

# CONSTITUTION LAW-II

## Concise Article Index

Article / Provision	Relates to	Specific provision
52	Office of the <b>President of India</b>	Creates the Union's constitutional head; President gives continuity and formal expression to Union executive action.
53	<b>Union executive power</b>	Executive power is vested in the President, but in parliamentary practice it is exercised through responsible ministers.
72	President's <b>mercy power</b>	Pardon, reprieve, respite, remission, suspension or commutation; treated as a constitutional safety valve, not a private favour.
74	<b>Aid and advice</b> to President	Council of Ministers headed by the Prime Minister advises the President; after reconsideration the advice binds him.
75	Prime Minister, ministers and <b>collective responsibility</b>	Appointment of ministers; Council remains politically answerable to Lok Sabha; clause 75(3) is central for collective responsibility.
77	Union executive action in President's name	Government action is constitutionally expressed in the President's name, showing formal legality of executive decisions.
78	Prime Minister's duty to inform President	President may seek information and require matters to be placed before the Council of Ministers.
123	President's <b>Ordinance power</b>	Used as part of legislative powers when Parliament is not in session; still subject to constitutional limits.
153	Office of <b>Governor</b>	Provides a Governor for every State; Governor is the constitutional head at State level.
154	State <b>executive power</b>	State executive power is vested in Governor but normally exercised on ministerial advice.
155	Appointment of Governor	Governor is appointed by the President; useful to understand Union-State connection.
156	Governor's tenure and <b>pleasure</b>	Governor holds office during President's pleasure, but B.P. Singhal shows this cannot be arbitrary or mala fide.

<b>163</b>	Aid and advice to Governor	State Council of Ministers advises Governor except in narrow constitutionally permitted discretion.
<b>164</b>	Chief Minister, ministers and State responsibility	Governor appoints Chief Minister; Article 164(2) makes State Council collectively responsible to Legislative Assembly.
<b>174</b>	Sessions of State Legislature	Governor's legislative powers include summoning, proroguing and dissolving the Legislative Assembly.
<b>200</b>	Governor's assent to Bills	Governor may assent, withhold, return a non-Money Bill, or reserve a Bill for President's consideration.
<b>79</b>	Structure of <b>Parliament</b>	Parliament consists of President, Rajya Sabha and Lok Sabha; President is part of Parliament for legislative purposes.
<b>80</b>	<b>Rajya Sabha</b>	Council of States is a permanent House; represents States and Union Territories; one-third retire every two years.
<b>81</b>	<b>Lok Sabha</b>	Directly elected House of the People; centre of democratic accountability and confidence of the ministry.
<b>83</b>	Duration of Houses	Lok Sabha normally continues for five years unless dissolved; Rajya Sabha is continuing.
<b>85</b>	Sessions of Parliament	Six months must not elapse between sessions; ensures regular accountability of executive to Parliament.
<b>93-95</b>	Speaker and Deputy Speaker of Lok Sabha	Speaker presides, maintains order, interprets procedure and represents dignity of the House.
<b>100</b>	Voting in Houses	Relevant to voting, majority and casting-vote context where House decisions are made.
<b>102(2)</b>	Parliamentary disqualification by <b>defection</b>	Connects disqualification of MPs with the Tenth Schedule.
<b>105</b>	Parliamentary <b>privileges</b>	Protects freedom of speech and votes inside Parliament; after Sita Soren, bribery is not protected as legislative speech.
<b>121</b>	Restriction on discussion of judges in Parliament	Judicial conduct cannot be discussed except on a removal motion, protecting judicial independence.

<b>124</b>	Supreme Court judges	Appointment and removal framework; Article 124(4) gives the difficult removal process for proved misbehaviour or incapacity.
<b>129</b>	Supreme Court as <b>court of record</b>	Supports authority of Supreme Court, including record status and contempt jurisdiction context.
<b>131</b>	Supreme Court <b>original jurisdiction</b>	Neutral national forum for Union-State and inter-State disputes; protects federal balance.
<b>132-134</b>	Supreme Court <b>appellate jurisdiction</b>	Appeals in constitutional, civil and criminal matters to maintain uniform legal standards.
<b>136</b>	<b>Special Leave Petition</b>	Exceptional discretionary power; not a normal appeal as of right; used to prevent grave injustice.
<b>137</b>	Review by Supreme Court	Allows the Court to review its own judgments in limited circumstances.
<b>141</b>	Binding law of Supreme Court	Law declared by Supreme Court binds all courts; ensures national uniformity of legal interpretation.
<b>142</b>	Complete justice	Enables Supreme Court to pass orders necessary for complete justice, but not to destroy substantive law.
<b>143</b>	<b>Advisory jurisdiction</b>	President may seek Supreme Court's opinion on important questions; Article 143(2) relates to certain disputes where advice may be required.
<b>178</b>	Speaker of Legislative Assembly	State-level counterpart of Speaker; important in procedure and anti-defection context.
<b>191(2)</b>	State legislative disqualification by <b>defection</b>	Connects MLAs and MLCs with the Tenth Schedule.
<b>194</b>	State Legislature <b>privileges</b>	State equivalent of Article 105; protects legislative functioning, but not unconstitutional privilege claims.
<b>211</b>	Restriction on discussion of judges in State Legislature	State Legislature cannot discuss judicial conduct except through constitutional removal process.
<b>217</b>	High Court judges	Appointment of High Court judges; part of the collegium and judicial independence discussion.

<b>226</b>	High Court <b>writ jurisdiction</b>	Wider than Article 32 because it covers fundamental rights and other legal rights.
<b>227</b>	High Court <b>supervisory jurisdiction</b>	Superintendence over courts and tribunals within territory; keeps subordinate justice within legal bounds.
<b>239AA</b>	Special constitutional position of <b>Delhi NCT</b>	Discussed in federalism context as a special arrangement rather than an ordinary State model.
<b>245</b>	Territorial extent of laws	Beginning point for legislative relations; explains where Parliament and State laws operate.
<b>246</b>	Subject-wise distribution of legislative power	Union, State and Concurrent Lists; central to legislative competence and pith and substance.
<b>248</b>	<b>Residuary power</b>	Parliament legislates on matters not found in State or Concurrent List.
<b>249</b>	Rajya Sabha national-interest resolution	Allows Parliament to legislate on State List matters when Rajya Sabha declares national interest.
<b>250</b>	Parliament's State List power during Emergency	During National Emergency, Parliament may legislate on State List subjects.
<b>252</b>	State consent legislation	Two or more States may consent and Parliament may legislate for them on a State subject.
<b>253</b>	Treaty and international obligation power	Parliament may legislate to implement treaties and international commitments.
<b>254</b>	Repugnancy	Conflict between Union and State laws on Concurrent List; Union law generally prevails unless valid Presidential assent protects State law.
<b>298</b>	Government trading and contracts	Union and State power to carry on trade or business and make contracts.
<b>299</b>	Government contracts	Formal requirements: contract must be expressed in the name of President or Governor and executed by authorised person.
<b>300</b>	Government liability	Union and States may sue and be sued; connects constitutional personality with government liability.

<b>301</b>	Freedom of <b>inter-State trade</b>	Trade, commerce and intercourse throughout India must remain free, subject to constitutional restrictions.
<b>302</b>	Parliament's restriction power on trade	Parliament may impose restrictions in public interest on freedom under Article 301.
<b>303</b>	No preference or discrimination in trade	Limits discriminatory preference between States in trade regulation.
<b>304</b>	State restrictions and tax rules	Article 304(a) permits non-discriminatory taxes; restrictions must satisfy constitutional conditions.
<b>305</b>	Existing laws and State monopolies	Saves certain existing laws and State monopoly arrangements from Article 301 challenge.
<b>307</b>	Authority for trade freedom	Permits appointment of authority to carry out purposes of Articles 301 to 304.
<b>310</b>	<b>Doctrine of Pleasure</b>	Civil servants hold office during pleasure, but the doctrine is limited by constitutional safeguards.
<b>311</b>	Safeguards to civil servants	Protection against dismissal, removal or reduction in rank without procedural fairness, subject to exceptions.
<b>312</b>	<b>All India Services</b>	Rajya Sabha may initiate creation of All India Services in national interest.
<b>352</b>	<b>National Emergency</b>	Formal proclamation by President; affects federal balance and certain rights, subject to approval and judicial review.
<b>356</b>	<b>President's Rule</b>	Emergency power for failure of constitutional machinery; Bommai insists on judicial review and floor test principles.
<b>358</b>	Effect on Article 19 during Emergency	Suspension of Article 19 freedoms operates only in the limited emergency context explained in the document.
<b>359</b>	Suspension of enforcement of rights	President may suspend remedy for specified rights, but Articles 20 and 21 remain protected after the 44th Amendment.
<b>360</b>	<b>Financial Emergency</b>	Used when financial stability or credit of India is threatened; discussed as a serious but never-used emergency power.

<b>13</b>	Law inconsistent with Fundamental Rights	Important in amendment cases because early debate asked whether a constitutional amendment is 'law' under Article 13.
<b>14</b>	Equality before law	Appears in rights and emergency discussions as a core equality protection.
<b>19</b>	Freedoms under Article 19	Important in emergency and trade discussions; Article 358 affects Article 19 during National Emergency.
<b>20</b>	Protection in criminal law	Not suspended even during Emergency after the 44th Amendment; paired with Article 21.
<b>21</b>	Life and personal liberty	Central to habeas corpus and Emergency discussion; now protected even during Article 359 orders.
<b>31A</b>	Saving of certain land reform laws	Discussed in amendment and basic structure background.
<b>31B</b>	Ninth Schedule protection	Connected with protection of laws from rights challenges and later basic structure review.
<b>31C</b>	Directive Principles priority clause	Important in basic structure discussion, especially Minerva Mills limits.
<b>32</b>	Supreme Court <b>writ jurisdiction</b>	Constitutional remedy for fundamental rights; narrower than Article 226 but itself a fundamental right.
<b>35A</b>	Special rights in Jammu and Kashmir context	Discussed with Article 370 and the pre-abrogation special status framework.
<b>367</b>	Interpretation clause	Used in Article 370 abrogation discussion because interpretation route was central to the constitutional change.
<b>368</b>	Constitutional <b>amendment power</b>	Parliament may amend the Constitution, but cannot destroy the basic structure.
<b>370</b>	Jammu and Kashmir <b>special status</b>	Discussed with abrogation, presidential orders, and constitutional validity of revocation.
<b>323A &amp; 323B</b>	Tribunals	Mentioned in Supreme Court/High Court jurisdiction context; tribunal powers remain subject to constitutional judicial review.

<b>Tenth Schedule</b>	<b>Anti-defection law</b>	Grounds include voluntarily giving up party membership and voting against whip; Speaker acts as tribunal subject to judicial review.
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