

## RELEVANT EXTRACTS FROM THE CONSTITUTION OF INDIA

### (Art.19) *Right of Freedom*

- 19 (1) All citizens shall have the right —
- (a)
  - (b)
  - (c)
  - (d) To move freely throughout the territory of India;
  - (e)
  - (f)
  - (g)
- 19 (5) Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

### **PART VIII—THE UNION TERRITORIES**

- |  |   |
|--|---|
| Administration of<br>Union territories | 239 (1) Save as otherwise provided by Parliament by law, every Union Territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.   |
|  | (2) Notwithstanding anything contained in Para VI, the President may appoint the Governor of a State as the Administrator of an adjoining Union Territory, and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers. |

## **PART XI — RELATIONS BETWEEN THE UNION AND THE STATES**

### **CHAPTER I — LEGISLATIVE RELATIONS**

#### *Distribution of Legislative Powers*

- |  |   |
|--|---|
| Extent of laws made<br>by Parliament and by<br>the Legislatures of<br>States           | 245 (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the legislature of a State may make laws for the whole or any part of the State.  |
|  | (2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.   |
| Subject matter of<br>laws made by Parlia-<br>ment and by the<br>legislatures of States | 246 (1) Notwithstanding anything in clauses (2) and (3), Parliament has <b>exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the 'Union List').</b>   |
|  | (2) Notwithstanding anything in clause (3), Parliament, and, subject to <b>clause (1) the Legislature of any State *** also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the 'Concurrent List').</b> |
|  | (3) Subject to clauses (1) and (2), the Legislature of any State * * * has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List").                     |
|  | (4) <b>Parliament has power to make laws with respect to any matter for any part of the territory of India not included (in a State) notwithstanding that such matter is a matter enumerated in the State List.</b>   |

**Power of Parliament to legislate with respect to a matter in the State List in the national interest.**

- 249 (1) Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary to expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.

**Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State.**

- 252 (1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in Articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.
- (2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.

**Legislation for giving effect to inter-national agreements.**

- 253 (1) Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

**Inconsistency between laws made by Parliament and laws made by the Legislatures of States.**

- 254 (1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing laws, shall prevail and the law made by the legislature of the State shall, to the extent of the repugnancy, be void.
- (2) Where a law made by the Legislature of a State \* \* \* with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State.

Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

## SEVENTH SCHEDULE

(Article 246)

### LIST I — Union List

13. Participation in international conferences, association and other bodies and implementing of decisions made thereat.
14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.

- 23. Highways declared by or under law made by Parliament to be national highways.
- 32. Property of the union and the revenue therefrom, but as regards property situated in a State \* \* \* subject to legislation by the State, save in so far as Parliament by law otherwise provides.
- 42. Inter-State trade and commerce.
- 64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.

**SEVENTH SCHEDULE**

*(Article 246)*

**LIST II — State List**

- 13. Communications, that is to say, road bridges, ferries, and other means of communication not specified in List I; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles.
- 18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.
- 59. Tolls

**SEVENTH SCHEDULE**

*(Article 246)*

**LIST III — Concurrent List**

- 7. Contracts, including partnership, agency contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
- 42. Acquisition and requisitioning of property

