

PART XVIII → EMERGENCY PROVISIONS

The part 18 of Indian constitution deals with the emergency provisions. This part has been the subject of most acrimonious attacks by the critics in the history of Independent India. During the framing of the constitution, this part had witnesses the most agitated scenes and debates in the Constituent Assembly.

The articles in part XVIII are as follows:

- 352. Proclamation of Emergency.
- 353. Effect of proclamation of Emergency.
- 354. Application of provisions relating to distribution of revenues while a Proclamation of Emergency is in operation.
- 355. Duty of the Union to protect States against external aggression and internal disturbance.
- 356. Provisions in case of failure of constitutional machinery in States.
- 357. Exercise of legislative powers under Proclamation issued under article 356.
- 358. Suspension of provisions of article 19 during emergencies.
- 359. Suspension of the enforcement of the rights conferred by Part III during emergencies.
- 359A. [Repealed.]
- 360. Provisions as to financial emergency.

Article 352: Proclamation of Emergency

Article 352 says that if the president is satisfied that a grave emergency exists whereby the security of India or any part of the territory of India is threatened by war or external aggression or armed rebellion, he / she may proclaim an emergency. This emergency may be with respect to **whole or part** of India. The article 352 puts certain conditions which are very important to understand:

- The proclamation or formal declaration of emergency can be revoked by further proclamation.
- The proclamation of a war emergency **cannot** be made by the president unless the Union cabinet gives him in written that such proclamation should be made.
- If a proclamation is NOT revoked subsequently, it should be laid before the parliament. The **both houses** of parliament must approve such proclamation **within two months**. If the parliament does not approve the proclamation, it will become ineffective.
- It may be that at the time of the proclamation, the house of people has been dissolved or its dissolution takes place within the period of two months after the proclamation. In these cases, the proclamation shall be **laid before Rajya Sabha**. If Rajya Sabha passes it, it must be approved by Lok Sabha within the 30 days of the new meeting of the Lok Sabha. However, if Rajya Sabha itself does not pass the proclamation, the proclamation would cease to be valid.
- Please note that Power of President to declare an Emergency may be made use of **even before the actual occurrence** of aggression or disturbance.

Article 353 & 354

As soon as the emergency is proclaimed, the federal provisions of the Constitution cease to function in the area affected by the proclamation. As a result, there is a twofold expansion of the authority of the Union.

- First, the executive power of Union will extend to the giving of any directions to any state executive in emergency area.
- Second, Parliament's law making power will extend to the subjects that are enumerated in the state list.

Apart from that, the President is empowered to restrict or prohibit by order the distribution of revenues are that normally assigned entirely to the states under the financial provisions of the constitution. However, all such orders need to be placed before each House of Parliament for approval. The combined effect of the operation is that there is a emergence of full-fledged Unitary Government.

Consequences of Emergency

- The union government acquires the powers to issue directions to the states regarding the manner in which they have to exercise the executive power (article 353).
- The parliament is empowered to legislate on any subject in the state list. It may be noted that during emergency the states can also make laws, but this is subject to overriding power of the parliament. (Article 353 (b)).
- The centre can alter distribution of revenue between the union and the state. However, such an order is to be laid before each house of parliament and comes to an end by the end of the financial year in which the proclamation ceases to operate.
- The life of Lok Sabha can be extended by one year at a time up to the period not exceeding beyond six months after the proclamation ceases to operate.
- It leads to automatic suspension of freedoms guaranteed by art. 19 of the constitution. However as soon as the proclamation of emergency cases, the freedoms under art.19 are automatically resorted.
- The president can suspend right to enforce fundamental rights granted by the constitution (art.359). The order regarding suspension of fundamental rights may extend to the whole be laid before each house of parliament as soon as possible. It may be noted that the president does not possess any power to suspend the enforcement of fundamental rights guaranteed in article 20 and 21.

The national emergency was for the first time proclaimed in 1962 in the wake of the Chinese invasion. This emergency was also used by the government to tide over the situation arising out of the Indo-Pak war of 1965. The emergency was finally lifted in January, 1968. The second national emergency was declared in December 1971 during the Bangladesh war and remained in force till march 1977. The third national emergency was declared in June 1975 on grounds of internal disturbance and was revoked in march 1977.

- However, as a result of the 44th amendment of the constitution it is no more possible to declare national emergency on grounds of internal disturbances. Instead it can be declared on grounds of armed rebellion.

Article 356: Provisions in case of failure of constitutional machinery in States

If the president is satisfied on receipt a report from the governor or otherwise that a situation has arisen in which the Government in a state cannot be carried in accordance with the provisions of the Constitution, he / she is empowered to proclaim an emergency. The result would be that

- President may assume to himself all or any of the functions of the state or he may vest all or any of those functions in the Governor or any other such authority.
- President may declare that powers of the state legislatures shall be exercisable by the parliament.

- President may make any other incidental or consequential provisions necessary to give effect to the object of proclamation.

Please note the following points:

- Constitution mentions that President cannot assume to himself any of the powers vested in a High Court.
- Proclamation would have to be approved by the Houses of the parliament in same manner as in case of a War Emergency. However, even if Parliament has approved the proclamation, it will normally cease to operate 6 months after the Parliamentary approval.
- The proclamation can be repeated if necessary so as to allow the period of emergency to continue for maximum of one year.
- Every such resolution approving the emergency has to be passed by each of the houses of Parliament by a majority of not less than two-thirds of the members present and voting.
- If the emergency proclamation authorizes Parliament to exercise the powers of the state legislature, it is open to parliament to adopt one or other two alternative courses.
- It may pass all legislative enactments for the state including financial legislations. But if the parliament does not find it convenient to do this all additional work, it may confer upon the President to delegate this power to any authority.
- Parliament is also empowered to authorize the president to sanction expenditure from the Consolidated Fund of the state.
- Any law made by any of the authorities mentioned above shall continue in force until repealed or altered by a competent legislative or other authority.

Please note that this kind of emergency has been declared for over 110 times in India. For the first time constitutional emergency was declared in Punjab in 1952. In most of the cases constitutional emergency was declared because no stable Government could be formed as a consequence of elections. However, many times, the states were placed under presidential rule on grounds of expediency. Some of the governments enjoying comfortable majority in the assembly were suspended on the plea that *they had lost contact with the people, or failed to protect the minority communities, or failed to maintain law and order etc.*

The issue has been raised for several times in media that constitution should be suitably amended to ensure that the union government is not able to get rid of state government which it does not like. This issue was examined by **Sarkaria Commission**, which however did not favor the deletion of this article, as suggested by some critics. On the other hand, Sarkaria commission suggested a number of measures to ensure that the centre makes use of this provisions only on rare occasion. The main suggestions of Sarkaria commission in this regard as follows:

- Article 356 be used as a measure of last resort when all available alternative fail to prevent or rectify the breakdown of constitutional machinery.
- An explanation be obtained from the errant state before taking action under article 356.

- The governor should explore all possibilities to form government which is backed by majority in the assembly and if it is not possible, it should ask the outgoing ministry to act as caretaker government and hold fresh elections without avoidable delay.
- The governor should recommend proclamation of president rule without dissolving the assembly.
- The state legislative assembly should not be dissolved before the proclamation has been laid before the parliament and an opportunity accorded to it to consider the proclamation.
- The governor's report recommending imposition of presidential rule should state all the material facts and grounds in precise and clear terms.
- Appropriate amendment be carried out in the relevant provisions of the constitution to make the remedy of judicial review more meaningful.

Please note that in S.R. Bommai v. Union of India (1994) the supreme court held that dismissal of state government was subject to judicial review and the court could review the dissolved state assembly if the dissolution was found to be judiciary indefensible. The court also laid down the following norms regarding imposition of president's rule :

- No state assembly be dissolved while proclaiming emergency in the state. it should be dissolved only after parliament has ratified the proclamation.
- The proclamation under art. 356 is subject to judicial review.
- If the court strikes down the proclamation, it can restore the dismissed government to office and reactive the legislative assembly.
- The supreme court can ask of which the president is advised to make the proclamation.
- President's rule can be imposed only on a written report from the government.
- It is unconstitutional for the party in power at the centre to dismiss an opposition-ruled state government.

Article 358, 359: Suspension of Fundamental Rights

During the period of emergency declared under any of the above two categories, the State is empowered to suspend the Fundamental Rights given in Article 19. Please note that State here means that power to suspend the operation of these fundamental rights is vested **NOT ONLY in Parliament** but also in Union **Executive** and even the **subordinate authority**. Apart from this, the President is empowered to suspend the right to move any court of law for the enforcement of any of the fundamental rights. This means that virtually, the whole chapter of Fundamental rights can be suspended during the operation of emergency. However, such orders need to be placed before parliament as soon as possible for its approval.

Article 360: Financial Emergency

If the President is satisfied that a situation has arisen whereby the financial stability or credit of the country or any part of it is threatened, he / she may declare a financial emergency.

- Proclamation in this case also has to be approved by the Parliament as in the case of two other cases of emergency.

- During the Financial emergency, the executive authority of the Union shall extend to giving of the directions to any state to observe such canons of financial propriety as may be specified in the direction or any other direction, the president may deem necessary for the purpose.
- Such directions may include those requiring the reduction of salaries and allowances of the Government servants and even those of the Judges of Supreme Court and High Courts.
- Financial emergency has never been proclaimed in India.

Part XIX: MISCELLANEOUS

Part 19 of the Constitution of India has the following articles.

- 361. Protection of President and Governors and Rajpramukhs.
- 361A. Protection of publication and Proceedings of parliament and State legislatures
- 362. [Repealed.]
- 363. Bar to interference by courts in disputes arising out of certain treaties, agreements, etc.
- 363A. Recognition granted to Rulers of Indian States to cease and privy purses to be abolished.
- 364. Special provisions as to major ports and aerodromes.
- 365. Effect of failure to comply with, or to give effect to directions given by the Union.
- 366. Definition.
- 367. Interpretation.

They are summarized as below:

Article 361

As per this article, the President or Governor shall not be answerable to any court for the exercise and performance of the powers and duties of their office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties. However, the article makes clear that the conduct of the President may be brought under review by any court, tribunal or body appointed or designated by either House of Parliament for the investigation of a charge under article 61. This article also makes clear that nothing in this clause shall be construed as restricting the right of any person to bring appropriate proceedings against the Government of India or the Government of a State. This article makes further provisions that:

- No criminal proceedings shall be instituted or continued against the President, or the Governor of a State, in any court during his term of office.
- No process for the arrest or imprisonment of the President, or the Governor of a State, shall issue from any court during his term of office.
- No civil proceedings in which relief is claimed against the President, or the Governor of a State, shall be instituted during his term of office in any court in respect of any act done or purporting to be done by him in his personal capacity, whether before or after he entered upon his office as President, or as Governor of such State, until the expiration of two months next after notice in writing has been delivered to the President or the Governor as the case may be, or left at his office stating the nature

of the proceedings, the cause of action therefor, the name, description and place of residence of the party by whom such proceedings are to be instituted and the relief which he claims.

Article 361A:

By Article 361A, the Constitution has made provisions for protection of publication of proceedings of Parliament and State Legislatures. It says that no person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State, unless the publication is proved to have been made with malice.

361B

Article 361B deals with the "Disqualification for appointment on remunerative political post". This article was inserted by Constitution (Ninety-first Amendment) Act, 2003. Please note that Constitution (91st Amendment) Act, 2003, is better known for limiting the size of all ministries in India. This Act stipulates that the strength of a council of ministers should not exceed 15 percent of the total number of members in the Lok Sabha (in case of the central government) or the relevant state assembly. An exception has been made only for smaller states such as Sikkim, Mizoram and Goa where the strength of the assembly is 40 or less. There, the state government can have a maximum of 12 ministers.

As per article 361B, a member of a House belonging to any political party who is disqualified for being a member of the House under Tenth Schedule shall also be disqualified to hold any remunerative political post.

Article 363:

Article 363 puts a bar to interference by courts in disputes arising out of certain treaties, agreements, etc. By certain agreements and treaties, Constitution means the treaty, agreement, covenant, engagement, sanad or other similar instrument which was entered into or executed before the commencement of Constitution of India between Government of Dominion of India and Ruler of an Indian State.

Article 363A

Article 363 A was inserted in the Constitution (Twenty-sixth Amendment) Act, 1971. This amendment is best known for abolition of Privy Purse. It said that concept of rulership, with privy purses and special privileges unrelated to any current functions and social purposes, is incompatible with an egalitarian social order. Government have, therefore, decided to terminate the privy purses and privileges of the Rulers of former Indian States. It is necessary for this purpose, apart from amending the relevant provisions of the Constitution, to insert a new article therein so as to terminate expressly the recognition already granted to such Rulers and to abolish privy purses and extinguish all rights, liabilities and obligations in respect of privy purses.

In accordance with the Constitution (Twenty-sixth Amendment) Act, 1971, The article 361B says that a prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognized by the President as the Ruler of an Indian State or any person who, at any time before such commencement, was recognized by the President as the successor of such ruler

shall, on and from such commencement, cease to be recognized as such Ruler or the successor of such Ruler.

This article also mentions abolition of Privy Purse.

Article 364

Article 364 makes special provisions as to major ports and aerodromes. It says that President may by public notification direct that any law made by Parliament or by the Legislature of a State shall not apply to any major port or aerodrome or shall apply thereto subject to such exceptions or modifications as may be specified in the notification.

Article 365

Article 365 is an extension to emergency powers of President. The Constitution of India has provided the President of India the power to impose emergency using article 352 and article 365 on two different accounts, if the state does not follow the Indian constitution and if the state does not obey the union Government direction. Article 365 says that where any State has failed to comply with, or to give effect to, any directions given in the exercise of the executive power of the Union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution.

- The words "it shall be lawful for the President to hold" occurring in Article 365 do not impose an obligation. They only confer power, the exercise of which is a matter of discretion with the President.
- On every non-compliance with the Union direction, irrespective of its extent and significance, the President (in effect the Council of Ministers) is not bound to hold that a situation has arisen in which the Government of the non-complying State cannot be carried on in accordance with the Constitution.
- The President should exercise this drastic power in a reasonable manner with due care and circumspection, and not mechanically. He should give due consideration to all relevant circumstances, including the response, if any, of the State Government to the direction. In response to the direction the State Government might satisfy the President that the direction had been issued on wrong facts or misinformation, or that the required correction has been effected.
- The President should also keep in mind that every insignificant aberration from the constitutional path or a technical contravention of constitutional provisions by the functionaries of the State Government would not necessarily and reasonably lead one to hold that the Government in the State cannot be carried on in accordance with the Constitution.

Thus Article 365 acts as a screen to prevent any hasty resort to the drastic action under Article 356 in the event of failure on the part of a State Government to comply with or to give effect to any constitutional direction given in the exercise of the executive power of the Union. Therefore, the extraordinary powers under Article 365 are necessary but should be exercised with great caution and in extreme cases.

Article 366 : Definitions

Article 366 defines various terms in this Constitution. Some of these definitions are as follows:

- **Agricultural income** → Agricultural income as defined for the purposes of the enactments relating to Indian income-tax
- **An Anglo-Indian** → 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 and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only.
- **Corporation tax** → Any tax on income, so far as that tax is payable by companies and is a tax on companies. It does not include tax on agricultural incomes, tax paid by individuals on dividends.
- **Estate Duty** → Includes duty to be assessed on or by reference to the principal value.
- **Existing Law** → Includes any legislation, Ordinance, order, bye-law, rule or regulation passed or made before the commencement of this Constitution.
- **Federal Court** → Federal Court constituted under the Government of India Act, 1935;
- **Ruler** → Prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the Ruler of an Indian State or any person who, at any time before such commencement, was recognised by the President as the successor of such Ruler.
- **Scheduled Castes** → Such castes, races or tribes or parts of or groups within such castes races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution;
- **Scheduled Tribes** → Such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution.

Part XX : Amendment of the Constitution

Part 20 of the Constitution of India has only one article that is **Article 368** that deals with the amendment of the Constitution. Bills seeking to amend the Constitution are of three types:—

1. Bills that are passed by Parliament by **simple majority**;
2. Bills that have to be passed by Parliament by the **special majority prescribed** in article 368(2) of the Constitution; and
3. Bills that have to be passed by Parliament by **the special majority as aforesaid and also to be ratified by not less than one-half of the State Legislatures**.

Before we move ahead, we have to note the following bills that are not deemed as Constitution Amendment Bills. Please note that Bills for amendment of the following provisions of the Constitution are passed by both Houses of Parliament by a **simple majority** of members present and voting are not considered the constitution amendment bills:

1. Admission or establishment of new States, formation of new States, and alteration of areas, boundaries or names of existing States (articles 2, 3 and 4);
2. Creation or abolition of Legislative Councils in the States (article 169);

3. Administration and control of Scheduled Areas and Scheduled Tribes (para 7 of the Fifth Schedule); and
4. Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram (para 21 of the Sixth Schedule).

Even if the change is made in the Constitution of India, these bills are not Constitution Amendment Bills under article 368 of the Constitution and, therefore, these are not called by the title 'Constitution Amendment Bills'.

Please note that the subpara 3 & 4 above also require respectively the recommendation of the President for introduction and the prior adoption of necessary resolution by the State Legislative Assembly concerned. Such Bills are presented to the President for his assent under article 111 of the Constitution.

Constitution Amendment Bills

Bills seeking to amend all other provisions of the Constitution including those enumerated in the proviso to article 368(2) are called by the title 'Constitution Amendment Bills'. These Bills can be introduced in either House of Parliament. If sponsored by a Private Member, the Bill has to be examined in the first instance and recommended for introduction by the Committee on Private Members' Bills and Resolutions before it is included for introduction in the List of Business. Motions for introduction of the Bills are decided by simple majority.

Constitution Amendment Bills are not treated as Money Bills or Financial Bills. That is why, President's recommendation under articles 117 and 274 of the Constitution in regard to these Bills is not asked for.

Amendment by Special Majority

Constitution Amendment Bills have to be passed in each House of Parliament by a special majority i.e. by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of the House "present and voting". The expression "total membership" means the total number of members comprising the House irrespective of whether there are vacancies or absentees on any account. The expression "present and voting", means members who vote for "ayes" or for "noes". Members who are present in the House and vote "abstention" either through the electronic vote recorder or on a voting slip or in any other manner, are not treated as "present and voting."

Amendment Bills that require ratification by the State Legislatures

A Constitution Amendment Bill which seeks to make any change in articles relating to:—

1. the election of the President, or
2. the extent of the executive power of the Union and the States, or
3. the Supreme Court and the High Courts, or
4. distribution of legislative powers between the Union and States, or representation of States in Parliament, or the very procedure for amendment as laid down in article 368 of the Constitution,

after it is passed by the Houses of Parliament by the special majority, has also to be ratified by Legislatures of not less than one-half of the States by resolutions to that effect passed by them before the Bill making provision for such an amendment is presented to the President for assent.

Bills that need Joint Sitting

In case of any disagreement between the two Houses of Parliament on a **Constitution Amendment Bill**, there cannot be a joint sitting of the Houses of Parliament on the Bill as article 368 of the Constitution requires each House to pass the Bill by the prescribed special majority.

Presidential Assent to Constitution Amendment Bills

Constitution Amendment Bills passed by Parliament by the prescribed special majority and, where necessary, ratified by the requisite number of State Legislatures are presented to the President under article 368 of the Constitution under which the President **is bound to give his assent to such Bills**.

Part XXI Temporary, Transitional and Special Provisions

Part 21 of the Constitution makes some provisions related to many things which are enumerated in articles 369 to 395, some of them have been repealed. Here is a summary just for your exam point of view.

Article 369

Article 369 gave the **power to parliament to make laws with respect to certain matters in the State List as if they were matters in the Concurrent List for a period of 5 years initially**. These included **trade and commerce** within a State in, and the production, supply and distribution of, **cotton and woollen** textiles, raw cotton (including ginned cotton and unginned cotton or kapas), cotton seed, paper (including newsprint), food-stuffs (including edible oilseeds and oil), cattle fodder (including oil-cakes and other concentrates), coal (including coke and derivatives of coal), iron, steel and mica; offences against laws with respect to any of the matters mentioned in clause (a), jurisdiction and powers of all courts except the Supreme Court with respect to any of those matters, and fees in respect of any of those matters but not including fees taken in any court, but any law made by Parliament, which Parliament would not but for the provisions of this article have been competent to make, shall, to the extent of the incompetency, cease to have effect on the expiration of the said period, except as respects things done or omitted to be done before the expiration thereof.

Article 370

- Article 370 makes special provisions with respect to the state of Jammu & Kashmir. This article specifies that except for Defence, Foreign Affairs, Finance and Communications, (matters specified in the instrument of accession) the Indian Parliament needs the State Government's concurrence for applying all other laws.
- Thus the state's residents lived under a separate set of laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to other Indians. Similar protections for unique status **exist in tribal areas** of India including those in Himachal Pradesh, Arunachal Pradesh, Andaman & Nicobar Islands and Nagaland however it is only for the state of Jammu and Kashmir that the accession of the state to India is still a matter of dispute between India and Pakistan **still on the agenda of the UN Security Council** and where the Government of India vide 1974 Indira-Sheikh accord committed itself to keeping the relationship between the Union and Jammu and Kashmir State within the ambit of this article.

- The 1974 Indira-Sheikh accord mentions that “The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the Constitution of India “.
- Indian citizens from other states and women from Jammu & Kashmir who marry men from other states cannot purchase land or property in Jammu & Kashmir. Some argue that the President may, by public notification under article 370(3), declare that Article 370 shall cease to be operative and no recommendation of the Constituent Assembly is needed as it does not exist any longer.
- Others say it can be amended by an amendment Act under Article 368 of the Constitution and the amendment extended under Article 370(1).
- **Art. 147 of the Constitution of Jammu and Kashmir** states no Bill or amendment seeking to make any change in the provisions of the constitution of India as applicable in relation to the State; shall be introduced or moved in either house of the Legislature.
- As per Art. 5 of the Constitution of Jammu and Kashmir the executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the provisions of the Constitution of India as applicable in relation to this state.

Article 371

- President of India by order can provide special responsibility to the Governor of can Special **provisions for Gujarat and Maharashtra** for establishment of separate development boards for Vidarbha, Marathwada, and the rest of Maharashtra or, as the case may be, Saurashtra, Kutch and the rest of Gujarat with the provision that a **report on the working** of each of these boards will be **placed** each year **before** the **State Legislative Assembly**.

Article 371 A

- Article 371A makes special provision with **respect to the State of Nagaland to protect the Nagas**. It says that no Act of Parliament in respect of religious or social practices of the Nagas, Naga customary law and procedure and administration of civil and criminal justice involving decisions according to Naga customary law shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides.
- The constitution gives the **Governor of Nagaland special responsibility with respect to law and order** in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken

Article 371B

- Article 371 B makes special provisions with respect to the State of Assam
- It says that President may, by order made with respect to the State of Assam, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the tribal areas of Assam.

Article 371 C

Article 371 C provides special provision with respect to the State of **Manipur**. President by an order can provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the Hill Areas of that State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of such committee.

- Governor shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

In this article, the expression "Hill Areas" means such areas as the **President may, by order, declare to be Hill Areas**.

Article 371D

Article 371D special provisions with respect to the State of **Andhra Pradesh**. President may by order make special orders in the matter of public employment and in the matter of education, and different provisions may be made for various parts of the State.

- President can also provide for constitution of an Administrative Tribunal for the State of Andhra Pradesh to exercise such jurisdiction, powers and authority including any jurisdiction, power and authority which immediately before the commencement of the Constitution (Thirty-second Amendment) Act, 1973, was exercisable by any court (other than the Supreme Court) or by any tribunal or other authority as may be specified in the order with respect to the following matters, namely: -

Article 371E

- Parliament may by law provide for the establishment of a University in the State of Andhra Pradesh.

Article 371F: Special Provisions for Sikkim

- Legislative Assembly of the State of Sikkim shall consist of not less than thirty members;
- Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 with thirty-two members elected in the said elections (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution;

Article 371G : Special provisions for Mizoram

- Article 371G provides special provision with respect to the State of Mizoram. As per this article, no act of parliament in respect with the religious or social practices of Mizos, Mizo customary law, administration of civil and criminal justice involving decisions according to Mizo customary law, ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides.

Article 371H

Special provision with respect to the State of Arunachal Pradesh. Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the state of Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken.

Article 371I: Special provisions with respect to Goa

- Legislative Assembly of the State of Goa shall consist of not less than thirty members.

Article 372 : Continuance of existing laws

- All the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority.

Article 372A

This article power of the President to adapt laws that were in force before 1 November 1957 before the Constitution (Seventh Amendment) Act, 1956, to make such adaptations and modifications of the law.

Rest of the articles of this part don't seem to be relevant.

Article 395

The Indian Independence Act, 1947, and the Government of India Act, 1935, together with all enactments amending or supplementing the latter Act, but not including the Abolition of Privy Council Jurisdiction Act, 1949, are hereby repealed.