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Part XIV: SERVICES UNDER THE UNION AND THE STATES

The Constitution of India provides for the creation of All India Services that are common to the Union and the States. The **All India Services Act, 1951** provides that the Central Government may make rules for regulating the recruitment and the conditions of service of persons appointed to the All India Services. Presently only the IAS, the IPS and the IFS have been constituted as All India Services.

The recruitment to these services is made through the Union Public Service Commission on the basis of the annual Civil Services Examination.

- This is intended to insulate the civil service from political influences and prevent the development of a patronage system.

The officers of the All India Services are recruited and trained by the Union Government and serve in the various State Governments as well as Centre.

- Please note that the Indian Revenue Service is called a **Central Service** instead of an All India Service as they work only in the Central Government.

What are Cadres?

The officers of All India Services are organized into cadres, derived from the states they are allotted to work in for as long as they continue to be a member of the respective Service. Twenty-four states have their own cadre, but there are also three joint cadres: Assam-Meghalaya, Manipur-Tripura, and Arunachal Pradesh-Goa-Mizoram-Union Territories (AGMUT).

There are State Cadres and the Officers of All India Services (AIS) - Indian Administrative Service, Indian Police Service and Indian Forest Service - are divided into State cadres. When on probation the All India Service (AIS) Officers are allocated to their States. Officers of AIS working with the Central Government are posted on deputation for some years. The AIS officers in a State cadre may be original residents of that State but almost 2/3 of all officers are from outside the state. The AIS officer cannot demand his home State cadre but may put in request for being considered for the home cadre. Generally once allotted to a State, an officer for his whole service stays with that State cadre.

All India Services Act 1951

The All India Services Act 1951 empowers the government of India to make, *after consultation with state governments*, rules for the regulation of recruitment and conditions of service of the persons appointed to an All India Service.

Indian Administrative Service (IAS)

- Controlled by the Central Government.
- Selected candidates are appointed to different state cadres and as and when required they also move to Central Government jobs on deputation.
- IAS Officers are trained to handle government affairs. This being the main responsibility, every civil servant is assigned to a particular office which deals with policy matters pertaining to that area.
- The policy matters are framed, modified, interpreted in this office under the direct supervision of the Administrative Officer in consultation with the Minister. The implementation of policies is also done on the advice of the Officer.
- Cabinet Secretary stands at the top of the government machinery involved in Policy making followed by Secretary/Additional Secretary, Joint Secretary, Director, Under Secretary and Junior Scale Officers in that order.
- These appointments are filled by civil servants according to seniority in the Civil Services. In the process of decision making, a number of officers give their views to the Minister who weighs the matter and makes a decision considering the issue involved.

Indian Forest Service (IFoS)

- The Indian Forest Service **was created in 1966** for protection, conservation, and regeneration of forest resources.

History of Indian Forest Services

India was one of the first countries in the world to introduce scientific forest management. Here is a brief history of IFS:

- 1864 → British Raj established the Imperial Forest Department.
- 1866 → Dr. Dietrich Brandis, a German forest officer, was appointed Inspector General of Forests.
- 1867 → The Imperial Forestry Service was organized subordinate to the Imperial Forest Department.

The British colonial government also constituted provincial forest services and executive and subordinate services similar to the forest administrative hierarchy used today. Officers appointed from 1867 to 1885 were trained in Germany and France, and from 1885 to 1905 at Cooper's Hill, London, a noted professional colleges of forestry. From 1905 to 1926, the University of Oxford, University of Cambridge, and University of Edinburgh had undertaken the task of training Imperial Forestry Service officers.

- From 1927 to 1932, forest officers were trained at the Imperial Forest Research Institute (FRI) at Dehradun, which had been established in 1906.
- The Indian Forest College (IFC) was established in the 1938 at Dehradun, and officers recruited to the Superior Forest Service by the states and provinces were trained there.
- Forestry, which was managed by the federal government until then, was transferred to the "provincial list" by the Government of India Act 1935, and recruitment to the Imperial Forestry Service was subsequently discontinued.
- The modern Indian Forest Service was established in the year 1966, after independence, under the All India Services Act 1951.
- The first Inspector General of Forests, Hari Singh, was instrumental in the development of the IFS.

Indian Police Service (IPS)

The Indian Police Service is responsible for internal security, public safety and law and order. In 1948, a year after India gained independence from Britain; the Imperial Police (IP) was replaced by the Indian Police Service.

- Please note that IPS is not a law enforcement agency; rather it is the body to which all senior police officers belong regardless of the agency for whom they work.

Constitutional Provisions of Part XIV

The part XIV of the Constitution comprises Articles 308 to 323.

- Article 308 says that in this part, the Expression State does not include the State of Jammu and Kashmir. This means that provisions of **Part XIV don't apply to Jammu & Kashmir**.
- Article 309 empowers **the Parliament and the state legislatures** to regulate the recruitment and the conditions of service of the persons appointed to public services and posts under the Centre and States respectively. The original constitution provided that until such laws are made, the president or Governor can make rules for the regulation of such matters.
- Article 310 says that the services under Part XIV are under the **pleasure of the President or Governor**. This section makes it clear that a person who is a member of a **defense service** or of a **civil service of the Union** or of **an all-India service** or holds any post connected with defense or any civil post under the Union holds office during the pleasure of the President, and every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor of the State.
- Though, these officers hold the office during the pleasure of the president and Governor, yet their dismissal is subject to a condition. This condition has been stipulated in article 310(2). Article 310(2) says that in case of dismissal of a person from these services, the president or the Governor may (in order to secure the services of a person having special qualifications) provide for the payment to compensation. This compensation may be provided on the following grounds:
 - If the post is abolished before expiration of the contractual period or
 - If he / she is required to vacate that post for reasons not connected with misconduct on his / her part.

- **Article 311** makes it clear that a person who is a member of the civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by **an authority subordinate to that by which he was appointed**. The removal is possible only after an inquiry in which he / she has been informed of the charges against him / her and given a reasonable opportunity of being heard in respect of those charges. However, this rule is not applicable in the following cases:
 - If the person is convicted on a criminal charge.
 - If the **authority** empowered to remove him / her, records in written that there are **satisfactory reasons to remove** him / her from service and its practically not possible to conduct such inquiries. The decision of the authority in such cases is final.
 - If the **Governor or President is satisfied** that such inquiry is not needed in the interest of the security.
- Article 312 says that if the **Rajya Sabha** has declared by **resolution** supported by **not less than two-thirds of the members present and voting (Special Majority)** that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the **creation of one or more all India services**. **Please note that this also includes an all India Judicial Service.**
- **Article 312 also** makes it clear that the services known at the commencement of Indian Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be **services created by Parliament** under this article.
- **Article 312** also makes it clear that the **all-India judicial service** shall **not** include **any post inferior to that of a district judge** as defined in article 236. The law providing for the creation of the all-India judicial service aforesaid may contain such provisions for the amendment of Chapter VI of Part VI as may be necessary for giving effect to the provisions of that law and **no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368**. [Kindly read this document carefully on All India Judicial Service](#)
- **Article 312 A** makes it clear that the **Parliament by law can change/ revoke** the **conditions** of the services with respect to the remuneration, leave and pension and the rights as respects disciplinary matters of persons who, having been appointed to serve under the Government of India or of a State in any service or post.
- **The article 312** also makes it clear that dispute on such a decision **shall not be questioned** in any court.
- **Article 314 was repealed by** Constitution (Twenty-eighth Amendment) Act, 1972.
- **Article 315** makes provisions for **Public Service Commissions** for the Union and Each state. This article makes provisions that if two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the **Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public Service.**

- **Article 316** makes it clear that Chairman and other members of a Public Service Commission shall be appointed as follows:
 - **President** → for UPSC and Joint Public Service Commission
 - **Governor** → for state public service commission
- This article also provides that around 50% of the members of every Public Service Commission shall be persons with minimum 10 years experience under Government of India or under the Government of a State.
- A member of a Union Public Service Commission holds the office for a term of 6 years from the date on which he enters upon his office or 65 years of age. The age for State Public Service Commission or Joint Commission is 62 years.
- A member of Public service commission tenders his / her resignation **to President** (in case of UPSC/JPSC) **or to Governor in case of State** Public Service Commission. A member of Public Service Commission is **NOT** eligible for reelection into the same office again, once the term has expired.
- **Article 317** deals with the removal of the Chairman or any other member of a Public Service Commission. Please note that though the chairman and members of UPSC / JPSC are appointed by President and State PSCs by Governor, the removal of chairman or any member of even a state Public Service Commission can be done ONLY by President.
- They can be removed from office by order of the President on the ground of misbehavior after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.
- However, this article makes it clear that President, in the case of the Union Commission or a Joint Commission, and the Governor in the case of a State Commission, may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court. This suspension would be valid until the President has passed orders on receipt of the report of the Supreme Court on such reference.
- Article 318 makes it clear that the numbers of members of commission, conditions of service etc. are determined by the President in case of UPSC and JPSC and Governor in case of State PSCs.
- Article 319 makes it clear that once the chairman of the UPSC has ceased to hold the office, he / she shall be ineligible for further employment, either under Government of India or Government of state.
- However, the same article makes clear that Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State.

- The members of the UPSC shall be eligible for appointment as the Chairman of the Union Public Service Commission, or as the Chairman of a State Public Service Commission, but **not for any other employment** either under the Government of India or under the Government of a State.
- Article 320 makes it clear that it shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.
- If two or more states request the UPSC to assist the states in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required, UPSC will help them out.
- Article 321 says that an act made by Parliament or Legislature of a State may provide for the exercise of additional functions by the Union Public Service Commission or the State Public Service Commission.
- Article 322 makes it clear that **expenses** of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the **Consolidated Fund of India** or **Consolidated Fund of the State**.
- Article 323 makes it clear that it will be the duty of the UPSC to **present annually to the President a report** as to the work done by the Commission and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid **before each House of Parliament**. In case of state public service commission, the same will be done by the **Governor**.
- If the case is of a Joint Public Service Commission, then the **JPSC** will present a **report annually** to the **Governor of each of the States** the needs of which are served by the Joint Commission a report as to the work done by the Commission in relation to that State.

Part XIVA – Tribunals

Part XIV A of the constitution of India was **inserted** by Constitution (Forty-second Amendment) Act, 1976. Thus, among the many innovative provisions adopted by the 42nd amendment of the Constitution was a measure of the provision for setting up of the Administrative Tribunals.

The **basic objective** of the administrative tribunals is to take out of the purview of the regular courts of law, the certain matters of **disputes between the citizen and government agencies** and make the judicial process quick and less expensive. Please note that the administrative tribunals are not original invention of the Indian Political System. They are well established in all democratic countries of Europe as well as United States of America.

The Part XIVA consists of two articles viz. **323A and 323B**.

- Section 1 is the **Article 323A** provides for the adjudication or Trial by the administrative tribunals of disputes and **complaints with respect to the recruitment and conditions of service of persons** appointed to public services and posts in connection with the affairs of the Union or any state or any

local or other authority within the territory of India. **The power to constitute any such tribunal is vested exclusively in the parliament of India.**

- Section 2 of Article 323A provides that a **law made by the parliament** under section 1 of this article may
 - Provide for **establishment of an Administrative Tribunal** for the Union and a separate Administrative Tribunal for each state or two or more states
 - Specify the jurisdiction, powers and authority which may be exercised by such tribunals.
 - Provide for procedure to be followed by these tribunals
 - **Exclude the jurisdiction of all courts except the special jurisdiction of the Supreme Court** in Article 136.
- **Article 323 B empowers the parliament or state legislatures to set up tribunals** for matters other than those covered by clause 2 of the article 323A. The matters to be covered by such tribunals will be as follows:
 - Levy, assessment, collection and enforcement of any tax
 - Foreign exchange, import and export across customs frontiers;
 - Industrial and labor disputes;
 - Matters connected with Land reforms covered by Article 31A
 - Ceiling on urban property;
 - Elections to either House of Parliament or the House or either House of the Legislature of a State, but excluding the matters referred to in article 329 and article 329A;
 - Production, procurement, supply and distribution of food-stuffs (including edible oilseeds and oils) and such other goods as the President may, by public notification, declare to be essential goods

Please note that a law made under the above provisions may provide for establishment of a hierarchy of tribunals and specify the jurisdiction, powers and authority which may be exercised by each of them. Such law may also provide for the procedure to be followed by these tribunals and exclude the jurisdiction of all courts except the supreme court of India.



Part XV – Elections

Constitution of India has provided a separate chapter for elections and has not left the elections to jurisdiction of the executive and legislative departments of the government. This is mainly because the makers of the had been very serious to safeguard this political right as an integral part of the constitution itself.

Constitutional Provisions


- For the conduct of free and fair elections an independence election commission has been provided for in Article 324.
- The constitution in Article **325** stipulates a **single electoral roll for every territorial constituency.**

- Article 327 vests in parliament the supreme power to make laws relating to elections- at central as well as state levels.
- However, Article 328 gives the states also certain limited powers of legislation with respect to elections. The sole idea to give these limited powers to states was to avert the fear from the mind of minorities in the states of being discriminated against by the majority.
- Using the powers given by the Constitution, Parliament of India passed two essential measure laying down the detailed law under which elections were to be held
 - The **Representation of The People Act, 1950**, which provided for qualifications of voters and matters connected with the preparation of electoral rolls, laid down the procedure for delimitation of constituencies and the number of seats in parliament to the states and fixed the number of seats in the respective state legislative
 - The Representation of The People Act, 1951, which provided for the actual conduct of elections and dealt in detail with subjects like administrative machinery for conducting elections, the poll, election disputes, by-elections, etc.
- This was followed by statutory rules made by the central government, as follows:
 - The representation of the people (Preparation of electoral rolls) rules 1950
 - The representation of the people (Conduct of elections and election petitions) rules, 1951
 - Some amendments were made later in these acts and rules. The most important of them was with regard to the preparation of electoral rolls.
 - Please note that originally, it had been decided to prepare separate rolls for the parliamentary and assembly constituencies. Later, it was resolved to have only one electoral roll for all constituencies.
- Article 326 of the Constitution had originally granted electoral franchise to every Indian citizen who has attained 21 years of age and who has not been declared a bankrupt, criminal, insane or a non-resident. In 1988 the 62nd amendment was passed by parliament whereby voting age has been reduced to 18 years.
- Article 324 to 329 describes the electoral machinery. Details are not given in the constitution but some fundamental principles are laid down.

What is the purpose of single electoral role?

We all know that during the British Rule, under the pressure of communal politics, separate electorates were established in India. Accordingly, in every constituency, there were as many lists of the electoral rolls as there were communities recognized for that purpose. During that period, the muslims all over India had a separate electoral roll and voted only for the candidates who stood for election from the constituency reserved for Muslims. Article 325 abandons this unnatural system of electoral rolls. The communal, separate and the special representation has been done away with and a common list of voters has been prepared for each geographical constituency *in which none has been deprived of the right to vote.*

What is the basic unit of Voting?

Single-member territorial constituency has been declared the basic unit of voting and all national and state elections are held on this basis. The president and vice-president are elected through the proportional system of representation. While the constitution prescribes the method of the presidential and vice-presidential and vice-presidential elections, parliamentary legislation decides the mode of election to both national and state legislative bodies. 

Which are courts for Poll Petitions?

The electoral system permits poll petitions for resolving election feuds. The high court is declared as the original court and the Supreme Court has the appellate jurisdiction. Poll petitions can be filed for the violation of electoral procedure, the ineligibility of the candidate, communal and monetary traps laid down to affect public opinion and the misuse of the official machinery.

Which census is used as basis of determination of Proportional representation?

The constitution declares the census carried out in the country as the basis for determining the proportion between the population and the legislative assemblies. For the present according to the 42nd amendment the basis shall be the census of 1971, till 2001 AD. The constitution assembly fully realized the importance of an electoral machinery and provided for an independent election commission.

Single Member territorial constituencies

India has been divided into single member territorial constituencies. There used to be double member constituencies initially but these are abolished now. There are some reserved constituencies. They are also single member constituents.

Delimitation Commission

Constituencies are delimited with the help of a delimitation commission which is appointed after the census that takes place after every ten years.

Delinking of Elections at National and State Level

Initially, the elections for the parliament and state assemblies were held simultaneously. There used to be one general election, but in 1971, elections to the parliament were delinked from elections to the state assemblies. The most important impact of this delinking has been on the voting behavior of India people.

First past the post system

There is no provision for absolute majority in voting. We see that sometimes, a candidate who secures even

Early General Elections

First general election in India on the basis of adult franchise was held in 1952. This was a simultaneous election both for the Lok Sabha and all legislative assemblies. Second general election held in 1957 was also a simultaneous election. Thereafter, elections to some of the state assemblies could not be held along with election to the Lok Sabha. The meaning of the General Election was initially the combined elections of the Lok Sabha and legislative assemblies, but today, this term is used for Lok Sabha elections only.

Bye-Elections

Bye-election is held to choose a member of the Lok Sabha or that of state legislature "to replace a previous member who has resigned suddenly or died. At times certain seats may fall vacant because the members

have become seats falling vacant in this manner are also filled through bye-elections. A member elected in a bye-election holds membership only for the unexpired term of the house.

Mid Term Elections

The Lok Sabha or the state assembly may be **dissolved** before its term is over. This is also called a General Election.

Election Commission of India

- Article 324 vests the superintendence, direction and control of all the elections in India in an independent body called the election commission.
- It is the **election commission which has the power** of appointing **election tribunals** for the decisions of doubts and disputes in connection with the elections. The commissioner and as many election commissioners as the president may from time to time fix. The chief election commissions acts as the chairman of the commission. The election commission is an **independent** body.
- The election commission consists of the chief election commissioner and the number of election commissioners which may be **fixed** by **President** from time to time.
- According to article 324(2), all these commissioners are appointed by the president subject to the **provisions of any law enacted** by **parliament** for the purpose.
- Article 324(4) provides that the president may appoint, after commissioners as the president may consider necessary to assist regional commissioners may be appointed before each general election of Lok Sabha and state legislative assemblies and also the biennial election to the state legislative councils.
- Article 324(3) provides that chief election commissioner acts as the chairman of the election commission. However, on October 2, **1993** the government issued an ordinance and converted the **one man election commission into a multi-member commission** by appointing two persons as election commissioners.
- The conditions of service and tenure of office of the chief election commissioner and other election commissioner are determined by an act of parliament titled **The Chief Election Commissioner And Other Election Commissioners (Conditions Of Service) Act, 1991**, that received president's assent on 4 January, 1994.

Important Provisions of the Chief Election Commissioner and Other Election Commissioners (Conditions Of Service) Act, 1991

- The chief election commissioner or an election commissioner shall hold office for a **term of 6 years**. However, if the chief election commissioner or an election commissioner have attained the age of 65 years, before the expiry of the said term of six years, they shall vacate office on the date on which they attain the said age.
- The chief election commissioner and other commissioners are paid a salary equal to the **salary of a judge of the Supreme Court**. On retirement they are entitled to a pension payable to a judge of the Supreme Court.

- All business of the election commission shall, as far as possible, be transacted unanimously. If the chief election commissioner and other election commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

Election Commission of India as Independent Body

The constitution of India has ensured that the commission shall act as an independent body. Independence is secured by some of these provisions:

- The chief election commissioner shall not be removed from office except in like manner and on like grounds as a judge of the Supreme Court.
- The other commissioners cannot be removed from office except second, their conditions of service shall not be varied to their disadvantage after their appointment. Third, it is the **duty of the president or the governor** of a state to make available to the commission, when so requested, such staff as may be necessary for the conduct of its functions

Demarcation of constituencies

To facilitate the process of elections, a country has to be divided into several constituencies. The task of delimiting the constituencies is generally performed by a delimitation commission. But the power to delimit parliamentary and assembly constituencies for the first general elections in 1951 was conferred on the president. The president's delimitation order was to be released on the advice of the election commission which also consulted parliamentary advisory committees set by the speaker of parliament and the speaker of the respective legislative assembly to which the delimitation proposal pertained. The election commission distributed the seats district-wise in each one of the states and directed the chief electoral officers to prepare proposals for the physical demarcation of constituencies according to the prescribed criteria.

Preparation of Electoral rolls

One of the most **important functions** of the election commission is to prepare for identification the up-to-date list of all the persons who are entitled for voting at the poll.

Recognition of political parties and allotment of symbols

Election commission gives recognition of parties and allotment of symbols via the authority vested in it via the **Representation of The People (Amendment) Act, 1951**. Section 29A of this act provides for registration of the political parties with the commission, of associations and bodies of individual citizens of India as political parties for purpose of recognized political party has been classified either as a national party or a state party under paragraph 7 of the elections symbol order, 1968.

Scrutiny of the nomination papers:

The election Commission of India examines the nomination papers of the candidates. These papers are accepted if found in order, but rejected otherwise. This duty is performed by the returning officer who notifies to all the contesting candidates the date, time and place for the formal scrutiny of nomination papers.

The conduct of the poll

The election commission of India undertakes the task of the poll throughout the whole of India. In a parliamentary or assembly constituency, the **returning officer** is to make suitable arrangements for conducting the poll with the prior approval of the election commission. Under the constitution of India, the provision has been made for the following matters to be assigned to the Election Commission:

1. Election of President of India
2. Election of Vice President of India
3. Election of the members of Union **Parliament**
4. Election of the state legislatures
5. Determination of population for purpose of election.

The **commission can order a re-poll** for the whole constituency under compulsion of circumstances. Article 324 confers on the election commission necessary powers to conduct the elections including the power to countermand the poll in a constituency and ordering a fresh poll therein because of hooliganism and breakdown of law and order at the time of polling or counting of votes.

Monitoring of Election Expenses

Scrutinizing the accounts of election expenses submitted by contestants in elections. In India every contesting candidate is required to maintain and file the accounts of his election expenses within a prescribed period after publication of the result of his election.

Delimitation commission

Delimitation commission or Boundary commission of India is a Commission established by Government of India under the provisions of the **Delimitation Commission Act**. 

The main task of the commission is to redraw the boundaries of the various assembly and Lok Sabha constituencies **based on a recent census**.

- ✍ The representation from each state is **not changed** during this exercise.
- ✍ However, the numbers of **SC and ST seats** in a state are changed in accordance with the census.

The Commission is a powerful body whose orders **cannot be challenged** in a court of law. The orders are laid before the Lok Sabha and the respective State Legislative Assemblies. However, **modifications are not permitted**.

In India, the Delimitation commissions have been set up four times in the past - In 1952, 1963, 1973 and 2002 under Delimitation Commission acts of 1952, 1962, 1972 and 2002. The government had suspended delimitation in 1976 until after the 2001 census so that states' family planning programmes would not affect their political representation in the Lok Sabha. This had led to wide discrepancies in the size of constituencies, with the largest having over three million electors, and the smallest less than 50,000. The most recent delimitation commission was set up on 12 July 2002 after the 2001 census **with Justice Kuldeep Singh, a retired Judge of the Supreme Court of India** as its Chairperson. The Commission has submitted its recommendations. On December 2007, the Supreme Court of India on a petition issued notice to the central government for non implementation. On 4 January 2008, the CCPA decided to **implement the order** from the Delimitation commission. The recommendations of the delimitation commission were approved by

the President, Pratibha Patil on 19 February 2008. This means that all future elections in India for states covered by the commission will be held under the newly formed consistencies.

- ✍ The assembly elections in Karnataka in May 2008 were the first one to use the new boundaries as drawn by the 2002 delimitation commission.

Unlike other commissions, the delimitation commission has executive, legislative and quasi judicial powers.

Delimitation of constituencies in India

There are 543 parliamentary constituencies in India each electing one member. Delimitation commission demarcates the boundaries of these constituencies. Article 82 of the constitution, provides that the parliament by law would enact a delimitation act after every census. After coming into force commencement of the act, the central government constitutes a delimitation commission. This delimitation commission demarcates the boundaries of the parliamentary constituencies as per provisions of the delimitation act. The present delimitation of constituencies is based on 1971 census figures. Notwithstanding the above, the constitution of India was specifically amended in 1976 not to have delimitation of constituencies till the first census after 2000. Thus, the constituencies carved out on the basis of 1971 census are continuing.

Electoral reforms in India

India's electoral system was largely free from any major flaw till the fourth general elections (1967). The distortions in its working appeared, for the first time, in the fifth general elections (1971) and these got multiplied in the successive elections, especially in those held in the eighties and thereafter. Many a time, the Election Commission has expressed its concern and anxiety for removing obstacles in the way of free and fair polls. It has had made a number of recommendations and repeatedly reminded the government the necessity of changing the existing laws to check the electoral malpractices. The **Tarkunde Committee Report of 1975**, the **Goswami Committee Report of 1990**, the Election Commission's recommendations in 1998 and the Indrajit Gupta Committee Report of 1998 produced a comprehensive set of proposals regarding electoral reforms. A number of new initiatives have been taken by the Election Commission to cleanse the electoral process in India. Some of them are as follows:

Lowering of voting age:

The constitution (sixty-first amendment) act, 1988 amends article 326 by substitutes the words 18 years for 21 years. This came into force in March, 1989.

Deputation to election commission

Under the representation of the peoples (amendment) act, 1988 a new section 13CC was inserted which provides that officers or staff engaged in preparation, revision and correction of electoral rolls for elections shall be deemed to be on deputation of election commission for the period of such employment and such personnel shall during that period, be subject to control, superintendence and discipline of election commission.

Increase in number of proposers

Number of electors who are required to sign as proposers in nomination papers for elections to council of states and state legislative council has been increased to **ten per cent of the electors** of the constituency or ten such electors, whichever is less, to prevent frivolous candidates.

Electronic voting machine & VVPAT System:

The representation of the peoples act, 1951, was amended to facilitate use of electronic voting machine in elections. In October **2010**, there was a meeting of all political parties, in which most of the parties expressed satisfaction over the use of EVM, but several parties suggested that the Election Commission may consider introducing Voter Verifiable Paper Trail (VVPAT) for further verifiability in the system. The Commission then referred the matter to the Technical Expert Committee on EVM for examining the matter and making recommendations. The Expert Committee had several rounds of meetings with BEL and ECIL on this issue and then had met the political parties and other civil society members who were engaged with the Commission on the issue of EVMs. On the direction of the Expert Committee, BEL and ECIL had prepared a prototype of VVPAT system and demonstrated it before the Committee and the Commission. The Expert Committee has now recommended that the prototype should be tested in field in extreme environmental conditions to get an effective assessment. Basically VVPAT is like a backup of the voting. It would include a paper copy of each of the vote casted as a backup trail for the purpose of recovery or recount. The idea is increase trust but the issues are that what will happen if there is a difference between the paper trail and electronic trail and how to sort out that issue. The VVPAT system has been experimented in several countries and has got a mixed response.

Menace of Booth capturing

Section 58A has been inserted in the **representation of the peoples act, 1951** by providing for **adjournment** of poll or **countermanding** of elections because of **booth capturing**. Booth capturing has been defined in section 135 A of the representation of the peoples act, 1951. Election commission on such report may either declare the poll at the particular polling station as void and appoint a date for fresh poll or countermand election in that constituency.

Disqualification on conviction under the prevention of insults to national honor act, 1971

Any conviction under section 2 (offence of insulting the Indian national flag or the constitution of India) or section 3 (offence of preventing singing of national anthem) of the prevention of insults to national honor act, 1971 shall hereafter entail **disqualification** for contesting elections to parliament and state legislatures **for a period of six years** from the date of such conviction.

Increase in security deposits and number of proposers:

The amount of security deposit which a candidate at an election to the house of the people or a state legislative assembly has to make has been enhanced as a measure to check the multiplicity of non-serious candidates.

- ✍ In the case of an election to the house of the people, the amount of security deposit has been increased from Rs. 500 to Rs. 10,000 for the general candidate and from Rs. 250 to Rs. 5,000 for a candidate who is a member of a scheduled caste or scheduled tribe.

- ✍ In the case of elections to a state legislative assembly, the candidates will have to make a deposit of Rs. 5,000 if they are general candidates and Rs. 2,500 if they belong to a scheduled caste or scheduled tribe instead of Rs. 250 and Rs. 125 respectively as was being previously deposited by them.
- ✍ A defeated candidate who fails to **secure more than one-sixth** of the valid votes polled in the constituency will lose his security deposit
- ✍ Under the Presidential and Vice-Presidential Elections (Amendment) Ordinance, 1997, the number of proposers and seconders for presidential candidates have been increased to 50 each (as against the earlier 10), and the security deposit to Rs 15,000 (earlier deposit Rs 2500). For the vice-presidential candidates the number of proposers and seconders and amount of the security deposit has been increased to 20 each and Rs 15,000 respectively. Further, both proposers and seconders must be members of the Electoral College comprising elected members from the state assemblies and Parliament. The Election Commission had been expressing concern that many non-serious candidates were entering the fray in every election.
- ✍ A candidate in a parliamentary or assembly constituency should be subscribed by 10 electors of the constituency as proposers, if the candidate has not been set up by a recognized national or state party.

Restriction on contesting election from more than two constituencies

A candidate is not eligible to contest election **from more than two parliamentary** or assembly constituencies at general election. Restrictions will apply for biennial-elections and bye-elections to the council of states and state legislative councils also.

Provisions on Death of candidate:

No election is countermanded on the death of a contesting candidate. However, If the deceased candidate was from a recognized national or state party, the party concerned will be given an option to nominate another candidate within seven days of the issue of a notice to that effect to the party concerned by the election commission.

Taking arms to or near to Polling station is Cognizable Offense:

Going armed with any kind of arms as defined in **Arms Act 1959** within the neighborhood of a polling station is now a cognizable offence punishable with imprisonment up to two years or with fine or with both.

Holidays on Polling Day

All registered electors who are employed in any business, trade industrial undertaking or any other establishment shall be entitled to a paid holiday on the day of poll. **Even the daily wagers will receive their wages for that day.**

Prohibition on sale, etc., of liquor

No liquor or other intoxicants shall be sold off, given or distributed at any shop, eating place, hotel or any other place, whether public or private, within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll.

Tarkunde committee's (J.P. Committee) recommendations

Jayprakash Narayan on behalf of the citizens for democracy had appointed a committee to study and report on scheme for electoral reforms in 1974. The members of the committee were V.M. Tarkunde, M.R. Masai, etc. it is known as J.P. Committee or Tarkunde committee. The important recommendations of the Tarkunde Committee are as follows:

- ✍ The election commission should be a three member body.
- ✍ The minimum age of voting should be 18 years.
- ✍ The TV and radio should be placed under the control of autonomous statutory corporation.
- ✍ A voter's council should be formed in as many constituencies as possible which can help in free and fair election.

Goswami committee Recommendations

In accordance with the Janata Dal's election commitment, the national front govt. announced in the Lok Sabha on May 4, 1990. The major recommendations were as follows:

- ✍ Time limit for bye-elections.
- ✍ Increase in deposits from independents.
- ✍ A check on advertisements on new papers and strengthening of the election commission.
- ✍ A series of legislative measures should be set up to eradicate booth-capturing rigging and intimidating.
- ✍ The committee also called for amendment of the anti-defection law to restrict disqualification.

Indrajit Gupta committee on state funding of elections

The 8-member committees that set up by the all-party conference in may, 1998, submitted its report in January, 1999 with the following recommendations:

- ✍ State funding should be in kind, that is, no financial support is to be given to parties and also, part of the financial burden of the parties should be initially borne by the state.
- ✍ A Rs. 600 crore contribution from the center and an equal amount by the states, annually, towards an election corpus fund for the purpose.
- ✍ Only EC- recognized political parties should be given the state support in terms of printing material and facilities; electronic media time; vehicles and fuel etc.
- ✍ Political parties should compulsorily submit their annual accounts to the income tax department, showing their receipts and expenditure failing which the party or the candidate foregoes the state support.
- ✍ Complete account of the election expenditure should be filled by the parties to the EC.
- ✍ All donations above Rs. 10,000 by the parties should be in the form of cheque/draft and the names of the donors should be disclosed in the accounts.
- ✍ Ban on donations by government companies for political purposes will continue, but whether other companies can donate or not is to be determined by the parliament.

Model Code of Conduct

THE Election Commission of India is regarded as guardian of free and fair elections. In every election, the EC issues a **Model Code of Conduct** for political parties and candidates to conduct elections in a free and fair manner. The Commission circulated its **first Code** at the time of the fifth general elections, held in **1971**. Since then, the Code has been revised from time to time. The Code of Conduct lays down guidelines as to how political parties and candidates should conduct themselves during elections. A provision was made under the Code that from the time the elections are announced by the Commission, Ministers and other authorities cannot announce any financial grant, lay foundation stones of projects of schemes of any kind, make promises of construction of roads, carry out any appointments in government and public undertakings which may have the effect of influencing the voters in favour of the ruling party. **MCC has no statutory backing** and **many of its provisions are not legally enforceable**. However, public opinion is the moral sanction for its enforcement and hence, the Model Code of Conduct has evolved to be a Moral Code of Conduct. The Commission has been effectively using the MCC as a tool to ensure honest, free and fair elections in India.

Part XVI: Special Provisions Related to Certain Classes

Indian constitution abolishes any discrimination to any class of persons on ground or religion race or place of birth. It is in pursuance of this ideal that the constitution has abolished communal representation or reservation of seats in the legislatures or in any public office on the basis of religion.

- ✍ However, the Article 46 of the directive principles enjoins the state to **take special care in promoting the educational and economic interests of the weaker sections of the society** and in particular the scheduled castes and scheduled tribes and to protect them from social injustice. Any such provision made by the state cannot be challenged on the ground of being discriminatory.
- ✍ Similarly, the Part III constitution guarantees fundamental rights and provides many provisions protecting minority rights.
- ✍ Art. 15(4) says that government can make special provisions for SC and ST's name of **"positive discrimination"**.
- ✍ Art. 46 says that educational and economic interests of SCs and STs shall be protected and promoted.
- ✍ Art. 164 says that in the states of Bihar, Madhya Pradesh and Orissa there shall be a minister in charge of tribal welfare who shall also be in charge of the welfare of SC and other backward classes.
- ✍ The Article 25 to 30 make provisions for protecting the religion and culture of minorities. Any section of the citizens of India having a distinct language, script or culture shall have right to conserve the same. All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. In granting aid to educational institutions the state cannot discriminate on grounds that it is under the management of majority.
- ✍ Article **275 provides for grants-in-aid to the states for promoting the welfare of scheduled tribes.** According to article 325 there shall be one general electoral roll, and no person is ineligible for inclusion in it on grounds only of religion, race, caste, etc. article 164 provides for special minister of tribal welfare in Bihar, Madhya Pradesh and Orissa.

- ✍ Art. 335 says that claims of the members of SCs and STs shall be taken into consideration consistent with the maintenance of the efficiency in administration in appointments under the union and the states.
- ✍ Art. 338 says that there shall be a national commission for SCs and STs appointed by the president to investigate the safeguards provided for them under the constitution and report to the president on the working of these safeguards.

Articles 330 to 342 make special provisions for safeguarding the interest of scheduled castes, scheduled tribes, Anglo-Indians and backward classes. Articles 347, 350-A, 350-B, make provisions for protecting the interests of linguistic minorities.

Who are SCs and STs?

Please note that the constitution does not define as to who are the persons who belong to scheduled castes and scheduled tribes. However, Articles 341 and 342, empower the **President of India** to draw up a list of these castes and tribes.

- ✍ Scheduled castes and scheduled castes and scheduled tribes and those castes or tribes as the president may by public notification specify.
- ✍ If such notification is in respect of a state it can be done after consultation with the governor of the state concerned.
- ✍ Any inclusion or exclusion from the presidential notification of any caste, race, or tribe can be done by **Parliament by Law**.
- ✍ If any question arises whether or not particular tribe is a tribe within the meaning of this article one has to look at the public notification issued by the president under Article 340 (1).

Reservation of seats for SC/ST

- ✍ The Constitution of India provides for reservation of seats for scheduled castes and scheduled tribes (dalits) in the Lower House of Parliament and in the state legislatures via **Article 330 and Article 332** respectively.
- ✍ When the Constitution was enacted in 1950, the reservations were to cease after 10 years. However, having regard to the conditions of scheduled castes and scheduled tribes, the Constitution has been amended from time to time, and the period of 10 years has been extended to 20 years, then to 30 years, then to 40 years and then to 50 years.
- ✍ At present it provides that the reservation will cease after 60 years, i.e., after 2010 (79th Amendment Act, 1999 in Article 334).
- ✍ Article 338 provides for the constitution of a **National Commission for the Scheduled Castes and Scheduled Tribes**.
- ✍ Article 338(5)(b) makes it the duty of the commission to enquire into specific complaints with respect to deprivation of rights and safeguards of the dalits.
- ✍ The reservation shall be in proportion of their population.

- ✍ Not less than 1/3rd of the total number of seats to be filled by direct elections in every panchayat shall be reserved for women.
- ✍ A state may by law make provisions for similar reservation to the offices of chairpersons in the panchayat at the village and other level.
- ✍ A state may by law also reserve seats or office of chairperson in the panchayat at any level in favour of backward classes of citizens.

Though seats are reserved for them, they are elected by all the voters in the constituency. There is no separate electorate for scheduled castes and scheduled tribes. Article 325 expressly provides that there shall be one general electoral roll. This means that **a member of scheduled castes and scheduled tribes may contest any seats other than reserved, i.e. general seat.**

National Commission for Scheduled Castes and Scheduled Tribes

The constitution (65th amendment) act, 1990, has amended **Article 338** of the constitution. The amended article 338 provides for the establishment of national commission for scheduled castes and scheduled tribes in place of a special officer.

Structure:

- ✍ The commission consists of a chairman, vice-chairman and five other members.
- ✍ The chairman, vice-chairman and members of the commission shall be appointed by the president. The conditions of service and tenure of the members of commission shall be such as the president may by rule determine.

Duties of commission

- To investigate and monitor all matters relating to the safeguards for SC's and ST's under the constitution and any other law or any order of the government and to evaluate the working of such safeguards.
- To inquire into specific complaints with respect to the deprivation of rights and safeguards of SC's and ST's.
- To participate and advice on planning process of socio-economic developments of SC's and ST's and to evaluate the progress of their development under the union and any state.
- To present to the president reports upon the working of those safeguards annually and at such other times as the commission deems fit.
- To make recommendations as to the measures that should be taken by the centre and states for the effective implementation of those safeguards and other measures implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the SC's and ST's.
- To discharge such other functions for protection, welfare and development and advancement of SC's and ST's as the president may, subject to the provisions of any law made by parliament by rule specify.

Power of the commission:

The commission shall have power to regulate its own procedure. While investigating any matter the commission shall have all the powers of a civil court and in particular in respect of the following matters :

- Summoning and enforcing the attendance of any person from any part of India and examining him on oath.
- Requiring the discovery and production of any document.
- Receiving evidence on affidavit.
- Requisitioning any public record or copy thereof from any court or offices.
- Issuing commissions for the examination of witness and documents.
- Any other matter which the president may, by rule, determine.

The union and state governments shall consult the commission on all major matters affecting SC's and ST's.

Reservation of Seats for Anglo-Indians

- According to Article 366 (2) an Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India or born within such territory and whose parents habitually were resident in India and not established for temporary purposes only.
- The Constitution empowers the president under Article 331 to nominate maximum of two members of the Anglo Indian Community to the Lok Sabha, if he/ she is of the opinion that the community is not adequately represented. The president will act on the basis of this constitutional provision only when no Anglo Indian had been elected to the House of people in General Elections.
- Under article 333, the Governor of an state is of the opinion that Anglo Indian Community is not adequately represented in the state assembly, he / she can nominate **one member**.
- Please note that the Anglo Indian Community was entitled to special educational grants under the Article 337 of the Constitution for a period of 10 years. During the first three years, this grant was what the community had been receiving in 1947. Thereafter, it was to be progressively reduced @10% at the end of every three years and it would completely cease after 10 years.

Reservation to backward classes

The constitution does not define as to who are the persons who belong to the backward classes. It is for the central and the state governments to specify such classes of persons for the purpose of the constitution.

Under article 340 (I) the president is empowered to appoint a commission consisting of such person as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labor and to make recommendations as to the steps that should be taken by the union or any state to remove such difficulties and to improve their conditions and as to the grants that should be made by the union or any state for that purpose and conditions subject to which such grants should be made.

Part XVI and Linguistic Minorities

- A linguistic minority is a class of people whose mother tongue is different from that of the majority in the state or part of a state. the constitution provides for the protection of the interests of linguistic minorities.
- Article 350-A imposes a duty on the states to Endeavour to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority. The president is authorized to issue such directions to any state, as he considers necessary or proper for securing the provisions of such facilities.
- Article 347 provides for the use of majority language in the administration. If a demand is made in this behalf and the president is satisfied that a substantial proportion of the population of a state desire the use any language spoken by them to be recognized by the state, the president may direct that such language shall also be officially recognized throughout the state or any part of tire state for such purposes as he may specify.
- Article 350 gives right to every person to submit a representation for the redress of any grievance to any officer or authority of the union or a state in any of the language used in the union or a state, as the case may be.
- Article 350-B empowers the president to appoint a special officer for linguistic minorities. It is the duty of the special officer to investigate all matters relating to the safeguards provided for linguistic minorities under this constitution and report to the president upon those matters at such intervals as the president may direct. The president shall cause reports to be laid before each house of parliament and send to the government of the state concerned.

Part XVII- Official Language

Part 17 of the constitution of India (Articles 343 to Article 351) makes elaborate provisions dealing with the official language of the Republic of India. The main provisions dealing with the official language of the Uniin are embodied in Articles 343 and 344 of the Constitution of India. The Official languages have been listed in the 8th schedule of Constitution of India.

- Hindi written in Devanagari script is the Official Language of the Union.
- The original constitution provided that for a period of 15 years from the commencement of the constitution, English will continue to be used for all official purposes of the Union. The constitution made it clear that President may, during the said period, by order authorise the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.
- The constitution also makes it clear that even after 15 years, the Parliament by law may provide for the continued use of English for any specific purpose. The constitution has put all authority in the hands of the central government both for formulating and implementing the language policy. It is also special responsibility of the centre to develop and spread the official language (Hindi) of the union (art. 351)

- Article 344 says that the president shall, at the expiration of five years from the commencement of this constitution and thereafter at the expiration of ten years from such commencement, by order constitute a commission which shall consist of a chairman and such other members representing the different languages specified in the eighth schedule as the president may appoint, and the order shall define the procedure to be followed by the commission. It shall be the duty of the commission to make recommendations to the president as to :
 - The progressive use of the Hindi language for the official purposes of the union.
 - Restrictions on the use of the English language for all or any of the official purposes of the union.
 - The language to be used for all or any of the purposes mentioned in article 348.
 - The form of numerals to be used for any one or more specified purposes of the union.
 - Any other matter referred to the commission by the president as regards the official language of union and the language for communication between the union and a state or between one state and another and their use
 - In making their recommendations under clause (2), the commission shall have due regard to the industrial, cultural and scientific advancement of India, and the just claims and the interests of persons belonging to the non-Hindi speaking areas in regard to the public services.
 - There shall be constituted a committee consisting of thirty members, of whom twenty shall be of the house of the people and ten shall be members of the council of states to be elected respectively by the members of the house of the people and the members of the council of states in accordance with the system of proportional representation by means of the single transferable vote.
 - It shall be the duty of the committee to examine the recommendations of the commission constituted under clause (1) and to report to the president their opinion thereon.
 - Notwithstanding anything in article 343, the president may, after consideration of the report in clause (5), issue directions in accordance with the whole or any part of that report.

Regional languages

The Constitution of India empowers the legislature of the each state of India to adopt any one or more of the languages in use in the state for any or all of the official purposes. Thus, subject to the provisions of articles 346 and 347, the legislature of a state may by law adopt any one or more of the languages in use in the state or Hindi as the language or languages to be used for all or any of the official purposes of that state.

- Provided that, until the legislature of the state otherwise provides by law, the English language shall continue to be used for those official purposes within the state for which it was being used immediately before the commencement of this constitution.

Article 346 makes provisions about the official languages for communication between one state and another or between a state and the union. This article says that if two or more states agree that Hindi Language should be the official language for communication between the two states, Hindi can be used as communication language between two states.

Article 347 of the Constitution of India makes special provision relating to language spoken by a section of the population of a state. We all know that cultural rights are guaranteed by the article 29 of the constitution. Article 347 gives practical shape to one of the aspects of the cultural rights of the people. As per the article 347, the **President of India is empowered to direct the state Government to recognize a particular language for the official purposes** either for whole or for part of that state, if he is satisfied that this language desires such a status. Such a decision is taken by the president on a representation made by substantial proportion of the population of that particular state.

Language of the Courts

Under the Article 348, The Constitution of India makes provisions for retention of the **English Language** if the parliament decides so by law as the **language to be used in the supreme court and in high courts** and for bills acts etc. Of all bills to be introduced or amendments thereto of a state and of all ordinances promulgated by the president or the governor of a state.

- Of all orders, rules, regulations and bye-laws issued under this constitution or under any law made by the parliament or the legislature of a state, shall be in the English language.

Special directives for safeguard of linguistic minorities

The Constitution of India has embodied certain special directives with a view to safeguarding the interest of the linguistic minorities. Under **Article 350**, every person shall be entitled to submit a representation for the redress of any **grievance to any officer or authority of the union or a state in any of the languages** used in the union or in the state, as the case may be. **Article 350A** provides that it shall be the endeavor of the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the president may issue such directions to any state as he considers necessary or proper for securing the provision of such facilities. Similarly, article 350B provides that there shall be a **special officer for linguistic minorities to be appointed by the president**. It shall be the duty of the special officer to investigate all matters relating to the safeguards provided for linguistic minorities under this constitution and report to the president upon those matters at such intervals as the president may direct, and the president shall cause all such reports to be laid before each house of parliament and sent to the government of the states concerned.

Article 351 makes provision that it shall be the duty of the union to promote the spread of the Hindi language, to develop it so that it may serve as a medium India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the eighth schedule, and by drawing, wherever necessary or desirable for its vocabulary, primarily on Sanskrit and secondarily on other languages.

Official language commission

The constitution provides for the appointment of a commission as well as committee of parliament to advise the president as to certain matters relating to the official language (article 344). The official language commission is to be appointed at the expiration of 5 years, and again at the expiration of 10 years, from the commencement of the constitution. The president shall constitute the commission with the representatives of the recognized languages specified in the eighth schedule. It shall be the **duty of the commission** to make **recommendations** to the president as to :

- The **progressive use of Hindi language** for the official purposes of the union.
- **Restricting on the use of the English language** for any of the official purposes of the union.
- The language to be used for proceedings in the supreme court and high courts and the texts of legislative enactments of the union and the states as well as subordinate legislation made there under.
- The form of numerals to be used for any of the official purposes of the union.

Any other matters referred to the commission by the president as regards :

- The official language of the union.
- The language for communication between the union and the states or between one state and another.

- ☆ The first official language commission was appointed in **1955** with Sri B.G. Kher as chairman and it submitted its report in 1956 which was presented to parliament in 1957 and examined by a joint parliamentary committee.
- ☆ In 1973, parliament enacted the authorized translations (centrals laws) act, 197, to provide that when a central law is translated into a regional language (other than Hindi), and published in the official gazette, under the authority of the president, such translation shall be deemed to be the authorized translation thereof in such language.