

Constitutional Provisions

Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a ¹[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

JUSTICE, social, economic and political;

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

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the ²[unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY THIS 26TH DAY OF NOVEMBER 1949, DO HERE BY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

PART-III

FUNDAMENTAL RIGHTS

Article 13:

Laws inconsistent with or in derogation of the fundamental rights.

- (1) All laws in force in the territory of India immediately before the commencement of the Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec. 2 , for "SOVEREIGN DEMOCRATIC REBUBLIC" (w.e.f. 3.1.1977).

2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec. 2 for "unity of the Nation" (w.e.f.3.1.1977)

(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, be void.

(3) In this article, unless the context otherwise requires,

(a) "law" includes any Ordinance, order, bye-law, 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or other competent authority in the territory of India before the commencement of the Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

(3) Nothing in this article shall apply to any amendment of this Constitution made under Article 368.]

(4)

RIGHT TO EQUALITY

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

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

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

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

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

- (b)** the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
- (3)** Nothing in this article shall prevent the State from making any special provision for women and children.
- (4)** ³[Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.]
- (5)** ⁴[Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.]
- (6)** ⁵[Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—
- (a)** any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5);and
- (b)** any special provision for the advancement of any economically weaker sections of citizens other

3. Added by the Constitution (First Amendment) Act, 1951, Sec. 2.

4. Ins. by the Constitution (Ninety-third Amendment) Act, 2005, Sec.2 (w.e.f. 20.1.2006).

5. Ins. by the Constitution (One Hundred & Third Amendment) Act, 2019 (w.e.f. 14.1.2019).

than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten percent of the total seats in each category.

Explanation. —For the purposes of this article and article 16, "economically weaker sections" shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.]

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

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office⁶[under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory] prior to such employment or appointment.
- (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward

6. Subs. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch., for "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."

class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

- (4A)** ⁷[Nothing in this article shall prevent the State from making any provision for reservation ⁸[in matters of promotion, with consequential seniority, to any class] or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.
- (4B)**⁹[Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year.
- (5)** Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.
- (6)** ¹⁰[Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent

7. Ins. by the Constitution (Seventy-seventh Amendment) Act, 1995, Sec. 2 (w.e.f. 17.6.1995).

8. Subs. by the Constitution (Eighty-fifth Amendment) Act, 2001, Sec. 2 (w.e.f. 17.6.1995) for the words, "in matters of promotion to any class."

9. Ins. by the Constitution (Eighty-first Amendment) Act, 2000, Sec. 2 (w.e.f. 9.6.2000).

10. Ins. by the Constitution (one Hundred and Third Amendment) Act, 2019 (w.e.f. 14.1.2019)

of the posts in each category.]

Article 17: Abolition of Untouchability.—

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

Right to Freedom

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

- (1) All citizens shall have the right—
- (a) to freedom of speech and expression;
 - (b) to assemble peaceably and with out arms;
 - (c) to form associations or unions ¹¹[co-operative societies];
 - (d) to move freely throughout the territory of India;
 - (e) to reside and settle in any part of the territory of India;¹²[and]
 - (f) ^{13**} * * *
 - (g) to practise any profession, or to carry on any occupation, trade or business.
- (2) ¹⁴Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of¹⁵[the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or

11. Ins. by The Constitution (Ninety-seventh Amendment) Act, 2011, Sec.2, after the words “or unions” (w.e.f. 15.2.2012).

12. Ins. by the Constitution (forty-fourth Amendment) Act, 1978, Sec.2 (w.e.f. 20.6.1979).

13. Omitted by Sec. 2, *ibid.*, (w.e.f. 20.6.1979).

14. Ins. by the Constitution (Forty-fourth Amendment) Act, 1978, Sec. 2 (w.e.f. 20.6.1979).

15. Ins. by the Constitution (sixteenth Amendment) Act, 1963, Sec. 2.

incitement to an offence.

- (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 prevent the State from making any law imposing, in the interests of ⁶[the sovereignty and integrity of India or] 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 prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.
- (5)** Nothing in¹⁶(sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.
- (6)** Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular,¹⁷(nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—
- (i)** the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

16. Subs. by the Constitution (Forty-fourth Amendment) Act, 1978, Sec.2, for “sub-clauses (d), (e) and (f)” (w.e.f. 20.6.1979).

17. Subs. by the Constitution (First Amendment) Act, 1951, Sec. 3, for certain words.

- (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens otherwise.

Article 20 Protection in respect of conviction for offences.-

- (1) No person shall be convicted of any offence except for violation of a law in force at time of commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.
- (2) No person shall be prosecuted and punished for the same offence more than once.
- (3) No person accused of any offence shall be compelled to be a witness against himself.

Article 21 Protection of life and personal liberty-

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

Article¹⁸21-A: Right to Education.—

The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine

Article 22. Protection against arrest and detention in certain cases

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

18. Ins. by the Constitution (Eighty-sixth Amendment) Act, 2002, Sec.2 (w.e.f. 1.4.2010)

- (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
- (3) Nothing in clauses (1) and (2) shall apply—
 - (a) to any person who for the time being is an enemy alien; or
 - (b) to any person who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—
 - (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention: Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or
 - (b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).
- (5) When any person is detained in pursuance of an order made under any law providing 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.

- (6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.
- (7) Parliament may by law prescribe—
 - (a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months 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);
 - (b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and
 - (c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

Right against Exploitation

Article 23: Prohibition of traffic in human beings and forced labour.—

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

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

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Right to Freedom of Religion

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

- (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.
- (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—
 - (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
 - (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.—The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.

Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

Article 31B:- VALIDATION OF CERTAIN ACTS AND

REGULATIONS:- Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, and notwithstanding any judgment, decree or order of any court or Tribunal to the contrary, each of the said Acts and

Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force.]

Article 31C. Saving of laws giving effect to certain directive principles:- Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing 5 [all or any of the principles laid down in Part IV] shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by 6 [article 14 or article 19]; 7 [and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy]:

Provided that where such law is made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.]

Right to Constitutional Remedies

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

- (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
- (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.
- (3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament
- (4) The Right guaranteed by this article shall not be suspended except as otherwise provided by this constitution.

PART IV

DIRECTIVE PRINCIPLES OF STATE POLICY

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

- (1)** ¹⁹The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
- (2)** ²⁰The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

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

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

- (a)** that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b)** that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c)** that the operation of the economic system does not

19. Renumbered as Clause (i) of Article 38 thereof by the Constitution (Forty-fourth Amendment) Act, 1978, Sec. 9 (w.e.f. 20.6.1979)

20. Ins. by the Constitution (Forty-fourth Amendment) Act, 1978, Sec. 9 (w.e.f. 20.6.1979)

result in the concentration of wealth and means of production to the common detriment;

- (d) that there is equal pay for equal work for both men and women.
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) ²¹that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article²²39A: Equal Justice and Free Legal Aid:- The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Article40: Organisation of Village Panchayats.—

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

Article41: Right to Work, to Education and to Public Assistance in certain cases.—

The State shall, within the limits of its economic capacity

21. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec. 7 (w.e.f. 3.1.1977).

22. Ins. by the Constitution (Forty-second Amendment) Act, 1976, Sec. 8 (w.e.f. 3.1.1977).

and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article42: Provision for just and humane conditions of work and maternity relief.—

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

Article43: Living Wage, etc., for workers.—

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

Article²³43A: Participation of Workers in Management of Industries.—

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

Article²⁴43B: Promotion of Co-Operative Societies.—

The State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.

23. Ins. by the Constitution (Forty-second Amendment) Act, 1976, Sec. 9 (w.e.f. 3.1.1977)

24. Ins. by The Constitution (ninety-seventh Amendment) Act, 2011, Sec.3 (w.e.f. 15.2.2012).

Article 44: Uniform Civil Code for the Citizens.—

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

Article²⁵45: Provision for Early Childhood Care and Education to Children below the Age of Six Years.—

The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

Article 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.—

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

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

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

Article 48: Organisation of agriculture and animal

25. Subs. by the Constitution (Eighty-sixth Amendment), Act, 2002, Sec.3.

husbandry.— The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle. 1. Ins. by the Constitution (Forty-second Amendment) Act, 1976, s. 9 (w.e.f. 3-1-1977). 2. Ins. by the Constitution (Ninety-seventh Amendment) Act, 2011, s. 3 (w.e.f. 15-2-2012). 3. Subs. by the Constitution (Eighty-sixth Amendment) Act, 2002, s. 3 for art. 45 (w.e.f. 1-4-2010). 36 1

Article [48A:- Protection and improvement of environment and safeguarding of forests and wild life:- The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.]

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

Article 51:- Promotion of international peace and security:-

The State shall endeavour to—

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

[PART IV A

FUNDAMENTAL DUTIES

Article 51A:- Fundamental duties :- It shall be the duty of every citizen of India—

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(d) to defend the country and render national service when called upon to do so;

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) to safeguard public property and to abjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; 1

(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between

the age of six and fourteen years.]

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

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

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

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

Provided that the executive power referred to in sub-clause (a) shall not, save as expressly provided in this Constitution or in any law made by Parliament, extend in any State² *** to matters with respect to which the Legislature of the State has also power to make laws.

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

Article 162:- Extent of executive power of State:- Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws:

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

Article 226:- Power of High Courts to issue certain

writs:- (1) Notwithstanding anything in article 32 every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including 4 [writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.]

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power.

(3) -----

(4) -----

²⁶PART IX

THE PANCHAYATS

Article 243 D: Reservation of seats:-

- (1) Seats shall be reserved for—
- (a) the Scheduled Castes; and
 - (b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that

²⁶Ins. by the Constitution (Seventy third Amendment) Act, 1993, Sec.2 (W.e.F.24.4.1993)

Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

- (2)** Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.
- (3)** Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.
- (4)** The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

- (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.
- (6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

PART IXA THE MUNICIPALITIES

Article 243 T:- Reservation of seats.

(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women

belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. 102

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

PART XI

RELATIONS BETWEEN THE UNION AND THE STATES

CHAPTER 1. LEGISLATIVE RELATIONS

Distribution of Legislative Powers

Article 245:- Extent of laws made by Parliament and by the Legislatures of States:- (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.

(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra territorial operation.

Article 246:- Subject-matter of laws made by Parliament and by the Legislatures of States:-(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the —Union

ListII).

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State ^{1 ***} also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the —Concurrent ListII).

(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the —State ListII).

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included ² [in a State] notwithstanding that such matter is a matter enumerated in the State List

PARTXVI

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

Article330: Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.—

- (1)** Seats shall be reserved in the House of the People for—
 - (a)** the Scheduled Castes;
 - (b)** ²⁷the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and
 - (c)** the Scheduled Tribes in the autonomous districts of Assam.
- (2)** The number of seats reserved in any State ²⁸(or Union territory) for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State ²⁹(or Union territory) in the

27. Subs. by the Constitution (Fifty-first Amendment) Act, 1984, Sec. 2 (w.e.f. 16.6.1986).

28. Ins. by the Constitution (Seventh Amendment) Act, 1956, Sec., 29 and Sch.

29. Ins. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

House of the People as the population of the Scheduled Castes in the State ³⁰[or Union territory] or of the Scheduled Tribes in the State ³¹[or Union territory] or part of the State ³²(or Union territory), as the case may be, in respect of which seats are so reserved, bears to the total population of the State ³³(or Union territory).

- (3) ³⁴Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.

³⁵Explanation.—

In this article and in article 332, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year ³⁶(2026) have been published, be construed as a reference to the ³⁷(2001)census.

Article 332: Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.—

30. Ins. by the Constitution (Seventh Amendment Act, 1956, Sec. 29 and Sch.

31. Ins. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

32. Ins. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

33. Ins. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

34. Ins. by the Constitution (thirty-first Amendment) Act, 1973, Sec. 3.

35. Ins. by the Constitution (Forty-second Amendment) Act, 1976, Sec. 47 (w.e.f. 3.1.1977).

36. Subs. by the Constitution (Eighty-fourth Amendment) Act, 2001, Sec. 6 for the figures “2000”.

37. Subs. by the Constitution (Eighty-seventh Amendment) Act, 2003, Sec.5 for the figures “1991”.

- (1)** Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, ³⁸(³⁹except the Scheduled Tribes in the autonomous districts of Assam], in the Legislative Assembly of every State⁴⁰(* * *)
- (2)** Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.
- (3)** The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

⁴¹**(3A)** Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year ⁴²[2026], of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,—

- (a)** If all these ats in the Legislative Assembly of such State in exist ence on the date of coming into force

38. Subs. by the Constitution (Fifty-first Amendment) Act, 1984, Sec. 3, for certain word (w.e.f. 16.6.1986).

39. Subs. by the Constitution (Thirty-first Amendment) Act, 1973, Sec.4, for certain words.

40. The words and letters “specified in Part A or Part B of the First Schedule” omitted by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

41. Ins. by the Constitution (Forty-seventh Amendment) Act, 1987, Sec.2 (w.e.f. 21.9.19876).

42. Subs. by the Constitution (Eighty-fourth Amendment) Act, 2001, Sec.7 for the figures “2000”.

of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.

⁴³**(3-B)** Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year ⁴⁴[2026], of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any

43. Ins. by the Constitution (Seventy-second Amendment) Act, 1992, Sec. 2 (w.e.f. 5.12.1992)

44. Subs. by the Constitution (Eighty-fourth Amendment) Act, 2001, Sec.7 for the figures "2000".

area outside that district⁴⁵[***].

- (6) 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 district⁴⁶[***]:

⁴⁷(Provided that for elections to the Legislative Assembly of the State of Assam, the representation of the Scheduled Tribes and non-Scheduled Tribes in the constituencies included in the Bodoland Territorial Areas District, so notified, and existing prior to the constitute on of Bodoland Territorial Areas District, shall be maintained).

Article 334: Reservation of seats and special representation to cease after ⁴⁸[seventy years].—

Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to—

- (a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and
- (b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination,

shall cease to have effect on the expiration of a period

45. Certain words omitted by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), Sec.71 (w.e.f. 21.1.1972).

46. Certain words omitted by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), Sec.71 (w.e.f. 21.1.1972).

47. Ins. by the Constitution (Ninetith Amendment) Act, 2003, Sec.2 (w.e.f. 28.9.2004).

48. Subs. for the words "sixty years" by the Constitution (Ninety-fifth Amendment) Act, 2009 (w.e.f. 25.1.2010).

of⁴⁹[seventy years] from the commencement of this Constitution:

Provided that nothing in this article shall affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

Article 335: Claims of Scheduled Castes and Scheduled Tribes to services and posts.—

The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently 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:

⁵⁰(Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters or promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State).

Article 338: [National Commission for Scheduled Castes].—

- (1) ⁵¹There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.
- (2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of

49. Subs. for the words "sixty years" by the Constitution (Ninety-fifth Amendment) Act, 2009 (w.e.f. 25.1.2010).

50. Ins. by the Constitution (eighty-second) Amendment Act, 2000, Sec. 2 (w.e.f. 8.9.2000).

51. Subs. by the Constitution (Eighty-ninth Amendment) Act, 2003, Sec. 2.

a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.]

- (3)** The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
- (4)** The Commission shall have the power to regulate its own procedure.
- (5)** It shall be the duty of the Commission—
 - (a)** to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes ⁵²[***] under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
 - (b)** to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
 - (c)** to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled tribes and to evaluate the progress of their development under the Union and any State;
 - (d)** to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - (e)** to make in such reports recommendations as to the measures that should be taken by the Union or

52. The words “and Scheduled Tribes” omitted by the Constitution (Eighty-ninth Amendment) Act, 2003, Sec.2.

any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and

- (f)** to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (6)** The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.
- (7)** Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.
- (8)** The Commission shall, while investigating any matter referred to in sub-clause(a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

 - (a)** summoning and enforcing the attendance of any person from any part of India and examining him on oath;

- (b) requiring the discovery and production of any document;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses and documents;
 - (f) any other matter which the President may, by rule, determine.
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes⁵³[***.]
- (10) ⁵⁴In this article, references to the Scheduled Castes 1[***] shall be construed as including references⁵⁵[***] to the Anglo-Indian community.

Article⁵⁶338A:National Commission for Scheduled Tribes.—

- (1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.
- (2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of officeoftheChairperson,Vice-Chairperson and other

53. The words “and Scheduled Tribes” omitted by the Constitution (Eighty-ninth Amendment) Act, 2003, Sec.2.

54. Clause (3) renumbered as clause (10) by the Constitution (Sixty-fifth Amendment) Act, 1990, Sec. 2 (w.e.f. 7.6.1990).

55. Omitted by the Constitution (One Hundred and Second Amendment) Act, 2018 (w.e.f. 15.8.2018), for the words “to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of Article 340, by order specify and also”.

56. Ins. by the Constitution (Eighty-ninth Amendment) Act, 2003, Sec.3.

Members so appointed shall be such as the President may by rule determine.

- (3)** The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
- (4)** The Commission shall have the power to regulate its own procedure.
- (5)** It shall be the duty of the Commission —
 - (a)** to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safe guards;
 - (b)** to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;
 - (c)** to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
 - (d)** to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safe guards;
 - (e)** to make in such reports recommendation as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development to the Scheduled Tribes ; and
 - (f)** to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the

President may, subject to the provisions of any law made by Parliament, by rule specify.

- (6)** The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendations.
- (7)** Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.
- (8)** The Commission shall, while investigating any matter referred to in sub-clause(a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

 - (a)** summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - (b)** requiring the discovery and production of any document;
 - (c)** receiving evidence on affidavits;
 - (d)** requisitioning any public record or copy thereof from any court or office;
 - (e)** issuing commissions for the examination of witnesses and documents;

- (f) any other matter which the President may, by rule, determine.
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

Article⁵⁷338B:National Commission for Backward Classes.—

- (1) There shall be a Commission for the socially and educationally backward classes to be known as the National Commission for Backward Classes.
- (2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.
- (3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
- (4) The Commission shall have the power to regulate its own procedure.
- (5) It shall be the duty of the Commission—
 - (a) to investigate and monitor all matters relating to the safeguards provided for the socially and educationally backward classes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

- (b)** to inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes;
 - (c)** to participate and advise on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any State;
 - (d)** to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - (e)** to make in such reports the recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the socially and educationally backward classes; and
 - (f)** to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (6)** The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.
- (7)** Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government which shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations

relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

- (8)** The Commission shall, while investigating any matter referred to in sub-clause(a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—
- (a)** summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - (b)** requiring the discovery and production of any document;
 - (c)** receiving evidence on affidavits;
 - (d)** requisitioning any public record or copy thereof from any court or office;
 - (e)** issuing commissions for the examination of witnesses and documents;
 - (f)** any other matter which the President may, by rule, determine.
- (9)** The Union and every State Government shall consult the Commission on all major policy matters affecting the socially and educationally backward classes.

Article 339: Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes.—

- (1)** The President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas

and the welfare of the Scheduled Tribes in the States⁵⁸[***].

The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable.

- (2) The executive power of the Union shall extend to the giving of directions to⁵⁹[a State] as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

Article 340: Appointment of a Commission to investigate the conditions of backward classes.—

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

58. Omitted by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch., for the words and letters "specified in Part A or Part B of the First Schedule".

59. Subs. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch., for "any such State".

presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament.

Article 341. Scheduled Castes.—

- (1) The President ⁶⁰[may with respect to any State ⁶¹[or Union territory], and where it is a State ⁶²[***], after consultation with the Governor ⁶³[***] thereof,] by public notification, ⁶⁴[specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State ⁶⁵[or Union territory, as the case maybe.]
- (2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342. Article: Scheduled Tribes.—

- (1) The President ⁶⁶[may with respect to any State ⁶⁷[or

60. Subs. by the Constitution (First Amendment) Act, 1951, Sec. 10, for “may, after consultation with the Governor or Rajpramukh of a State”.

61. Ins. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

62. Omitted by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch., for the words and letters “specified in Part A or Part B of the First Schedule”.

63. Omitted by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch., for the words “or Rajpramukh”.

64. See the Constitution (Scheduled Castes) Order, 1950 (C.O. 19), the Constitution Scheduled Castes (Union territories) Order, 1951 (C.O. 32), the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 (C.O. 52), the Constitution (Dadra and Nagar Haveli) Scheduled Casts Order, 1962 (C.O. 64), the Constitution (Pondicherry) Scheduled Castes Order, 1964 (C.O. 68), the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968 (C.O.81) and the Constitution (Sikkim) Scheduled Castes Order, 1978 (C.O. 110).

65. Ins by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

66. Subs. by the Constitution (First Amendment) Act, 1951, Sec. 11.

67. Ins. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

Union territory], and where it is a State⁶⁸[***], after consultation with the Governor ⁶⁹[***] thereof, by public notification, ⁷⁰specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State ⁷¹[or Union territory, as the case maybe].

- (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 group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Article⁷²342A: Socially and educationally backward classes.—

- (1) The President [may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that

68. Omitted by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch., for the words and letters "specified in Part A or Part B of the First Schedule".

69. Omitted by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch., for the words "or Rajpramukh".

70. See the Constitution (Scheduled Castes) Order, 1950 (C.O.19), the Constitution (Scheduled Castes) Union Territories) Order, 1951 (C.O.32), the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 (C.O. 52), the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 (C.O.64), the Constitution (Pondicherry) Scheduled Castes Order, 1964 (C.O. 68), the Constitution (Goa, Daman and Diu) Schedules Castes Order, 1968 (C.O. 81) and the Constitution (Sikkim) Scheduled Castes Order, 1978 (C.O. 110).

71. Ins. by the Constitution (Seventh Amendment) Act, 1956, Sec. 29 and Sch.

72. Ins. by the Constitution (One Hundred and Second Amendment) Act, 2018 (w.e.f. 15.8.2018).

State or Union territory, as the case maybe].

(2) Parliament may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.]

- **[Explanation:-**For the purposes of clauses (1) and (2), the expression “Central List” means the list of socially and educationally backward classes prepared and maintained by and for the Central Government.

(3) Notwithstanding any contained in clauses (1) and (2), every State or Union territory may, by law, prepare and maintain, for its own purposes, a list of socially and educationally backward classes, entries in which may be different from the Central List.]

Article 366: Definitions.—

In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

Article 366 (24) : Scheduled Castes

“Scheduled Castes” means such castes, races or tribes or part so for groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution;

Article 366 (25): Scheduled Tribes

“Scheduled Tribes” means such tribes or tribal communities or

part so for groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution;

Article 366 ⁷³(26C): Socially and Educationally Backward Classes

“Socially and Educationally Backward Classes” means such backward classes as are so deemed under article 342A for the purposes of this Constitution;

NINTH SCHEDULE

(Article 31B)

(At Serial 257A)

[**257 A** The Tamilnadu Backward Classes, Schedule Castes, Schedule Tribes (Reservations of Seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993 (Tamilnadu Act 45 of 1994).]

73. Ins. by the Constitution (One Hundred and Second Amendment) Act, 2018 (w.e.f. 15.8.2018).