APPENDIX – II.
SELECTED ARTICLES FROM THE CONSTITUTION OF INDIA
(AS OF OCTOBER 1978).

FUNDAMENTAL RIGHTS.

GENERAL

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

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or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

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

RIGHT TO EQUALITY.

EQUALITY BEFORE LAW.

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

RIGHT TO FREEDOM.
PROTECTION OF CERTAIN RIGHTS REGARDING FREEDOM OF SPEECH ETC.

19. (1) All citizens shall have the right —

(f) to acquire, hold and dispose of property;

(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 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.

RIGHT TO PROPERTY.

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

1. In its application to the State of J & K, in Art. 31, Cls. (3), (4) and (6) shall be omitted and for Cl. (5), the following "(5) Nothing in Clause (2) shall affect —

(a) The provisions of any existing law; or

(b) The provisions of any law which the State may hereafter make —

(i) for the purpose of imposing or levying any tax or penalty; or

(ii) for the promotion of public health or the prevention of danger to life or property; or

(iii) with respect to property declared by law to be evacuee property").
(2) No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for acquisition or requisitioning of the property for an amount which may be fixed by such law or which may be determined in accordance with such principles and given in such manner as may be specified in such law; and no such law shall be called in question in any court on the ground that the amount so fixed or determined is not adequate or that the whole or any part of such amount is to be given otherwise than in cash:

Provided that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in Cl. (1) of Art. 30, the state shall ensure that the amount fixed or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

Subs. by the Conti. (25th Am.) Act, 1971 w.e.f. 20.4.1972 for:
(2) No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, the compensation is to be determined and given; and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate.

Prior to 27.4.1955, when the Consti. (4th Am.) Act, 1955, came into force, Sub-Art. (2) was as follows:

(2) No property movable or immovable, including any interest in any company owning, any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law authorising the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, the compensation is to be determined and given.
(2A) Where a law does not provide for the transfer of the ownership or right to property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition or requisitioning of property, notwithstanding that it deprives any person of his property.

(2B) Nothing in sub-clause (f) of Clause (1) of article 19 shall affect any such law as is referred to in Clause (2).

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

(4) If any Bill pending at the commencement of this Constitution in the Legislature of a State has, after it has been passed by such Legislature, been reserved for the consideration of the President and has received his assent, 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 provisions of clause (2).

(5) Nothing in clause (2) shall affect —
   (a) the provisions of any existing law other than a law to which the provisions of Cl. (6) apply, or
   (b) the provisions of any law which the State may hereafter make —

1. Inserted by the Const. (4th Am.) Act, 1955 w.e.f. 27.4.1955.
2. Inserted by the Const. (25th Am.) Act, 1971 w.e.f. 20.4.1972.
i) for the purpose of imposing or levying any tax or penalty, or

ii) for the promotion of public health or the prevention of danger to life or property, or

iii) in pursuance of any agreement entered into between the Government of the Dominion of India or the Government of India and the Government of any other country, or otherwise, with respect to property declared by law to be evacuee 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 certification; and thereupon, if the President by public notification so certifies, it shall not be called in question in any court on the ground that it contravenes the provisions of Cl. (2) of this article or has contravened the provisions of sub-section (2) of section 299 of the Government of India Act, 1935. (S. 299, G.I. Act.)

1 (31A. Saving of laws providing for acquisition of estates, etc. - (1) Notwithstanding anything contained in Art.13, no law providing for:

(a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or

(1) Inserted by the Consti. (1st Am.) Act, 1951, on 18.6.1951 w.e.f. 26.1.1950; and Cl.(1) substituted by the Consti. (4th Am.) Act, 1955, on 27.4.1955, w.e.f. 26.1.1950. The original clause (1) as inserted in 1951 was:

(1) Notwithstanding anything in the foregoing provisions of this part, no law providing for the acquisition by the State of any estate or of any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the right conferred by, any provisions of this part: Provided that where such law is a law 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.
(b) the taking over of the management of any property by the State for a limited period either in the public interest or in order to secure the proper management of the property, or

(c) the amalgamation of two or more corporations either in the public interest or in order to secure the proper management of any of the corporations, or

(d) the extinguishment or modification of any rights of managing agents, secretaries and treasurers, managing directors, director or managers of corporations, or of any voting rights of shareholders thereof, or

(e) the extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning, any mineral or mineral oil, or the premature termination or cancellation of any such agreement, lease or licence, 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 article 14, article 19 or Art. 31:

1 Provided that where such law is a law 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:

2 (Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or 1

1. In its application to the State of J & K., the proviso to Cl.(1) of Art.31 A shall be omitted; Consti. (J & K) Order, 1954.
2. Inserted by the Consti.(17th Am.)Act, 1964 w.e.f.20.6.1964.
struct standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof).

(2) In this article —

(a) the expression "estate" shall, in relation to any local area, have the same meaning as that expression

1. As amended by the Consti.(17th Am.) Act, 1964 on 20-6-964 w.e.f. 26.1.1950; sub-clause(a) was as follows:

a) the expression "estate" shall, in relation to any local area, have the same meaning as the expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include any jagir, inam or muafi or other similar grant.

The Consti.(4th Am.) Act, 1955, inserted on 27.4.1955, w.e.f. 26.1.1950, the following words at the end of the sub-clause:

AND in the States of Madras and Travancore-Cochin, any JANMAM right.

2. In its application to the State of J & K, for sub-clause (a) of Cl.(2) of Art.31A, the following sub-clauses shall be substituted, by the Consti.(J & K) Order, 1954, namely:

"(a) 'Estate' shall mean land which is occupied or has been let for purposes sub-servient to agriculture, or for pasture, and includes—

i) sites of buildings and other structures on such land;

ii) trees standing on such land;

iii) forest land and wooded waste;

iv) area covered by or fields floating over water;

v) sites of jandars and gharels;

vi) any jagir, inam, muafi or mukarrari or other similar grant, but does not include—

i) the site of any building in any town, or town area or village abadi or any land appurtenant to any such building or site;

ii) any land which is occupied as the site of a town or village or

iii) any land reserved for building purposes in a municipality or notified areas or cantonment or town area or any area for which a town planning scheme is sanctioned".
or its local equivalent has in the existing law relating to land tenures in force in that area and shall also include—

i) any jagir, inam or muafi or other similar grant and in the States of (Tamil Naidu) and (Kerala) any JANMAM RIGHT;

ii) any land held under ryotwari settlement;

iii) any land held or let for purposes of agriculture or for purposes ancillary thereto, including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans)

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

(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 appeal or amend it, continue in force).

2. Substituted for "Travancore-Cochin" by the Consti.(7th Am.) Act, 1956, w.e.f. 1-11-1956.
4. Inserted by the Consti.(1st Am.) Act, 1951 w.e.f. 18-6-1951.
SAVING OF LAWS, GIVING EFFECT TO CERTAIN DIRECTIVE PRINCIPLES.

31C. Notwithstanding anything contained in Article 13, no law giving effect to the policy of the State towards securing (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 Art. 14, Art. 19 or Art. 31; 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.

CERTAIN PRINCIPLES OF POLICY TO BE FOLLOWED BY THE STATE.

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

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

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

1. Inserted by the Constitution (25th Am.) Act, 1971 w.e.f. 20-4-1972.

2. Substituted by the Constitution (Forty-Second Amendment) Act, 1976.
368 (1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.

(2) An amendment of this Constitution may be introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that if such amendment seeks to make any change in—

(a) article 54, article 55, article 73, article 162 or article 241 or

(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or

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

(d) the representation of States in Parliament, or

(e) the provisions of this article,

the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States by resolutions to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent.
(3) Nothing in article 13 shall apply to any amendment made under this article.

(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article (whether before or after the commencement of Section 55 of the Constitution (Forty-Second Amendment) Act, 1976) shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.

1. Inserted by the Constitution (Forty-Second Amendment) Act, 1976.