court, procedure in civil and revenue courts for taken in all courts except the Supreme Court.
4. Prisons, reformatory and penal institutions and other institutions of a like nature, and persons declared therein, arrangements with other States for the use of prisons and other institutions.
5. Local government, that is to say, the constitution and powers of municipal corporations, enforcement of local, district, town, and village authorities and other local authorities for the purpose of local self-government or village administration.
6. Public health and sanitation, hospitals and dispensaries.
7. Agriculture, other than agriculture and fisheries declared.
8. Interests of labour, that is to say, the protection, manufacture, finance, transport,
functions and rules of facilitating liquor:
6. Relief of the disabled and unemployed.
7. Lands and burial grounds, cremation and cremation grounds.
8. Abandoned houses, subject to the provisions of sections 63, 64, 65, and 66 of Act 1 and section 25 of Act III.
9. Libraries, museums and other similar institutions controlled or financed by the State, ancient and historical monuments and records other than those declared by the Governor to be of national importance.
10. Communication, that is to say, roads, bridges, piers, and other means of communication not classified in Act 1, municipal tramways, refineries, inland waterways and traffic therein subject to the provisions of sections 51 and 52 of Act 1, and section 1 of Act II, except as such undertakings, vehicles other than mechanically propelled vehicles.
11. Agriculture, including agricultural education and research, protection against pests and diseases of plants.
12. Prevention, prohibition and enforcement of stock and preventable animal diseases; veterinary training and research.
14. Water, that is to say, water supplies, irrigation and drainage, embankments, water storage and water power subject to the provisions of section 24 of Act 1.
15. Land, that is to say, rights in or over land, land fences including the selection of dwellings and houses, and the cultivation of cereals, beans and other agricultural crops; land improvement and agricultural loans, colonization.
17. Protection of wild animals and birds.
19. Lands subject to the provisions of section 28 of Act 1, examined and allotted estates.
20. Regulation of town and mineral development subject to the provisions of Act 1 with respect to regulation and development under the control of the Him.
21. Industries subject to the provisions of section 31 of Act 1.
22. Forestry and fisheries.
23. Trade and commerce within the State subject to the provisions of section 35 of Act 1.
24. Production, supply and distribution of goods subject to the provisions of section 33 of Act III.
22. Mode of law.
23. Rights and remedies except establishment of standards.
24. Money lending and money-lenders; relief of agricultural indebtedness.
25. Size and use of tenancies.
26. Incorporation, regulation and winding up of corporations, other than those specified in
Sec. 1, and companies, unincorporated trading, literary, scientific, religious and other similar social
associations; co-operative societies.
27. Theatres and dramatic performances, cinemas subject to the provisions of entry 23
of Sec. 1, sports, entertainments and amusements.
28. Betting and gambling.
29. Marks, lands and buildings vested in or in the possession of the State.
30. Acquisition or requisition of property, except for the purposes of the Union,
subject to the provisions of entry 28 of Sec. 1.
31. Dances to the Legislature of the State subject to the provisions of any law made
by Parliament.
32. Salaries and allowances of members of the Legislature of the State, of the Speaker
and Deputy Speaker of the Legislative Assembly, and of the President and Deputy
Chairman thereof.
33. Salaries and allowances of Members to the State.
34. Equal pay; service; work; Service Commission.
35. Public service; that is to say, persons employed by the State or out of the funds
debt of the State.
36. Debt of the State.
37. Pre-service leave.
38. Land revenue, including the assessment and collection of revenue, the maintenance
of land records, surveying the revenue purposes and records of rights, and administration of revenues.
39. Taxes on agricultural income.
40. Rates or tax on increase to agricultural land.
41. Estate duty or estate of agricultural land.
42. Taxes on lands and buildings.
30. Fine on excisable goods subject to any limitation imposed by Parliament by law relating to mineral development.
31. Duty of excise on the following goods manufactured or produced in the State and conserved in the State at the same or other rate on similar goods manufactured or produced elsewhere in India—
   - alkali deger for human consumption,
   - tobacco, Indian hemp and other narcotic drug and narcotics;
   - but not including medicinal and toilet preparations containing alcohol or any substance included in such paragraph as of the entry.
32. Tax on the entry of goods into a local area for consumption, use or sale there.
33. Tax on the consumption or sale of electricity.
34. Tax on the sale or purchase of goods other than medicines.
35. Tax on advertisements other than advertisements published in newspapers.
36. Tax on goods and possessions owned by dead or in actual ownership.
37. Tax on vehicles, whether mechanically propelled or not, suitable for over roads, including transport subject to the provisions of entry 35 of List III.
38. Tax on animals and birds.
39. Tax.
40. Tax on professions, trades, callings and employments.
41. Excise duties.
42. Tax on liquor, including liquor on entertainments, amusements, betting and gambling.
43. Duty of stamp duty on certain documents other than those specified in the provisions of List I with regard to sale of stamps duty.
44. Offences against laws with respect to any of the entries in this List.
45. Pecuniary and fines of all courts, save the Supreme Court, with respect to any of the entries in this List.
46. Tax in respect of any of the entries in this List, but not including fine taken in any court.

List III—Concurrent List

- Personal law, including all matters included in the Indian Personal Code at the commencement of this Constitution but excluding matters against laws with respect to any of the matters specified in List I or List II and excluding the use of armed, military or tax forces or any other armed
form of the Union, and of the civil power.
2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.
3. Procedure for cases connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community, persons subjected to such detention.
4. Removal from one State to another State of persons convicted of crimes and persons subjected to preventive detention for reasons specified in entry 3 of this List.
5. Marriage and divorce; infant and minor; adoption, with registry and maintenance; legal family and personal; all matters in regard of which justice in private, criminal, or civil proceedings are immediately before the commencement of this Constitution subject to their personal law.
6. Transfer of property by sale or lease or agricultural land; registration of deeds and documents.
7. Contracts, including partnership, agency, contracts of conveyance, and other general forms of contracts, but not including contracts relating to agricultural land.
8. Admiralty cases.
10. Trusts and Trustees.
11. Administration general and official trusts.
13. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of the Constitution, insolvency and administration.
14. Bankruptcy of civil, but not including bankruptcy of the Supreme Court.
15. Insolvency, voluntary and compulsory liquidations.
16. Garnishee and writ of execution, including actions for the recovery of land, goods, or choses in action of land and personal, debtors and personal defences.
17. Procedure of casualty to insured.
18. Administration of probate and other goods.
19. Disposition of property, subject to the provisions of entry 13 of List I with respect to alienation.
20. Economic and social planning.
21. Commercial and industrial monopolies, cartels and trusts.
22. Trade unions, industrial and labor disputes.
23. Social security and social insurance, employment, and unemployment.
29. Health of labour, including conditions of work, prevalent foods, employment, sanitation, workmen's compensation, retirement and old age pensions and maternity benefits.
30. Labour and industrial injury of labour.
31. Legal, medical, and other professions.
32. Relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan.
33. Charitable and charitable institutions, charitable and religious medical and religious institutions.
34. Prevention of the exclusion from any State of certain religious or denominational societies or funds affecting men, women, or children.
35. Reliefs, including registration of births and deaths.
36. Reliefs other than those declared by or under law made by Parliament or existing law to be major funds.
37. Shipping and navigation on inland waterways as regards mechanically-perfected vessels and the rate of the mail on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of Part I with respect to national waterways.
38. Taxation and assessment in and the production, supply and distribution of the products of industries where the control of such industries by the States is declared by Parliament by law to be expedient on the public interest.
39. Free control.
40. Mechanically-perfected vehicles including the principles on which taxes on such vehicles are to be levied.
41. Railway.
42. Banking.
43. Electricity.
44. Telegraph, telephones, and printing presses.
45. Archaeological sites and remains other than those declared by Parliament by law to be of national importance.
46. Sale, management, and alienation of property (excluding agricultural lands) declared by law to be revenue property.
47. Railway, the carriage of property acquired or requisitioned for the purposes of the Union or of a State or for any other public purpose to be determined, and the form and the manner in which such compensation is to be given.
48. Recovery on a State of claims in respect of taxes and other public demands.
including errors of land records and sums recoverable as such errors, arising out in that State.
24. Though duties other than duties or fees collected by means of judicial stamps, but not including sales of stamps daily.
25. Inquire and statistics for the proceeds of any of the moneys specified in
Sect. 11 or Sect. III.
26. Jurisdiction and power of all courts, except the Supreme Court, with respect to
any of the moneys in this Sect.
27. In no respect of any of the moneys in this Sect, but not including fees taken
in any court.
### Eighth Schedule

[Article 346(3) and 351]

**Languages**

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*Note: The names are handwritten and may not be legible.*
Caligraphed by Rana Bhuvan Ramchandra (Jamuna) of Jorapukur, Rana Bhuvan Manchin Parjapati of Delhi.

Illuminated by P. Rovindra Bala and other artists of Panditnath Ramchandra.

Photolithographed at the Survey of India Offices, Kalkibankala, Dehra Dun.
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