



# Important Articles from Indian Constitution : Compilation Part II

## THE UNION JUDICIARY

**Article 124** - Establishment and constitution of the Supreme Court.

### Context -

- The [Supreme Court](#) has ruled that the office of the **Chief Justice of India (CJI) is a public authority** under the [Right to Information \(RTI\) Act, 2005](#).
- The Union Cabinet of India has approved increasing the strength of judges in the Supreme court. The Cabinet has taken a decision to increase the strength (an increase of 10%) from 31 to 34 judges including the Chief Justice of India (CJI). As per the [Article 124\(1\)](#) of the Constitution of India, the strength of the Supreme Court is fixed by the law made by the Parliament.

**Article 129** - Supreme Court to be a court of record. The Supreme Court has the power to punish for contempt of itself.

- **Context** - The Supreme Court of India has held former Ranbaxy promoters guilty of contempt for violating its order. However, the expression 'contempt of court' has **not been defined by the Constitution**.

**Article 131** - Original jurisdiction of the Supreme Court

- **Context** - Kerala moved to the Supreme Court challenging the [Citizenship \(Amendment\) Act, 2019](#) - CAA, 2019. The suit has been filed under Article 131 of the Constitution.

**Article 136** - Special leave to appeal by the Supreme Court

- **Context** - The Supreme Court has recently held that a citizen's right to own private property is a human right. The Court used its extraordinary jurisdiction under [Article 136](#) of the Constitution to direct the government to pay compensation of 1 crore rupees.

**Article 137** - Review of judgments or orders by the Supreme Court.

- **Context** - Nirbhaya case convicts filed Curative petitions in the Supreme Court after [mercy petition](#) and [review petition](#) which has been rejected.
- The Supreme Court has agreed to [review its Sabarimala verdict](#). Under Article 137 of the Constitution, the Supreme Court has the power to review any of its judgments or orders.

**Article 141** - Law declared by the Supreme Court to be binding on all courts.

- **Context** - In the *PUCL vs State of Maharashtra case (2014)*, the SC was dealing with writ petitions questioning the genuineness of 99 encounter killings by the Mumbai Police. The Supreme Court then laid down the [16 point guidelines](#) as the standard procedure to be followed for thorough, effective, and independent investigation in the cases of death during police encounters under article 141.

**Article 142** - Enforcement of decrees and orders of the Supreme Court and orders as to discovery, etc.

- **Context** - The Supreme Court invoked its special powers under [Article 142](#) of the Constitution to remove a Manipur minister. The Speaker also failed to take any decision within the stipulated time period of 4 weeks as provided by [the Supreme Court in the 21<sup>st</sup> January, 2020 order](#).
- Article **212 of the** Constitution bars courts from inquiring into proceedings of the Legislature. In this case, however, prompted by the fact that the Speaker's conduct has been called into question on several occasions, the Court said it was "constrained" to invoke the court's extraordinary powers under Article 142 of the Constitution.

## PART VI: THE STATES

### The Executives

**Article 161** - Power of Governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

- **Context** - The Tamil Nadu government's use of "executive clemency" under Article 161 of the Constitution for the 13 life convicts in the 1997 murder of six Dalits at Melavalavu village in Madurai district. Now, a two-member Madurai bench of the Madras High Court agreed to study the issue in detail.

**Article 162** - Extent of executive power of State

**Article 163** - Council of Ministers to aid and advise Governor

- **Context** - Recently, Article 162 and 163 was in news in context of Maharashtra CM Uddhav Thakrey's nomination to the State Legislative council.
- Article 163(1) of the Constitution makes it clear that the Governor must follow the recommendations of the Council of Ministers in all situations "except insofar as he is by or under this Constitution required to exercise his functions or any of them at his discretion".
- However, the governor is bound by the advice of the Council of Ministers only in executive matters as defined in Article 162 (those "with respect to which the Legislature of the State has power to make laws") — and since the nomination of members is not an executive power, he can act in his discretion.

**Article 164** - Other provisions as to Ministers

- **Context** - During the oath-taking ceremony of the new government, the Chief Minister of Maharashtra with other ministers has altered the oath by invoking the names other than mentioned in the Constitution.
- Article 164(3) states that before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the forms set out in the Third Schedule.

**Article 169** - Abolition or creation of Legislative Councils in States.

- **Context** - [The Andhra Pradesh \(AP\) assembly](#) has passed a resolution to abolish the state's Legislative Council.
- [The Odisha government is planning to introduce a Bill](#) in the Odisha Assembly for the creation of a Vidhan Parishad or Legislative Council (LC), a second House of legislature.

**Article 174** - Sessions of the State Legislature, prorogation and dissolution.

- **Context** - Recently, various political parties have voiced their concerns over [holding elections in Bihar amid Covid-19 pandemic](#) and asked to postpone the same. The six months is the constitutionally defined limit between two sessions of the House/Assembly (Article 85(1) and Article 174(1) of the Constitution, respectively).

**Article 190** - Vacation of seats

- **Context** - The Supreme Court upheld the [disqualification of 17 dissident legislators approved by the then Karnataka Assembly Speaker](#) K.R. Ramesh Kumar under the Tenth Schedule (Anti-Defection law). Under Article 190(3) of the Constitution, the Speaker has to ascertain the voluntary and genuine nature of a resignation before accepting it.

#### **Article 214** - High Courts for States

- **Context** - Following a Supreme Court order to notify the bifurcation of the Andhra Pradesh and Telangana High Courts by January 1, the President ordered the separation of the common Hyderabad High Court into the two separate High Courts of Andhra Pradesh and Telangana. Both started functioning separately from January 1, 2019.

#### **Article 223** - Appointment of acting Chief Justice.

- **Context** - In appointing acting Chief Justice in Madhya Pradesh High Court under article 223, centre ignored the recommendation made by the collegium.

### **PART VIII: THE UNION TERRITORIES**

#### **Article 239A** - Creation of local Legislatures or Council of Ministers or both for certain Union territories.

- **Context** - According to Section 13 of the J&K Reorganisation Act, 2019, the provisions contained in article 239A, which are applicable to "Union territory of Puducherry", shall also apply to the "Union territory of Jammu & Kashmir".

#### **Article 239AA** - Special provisions with respect to Delhi.

- **Context** - The Supreme Court (SC) delivered a split verdict on the contentious issue of division of powers between the Delhi government and the Central government over control of services, covering issues like transfer of officials, and referred the matter to a larger bench.

#### **Article 240** - Power of President to make regulations for certain Union territories.

- **Context** - The Union Cabinet, under Article 240 of the Constitution, approved the promulgation of the Daman and Diu Civil Courts (Amendment) Regulation, 2019, and the Dadra and Nagar Haveli (Civil Courts and Miscellaneous Provisions) Amendment Regulation, 2019.

### **PART IX: THE PANCHAYATS**

#### **Article - 243A**- Gram Sabha

- **Context** - The Ministry of Panchayati Raj has directed all the States and Union Territories to organise Special Gram Sabhas and Mahila Sabhas (Women's Assemblies) in all Gram Panchayats on 8th March, 2020 to mark the International Women's Day. In India, out of the 30.41 lakh elected representatives of PRIs, 13.74 lakh (45.2%) are elected women, some of them from socially disadvantaged groups.

#### **Article 243K** - Elections to the Panchayats

- **Context** - The Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020 has reduced the term of State Election Commissioner from 5years to 3years and thereby removed the incumbent State Election Commissioner.

### **PART IXA: THE MUNICIPALITIES**

#### **Article 243Y** - Finance Commission

- **Context** - The 15<sup>th</sup> Finance Commission (headed by N K Singh) have expressed concern as the

states have not been setting up their State Finance Commissions every five years as mandated by the 73<sup>rd</sup> Constitutional Amendment Act.

**Read TTP on Major Constitutional Amendments-** [Part I](#), [Part II](#), [Part III](#)

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