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## CONSTITUENT ASSEMBLY OF INDIA.

New Delhi, the 26th February, 1948.

No. CA/99/Cons./47.—The Draft Constitution of India, as settled by the Drafting Committee of the Constituent Assembly, together with a letter from the Chairman of the Committee to the President of the Constituent Assembly, is hereby published for general information. The Draft will be taken into consideration at the next session of the Constituent Assembly:—

New Delhi, 21st February, 1948.

To

The Hon'ble The PRESIDENT of the  
Constituent Assembly of India, New Delhi.

Dear Sir,

Introductory.—On behalf of the Drafting Committee appointed by the resolution of the Constituent Assembly of August 29, 1947, I submit herewith the Draft of the new Constitution of India as settled by the Committee.

Although I have been authorized to sign the Draft on behalf of the members of the Committee, I should make it clear that not all the members were present at all the meetings of the Committee. But at every meeting at which any decision was taken the necessary quorum was present and the decisions were either unanimous or by a majority of those present.

In preparing the Draft the Drafting Committee was of course expected to follow the decisions taken by the Constituent Assembly or by the various Committees appointed by the Constituent Assembly. This the Drafting Committee has endeavoured to do as far as possible. There were however some matters in respect of which the Drafting Committee felt it necessary to suggest certain changes. All such changes have been indicated in the Draft by underlining or side-lining the relevant portions. Care has also been taken by the Drafting Committee to insert a footnote explaining the reasons for every such change. I however think that, having regard to the importance of the matter, I should draw your attention and the attention of the Constituent Assembly to the most important of these changes.

2. Preamble.—The Objectives Resolution adopted by the Constituent Assembly in January, 1947, declares that India is to be a Sovereign Independent Republic. The Drafting Committee has adopted the phrase Sovereign Democratic Republic, because independence is usually implied in the word "Sovereign", so that there is hardly anything to be gained by adding the word "Independent", The question of the relationship between this Democratic Republic and the British Commonwealth of Nations remains to be decided subsequently.

The Committee has added a clause about fraternity in the preamble, although it does not occur in the Objectives Resolution. The Committee felt that the need for fraternal concord and goodwill in India was never greater than now and that this particular aim of the new Constitution should be emphasised by special mention in the preamble.

In other respects the Committee has tried to embody in the preamble the spirit and, as far as possible, the language of the Objectives Resolution.

Article 1

3. Description of India.—In article 1 of the Draft, India has been described as a Union of States. For uniformity the Committee has thought it desirable to describe the Units of the Union in the new Constitution as States, whether they are known at

present as Governors' Provinces, or Chief Commissioners' Provinces or Indian States. Some difference between the Units there will undoubtedly remain even in the new Constitution; and in order to mark this difference, the Committee has divided the States into three classes: those enumerated in Part I of the First Schedule, those enumerated in Part II, and those enumerated in Part III. These correspond respectively to the existing Governors' Provinces, Chief Commissioners' Provinces and Indian States.

It will be noticed that the Committee has used the term Union instead of Federation. Nothing much turns on the name, but the Committee has preferred to follow the language of the preamble to the British North America Act, 1867, and considered that there are advantages in describing India as a Union although its Constitution may be federal in structure.

Articles 5 & 6      4. Citizenship.—The Committee has given anxious and prolonged consideration to the question of citizenship of the Union. The Committee has thought it necessary that, in order to be a citizen of the Union at its inception, a person must have some kind of territorial connection with the Union whether by birth, or descent, or domicile. The Committee doubts whether it will be wise to admit as citizens those who, without any such connection with the territory of India, may be prepared to swear allegiance to the Union; for if other States were to copy such a provision, we might have within the Union a large number of persons who, though born and permanently resident therein, would owe allegiance to a foreign State. The Committee has, however, kept in view the requirements of the large number of displaced persons who have had to migrate to India within recent months, and has provided for them a specially easy mode of acquiring domicile and, thereby citizenship. What they have to do (assuming that they or either of their parents or any of their grand-parents were born in India or Pakistan) is—

- (a) to declare before a District Magistrate in India that they desire to acquire a domicile in India, and

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(b) to reside in India for at least a month before the declaration.

Articles  
7 to 27

5. Fundamental Rights.—The Committee has attempted to make these rights and the limitations to which they must necessarily be subject as definite as possible, since the courts may have to pronounce upon them.

Article 59

6. Powers of the President of the Union.—The Committee has considered it desirable to provide that the President should have power to suspend, remit or commute death sentences passed in an Indian State, as in other Units, without prejudice to the powers of the Ruler.

Article 278

It will be remembered that the new Constitution empowers the Governor, in certain circumstances, to issue a proclamation suspending certain provisions of the Constitution; he can do so only for a period of two weeks and is required to report the matter to the President. The Committee has provided that upon receipt of the report the President may either revoke the proclamation or issue a fresh proclamation of his own, the effect of which will be to put the Central Executive in the place of the State Executive and the Central Legislature in the place of the State Legislature. In fact, the State concerned will become a centrally administered area for the duration of the proclamation. This replaces the "Section 93 regime" under the Act of 1935.

Article 60

7. Executive Power in respect of Concurrent List subjects.—Under the present Constitution, executive authority in respect of a Concurrent List subject vests in the Province subject in certain matters to the power of the Centre to give directions as to how the executive authority shall be exercised, vide Parts I & II of the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935. In the Draft Constitution the Committee has departed slightly from this plan and has provided that the executive power shall vest in the Province (now called the State) "save as expressly provided in this Constitution or by any law made by Parliament." The effect of this saving clause is that it will be open to the Union

Parliament under the new Constitution to confer executive power on Union authorities, or, if necessary, to empower Union authorities to give directions as to how executive power shall be exercised by State authorities. In making this provision the Committee has kept in view the principle that executive authority should for the most part be co-extensive with legislative power.

Article 67

8. Composition of the Council of States.—According to a decision taken by the Constituent Assembly, the Council of States was to contain not more than 25 members (out of a total not exceeding 250) to be elected from panels or constituencies on a functional basis. The panel system having hitherto proved unsatisfactory in the country from which it was copied (Ireland), the Committee has thought it best to provide for 15 members to be nominated by the President for their special knowledge or practical experience in Literature, Art, Science, etc. The Committee considers that no special representation for labour or commerce and industry among these nominations is necessary, in view of the fact that they are certain to be adequately represented in the elected element of the Union Parliament owing to adult suffrage.

Articles 63  
and 151.

9. Duration of Union Parliament and of State Legislatures.—The Committee considers that under the parliamentary system, particularly at the beginning of a new Constitution on the basis of adult suffrage, a longer term than four years is desirable. New ministers require some time to acquaint themselves with the details of administration, and their last year of office is usually taken up in preparing for the next general election. With a four-year term they will not have enough time for any kind of planned administration.

Articles 107  
and 200

10. Supreme Court and High Courts.—Following the practice prevailing in the United Kingdom and the United States of America, the Committee has proposed that in certain circumstances retired judges may be invited to serve in particular cases both in the Supreme Court and in the High Courts.

Article 131.

11. Mode of selection of Governors.—Some members of the Committee feel that the co-existence

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of a Governor elected by the people and a Chief Minister responsible to the Legislature might lead to friction. The Committee has therefore suggested an alternative mode of appointing Governors: the Legislature should elect a panel of four persons (who need not be residents of the State) and the President of the Union should appoint one of the four as Governor.

Article 138.

12. Deputy Governors.—The Committee has not thought it necessary to make any provision for Deputy Governors, because a Deputy Governor will have no function to perform so long as the Governor is there. At the Centre, the position is different, because the Vice-President is also the ex-officio Chairman of the Council of States; but in most of the States there will be no Upper House and it will not be possible to give the Deputy Governor functions similar to those of the Vice-President. There is a provision in the Draft enabling the Legislature of the State (or the President) to make necessary arrangements for the discharge of the functions of the Governor in any unforeseen contingency.

Articles 212 to 214.

13. Centrally administered areas.—In accordance with a resolution of the Constituent Assembly, you, as the President, appointed a Committee of seven members for the purpose of recommending constitutional changes in the centrally administered areas namely, Delhi, Ajmer-Merwara, Coorg, Panth Piploda and the Andaman and Nicobar Islands. The Committee submitted its report on October 21, 1948.

The Committee's recommendations were briefly these:—

- (1) Each of the provinces of Delhi, Ajmer-Merwara and Coorg should have a Lieutenant-Governor appointed by the President of India.
- (2) Each of these provinces should normally be administered by a Council of ministers responsible to the Legislature.
- (3) Each of these provinces should have an elected Legislature.

As regards Panth Piploda the Committee recommended that it should be added to Ajmer-Merwara and as regards the Andaman and Nicobar Islands

the Committee recommended that they should continue to be administered by the Government of India as at present, with such adjustments as might be deemed necessary: in other words, these Islands were to continue as a Chief Commissioner's province. The member representing Ajmer-Merwara and the member representing Coorg on this Committee appended a note to the Committee's report, in which they said that the special problems arising out of the smallness, geographical position and scantiness of resources of these areas might at no distant future necessitate the joining of each of these areas to a contiguous unit. They therefore urged that there should be a specific provision in the Constitution to make this possible after ascertaining the wishes of the people concerned.

So far as Delhi is concerned, it seems to the Committee that as the capital of India it can hardly be placed under a local administration. In the United States, Congress exercises exclusive legislative power in respect of the seat of the Government; so too in Australia. The Drafting Committee has, therefore, come to the conclusion that a more comprehensive plan than that recommended by the ad hoc Committee is desirable. Accordingly, the Drafting Committee has proposed that these central areas may be administered by the Government of India either through a Chief Commissioner or a Lieutenant-Governor or through the Governor or the Ruler of a neighbouring State. What is to be done in the case of a particular area is left to the President to prescribe by order; he will, of course, in this, as in other matters, act on the advice of responsible ministers. He may, if so advised, have a Lieutenant-Governor in Delhi; he may, again, if so advised, administer Coorg either through the Governor of Madras or through the Ruler of Mysore after ascertaining the wishes of the people of Coorg. He may also by order create a local Legislature or a Council of advisers with such constitution, powers and functions, in each case, as may be specified in the order. This seems to the Drafting Committee to be a flexible plan which can be adjusted to the diverse requirements of the areas concerned.

The Committee has also provided that Indian States (such as those of the Orissa group) which have ceded full and exclusive authority, jurisdic-

tion and powers to the Central Government may be administered exactly as if they were Centrally Administered Areas, i.e., through a Chief Commissioner, or Lieutenant-Governor, or through the Governor or the Ruler of a neighbouring State, according to the requirements of each case.

Articles 216  
to 232.

14. Distribution of Legislative Powers.—For the most part, the Drafting Committee has made no change in the Legislative Lists as recommended by the Union Powers Committee and adopted by the Constituent Assembly, but I would draw attention to three matters in respect of which the Drafting Committee has made changes:

- (a) The Committee has provided in effect that when a subject, which is normally in the State List, assumes national importance, then the Union Parliament may legislate upon it. To prevent any unwarranted encroachment upon State powers, it has been provided in the Draft that this can be done only if the Council of States, which may be said to represent the States as Units, passes a resolution to that effect by a two-thirds majority.
- (b) The Committee has considered it desirable to put into the Concurrent List the whole subject of succession, instead of only succession to property other than agricultural land. Similarly, the Committee has put into the Concurrent List all the matters in respect of which parties are now governed by their personal law. This will facilitate the enactment of a uniform law for India in these matters.
- (c) While putting land acquisition for the purposes of the Union into the Union List and land acquisition for the purposes of a State into the State List, the Committee has provided that the principles on-which compensation for acquisition is to be determined shall in all cases be in the Concurrent List, in order that there may be some uniformity in this matter.

In addition, in view of the present abnormal circumstances which require Central control over essential supplies, the Committee has provided that for a term of five years from the commencement of the Constitution, trade and commerce in, and the production, supply and distribution of, certain essential commodities as also the relief and rehabilitation of displaced persons shall be on the same footing as Concurrent List subjects. In adopting this course, the Committee has followed the provisions of the India (Central Government and Legislature) Act, 1946.

Articles 247  
to 269.

15. Financial provisions.—Broadly speaking, the Drafting Committee has incorporated in the Draft the recommendations of the Expert Finance Committee, except those relating to the distribution of revenues between the Centre and the States. In view of the unstable conditions which at present prevail in this field, the Drafting Committee has thought it best to retain the status quo in the matter of distribution of revenues for a period of five years, at the end of which a Finance Commission may review the situation.

Articles 281  
to 283.

16. Services.—The Committee has refrained from inserting in the Constitution, any detailed provisions relating to the Services; the Committee considers that they should be regulated by Acts of the appropriate Legislature rather than by constitutional provisions, as the Committee feels that the future Legislatures in this country, as in other countries, may be trusted to deal fairly with the Services.

Articles 289  
to 291.

17. Elections, Franchise, etc.—The Committee has not thought it necessary to incorporate in the Constitution electoral details including the delimitation of constituencies. These have been left to be provided by auxiliary legislation.

Article 304.

18. Amendment of the Constitution.—The Committee has inserted a provision giving a limited constituent power to the State Legislatures in respect of certain defined matters.

Articles 292,  
294 and 305.

19. Safeguards for Minorities.—The Draft embodies the decisions of the Constituent Assembly and of the Advisory Committee in respect of the

reservation of seats in the Legislatures and of posts in the public services. Although these provisions do not extend to the Indian States, nevertheless, in the larger interests of India, the Indian States should adopt similar provisions for the minorities therein. The Drafting Committee has specially asked me to draw your attention to the importance of this matter.

First  
Schedule.

20. Linguistic Provinces.—I would invite special attention to Part I of the First Schedule and the footnote thereto. If Andhra or any other linguistic region is to be mentioned in this Schedule before the Constitution is finally adopted, steps will have to be taken immediately to make them into separate Governors' Provinces under section 290 of the Government of India Act, 1935, before the Draft Constitution is finally passed. Of course, the new Constitution itself contains provisions for the creation of new States, but this will be after the new Constitution comes into operation.

Fifth and  
Sixth  
Schedules

21. Scheduled Tribes, Scheduled Areas and Tribal Areas.—The Committee has embodied in the Schedules to the Constitution the recommendations of the Sub-Committees on these subjects.

22. A separate note recorded by Shri Alladi Krishnaswami Ayyar on certain points (not involving any question of principle) is appended to the Draft at his request.

23. I cannot transmit to you this Draft Constitution without placing on record the Committee's gratitude for the assistance the Committee has received in this difficult task from Sir B. N. Rau, the Constitutional Adviser, Shri S. N. Mukerjee, Joint Secretary and Draftsman, and the staff of the Constituent Assembly Secretariat.

Yours truly,

**B. R. AMBEDKAR.**

# DRAFT CONSTITUTION OF INDIA

Preamble.

**WE, THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a **SOVEREIGN DEMOCRATIC REPUBLIC\*** and to secure to all its citizens: 5

**JUSTICE**, social, economic and political;

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

**EQUALITY** of status and of opportunity; 10  
and to promote among them all

**FRATERNITY** assuring, the dignity of the individual and the unity of the Nation;

**IN OUR CONSTITUENT ASSEMBLY** this—  
\_\_\_\_\_of\_\_\_\_\_ ( \_\_\_\_\_ day 15  
of May, 1948 A.D.), do **HEREBY ADOPT, ENACT  
AND GIVE TO OURSELVES THIS CONSTITUTION.**

\*This follows the decision taken by the Constituent Assembly. The question of the relationship between this Democratic Republic and the British, Commonwealth of Nations remains to be decided subsequently.

## PART I

### The Union and its Territory and Jurisdiction

Name and territory of the Union.

\*1. (1) India shall be a Union of States.

(2) The States shall mean the States for the time being specified in Parts I, II and III of the First Schedule. 5

(3) The territory of India shall comprise—

(a) the territories of the States;

(b) the territories for the time being specified in Part IV of the First Schedule; and 10

(c) such other territories as may be acquired.

Admission and establishment of new States.

2. Parliament may, from time to time, by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit. 15

Formation of new States and alteration of areas, boundaries or names of existing States.

3. Parliament may by law—

(a) form a new State by separation of territory from a State or by uniting two or more States or parts of States;

(b) increase the area of any State; 20

(c) diminish the area of any State;

(d) alter the boundaries of any State;

(e) alter the name of any State:

Provided that no Bill for the purpose shall be introduced in either House of Parliament except by the Government of India and unless— 25

(a) either—

(i) a representation in that behalf has been made to the President by a majority of the representatives of the territory in the Legislature of the State from which the territory is to be separated or excluded; or 30

\*The Committee considers that, following the language of the Preamble to the British North America Act, 1867, it would not be inappropriate to describe India as a Union although its Constitution may be federal in structure.

- 
- (ii) a resolution in that behalf has been passed by the Legislature of any State whose boundaries or name will be affected by the proposal to be contained in the Bill; and 5
- (b) where the proposal contained in the Bill affects the boundaries or name of any State, other than a State for the time being specified in Part III of the First Schedule, "the views of the Legislature of the State both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and where such proposal affects the boundaries or name of any State for the time being specified in Part III of the First Schedule, the previous consent of the State to the proposal has been obtained. 10 15
- Law made under articles 2 and 3 to provide for the amendment of the First Schedule and incidental and consequential matters.
4. (1) Any law referred to in article 2 or article 3 of this Constitution shall contain such provisions for the amendment of the First Schedule as may be necessary to give effect to the provisions of the law and may also contain such incidental and consequential provisions as Parliament may deem necessary. 20 25
- (2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 304.

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\*The Committee is of opinion that in the case of any State other than a State specified in Part III of the First Schedule, the previous consent of the State is not necessary and it would be enough if the views of the Legislature of the State were obtained by the President.

## PART II

### Citizenship

Citizenship  
at the date  
of commence-  
ment of the  
Constitution.

5. At the date of commencement of this Constitu-  
tion—

- (a) every person who or either of whose parents 5  
or any of whose grand-parents was born  
in the territory of India as defined in this  
Constitution and who has not made his  
permanent abode in any foreign State  
after the first day of April, 1947; and 10
- (b) every person who or either of whose parents  
or any of whose grand-parents was born  
in India as defined in the Government of  
India Act, 1935 (as originally enacted), or  
in Burma, Ceylon or Malaya, and who 15  
has his domicile in the territory of India  
as defined in this Constitution,

shall be a citizen of India, provided that he has not  
acquired the citizenship of any foreign State before the  
date of commencement of this Constitution. 20

Explanation.—For the purposes of clause (b) of  
this article, a person shall be deemed to have his  
domicile in the territory of India—

- (i) if he would have had his domicile in such  
territory under Part II of the Indian 25  
Succession Act, 1925, had the provisions  
of that Part been applicable to him, or
- \* (ii) if he has, before the date of commencement  
of this Constitution, deposited in the office  
of the District Magistrate a declaration 30  
in writing of his desire to acquire such  
domicile and has resided in the territory  
of India for at least one month before the  
date of the declaration.

Parliament  
to regulate  
the right of  
citizenship by  
law.

6. Parliament may, by law, make further provi-  
sion regarding the acquisition and termination of 35  
citizenship and all other matters relating thereto.

\*The Committee is of opinion that auxiliary action whether by  
legislation or otherwise may have to be taken before the commence-  
ment of this Constitution for the receipt of declarations, keeping  
of registers of such declarations and other incidental matters for  
the purpose of clause (ii) of the Explanation.

## PART III

### Fundamental Rights

#### GENERAL

|             |                                                                                                                                                                                                                                                    |    |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Definition. | 7. In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India. | 5  |
| Savings.    | 8. (1) All laws in force immediately before the commencement of this Constitution in the territory of India, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.             | 10 |
|             | (2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void:                                           | 15 |
|             | *Provided that nothing in this clause shall prevent the State from making any law for the removal of any inequality, disparity, disadvantage or discrimination arising out of any existing law.                                                    | 20 |
|             | (3) In this article, the expression "law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having the force of law in the territory of India or any part thereof.                                           | 25 |

### Rights of Equality

|                                                                           |                                                                                                                           |    |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|----|
| Prohibition of discrimination on grounds of religion, race, caste or sex. | 9. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or any of them. |    |
|                                                                           | In particular, no citizen shall, on grounds only of religion, race, caste, sex or any of them, be subject                 | 30 |

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\*The proviso has been added in order to enable the State to make laws removing any existing discrimination. Such laws will necessarily be discriminatory in a sense, because they will operate only against those who hitherto enjoyed an undue advantage. It is obvious that laws of this character should not be prohibited.

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, roads and places of public resort maintained wholly or partly out of the revenues of the State or dedicated to the use of the general public. 5

(2) Nothing in this article shall prevent the State from making any special provision for women and children. 10

Equality of opportunity in matters of public employment.

10. (1) There shall be equality of opportunity for all citizens in matters of employment under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth or any of them, be ineligible for any office under the State. 15

(3) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens who, in the opinion of the State, are not adequately represented in the services under the State. 20

(4) 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. 25

Abolition of Untouchability.

11. "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. 30

Abolition of titles.

12. (1) No title shall be conferred by the State.

(2) No citizen of India shall accept any title from any foreign State. 35

(3) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, title or office of any kind from or under any foreign State. 40

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\*The Committee is of opinion that before the words "class of citizens" the word "backward" should be inserted.

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|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Protection of certain rights regarding freedom of speech, etc. | <p>13. (1) Subject to the other provisions of this article, all citizens shall have the right—</p> <p>(a) to freedom of speech and expression;</p> <p>(b) to assemble peaceably and without arms;</p> <p>(c) to form associations or unions;</p> <p>(d) to move freely throughout the territory of India;</p> <p>(e) to reside and settle in any part of the territory of India;</p> <p>(f) to acquire, hold and dispose of property; and</p> <p>(g) to practise any profession, or to carry on any occupation, trade or business.</p> <p>(2) Nothing in sub-clause (a) of clause (1) of this article shall affect the operation of any existing law, or prevent the State from making any law, relating to libel, slander, defamation, sedition or any other matter which offends against decency or morality or undermines the authority or foundation of the State.</p> <p>(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law, or prevent the State from making any law, imposing in the interests of public order restrictions on the exercise of the right conferred by the said sub-clause.</p> <p>(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law, or prevent the State from making any law, imposing, in the interests of the general public, restrictions on the exercise of the right conferred by the said sub-clause.</p> <p>(5) Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law, or prevent the State from making any law, imposing restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or <u>*for the protection of the interests of any aboriginal tribe.</u></p> <p>(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law, or prevent the State from making any law, imposing in the interests of public order, morality or health,</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> |
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\*The Committee is of opinion that no protection to any minority group is necessary in this article.

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|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|                                                                              | restrictions on the exercise of the right conferred by the said sub-clause and in particular prescribing, or empowering any authority to prescribe, the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 5  |
| Protection in respect of conviction of offence                               | <p>14. (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law at the time of the commission of the offence.</p> <p>(2) No person shall be punished for the same offence more than once.</p> <p>(3) No person accused of any offence shall be compelled to be a witness against himself.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 10 |
| Protection of life and personal liberty and equality before law.             | *15. No person shall be deprived of his life or <u>personal</u> liberty <u>except according to procedure established by law</u> , nor shall any person be denied equality before the law <u>or the equal protection of the laws</u> within the territory of India.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20 |
| Freedom of trade, commerce and intercourse throughout the territory of India | **16. Subject to the provisions of article 244 of this Constitution and of any law made by Parliament, trade, commerce and intercourse throughout the territory of India shall be free.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 25 |
|                                                                              | <p>*The Committee is of opinion that the word "liberty" should be qualified by the insertion of the word "persona" before it, for otherwise it might be construed very widely so as to include even the freedoms already dealt with in article 13.</p> <p>The Committee has also substituted the expression "except according to procedure established by law" for the words "without due process of law" as the former is more specific (c.f. Art. XXXI of the Japanese Constitution, 1946). The corresponding provision in the Irish Constitution runs ; "No citizen shall be deprived of his personal liberty have in accordance with law".</p> <p>The Committee is also of opinion that the words "or the equal protection of the laws" should be inserted after the words "equality before the law" as in section 1 of Article XIV of the U.S.A. Constitution (1865).</p> <p>**The Committee has omitted the words "by and between the citizens" which occurred alter the words "trade, commerce and intercourse" in the provision as adopted by the Constituent Assembly. The qualifying words might necessitate elaborate inquiries at State frontiers as to the nationality of the consignor and consignee.</p> |    |

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Prohibition of traffic in human beings and enforced labour

17. (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. In imposing such service the State shall not make any discrimination on the ground of race, religion, caste or class. 5

Prohibition of employment of children in factories, etc.

18. 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. 10

### Rights relating to Religion

Freedom of conscience and free profession, practice and propagation of religion.

19. (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. 15

Explanation.—The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion. 20

(2) Nothing in this article shall affect the operation of any existing law or preclude 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; 25

(b) for social welfare and reform or for throwing open Hindu religion institutions of a public character to any class or section of Hindus. 30

Freedom to manage religious affairs and to own, acquire and administer properties for religious or charitable purposes.

20. Every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes; 35

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

(c) to own and acquire movable and immovable property; and 40

|                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                     |          |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
|                                                                                                                    | (d) to administer such property in accordance with law                                                                                                                                                                                                                                                                                                                                                                              |          |
| Freedom as to payment of taxes for promotion and maintenance of any particular religion or religious denomination. | 21. No person may be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.                                                                                                                                                                                                                  | 5        |
| Freedom as to attendance at religious instruction or religious worship in certain educational institutions.        | *22. (1) No religious instruction shall be provided by the State in any educational institution wholly maintained out of State funds:<br>Provided that nothing in this clause shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.                                   | 10<br>15 |
|                                                                                                                    | (2) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person, or if such person is a minor, his guardian has given his consent thereto. | 20       |
|                                                                                                                    | (3) Nothing in this article shall prevent any community or denomination from providing religious instruction for pupils of that community or denomination in an educational institution outside its working hours.                                                                                                                                                                                                                  | 25       |

### Cultural and Educational Rights 30

|                                        |                                                                                                                                                                                                 |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Protection of interests of minorities. | 23. (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script and culture of its own shall have the right to conserve the same. |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\*This article follows the recommendation of the *ad hoc* Committee.

(2) No minority whether based on religion, community or language shall be discriminated against in regard to the admission of any person belonging to such minority into any educational institution maintained by the State.

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

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

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## Right to Property

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Compulsory acquisition of property.

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

(2) No property, movable or immovable, including any interest in, or in any company 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 the payment of 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.

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(3) Nothing in clause (2) of this article shall affect—

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(a) the provisions of any existing law, or

(b) the provisions of any law which the State may hereafter make for the purpose of imposing or levying any tax or for the promotion of public health or the prevention of danger to life or property.

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## Right to Constitutional Remedies

Remedies for enforcement of rights conferred by this Part.

25. (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

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(2) The Supreme Court shall have power to issue directions or orders in the nature of the writs of

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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) Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2) of this article. 5

(4) The rights guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution. 10

Power to  
Parliament to  
modify the  
rights  
guaranteed  
in this Part  
in their appli-  
cation to  
Forces.

26. Parliament may by law determine to what extent any of the rights guaranteed in this Part shall in their application to the members of the Armed Forces or the Forces charged with the main- 15  
tenance of public order be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

Legislation to  
give effect to  
the provi-  
sions of this  
Part.

27. Notwithstanding anything elsewhere con-  
tained in this Constitution, Parliament shall have, 20  
and the Legislature of a State for the time being specified in Part I or Part III of the First Schedule shall not have, power to make laws—

(a) with respect to any of the matters which under this Part are required to be provided for by legislation by Parliament, and 25

(b) for prescribing punishment for those acts which are declared to be offences under this Part;

and Parliament shall, as soon as may be after the commencement of this Constitution, make laws to provide for such matters and for prescribing punishment for such acts : 30

Provided that any law in force in the territory of India or in any part thereof with respect to any of the matters referred to in clause (a) of this article or providing for punishment for any act which is declared to be an offence under this Part shall continue in force therein until altered or repealed or amended by Parliament or other competent authority. 35  
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## PART IV

### Directive Principles of State Policy

|                                                                             |                                                                                                                                                                                                                                                                     |    |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Definition.                                                                 | 28. In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III of this Constitution.                                                                                                                                      | 5  |
| Application of the principles set forth in this Part.                       | 29. The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. | 10 |
| State to secure a social order for the promotion and welfare of the people. | 30. The 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.                        | 15 |
| Certain principles of policy to be followed by the State.                   | 31. The State shall, in particular, direct its policy towards securing—                                                                                                                                                                                             |    |
|                                                                             | (i) that the citizens, men and women equally, have the right to an adequate means of livelihood;                                                                                                                                                                    | 20 |
|                                                                             | (ii) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;                                                                                                                              | 25 |
|                                                                             | (iii) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;                                                                                                                     |    |
|                                                                             | (iv) that there is equal pay for equal work for both men and women;                                                                                                                                                                                                 | 30 |
|                                                                             | (v) that the strength and health 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;                                              | 40 |
|                                                                             | (vi) that childhood and youth are protected against exploitation and against moral and material abandonment.                                                                                                                                                        | 45 |

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|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Right to work, to education and to public assistance in certain cases.                                    | 32. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness, disablement, and other cases of undeserved want.                            | 5        |
| Provision for just and humane conditions of work and maternity relief.                                    | 33. The State shall make provision for securing just and humane conditions of work and for maternity relief.                                                                                                                                                                                            |          |
| Living wage, etc., for workers                                                                            | 34. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, 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. | 10<br>15 |
| Uniform civil code for the citizens.                                                                      | 35. The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.                                                                                                                                                                                        |          |
| Provision for free primary education.                                                                     | 36. Every citizen is entitled to free primary education and the State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.                            | 20       |
| Promotion of educational and economic interests of Scheduled Castes                                       | 37. 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.                            | 25<br>30 |
| Scheduled tribes and other weaker sections.                                                               |                                                                                                                                                                                                                                                                                                         |          |
| Duty of the State to raise the level of nutrition and the standard of living and to improve public health | 38. 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.                                                                                                                             |          |