

State Politics and Constitution

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TUTORIAL

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- INDIAN POLITY: INTRODUCTION

The constitution of a country is a document that comprises a set of written rules accepted by everyone living together in that country.

The Constitution of a country is the supreme law of the land and it determines the relationship among people living in that country and also regulates the government and its policies towards its citizens.

- Role of Constitution

A constitution serves a lot of purpose; its major roles are as follows –

It describes rules and regulations that generate a degree of trust and coordination among the people of different strata of a society who live together;

It provides a framework within which the government and other institutions work in the country;

It lays down the procedure as to how the government will be constituted and the manner in which decisions are taken;

It defines the powers, duties, and limits of the respective government.

It also tells the rights of the citizens and defines the rule of law and a procedure to protect them.

- CONSTITUTION FORMATION

- Historical Background

In 1928, Motilal Nehru and eight other Congress leaders drafted a constitution for India.

In 1931, Indian National Congress in its session at Karachi passed a resolution on how the constitution of independent India should look like.

Both these two documents have included the right of universal adult franchise, right to freedom and equality, and to protecting the rights of minorities.

Later, the provisions of these documents provided a background of the certain basic values, which were accepted by all leaders and included in the constitution of independent India.

British rule had introduced weak legislatures in India by the given voting rights to a few elite persons only.

Elections were held in 1937 to Provincial Legislatures all over British India, which were not fully democratic governments. However, the working with these legislative institutions provided useful experience to Indians, which helped in setting up native institutions in independent India.

Like South Africa, India's Constitution was also drawn up under very difficult circumstances.

The makers of the Indian Constitution have adopted its fundamental structure from the Government of India Act 1935.

- **The Constituent Assembly**

The Constituent Assembly was the body of elected representatives of the people of India.

Elections for the Constituent Assembly were held in July 1946 and its first meeting was convened in December 1946.

On Partition, the Constituent Assembly was also divided into two parts called as the Constituent Assembly of India and the Constituent Assembly of Pakistan.

The Constituent Assembly of India that drafted the Indian Constitution had 299 members.

The Constituent Assembly of India had adopted the Constitution on **26 November 1949**, but it came into effect on **26 January 1950**.

- **Factors of Constitution Formation**

The factors that contributed to the making of Indian Constitution were –

- French Revolution;
- Parliamentary democracy in Britain;
- Bill of Rights in the US; and
- Socialist revolution in Russia.

- **Key Features of Indian Constitution**

Indian Constitution is a '**written**' constitution.

Indian Constitution is '**flexible**' (it can be amended), but it is also '**rigid**' (as some part, i.e., its '**basic structure**' cannot be amended).

Indian Constitution is '**Unitary**' (as Center has more power), but it is also '**Federal**' (as power is divided between the Center and the State).

- **Guiding Values of the Constitution**

Liberty

The Constitution provides every citizen a number of liberties and freedoms under Article 19 to 21, 21A, and 22. It is established that no unreasonable restrictions can be imposed upon citizens to regulate their freedom.

Right to Freedom under Article 19 includes –

The right to freedom of speech and expression;

The right to form association;

The right to move freely;

Reside in any part of the country; and

The right to practice any profession, occupation, or business.

Equality

The Constitution states that all citizens are equal before the law and the government should ensure that the traditional practice of social inequalities on the grounds of caste, religion, and gender has to be ended.

Right to Equality is enshrined under Articles 14 to 18 of the Indian Constitution of India, which guarantees the right to equality to all persons and prohibits any kind of discrimination against any citizen on any of the grounds of religion, race, caste, gender, and place of birth.

Article 14 provides that all persons are equal before the law. This means that all persons shall be equally protected by the laws of the country.

Article 15 states that no citizen can be discriminated against on the basis of his/her religion, race, caste, sex, or place of birth.

Article 16 states that the State cannot discriminate against anyone in matters of employment.

Article 17 abolishes the practice of untouchability from India. It provides that every person has access to all public places including playgrounds, hotels, shops, etc.

Right against Exploitation is enshrined under Article 23 to 24 of the Constitution of India. It provides fundamental right against exploitation to every citizen of India.

Article 23 of the Constitution provides for prohibition of any kind of forced labor and any violation of this provision shall be an offence punishable in accordance with the law.

Article 24 protects the children by stating that no child below the age of 14 shall be employed to work in any factory or mines or any other hazardous employment.

Fraternity

All the Indians are members of a family, no one is inferior or superior, all are equal and have same rights and duties.

Sovereignty

The government of India is free to take any decision on internal as well as external matters and no external power can dictate it.

Socialist

In a socialist country, citizens have the right to property but the government should regulate it by law, the socio-economic activities to reduce inequalities in the society and hence, every citizen has equal right to share the resources of the country.

The concept of social justice was adopted by the 42nd amendment of Constitution that enables courts to uphold provisions to remove economic inequalities in our society.

Secular

India is a secular country. There is no official religion of the government and the government treats all the religions equally.

Articles 25 to 28 provide 'Right to freedom of Religion' for every citizen. This is a Fundamental Right that allows every individual a freedom to live by their religious beliefs and practices as they interpret these beliefs.

Cultural and Educational Rights (Article 29 to 30) state that all minorities, religious or linguistic, having a distinct language, script or culture of its own, (they) can set up their own educational institutions in order to preserve and develop their language, script, or culture.

Democratic

The democratic system of government runs according to some basic principles, which are collectively called as 'Rule of Law.'

In a democratic form of the government, the people of the country enjoy equal political rights, choose to elect and change their representatives, and hold them accountable.

- **Preamble**

The Indian democracy is founded on those values that had inspired and guided the freedom struggle.

The Indian Constitution embedded the values in its Preamble. Therefore the Preamble emanates lights that glitter all the articles of the Indian Constitution.

The Preamble provides a short introductory statement of the basic values of the constitution to start with. In other words, it is the 'Soul of the Constitution.'

It is the preamble that provides a standard to examine and evaluate any law and action of the government to judge its validity and sanctity.

- **HOW THE CONSTITUTION WORKS**

A constitution is a set of fundamental principles according to which a state is constituted or governed.

The Constitution specifies the basic allocation of power in a State and decides who gets to decide what the laws will be.

The Constitution first defines how a Parliament will be organized and empowers the Parliament to decide the laws and policies.

The Constitution sets some limitations on the Government as to what extent a Government can impose rules and policies on its citizen. These limits are fundamental in the sense that the Government may never trespass them.

The Constitution enables the Government to fulfil the aspirations of a society and create conditions for a just society.

- **UNION & ITS TERRITORY**

Article 1 (1) states that India, that is Bharat, shall be a Union of States.

Article 1 (2) states that the States and the territories thereof shall be as specified in the First Schedule.

Article 1 (3) states that the territory of India shall comprise –

The territories of the States;

The Union territories specified in the First Schedule; and

Such other territories as may be acquired.

There are a total of 29 States, 6 Union Territories, and 1 National Capital Territory (as shown in the map given above).

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

Article 3 states that the Parliament may by law form a new State by separation of a territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State.

Article 4 states that any law referred to in Article 2 or Article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental, and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as the Parliament may deem necessary.

- CITIZENSHIP

Article 5 states that at the commencement of this Constitution, every person who has his domicile in the territory of India and –

who was born in the territory of India; or

either of whose parents was born in the territory of India; or

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.

- FUNDAMENTAL RIGHTS

Right to Equality

- The Rule of law is the foundation of Indian democracy that states that the laws apply in the same manner to all, irrespective of a person's status. It means that the Prime Minister of the country or a poor farmer in a remote village is subject to the same law and equal treatment.
- Article 14 states that the government shall not deny to any person, *equality before the law or the equal protection of the laws*, which means –
 - Laws apply in the same manner to all;
 - No person is above the law;
 - Every citizen is subjected to the same laws and same treatment;
 - No person can legally claim any special treatment or privilege on any of the ground; and
 - Law makes no distinction between a political leader, a government official, and an ordinary citizen.
- Article 15 states that no citizen can be discriminated against on the basis of his/her religion, race, caste, sex, or place of birth.
- Article 15 further enhanced the Right to Equality by providing that every citizen shall have equal access to public places like shops, restaurants, hotels, and cinema halls. Similarly, there shall be no restriction with regard to the use of wells, tanks, bathing ghats, roads, playgrounds, and places of public resorts maintained by the government.
- Article 16 states that the State cannot discriminate against anyone in the matters of employment.

- Article 17 abolishes the practice of untouchability in any form, which states that every person has access to all public places including playgrounds, hotels, shops, etc.

Right to Freedom

- Freedom means non-interference and absence of restrictions in one's affairs by others, whether it be the individuals or the Government.
- The Constitution of India provides all citizens 'freedom' under Article 19 to do any of these following acts –
 - Right to Freedom of speech and expression;
 - Right to form assembly in a peaceful manner;
 - Right to form associations and unions;
 - Right to move freely throughout the country;
 - Right to reside in any part of the country; and
 - Right to Practice any profession, or to carry on any occupation, trade, or business.
- However, there are certain reasonable restrictions that can be imposed upon the citizens by the Government in the larger interests of the society.
- Likewise, though every citizen has the right to all these freedoms, but it is subject to reasonable restrictions such as –
 - The expression of freedoms should not cause public nuisance or disorder.
 - This freedom of one should not violate others' right to freedom.
 - Freedom is not unlimited right to do what one wants.
 - Accordingly, the government can impose certain reasonable restrictions (on freedoms of citizens) in the larger interests of the society.
- The Honorable Supreme Court of India has explained the 'freedom' under Article 21 as –
 - No citizen can be killed unless the court has ordered a death sentence.
 - No person can be arrested or detained by the police officer unless he has proper legal justification.
- As per the guidelines settled by the Hon'ble Supreme Court of India, a police officer while arresting a person has to follow some procedures –
 - The police officer is duty bound to inform the person (in case of his arrest), the reason/s of his arrest and detention and the person so arrested has the right to know the reason for his arrest.
 - It shall be the duty of the police officer to produce the arrested person before the nearest magistrate within a period of 24 hours of arrest.
 - The arrested person has the right to consult a lawyer of his choice for his defense.

Right against Exploitation

- The Constitution of India provides distinct and clear provisions to prevent exploitation of the weaker sections of the society.

- The Constitution prohibits the following practices as evil and declares them illegal –
 - Trafficking of human beings, i.e., the selling and buying of human beings, (generally, women and children are the victims of trafficking).
 - Forced labor or beggar in any form is illegal and is prohibited (beggar is work or service without remuneration, which is called as bonded labor if this practice runs through life of the worker).
 - Child labor is also prohibited. The children below 14 years of age, cannot be employed to work in any factory or mine or in any other hazardous work, such as railways and ports.
- The Parliament of India has enacted laws to implement constitutional right that prohibits children below 14 years of age from working in hazardous industries such as *beedi* making, firecrackers and matches, printing, and dyeing.

Right to Freedom of Religion

- India is a **secular state**, which means the State has no official religion and India does not promote/protect any one religion over the other religion.
- The Fundamental Rights under Articles 25 to 28 facilitate individuals the freedom to live by their religious beliefs and practices as they interpret these beliefs.
- Every citizen in India has liberty to profess, practice, and propagate the religion that he or she believes in.
- Every sect or a religious group is free to manage its religious affairs, but it is subject to reasonable restrictions debarring, any person, or organization to compel another person to convert into his religion by means of force, fraud, inducement, or allurement.
- This right is in the form of restrictions upon the government not to compel any person to pay any taxes for the promotion or maintenance of any particular religion or religious institution.
- In the educational institutions run or added by the government, neither any religious instruction can be imparted nor can any person be compelled to take part in any religious instruction or to attend any religious worship.

Cultural and Educational Rights

- The democracy is based upon the wishes of the majority. In this system, the right and interest of the minorities need to be protected by developing a mechanism that cannot be changed prejudicially by the majority.
- Therefore in a democratic country, Special Protection is provided in the constitution to preserve and develop the language, culture, and religion of minorities.

- Any section of citizens with a distinct language or culture has the right to conserve its language, culture, and religious practices.
- Articles 29 and 30 provide Cultural and Educational Rights, which states that all minorities, religious or linguistic groups, having a distinct language, script or culture of its own can set up their own educational institutions in order to preserve and develop their language, script, or culture.

Right to Constitutional Remedies

- A person aggrieved by the violation of any of his/her fundamental right can approach either to the Supreme Court (under Article 32) or High Court (under Article 226) for the restoration of his/her fundamental right/s.
- The enforceability of rights is a very important aspect of all fundamental rights and hence, it is called as the “Right to Constitutional Remedies.”
- According to Dr. Ambedkar, the right to constitutional remedies is the ‘heart and soul of the Constitution.’
- If someone violates someone’s Fundamental Rights, then he/she can approach either a High Court or directly the Supreme Court to get proper remedy.
- The Supreme Court or the High Court (as the case may be) can issue orders (known as **writs**) and give directives to the Government for the enforcement of Fundamental Rights.

- **FUNDAMENTAL DUTIES**

To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

To cherish and follow the noble ideals which inspired our national struggle for freedom;

To uphold and protect the sovereignty, unity and integrity of India;

To defend the country and render national service when called upon to do so;

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;

To value and preserve the rich heritage of our composite culture;

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

To develop the scientific temper, humanism and the spirit of inquiry and reform;

To safeguard public property and to abjure violence;

To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of achievement; and

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.

- **UNION EXECUTIVE**

- The organ of a government that primarily looks after the function of implementation and administration is known **the Executive**.
- The Executive is the branch of Government accountable for the implementation of laws and policies legislated by the legislature.
- In the Parliamentary form of executive, the Prime Minister is the head of the government and the head of the State may be Monarch (Constitutional Monarchy, e.g. UK) or President (Parliamentary Republic, e.g. India).
- In a Semi-Presidential System, the President is the head of the State and the Prime Minister is the head of the government, e.g. France.
- In a Presidential System, the President is the head of the State as well as the head of government, e.g. the US.

Indian System

- Article 74 (1) of the Indian Constitution states that “there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall in the exercise of his functions, act in accordance with such advice.”
- The President has a wide range of power including executive, legislative, judicial, and emergency powers. However, in a parliamentary system (e.g. India), these powers are in reality used by the President only on the advice of the Council of Ministers.
- The Prime Minister and the Council of Ministers have support of the majority in the Lok Sabha and they are the real executive.
- The President is the formal head of the government.
- The Prime Minister is obliged to furnish all the information that the President may call for.
- The Council of Ministers is headed by the Prime Minister.
- In the parliamentary form of executive, it is essential that the Prime Minister has the support of the majority in the Lok Sabha. And the moment the Prime Minister loses this support of the majority; he or she loses the office.
- In case no party is in majority, a few parties can form government ‘**in coalition.**’
- A Prime Minister has to be a Member of Parliament (MP); however, if someone becomes the Prime Minister without being an MP; in such as case, he or she has to get elected to the Parliament within **six** months of period.

- The Council of Ministers constitutes not more than 15 percent of a total number of members of the House of the People (91st Amendment).
- Persons selected by the Union Public Service Commission for Indian Administrative Service (IAS) and Indian Police Service (IPS) constitute the backbone of the higher level bureaucracy in the States.
- Though IAS and IPS work under the state government, they are appointed by the central government; hence, only the central government can take disciplinary action against them. However, the officers appointed through the State Public Service Commission look after the state administration.

The President

- The President of India is the head of the State. He exercises only nominal powers. His functions are mainly ceremonial in nature like the Queen of Britain.
- All the political institutions in India, function in the name of the President of India and the President supervises their functions to bring harmony in their works to achieve the objectives of the State.
- In India, the President is elected, not appointed, (although not elected directly by the people). The President is elected by the Members of Parliament (MPs) and the Members of the Legislative Assemblies (MLAs) of each state.
- Participation of Members of the state's Legislative Assemblies in the election of the president of India shows that the President of India represents the entire nation. At the same time, the indirect election of the President ensures that he cannot claim popular mandate like that of the Prime Minister and thus remains only a nominal head of the State.
- All major policy decisions and orders of the government are issued in the President's name.
- The President appoints all the major heads of the institutions of the government, i.e.,
 - The appointment of the Chief Justice of India,
 - The Judges of the Supreme Court and the High Courts of the states,
 - The Governors of the states,
 - The Election Commissioners,
 - Ambassadors to other countries, etc.
- The government of India makes all international treaties and agreements in the name of the President.
- The President is the supreme commander of the defense forces of India.
- However, all these powers are exercised by the President only on the advice of the Council of Ministers headed by the Prime Minister.
- The President can ask the Council of Ministers for reconsideration on any advice (asked to him by the Council of Ministers), but if the Council of Ministers recommend the same advice again, he is bound to act according to it.
- A Bill passed by the Parliament becomes a law only after the President gives assent to it. The President can return a Bill back to the Parliament for

reconsideration, but he has to sign it, if the Parliament passes the Bill again (with or without amendment).

Discretionary Power

- In **three** circumstances, the President can exercise his or her **discretionary power**
 - The President can send back the advice given by the Council of Ministers for reconsideration.
 - The President has veto power (also known as ‘pocket veto’) by which he or she can withhold or refuse to give his or her assent to any Bill (other than Money Bill) passed by the Parliament. It happened once, i.e. in 1986, President Gyani Zail Singh withheld the “Indian Post Office (amendment) Bill.”
 - The President appoints the Prime Minister.

Vice President

- The Vice President is elected for **five** years and the election method is similar to that of the President; however, the only difference is that the members of State legislatures do not participate in the Electoral process.
- The Vice President acts as the ex-officio Chairman of the Rajya Sabha.
- The Vice President takes over the office of the President when there is a vacancy by reasons of death, resignation, removal by impeachment, or otherwise.
- The Vice President may be removed from his or her office by a Resolution of the Rajya Sabha passed by a majority and agreed to by the Lok Sabha.

• **UNION LEGISLATURE**

- The Union Legislature of India is not only the lawmaking body, but the center of all democratic political process.
- The Parliament is the central legislature and the legislature of the state is known as ‘State Legislature.’
- The Parliament of India is **bicameral** (i.e. consists of two houses) namely **Rajya Sabha** (the Council of States) and **Lok Sabha** (the House of the People).
- Indian states also have the option to have either bicameral or unicameral; however, at present, there are **seven states** (shown in the map given below), which have bicameral legislature namely –
 - Jammu & Kashmir,
 - Uttar Pradesh,
 - Bihar,
 - Maharashtra,
 - Karnataka,
 - Andhra Pradesh, and
 - Telangana.

Rajya Sabha

- The Rajya Sabha is an indirectly elected body and represents the States of India.
- The elected members of State Legislative Assembly elect the members of Rajya Sabha.
- In the U.S.A, every state has equal representation in the Senate irrespective of size and population of the states, but in India, it is not the same.
- In India, states with larger size of population get more representatives than states with smaller population. For example, Uttar Pradesh (the most populated state) sends 31 members to Rajya Sabha; on the other hand, Sikkim (the least populated state) sends only one member to Rajya Sabha.
- The number of members to be elected from each State has been fixed by the fourth schedule of the Constitution.
- Members of the Rajya Sabha are elected for a term of **six** years and then they can be re-elected.
- Members of Rajya Sabha are elected in such a manner that they do not complete their tenure altogether; rather after every two years, one-third member complete their term and elections are held for those one-third seats only.
- Likewise, the Rajya Sabha never gets fully dissolved and hence, it is known as the **permanent House** of the Parliament.
- Apart from the elected members, the President appoints **12** members from the fields of literature, science, art, and social service.

Lok Sabha

- The members of Lok Sabha and the State Legislative Assemblies are directly elected by the people for the period of **five** years.
- However, before the completion of tenure, if the Lok Sabha is dissolved (no party forms government with majority), a fresh election will be conducted again.

Functions of the Parliament

- The Parliament has legislative (law making) and financial functions (money bill and budgetary function); besides, it also controls the Executive and ensures its accountability.
- The Parliament is the highest forum of debate in the country and hence, there is no limitation on its power of discussion.
- The Parliament has the power of discussing and enacting changes to the Constitution (i.e. amendment power).
- The Parliament also performs some electoral functions, as it elects the President and the Vice President of India.

- The Parliament has also judicial functions, as it considers and decides the proposals for the removal of President, Vice-President, and Judges of the Supreme Court and High Courts.
- Following are the some distinct powers of Lok Sabha and Rajya Sabha –
 - Lok Sabha makes ‘Laws’ on matters included in Union List and Concurrent List and can introduce and enact money and non-money bills.
 - Rajya Sabha considers and approves non-money bills and suggests amendments to money bills.
 - Lok Sabha approves proposals for taxation, budgets, and annual financial statements.
 - Rajya Sabha approves constitutional amendments.
 - Lok Sabha establishes committees and commissions and considers their reports.
 - Rajya Sabha can give the Union parliament power to make laws on matters included in the State list.

Special Powers of Rajya Sabha

- Rajya Sabha has some special powers. If the Union Parliament wishes to remove a matter from the State list (over which only the State Legislature can make law) to either the Union List or Concurrent List in the interest of the nation, the approval of the Rajya Sabha is essential.

Special Powers of Lok Sabha

- Regarding Money Bills, the Lok Sabha has the exclusive power and hence, the Rajya Sabha cannot initiate, reject, or amend money bills.
- Amendment/s made by the Rajya Sabha to the Money Bill may or may not be accepted by the Lok Sabha.

- **Prime Minister and Council of Ministers**

The Council of Ministers is one the most powerful political institutions in the country. Prime Minister is the head of the Council of Ministers (as well as the central government).

There is no direct election to the post of the Prime Minister (PM), but the Prime Minister is chosen normally from the elected MPs.

The Prime Minister is appointed by the President of India. The President appoints a person as Prime Minister who is the leader of the party having the majority in the Lok Sabha.

The Prime Minister continues in power for five-year term OR so long as he commands the majority party or coalition.

The President appoints other ministers on the advice of the Prime Minister.

The Prime Minister is free to choose his ministers from the members of Parliament.

A person who is not a Member of Parliament can also become a minister. But such a person has to get elected to one of the Houses of the Parliament within six months of appointment as minister.

All the Ministers collectively in a group are officially called as Council of Ministers; however, the Ministers have different ranks and portfolio.

The different categories of the ministers are –

- **Cabinet Ministers** are the most experienced and top-level leaders of the ruling party. They usually hold the charge of the major ministries like Finance, Defense, Home, External Affairs, Food and Supply, etc. The decisions of the government are generally taken up in the meeting of the Cabinet Ministers headed by the Prime Minister. Thus the Cabinet is the core group of ministers within the Council of Ministers.
- **Ministers of State** with independent charge usually hold independent charge of smaller Ministries. They generally do not participate in the Cabinet meetings but may participate when specially invited.
- Ministers of State are generally appointed to assist Cabinet Ministers.

- **INDIAN JUDICIARY**

Judiciary is an independent body that protects and ensures the ‘rule of law.’

Any other organs of the government including the executive and legislature must not restrain the functioning of the judiciary.

The judicial system in India is in the form of an integrated judiciary, which consists of a Supreme Court for the whole nation, High Courts in each state, and District Courts and the courts at the local level (as shown in the diagram given below).

The Supreme Court controls the judicial administration and the judgments of the Supreme Court are binding on all other courts of the country.

- **CENTER STATE RELATION**

Articles 245 to 263 of Part XI and Articles 268 to 293 of Part XII describe three types of Center-State relations i.e. Legislative, Administrative, and Financial.

Legislative Relations

Articles 245 to 255 describe Legislative relations.

Article 245 (1) states that 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.

Article 245 (2) states that no law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

Article 246 states that the Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I (i.e. Union List) and List III (i.e. Concurrent List) of the Seventh Schedule.

Article 248 states that the Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

Further, Article 250 states that notwithstanding anything in this Chapter, Parliament shall, while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List.

Administrative Relations

Articles 255 to 263 describe Legislative relations.

Article 256 states that the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply 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.

Article 257 (1) states that 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.

Article 258 (2) states that a law made by Parliament which applies in 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 authorize the conferring of powers and the imposition of duties, upon the State or officers and authorities thereof.

Article 261 (3) states that final judgments or orders delivered or passed by civil courts in any part of the territory of India shall be capable of execution anywhere within that territory according to law.

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

Article 262 (2) states that notwithstanding anything in this 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 complaint as is referred to in clause (1).

Financial Relations

Articles 268 to 293 describe Financial relations.

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

Article 269 describes the **Taxes** levied and collected by the Union but assigned to the States.

Article 270 describes the **Taxes** levied and distributed between the Union and the States.

- **CONSTITUTIONAL AMENDMENTS**

Under Article 368 (specific provision) of the Constitution, the Parliament is the repository of the constituent power of the Union and hence, it can amend the Constitutional provision as per the requirement/s (within the circumscribed limit).

Article 368 (1) states that notwithstanding anything in this Constitution, the Parliament may exercise 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.