



Important Articles from Indian Constitution : Compilation Part I

Introduction

- The Constitution of India contains 395 articles in 22 parts. It also contains 12 schedules. Since its adoption in 1949, it has been amended for 103 times.
- Total number of Amendment Bills introduced till today in parliament is 126.
- Last year 2019-20, was extremely important from the point of view of important constitutional amendment, landmark judgements and several constitutional crises. Here we are consolidating the important constitutional articles which remain in news throughout the year.

PART I: THE UNION AND ITS TERRITORY

Article 3 - Formation of new States and alteration of areas, boundaries or names of existing States

- **Context** - [The Jammu and Kashmir Reorganisation Act, 2019](#) reorganises the state of Jammu and Kashmir into: (i) the Union Territory of Jammu and Kashmir with a legislature, and (ii) the Union Territory of Ladakh without a legislature.

PART II CITIZENSHIP

Article 8 - Rights of citizenship of certain persons of Indian origin residing outside India.

Article 10 - Continuance of the rights of citizenship.

Article 11 - Parliament to regulate the right of citizenship by law.

- **Context** - The [Citizenship \(Amendment\) Act 2019](#), amends the Citizenship Act, 1955, and seeks to make foreign illegal migrants of certain religious communities coming from Afghanistan, Bangladesh, and Pakistan eligible for Indian citizenship.
- The National Register of Citizens (NRC) is a register containing names of all genuine Indian citizens. At present, only Assam has such a register.

Part III FUNDAMENTAL RIGHTS

Article 14- Equality before law

- **Context** - [The Muslim Women \(Protection of Rights on Marriage\) Act 2019](#) makes a declaration of talaq a **cognizable offence**, attracting up to **three years imprisonment** with a **fine**. The [Triple Talag](#) was considered as the violative of **Article 14**.

Article 15 - Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 16 - Equality of opportunity in matters of public employment.

- **Context** - The [Constitution \(103rd Amendment\) Act, 2019](#), provides for 10% **reservation** for

the economically weaker sections (**EWS**) in higher educational institutions and jobs within the general category. It inserted article 15 (6) and 16 (6) in the constitution.

Article 19 - Freedom of: (i) speech and expression, (ii) assembly, (iii) association, (iv) movement, (v) residence, and (vi) profession.

- **Context** - The Supreme Court has declared access to the [internet a fundamental right](#) under Article 19 (1)(a) of the Constitution.

Article 20- Protection in respect of conviction for offences.

- **Context** - Rule 49 MA provides for prosecution of a voter for making a false complaint of malfunction of an electronic voting machine or a voter verifiable paper audit trail machine. It is in contradiction with **Article 20(3)** of the Constitution which says that no person accused of an offence shall be compelled to be a witness against himself.

Article 32 - Right to constitutional remedies.

Part IV DIRECTIVE PRINCIPLES OF STATE POLICY

Article 39 - Certain principles of policy to be followed by the State.

- **Context** - The Supreme Court appointed **Justice Amitava Roy (retd.) Committee** has given recommendations to **reform prisons**. Article 39-A of the Constitution directs the State to ensure that the operation of the legal system promotes justice on a basis of equal opportunity and shall, in particular, provide free legal aid by suitable legislation or schemes or in any other way.

Article 41 Right to work, to education and to public assistance in certain cases.

- **Context** - [The Chhattisgarh Cabinet](#) has approved an amendment to the State Panchayati Raj Act, 1993, which makes **mandatory the presence of a person with disabilities** in all panchayats across the state. This implies that if differently abled members are not elected through the electoral process, then one member, either male or female, would be nominated by the government.

Article 43 - Living wage, etc., for workers.

- **Context** - Recently the government has enacted [Wage Code Act](#) to ensure minimum wage to the workers.

Article 44 - Uniform civil code for the citizens

- **Context** - The Supreme Court in a case concerning the question of whether succession and inheritance of a Goan domicile is governed by the Portuguese Civil Code, 1867 or the Indian Succession Act of 1925, held that the Constitution in **Article 44** requires the State to strive to secure for its citizens a [Uniform Civil Code \(UCC\)](#) throughout India, but till date, no action has been taken in this regard.

Part V UNION EXECUTIVE & PARLIAMENT

Article 72 - Power of President to grant pardons etc., and to suspend, remit or commute sentences in certain cases.

- **Context** - The convicts of Nirbhaya Case have misused the [presidential pardon](#) as dilatory tactics to frustrate the judicial process.

Article 80 - Composition of the Council of States.

- **Context** - The Supreme court has held that the [NOTA option is meant only for universal](#)

[adult suffrage and direct elections](#) and not for polls held by the system of proportional representation by means of the single transferable vote as done in the Rajya Sabha. The court held that making NOTA applicable in Rajya Sabha elections is contrary to Article 80(4) of the constitution and the Supreme Court's judgment in **PUCL v Union of India (2013)**.

Article 82 Readjustment after each census.

- **Context** - The bifurcation of Jammu and Kashmir state into the [Union Territories of J&K and Ladakh has made delimitation of their electoral constituencies inevitable](#). Recently, the EC has held "internal discussions" on the Jammu and Kashmir reorganisation Act, 2019, particularly its provisions on delimitation.

Article 102 - Disqualifications for membership.

- **Context** - The Centre is considering a constitutional amendment to define the term '[office of profit](#)' and the exempted categories. The draft amendment proposes to exempt advisors appointed by the Centre or states and those appointed to discharge legislative functions such as leader of opposition, chief whips, etc from disqualification related to the 'office of profit'.

Article 123 - Power of President to promulgate Ordinances during recess of Parliament.

- **Context** - Ordinances promulgated -
 - [Taxation and Other Laws \(Relaxation of Certain Provisions\) Ordinance, 2020](#)
 - [Ordinance to Protect Health Workers](#)
 - [Government Re-Promulgates Triple Talaq Ordinance](#)

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

Legal Insights

[Citizenship](#)

[SC expands Article 19 ambit: Not just state, even Pvt. citizens can face challenge](#)