

Draft of
THE NEW CONSTITUTION
of **BHARAT**

Presented

most humbly

to the Nation

On

50th anniversary of

Independence

by

anil chawla

Publisher

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FIRST PUBLISHER'S NOTE

AKHIL BHARATIYA VIDYARTHI PARISHAD is a non-political students organisation devoted to nation building. Mr. Anil Chawla is a student in the true sense of the word. He has continued to upgrade his knowledge in diverse fields after graduation without enrolling himself in any formal college or university.

ABVP presents this Draft of the New Constitution of Bharat without any comments either for or against. ABVP believes that a national debate on the subject is necessary and feels proud of taking steps to initiate such a debate on the occasion of its Golden Jubilee celebrations.

ABVP would like to thank all associates who have helped ABVP to take up this task. Special thanks to Shri Kamal Grover, who has provided the necessary financial assistance for the publication of this Draft in English as well as in Hindi.

PRASANNA SHARMA
Secretary,
SWARAN JAYANTI SAMAROH SAMITI,
AKHIL BHARATIYA VIDYARTHI PARISHAD,
MADHYA BHARAT

SPECIAL NOTE

Constitution is too important a matter to be left to politicians and lawyers. Each one of us must get involved.

I request you to read the DRAFT OF THE NEW CONSTITUTION OF BHARAT and kindly let me have your comments and suggestions.



You can make a contribution to the cause of bringing about a complete change in the nation by passing on copies of the Draft Constitution to as many people as you can. Copies can be made by any means - electronic transfer, photocopying, printing or any other method. The comments, suggestions, advice and criticism from intelligent readers are more valuable for me than any royalty paid in terms of cash.

anil chawla

PREFACE

As we complete fifty years of our independence, it is being felt that there is a need to review our methods of governance. Various other countries who attained independence around the same time as us, have done much better than us.

The political and bureaucratic class has been blamed for many of the ills. Yet, many and may be most of them have the best of intentions and find themselves to be a slave of the system. They want to change things but do not even know what needs to be changed and how to go about it.

I feel that it is meaningless to blame anybody. We as a nation must reorganise ourselves to rid ourselves of the after-effects of hundreds of years of loot and plunder by colonial masters. We have adopted a system of governance which is more or less the same as that of our colonial masters. There is a need for a paradigm shift or a revolution in our political thinking.

The Supreme Court of India has ruled that the Parliament of the Country and for that matter no institution in the country has the authority to change the basic structure of the Constitution. Possibly, what the Supreme Court has in mind is that to make basic changes in the Constitution, we must become slaves once again, so that the new Colonial Masters will appoint a new Constituent Assembly. I do not know whether to laugh or to cry.

When I present this Draft of the New Constitution of Bharat to the nation, I do so with the maximum humbleness that I can gather in my heart. I am aware that there are persons who are much more learned than I can ever hope to become; there are constitutional experts who understand constitutional nuances better than I can ever understand; there are persons who have a mind-set that is better tuned to the culture and history of this great country than my mind. I also accept that the future generations of Bharat are likely to be more learned and more strongly aware of their cultural and historical identity. The present-day generation has no right or authority to lay down a Constitution for the future generations.

My awareness of my limitations as well as the limitations of any generation with reference to the future generations forms the basic philosophical foundation of the New Constitution of Bharat.

I present this Constitution for debate and discussions. I do not know how it would ever become possible for the country to shed the present Constitution and adopt a New Constitution of Bharat. Yet I have faith in the people of this country and am sure that they do not need to become slaves to give themselves a new Constitution.

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DRAFT OF

THE NEW CONSTITUTION OF BHARAT

PREAMBLE

WE, THE PEOPLE OF BHARAT (also called INDIA), having solemnly resolved to constitute Bharat into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

SECURITY from external and internal enemies;

PROSPERITY;

JUSTICE, social, economic, and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR GURU SABHA this day of, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

PART I

THE UNION AND ITS TERRITORY

1.01 Name and territory of the Union.-(1) Bharat shall be a Union of the citizens of Bharat.

(2) The territory of Bharat shall comprise-

- a) the territories of the States; and
- b) the Union territories;
- c) such other territories that are declared to be a part of Bharat by resolution passed by two thirds majority by the Raksha Sabha and duly signed by the President.

(3) The States, the Union Territories and the territories thereof shall be as specified by resolution(s) passed by both houses of the Parliament with two-thirds majority from time to time.

PART II

CITIZENSHIP

- 2.01 Citizenship at the commencement of the Constitution.-** At the commencement of this Constitution every person who is a citizen as defined under the Constitution, 1950 shall be a citizen of Bharat.
- 2.02 Citizenship:** Laws with respect to all matters relating to citizenship shall be made by the Parliament and will require the approval of both houses.

PART III

FUNDAMENTAL RIGHTS

- 3.01 Definition.-** In this Part, as well as in Part IV and Part V, unless the context otherwise requires, “the State” includes the Government and the Parliament of Bharat and the government and the legislature of each of the States and all local authorities within the territory of Bharat.
- 3.02 Laws inconsistent with or in derogation of the fundamental rights.-** Any law which takes away or abridges the rights conferred by this Part, in addition to the restrictions that the Parliament is authorised to impose by the Articles of this Part, shall need to be passed by both houses of the Parliament with a two-thirds majority stating the intent of the Parliament to modify the rights conferred by this Part. Any existing laws, which do so shall be in force for a period of three years from the date of this constitution, unless the Parliament rules otherwise.
- 3.03 Equality before law.-**Every citizen of Bharat shall be equal before the law.
- 3.04 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.-** The State shall not discriminate, and shall take all steps necessary to ensure that no discrimination is made, against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them, except as may be necessary for upliftment of weaker sections of society.

- 3.05 Equality of opportunity in matters of public employment.-** There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State except as may be prescribed by the Parliament with a view to uplift the weaker sections of society.
- 3.06 Abolition of Untouchability.-** “Untouchability” in any form is forbidden and practice of “Untouchability” shall be an offence punishable in accordance with law.
- 3.07 Protection of certain rights regarding freedom of speech, etc.-**(1) All citizens shall have the right-
- a) to freedom of speech and expression;
 - b) to assemble peaceably and without arms;
 - c) to form associations and unions;
 - d) to move freely throughout the territory of India;
 - e) to reside and settle in any part of the territory of India; and
 - f) to acquire, hold and dispose of property; and
 - g) to practise any profession, or to carry on any occupation, trade or business.
- (2) Nothing in clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation, incitement to an offence and any other matter of public interest.
- 3.08 Protection in respect of conviction for offences-** (1) No citizen shall be convicted of any offence except for violation of law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.
- (2) No citizen shall be prosecuted and punished for the same offence more than once.
- (3) No citizen accused of any offence shall be compelled to be a witness against himself.
- 3.09 Protection of life and personal liberty.-** No citizen shall be deprived of his life or personal liberty except according to procedure established by law.

- 3.10 Protection against arrest and detention in certain cases.-** (1) No citizen who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by a legal practitioner of his choice.
- (2) Every citizen who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such citizen shall be detained in custody beyond the said period without the authority of a magistrate.
- (3) No citizen shall be detained as an accused or under-trial for a period which is more than a quarter of the maximum period for which he might be imprisoned if convicted.
- 3.11 Prohibition of traffic in human beings and forced labour.-**(1) Traffic in human beings and *begar* and other similar forms of forced labour as well as labour for recovery of any debt are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
- (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.
- 3.12 Use of National Flag.-** Every citizen shall have the right to use the National Flag subject to any law that may be made to ensure respectful use of the flag.
- 3.13 Prohibition of employment of children in factories, etc.-** No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any hazardous employment.
- 3.14 Freedom of conscience and free profession and practice of religion.-**(1) Subject to public order, morality, health and national security and to the other provisions of this Part, every citizen is equally entitled to freedom of conscience and the right freely to profess and practise religion.
- 3.15 Freedom to manage religious affairs.-** Every religious denomination or any section thereof shall have the right to carry on its activities subject to the condition that the activities do not involve an attempt to propagate the religion to members of other sections of society and subject to public order, morality, health and national security and subject to any laws which apply to all sections of citizens.
- 3.16 Freedom as to payment of taxes for promotion of any particular religion.-** No citizen shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

- 3.17 Freedom as to attendance at religious instruction or religious worship in certain educational institutions.-** (1) No religious instruction shall be provided in any educational institution established and maintained out of State funds.
- (2) No citizen attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction or to attend any religious worship unless such person or, if such person is a minor, his guardian has given his consent thereto.
- 3.18 Conservation of Languages, Culture etc.-** Any section of the citizens having a distinct language, script or culture of its own shall have the right to conserve the same, subject to any restrictions that may be imposed by the Parliament.
- 3.19 Admission to educational institutions.-** No citizen shall be denied admission into any educational institution, maintained by the State or receiving aid out of State funds or recognised by the State, on grounds only of religion, race, caste, language or any of them.
- 3.20 Right to establish and administer educational institutions.-** (1) All sections of society, shall have the right to establish and administer educational institutions of their choice.
- (2) The State shall not grant aid to any educational institution which discriminates against any citizen on ground of either religion, or caste or sect or community.
- 3.21 Remedies for enforcement of rights conferred by this Part.-**(1) Every citizen shall have the right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part.
- (2) The Supreme Court and any other court authorised by the Supreme Court shall have the power to issue directions or orders or writs of any type for the enforcement of any of the rights conferred by this Part.
- 3.22 Power of Parliament to modify the rights conferred by this Part in their application, etc.-** Parliament may, by law, determine to what extent any of the rights conferred by this Part shall be restricted or abrogated, in their application to, -
- a) the members of the Armed Forces; or
 - b) the members of the Forces charged with the maintenance of public order; or
 - c) any section or class of the employees of the State.
- 3.23 Legislation to give effect to the provisions of this Part.-** Notwithstanding anything in this Constitution, Parliament shall have, and the Legislature of a State shall not have, power to make laws for prescribing punishment for those acts which are declared to be offences under this Part and under Part V.

PART IV

DIRECTIVE PRINCIPLES OF STATE POLICY

4.01 Policy.-The Directive Principles of State Policy shall be decided by the Guru Sabha from time to time and the same will be binding on every wing of the State.

PART V

FUNDAMENTAL DUTIES

5.01 Fundamental Duties.- It shall be the duty of every citizen of Bharat-

- a) to abide by the Constitution;
- b) to respect the national flag, the national anthem and any other symbols of the nation, so declared by the Parliament;
- c) to abstain from doing any act which can be detrimental to the sovereignty, unity and integrity of Bharat;
- d) to vote in every election in which the citizen is entitled to vote;
- e) to defend the country when called for;
- f) to safeguard the property of the State;

5.02 Titles.-(1) No citizen of Bharat shall accept any title from any foreign State.

(2) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emoluments, title, or office of any kind from any foreign State.

5.03 Punishment.- Wilful neglect of the duties prescribed in this Part shall be a serious offence for which punishment will be prescribed by the Parliament and a person convicted of such an offence may not be allowed to vote in any election or to hold any office as a elected representative or under the State or under any institution funded partly or wholly by the State.

PART VI

THE UNION

Chapter 1 The Institutions - Powers and Responsibilities

6.01 Structure.- The Union of Bharat shall have the following institutions:

- a) The President
- b) The Vice President
- c) Guru Sabha
- d) Lok Sabha
- e) Raksha Sabha
- f) The Judiciary
- g) Comptroller & Auditor General
- h) Advocate General
- i) Election Commission

6.02 Parliament.- The Parliament will consist of the President, the Vice President, Guru Sabha and Lok Sabha.

6.03 Executive Power of the Union.- (1) The executive power of the Union shall vest with the Lok Sabha subject to the laws and the policies made in accordance with this Constitution. The exercise of the executive power shall be expressed to be done in the name of "GOVERNMENT OF BHARAT" or in the name of "BHARAT SARKAR".

(2) The Lok Sabha shall exercise the executive power through a Council of Ministers led by a Prime Minister.

(3) The Lok Sabha may delegate any powers to any official or authority subject to the control of a member of the Council of Ministers.

6.04 Legislative Power of the Union.- The legislative power of the Union shall vest with the Parliament.

6.05 Security of the Union.- The security of the country from internal and external enemies will be the duty and responsibility of every citizen and institution of the country. Raksha Sabha, in particular, will devote itself to all issues concerning the security of the country and advise the President in this behalf, who in turn will advise the Parliament and the nation.

- 6.06 Fund of the Union.-** The Comptroller and Auditor General shall be the trustee of the fund of the Union and shall be responsible for reporting to the Vice President about any act or procedure which will adversely affect the purpose of proper utilisation.
- 6.07 Justice.-** The Supreme Court will be responsible for the administration of the High Courts, the safeguarding of the rights of citizens as provided in Part III and will be the final court of appeal.
- 6.08 President.-** (1) The Supreme Command of the Defence Forces of the Union shall vest in the President and shall be exercised by him in accordance with the laws made by the Parliament, the policies, rules and procedures made by the Guru Sabha and the advice of the Raksha Sabha.
- (2) The President shall be an ex-officio member of the Lok Sabha and the Guru Sabha and shall have a right to attend the meetings and participate in the discussions and vote on all matters.
- (3) The President shall preside over the meetings of the Raksha Sabha and be deemed to be a member of the Raksha Sabha.
- (4) The President shall be the ceremonious “Head of State” on all occasions where so required.
- (5) The advice of the President to the Lok Sabha and the Guru Sabha on any issue concerning national security shall be binding.
- 6.09 Vice President.-** (1) In the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until the date on which a new President elected to fill such vacancy enters upon his office.
- (2) When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the date on which the President resumes his duties.
- (3) The Vice President shall be an ex-officio member of the Lok Sabha and Raksha Sabha and shall have a right to attend the meetings and participate in the discussions and vote on all matters.
- (4) The Vice President shall preside over the meetings of the Guru Sabha and be deemed to be a member of the Guru Sabha.
- (5) The Comptroller & Auditor General, the Election Commissioner(s) and the Advocate General(s) of the Union shall report to the Vice-President and the right to appoint and dismiss the said officials will rest with the Vice-President.

(6) The Vice-President shall appoint the judges of the Supreme Court as well as the High Courts.

(7) All appointments and dismissals by the Vice-President shall be after complying with the rules, procedures and requirements that may be prescribed by the Guru Sabha.

6.10 Guru Sabha.- (1) Guru Sabha will decide the policies of the Union and of the States in all fields.

(2) Guru Sabha will divide the duties and responsibilities between the Union, the States and the Local Bodies. Guru Sabha will also provide for and create a mechanism to resolve any disputes between the states as well as disputes involving one or more states on one hand and the Union on the other hand.

(3) Guru Sabha will elect the Vice-President.

(4) All laws (except bill providing for sanction of expenditure to the Government of the Union) for the Union will be first introduced in the Guru Sabha.

(5) Bills for taxation and other such financial matters except expenditure will be first introduced in the Guru Sabha.

6.11 Lok Sabha.- (1) Lok Sabha will be responsible for monitoring the implementation of the policies of the Union.

(2) Lok Sabha will control and keep a check on the Council of Ministers.

(3) Lok Sabha will elect a Prime Minister who will choose a Council of Ministers.

(4) All laws for the Union will be referred to the Lok Sabha for its suggestions and comments.

(5) Bills for expenditure will be first introduced in the Lok Sabha.

6.12 Election Commission.- The election commission consisting of the Election Commissioner(s) and such other officers as may be appointed by the Vice-President shall be responsible for all matters relating to the election of the members to the Lok Sabha, the Guru Sabha, the Vidwat Sabha and the Jan Sabha of every state as well as the election of the President.

6.13 Advocate General(s).- The Advocate General(s) shall be responsible for advising all institutions of the Union about constitutional and legal matters and shall represent the Union, either in person or through assistants, in all cases before courts.

Chapter 2 Guru Sabha

6.14 Composition of the Guru Sabha-(1) The Guru Sabha shall consist of-

- a) not more than three hundred elected members; and
- b) twelve members to be nominated by the President on the advice of the Raksha Sabha; and
- c) twelve members to be nominated by the President on the advice of the Lok Sabha; and
- d) twenty members to be nominated by the Vice-President to make available to the Guru Sabha any expertise that may be lacking amongst the elected members of the Guru Sabha; and
- e) ex-officio members as provided in this constitution

6.15 Voters for the Guru Sabha.- (1) The following citizens shall be eligible to vote for elections to the Guru Sabha and the respective weightage of the votes of each person shall be as follows:

- a) Primary School teachers in a recognised school- 1 (One)
- b) Middle School teachers in a recognised school - 2 (Two)
- c) Secondary School teachers in a recognised school - 3 (Three)
- d) Higher Secondary School teachers in a recognised school or junior college- 4 (Four)
- e) Research Scholars in a recognised college, university or institute- 4 (Four)
- f) Lecturers in a recognised college/ University- 10 (Ten)
- g) Assistant or Associate Professors in a recognised college/ University - 20 (Twenty)
- h) Professors in a recognised college/ University - 30 (Thirty)
- i) Research Scientists in a recognised institute/ University - 20 (Twenty)
- j) Persons who have received one or more awards duly recognised by the Guru Sabha - 100 (One Hundred)
- k) Any other category of well educated citizens as per the Guru Sabha

(2) The Guru Sabha may prescribe any other criterion for any of the above category of voters to ensure that the quality of the voter base improves with time. The Guru Sabha shall also prescribe the criterion for recognition of schools, colleges, universities and institutes.

(3) Any citizen, who is eligible for more than one category, will be classified in the category which has a higher weightage.

6.16 Qualifications for a member to the Guru Sabha.-(1) A citizen shall be qualified to be chosen as a member of the Guru Sabha if he satisfies any one of the following two conditions.

- a) If he is a voter for the Guru Sabha and his nomination is proposed by voters to the Guru Sabha having a weightage of at least three hundred; or
- b) If his nomination is proposed by voters to the Guru Sabha having a weightage of at least one thousand.

(2) Notwithstanding anything in (1) above, no citizen shall be eligible to contest an election to the Guru Sabha, if he is a member of any association or union or political party or if he has ever been convicted of a criminal offence with imprisonment of more than three months or if he has been declared to be of unsound mind.

(3) Notwithstanding anything in (1) and (2) above, no citizen shall be eligible to contest an election to the Guru Sabha, if he has attained an age of sixty five years on the day of the election.

6.17 Term of the membership of Guru Sabha.- (1) Unless sooner terminated by resignation, death or by other reasons that the Guru Sabha may decide, each member of the Guru Sabha shall be a member for a period of at least four years.

(2) Before the beginning of every calendar year the Vice-President shall prepare a list of members who have completed four years. At the beginning of the year one third of such members will retire. The list of the retiring members will be decided by seniority and to the extent that is not possible by drawing lots.

(3) The vacancies caused by retiring members will be filled up within 90 days of the beginning of the year.

6.18 Constituencies for Guru Sabha.- (1) The fixation of the constituencies for the Guru Sabha will be done once every ten years.

(2) The total weightage of votes in the country will be divided by the number of elected representatives. Each constituency shall have vote weightage as close as possible to the above quotient.

(3) While deciding the boundaries of the constituencies, the boundaries of states or districts or any other geographic areas will not be considered.

6.19 Proceedings of the Guru Sabha.- The Guru Sabha shall make the rules necessary for smooth and fair conduct of the proceedings of the Guru Sabha and such rules shall be binding on all members. The Guru Sabha may also fix punishments and procedures for imposing the punishments for violation of such rules. Any rules, punishments or procedures decided under this article will require the approval of at least two thirds of the members of the Guru Sabha.

- 6.20 Advisors to the Guru Sabha.-** The Vice President will nominate advisors from amongst the members who will be responsible for advising the Guru Sabha and for co-ordinating with the Council of Ministers to ensure proper implementation of the policies decided by the Guru Sabha. The Vice-President's right to nominate the advisors will include the right to remove from office.
- 6.21 Termination of membership of any member of Guru Sabha.-** The President and the Vice-President shall jointly decide the criterion for the termination of membership of any member of Guru Sabha. Each case of such termination shall be considered by the Guru Sabha and the concerned member shall be given an opportunity to present his case. The approval of at least two thirds of the members shall be needed for passing a resolution for termination.
- 6.22 Dissolution of Guru Sabha.-**The Guru Sabha will not be dissolved under any circumstances and the decisions of the Guru Sabha will have the same force irrespective of any vacancies therein.

Chapter 3 Lok Sabha

- 6.23 Composition of the Lok Sabha.-**(1) The Lok Sabha shall consist of-
- a) not more than five hundred and fifty members chosen by direct election from territorial constituencies
- (2) For the purpose of sub-clause (a) of clause (1), the Election Commission shall -
- a) divide the country into territorial constituencies in such manner that the population of each constituency is, so far as practicable, the same.
 - b) decide the boundaries of the constituencies without considering the boundaries of states or districts or any other geographic areas.
- (3) The dividing of territorial constituencies shall be done once every twenty five years and the census data which shall form the basis of such allotment shall be decided by the Lok Sabha. Provided that such readjustment shall not affect the then existing House.
- 6.24 Duration of the Lok Sabha.-**(1) The Lok Sabha, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House:
- (2) Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by President for a period not exceeding one year at a time and not exceeding in any case beyond a period of six months after the Proclamation of Emergency has ceased to operate.

- 6.25 Qualification for membership of Lok Sabha-** A citizen shall not be qualified to be chosen to fill a seat in Lok Sabha unless he-
- a) is more than twenty-five years of age and is less than seventy years of age on the date of election; and
 - b) possesses such other qualifications as may be prescribed in that behalf by Parliament.
- 6.26 Election of Prime Minister.-** The members of the Lok Sabha shall elect a Prime Minister who may or may not be a member of the Lok Sabha.
- 6.27 Council of Ministers.-** (1) The Prime Minister shall constitute a Council of Ministers and may from time to time make any changes in the Council of Ministers.
- (2) Any citizen who is not a member of Lok Sabha but is selected as a minister or is elected as Prime Minister shall be allowed to attend the proceedings of the Lok Sabha but shall not be allowed to vote on any matter in the Lok Sabha.
- 6.28 Procedure for removal of the Prime Minister or a Minister.-** (1) The Lok Sabha may pass a resolution with two-thirds majority for removal of the Prime Minister or by a simple majority for removal of any member of the Council of Ministers.
- (2) In case a resolution under clause (1) is passed for removal of the Prime Minister, the Council of Ministers including the Prime Minister shall cease to hold office with immediate effect.
- (3) In case a resolution is passed for removal of any minister other than the Prime Minister, the concerned minister shall cease to hold office with immediate effect and shall not be re-appointed for a period of at least two years.
- 6.29 Proceedings of the Lok Sabha.-** The Lok Sabha shall make the rules necessary for smooth and fair conduct of the proceedings of the Lok Sabha and such rules shall be binding on all members. The Lok Sabha may also fix punishments and procedures for imposing the punishments for violation of such rules. Any rules, punishments or procedures decided under this article will require the approval of at least two thirds of the members of the Lok Sabha.
- 6.30 Termination of membership of any member of Lok Sabha.-** The President and the Vice-President shall jointly decide the criterion for the termination of membership of any member of Lok Sabha. Each case of such termination shall be considered by the Lok Sabha and the concerned member shall be given an opportunity to present his case. The approval of at least two thirds of the members shall be needed for passing a resolution for termination.

6.31 Dissolution of the Lok Sabha.- The Guru Sabha or the Raksha Sabha may, by a resolution passed by two-thirds or more members, recommend to the President that the Lok Sabha be dissolved. The President will consider such recommendation and may take a decision to dissolve the Lok Sabha. However, if a resolution recommending the dissolution of Lok Sabha is passed by both the Guru Sabha and Raksha Sabha by two-thirds majority, the President shall forthwith dissolve the Lok Sabha. Fresh elections shall be conducted within six months of the dissolution of Lok Sabha.

6.32 Prime minister and Council of Ministers after dissolution of Lok Sabha.- In case of dissolution of the Lok Sabha, the President may either ask the then Prime Minister and Council of Ministers to act as caretaker till fresh elections are held or may appoint a new Prime Minister and Council of Ministers. The new appointments shall be made by the President on the advice of the Guru Sabha.

Chapter 4 Raksha Sabha

6.33 Composition of the Raksha Sabha-(1) The Raksha Sabha shall consist of-

- a) the Chief of Army
- b) the Chief of Air Force
- c) the Chief of Navy
- d) persons nominated by the Chief of Army
- e) persons nominated by the Chief of Air Force
- f) persons nominated by the Chief of Navy
- g) twelve members to be nominated by the President on the advice of the Lok Sabha; and
- h) twelve members to be nominated by the Vice-President on the advice of the Guru Sabha; and
- i) ex-officio members as provided in this constitution

(2) The President shall decide the number of persons to be nominated by each of the chiefs of the defence forces. The President while deciding this shall ensure that the total number of persons nominated by the Chiefs including the chiefs themselves does not exceed the total number of persons nominated by the President and the Vice-President.

(3) The persons nominated by the Chiefs may be civilians or be officers of the defence forces.

6.34 Term of the membership of Raksha Sabha.- (1) The Chiefs shall be members till they hold the positions of the Chiefs.

(2) Unless sooner terminated by resignation, death or termination, each member of the Raksha Sabha, excluding the chiefs of the defence forces, shall be a member for a period of three years.

(3) The vacancies caused by retiring members will be filled up within 10 days of the vacancy being caused.

6.35 Qualification for membership of Raksha Sabha- A citizen shall not be qualified to be chosen to fill a seat in Raksha Sabha unless he-

a) is more than twenty-five years of age and is less than sixty years of age on the date of nomination; and

b) possesses such other qualifications as may be prescribed in that behalf by Parliament.

6.36 Termination of membership of any member of Raksha Sabha.- The President and the Vice-President shall jointly decide the criterion for the termination of membership of any member of Raksha Sabha. Each case of such termination shall be considered by the Raksha Sabha and the concerned member shall be given an opportunity to present his case. The approval of at least two thirds of the members shall be needed for passing a resolution for termination.

6.37 Proceedings of the Raksha Sabha.- The Raksha Sabha shall make the rules necessary for smooth and fair conduct of the proceedings of the Raksha Sabha and such rules shall be binding on all members. The Raksha Sabha may also fix punishments and procedures for imposing the punishments for violation of such rules. Any rules, punishments or procedures decided under this article will require the approval of at least two thirds of the members of the Raksha Sabha.

6.38 Dissolution of Raksha Sabha.-The Raksha Sabha will not be dissolved under any circumstances and the decisions of the Raksha Sabha will have the same force irrespective of any vacancies therein.

Chapter 5 The President

6.39 Election of President.- (1) The President shall be elected jointly by the elected representatives of the Lok Sabha and the Guru Sabha. Each member of the two houses shall have one vote each. The election shall be by secret ballot and each member shall vote by his conscience.

(2) For a candidate to be declared elected as the President, he must receive at least fifty per cent of the total votes polled. In case, no candidate receives the required number of votes, the elections will be held once again with the voting restricted to only two candidates receiving the maximum votes in the first round. In case, in the second round,(or in the first round, when there are only two candidates) both candidates receive exactly the same number of votes, the Vice-President shall have a casting vote.

6.40 Term of office of President.-(1) The President shall hold office for a term of five years from the date on which he enters upon his office:

Provided that-

- a) the President may, by writing under his hand addressed to the Vice-President, resign his office;
- b) the President may be removed from the office by impeachment as provided in this Chapter;
- c) the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

6.41 Qualification for election as President- No citizen shall be eligible for election as President unless he is qualified for election as a member of the Lok Sabha.

6.42 Procedure for impeachment of the President.- (1) A resolution for impeachment of the President will be effective if passed by the Guru Sabha with two-thirds majority and seconded by the Lok Sabha also with two-thirds majority.

(2) Before any resolution under clause (1) is passed, Guru Sabha as well as the Lok Sabha shall provide the President with an opportunity to appear, to clarify and to present any defence that he may wish to present.

6.43 Time of holding election and the term of office of person elected to fill casual vacancy.- (1) An election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term.

(2) An election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than two months from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall, subject to the provisions of Article 6.40, be entitled to hold office for the full term of five years from the date on which he enters upon his office.

Chapter 6 The Vice-President

6.44 Election of Vice-President.- (1) The Vice-President shall be elected by the elected representatives of the Guru Sabha. Each elected member shall have one vote each. The election shall be by secret ballot and each member shall vote by his conscience.

(2) For a candidate to be declared elected as the Vice-President, he must receive at least fifty per cent of the total votes polled. In case, no candidate receives the required number of votes, the elections will be held once again with the voting restricted to only two candidates receiving the maximum votes in the first round. In case, in the second round,(or in the first round when there are only two candidates) both candidates receive exactly the same number of votes, the President shall have a casting vote.

6.45 Term of office of Vice-President.-(1) The Vice-President shall hold office for a term of four years from the date on which he enters upon his office:

Provided that-

- a) the Vice-President may, by writing under his hand addressed to the President, resign his office;
- b) the Vice-President may be removed from the office by impeachment as provided in this Chapter;
- c) the Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

6.46 Qualification for election as Vice-President- No citizen shall be eligible for election as Vice-President unless he is qualified for election as a member of the Guru Sabha.

6.47 Procedure for impeachment of the Vice-President.- (1) A resolution for impeachment of the Vice-President will be effective if passed by the Guru Sabha with two-thirds majority and approved by the President.

(2) Before any resolution under clause (1) is passed, Guru Sabha shall provide the Vice-President with an opportunity to appear, to clarify and to present any defence that he may wish to present.

(3) The President may, if he thinks necessary, consult the Lok Sabha before giving any decision on the resolution passed by the Guru Sabha under clause(1).

6.48 Time of holding election and the term of office of person elected to fill casual vacancy.- (1) An election to fill a vacancy caused by the expiration of the term of office of Vice-President shall be completed before the expiration of the term.

(2) An election to fill a vacancy in the office of Vice-President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than one month from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall, subject to the provisions of Article 6.45, be entitled to hold office for the full term of four years from the date on which he enters upon his office.

Chapter 7 The Judiciary

6.49 Establishment and Constitution of Supreme Court.- (1) The Supreme Court, in existence at the commencement of this Constitution, shall continue after the adoption of this Constitution.

(2) The Guru Sabha shall make rules for the Supreme Court regarding the number of judges, the manner of appointment of the judges, the code of conduct of the judges during and after service, the manner of promotion of one of the judges to the post of Chief Justice, the manner and conditions of removal of a judge, the service conditions of judges, the contempt of Court, the seat and benches of the Court, the manner of enforcement of the orders of the Court, the manner of proceedings of the Court, the procedure for the reconsideration by the Court of its own judgements and the manner of maintaining records of the Court. In all other matters and subject to any law in force, the Chief Justice of the Supreme Court in consultation with other judges of the Court may make rules.

6.50 Appellate Jurisdiction of the Supreme Court.- An appeal shall lie to the Supreme Court from any judgement, decree, writ or order of a High Court, subject to rules made in this regard by the Chief Justice of the Supreme Court in consultation with other judges of the Court.

6.51 Original jurisdiction of the Supreme Court.- (1) Subject to the provisions of this Constitution, the Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute-

- a) between the Government of Bharat and one or more States; or
- b) between the Government of Bharat and any State or States on one side and one or more other States on the other side; or
- c) between two or more States,

if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends:

(2) The appeal from any judgement, order or decree made by the Supreme Court in any dispute under clause(1) shall lie with the Guru Sabha.

- 6.52 Law declared by Supreme Court.-** The law declared by the Supreme Court, unless modified by the Guru Sabha or the Parliament, shall be binding on all courts within the territory of Bharat.
- 6.53 Powers of Supreme Court.-** In addition to the powers listed hereinabove, any powers may be conferred on the Supreme Court by law.
- 6.54 Supervision of High Courts.-** The Supreme Court shall be responsible for supervision of High Courts and shall take any steps, that it feels necessary, in the interest of fair and speedy justice by the Courts. In case, the Supreme Court feels that some legal changes are necessary in this regard, the Supreme Court may advise the Guru Sabha.

Chapter 8 The Legislative Process

- 6.55 Introduction and passing of Bills.-** (1) Unless otherwise provided in this Chapter, every bill shall originate in the Guru Sabha. The Lok Sabha may, however, pass a resolution recommending to the Guru Sabha to introduce a Bill.
- (2) Unless otherwise provided in this Constitution, a bill or resolution or modification shall be said to have been passed by the House if more than half of the members present in the House are in favour. In case of an equal number of votes being received in favour and against, the President in case of Lok Sabha and the Vice-President in case of Guru Sabha shall have a Casting Vote.
- 6.56 Classified Category of Expenditure.-** (1) The following expenditure shall be deemed to be Classified Category of Expenditure:
- a) Salary and other expenses related to the President, his staff and related establishment;
 - b) Salary and other expenses related to the Vice-President, his staff and related establishment;
 - c) Salary and other expenses related to the Prime Minister, the Council of Ministers, their staff and related establishment
 - d) Salary and other expenses related to the members of Guru Sabha, Lok Sabha, and Raksha Sabha, associated staff and related establishments;
 - e) Salary and other expenses related to the Supreme Court judges and associated staff and related establishment;
 - f) Salary and other expenses related to the Election Commission and associated staff and related establishment;
 - g) Salary and other expenses related to the Comptroller & Auditor General and associated staff and related establishment;

h) Salary and other expenses related to the Advocate General and associated staff and related establishment;

(2) The Guru Sabha shall take all decisions in relation to the Classified Category of Expenditure. The sum total of the Classified Category of Expenditure, approved by the Guru Sabha, shall be forwarded by the Vice-President to the Prime Minister for being included in the Expenditure Bill. The Lok Sabha will not discuss or make any comments on the Classified Category of Expenditure.

6.57 Defence Expenditure.- (1) The Raksha Sabha shall prepare a Defence Budget every year and forward the same to the Prime Minister and the Council of Ministers. The Council of Ministers may suggest changes to the Budget. The Raksha Sabha may or may not accept the changes. In case the Raksha Sabha and the Council of Ministers cannot agree on the budget, the matter will be referred to the President who will consult the Vice-President and give a decision which will be binding.

(2) The defence budget shall not be discussed in either house of the Parliament.

6.58 Expenditure Bills.- Bills providing for expenditure from the Fund of the Union shall be introduced and passed in the Lok Sabha and thereafter sent to the President for assent. Except as provided in this chapter for Classified Category of Expenditure and Defence expenditure, Guru Sabha or Raksha Sabha shall not consider Expenditure Bills.

6.59 Comments of Lok Sabha.- (1) Every bill, except Bills providing for Classified Category of Expenditure, passed by the Guru Sabha shall be forwarded to the Lok Sabha for consideration. The Lok Sabha shall either pass the said bill and forward to the President or return the bill with comments or suggestions to the Guru Sabha.

(2) In case the Lok Sabha does not pass or return any bill within six months, the Guru Sabha shall reconsider the Bill and if passed after reconsideration, shall forward the Bill to the President for assent.

(3) In case the Lok Sabha returns a Bill with comments or suggestions, the Guru Sabha shall reconsider the Bill and after reconsideration, shall once again forward the Bill to the Lok Sabha with or without modifications. The Lok Sabha shall reconsider the Bill and forward the same to President with comments or suggestions, if any.

6.60 Assent of President.- (1) A Bill forwarded to the President without any comments or suggestions shall be accorded assent of the President within three months.

(2) A Bill forwarded to the President with any comments or suggestions shall be considered by the President and he may either approve the Bill without modifications or may return the Bill with directions to the Guru Sabha to modify in light of either all or some of the comments and suggestions.

(3) On receipt of a Bill from the President the Guru Sabha shall make the necessary modifications and send the modified Bill at the earliest to the President for assent.

6.61 Procedure for Policies, Rules, Procedures etc.- The procedure prescribed in this chapter shall apply only to the Bills that become laws after the due process. The procedure shall not apply to Policies, Rules, Procedures and other matters on which the Guru Sabha is authorised to legislate. For all such matters that are within the power of the Guru Sabha, the Vice-President shall put his signature on the concerned document, immediately after the approval by the Guru Sabha.

6.62 Date of Enforcement.-(1) A Bill shall become a law on the date that it receives the assent of the President or on a date provided in the Bill.

(2) The Policies, Rules, Procedures and other matters on which the Guru Sabha is authorised to legislate, shall be in force from the date of the signature of the Vice-President or from a date as decided by the Guru Sabha.

6.63 Matters requiring approval of both houses of the Parliament.- For all matters that require the approval of both houses of the Parliament, the Bill or Resolution shall need to be passed by both houses without any comments or suggestions. In case it cannot be so passed, the Bill will be dropped. After being passed by both Houses, the Bill or resolution shall be forwarded to the President for assent, except in case of a resolution for impeachment of President.

6.64 Matters requiring two-thirds majority.- (1) All matters that require a two-thirds majority approval or the approval of two-thirds of the members of either the Parliament or one of the Houses or Raksha Sabha shall be passed by two-thirds of the sitting and present members or shall be dropped.

(2) Notwithstanding anything contained in Article 6.60, the President may or may not accord his assent for any bill or matter that requires the approval of either house or both houses of the Parliament or the Raksha Sabha with two thirds majority.

6.65 Ordinances.-(1) If the President, the Vice-President and the Prime-Minister are unanimously of the opinion that circumstances exist which render it necessary to take immediate action, they may promulgate such Ordinance as may appear to them to be necessary.

(2) An Ordinance promulgated under this article shall have the same force and effect as a law passed by the Parliament, but every such ordinance-

- a) shall be passed by the parliament within four months of the promulgation or shall cease to operate; and
- b) may be withdrawn at any time by either the President or the Vice-President or the Prime-Minister.

Chapter 9 General

6.66 General Conditions.- Notwithstanding anything contained anywhere in this Constitution, no person shall be allowed to hold any post or office or membership in any of the institutions of the Union or the states or the Local Bodies if-

- a) the person is not a citizen of India; or
- b) the person was at any time convicted for wilful neglect of any fundamental duty; or
- c) the person had at any time acquired the citizenship of any other country; or
- d) the person has completed seventy five years of age.

6.67 Hindi Version & Interpretation.- (1) The Hindi & English versions of this Constitution shall both be authorised versions.

(2) In case of any dispute between the English and Hindi versions being noticed by the Supreme Court, the matter will be referred to the Guru Sabha and the decision of the Guru Sabha will be final.

(3) The Guru Sabha may provide an interpretation of any of the provisions of the Constitution and the said interpretation shall be final and binding.

6.68 Amendment of the Constitution.- The Parliament may amend by way of addition, variation or repeal any provision of this Constitution. Any such amendment shall be made with at least two thirds majority of both houses of the Parliament and the members of the Parliament shall vote strictly by conscience on any such amendment.

6.69 Temporary Provisions.- The Constitution shall be in force throughout the territory of Bharat. However, the Parliament may pass resolution(s) suspending the operation of the Constitution or some provisions of the Constitution in some territory or territories for a specified period. Such resolution(s) may also include special enactment for the said territory or territories. Any such resolution(s) shall be passed by both houses of the Parliament with at least two-thirds majority.

6.70 Majority Approval.- Unless otherwise specified, majority approval shall mean approval by majority of the sitting and present members.

PART VII

THE STATES

Chapter 1 The Institutions - Powers and Responsibilities

7.01 Structure.- Each State shall have the following institutions:

- a) Rajyapal
- b) Vidwat Sabha
- c) Jan Sabha
- d) The Judiciary
- e) State Comptroller & Auditor General
- f) State Advocate General
- g) State Election Commission

7.02 Legislature.- The Legislature will consist of the Rajyapal, Vidwat Sabha and Jan Sabha.

7.03 Executive Power of a State.- (1) The executive power of a State shall vest with the Jan Sabha subject to the laws and the policies made in accordance with this Constitution. The exercise of the executive power shall be expressed to be done in the name of “GOVERNMENT OF (Name of State)” or in the name of “..... (Name of State) SARKAR”.

(2) The Jan Sabha shall exercise the executive power through a Council of Ministers led by a Chief Minister.

(3) The Jan Sabha may delegate any powers to any official or authority of the state subject to the control of a member of the Council of Ministers.

7.04 Legislative Power of the State.- The legislative power of the State shall vest with the Legislature.

7.05 Fund of the State.- The State Comptroller and Auditor General shall be the trustee of the fund of the State and shall be responsible for reporting to the Rajyapal about any act or procedure which will adversely affect the purpose of proper utilisation.

7.06 Justice.- The High Court will be responsible for the administration of the Courts and tribunals in the state, and will be a court of appeal.

- 7.07 Rajyapal.-** (1) The Rajyapal shall preside over the meetings of the Vidwat Sabha and be deemed to be a member of the Vidwat Sabha.
- (2) The Rajyapal shall be an ex-officio member of the Jan Sabha and shall have a right to attend the meetings and participate in the discussions and vote on all matters.
- (3) The State Comptroller & Auditor General, the Election Commissioner(s) and the Advocate General(s) of the State shall report to the Rajyapal and the right to appoint and dismiss the said officials will rest with the Rajyapal.
- (4) The Rajyapal shall appoint the judges of the courts in the state excluding the judges of High Court.
- (5) All appointments and dismissals by the Rajyapal shall be after complying with the rules, procedures and requirements that may be prescribed by the Vidwat Sabha.
- 7.08 Vidwat Sabha.-** (1) Vidwat Sabha will elect the Rajyapal.
- (2) All laws (except bill providing for sanction of expenditure to the Government of the State) for the State will be first introduced in the Vidwat Sabha.
- (3) Bills for taxation and other such financial matters except expenditure will be first introduced in the Vidwat Sabha.
- 7.09 Jan Sabha.-** (1) Jan Sabha will be responsible for monitoring the implementation of the policies of the State.
- (2) Jan Sabha will control and keep a check on the Council of Ministers.
- (3) Jan Sabha will elect a Chief Minister who will choose a Council of Ministers.
- (4) All laws for the State will be referred to the Jan Sabha for its suggestions and comments.
- (5) Bills for expenditure will be first introduced in the Jan Sabha.
- 7.10 State Election Commission.-** The State Election Commission consisting of the Election Commissioner(s) and such other officers as may be appointed by the Rajyapal shall be responsible for all matters relating to the election of the members to the Jan Sabha and the Vidwat Sabha.
- 7.11 State Advocate General(s).-** The State Advocate General(s) shall be responsible for advising all institutions of the State about constitutional and legal matters and shall represent the State, either in person or through assistants, in all cases before courts.

Chapter 2 Vidwat Sabha

7.12 Composition of the Vidwat Sabha-(1) Unless otherwise determined by the Guru Sabha, the Vidwat Sabha of a state shall consist of-

- a) elected members, whose number will be decided by the Guru Sabha
- b) five per cent (rounded off to the higher whole number) of the elected members to be nominated by the Jan Sabha; and
- c) ten per cent (rounded off to the higher whole number) of the elected members to be nominated by the Rajyapal to make available to the Vidwat Sabha any expertise that may be lacking amongst the elected members of the Vidwat Sabha; and
- d) ex-officio members as provided in this constitution

7.13 Voters for the Vidwat Sabha- All voters for Guru Sabha resident in the state shall be the voters for Vidwat Sabha and the weightage for their votes will be the same as in the elections to the Guru Sabha.

7.14 Qualifications for a member to the Vidwat Sabha-(1) A citizen shall be qualified to be chosen as a member of the Vidwat Sabha if he satisfies any one of the following two conditions.

- a) If he is a voter for the Vidwat Sabha and his nomination is proposed by voters to the Vidwat Sabha having a weightage of at least one hundred; or
- b) If his nomination is proposed by voters to the Vidwat Sabha having a weightage of at least three hundred.

(2) Notwithstanding anything in (1) above, no citizen shall be eligible to contest an election to the Vidwat Sabha, if he is a member of any association or union or political party or if he has ever been convicted of a criminal offence with imprisonment of more than three months or if he has been declared to be of unsound mind.

(3) Notwithstanding anything in (1) and (2) above, no citizen shall be eligible to contest an election to the Vidwat Sabha, if he has attained an age of sixty five years on the day of the election.

7.15 Term of the membership of Vidwat Sabha- (1) Unless sooner terminated by resignation, death or by other reasons that the Guru Sabha may decide, each member of the Vidwat Sabha shall be a member for a period of at least four years.

(2) Before the beginning of every calendar year the Rajyapal shall prepare a list of members who have completed four years. At the beginning of the year one third of such members will retire. The list of the retiring members will be decided by seniority and to the extent that is not possible by drawing lots.

(3) The vacancies caused by retiring members will be filled up within 90 days of the beginning of the year.

7.16 Constituencies for Vidwat Sabha.- (1) The fixation of the constituencies for the Vidwat Sabha will be done once every ten years.

(2) The total weightage of votes in the state will be divided by the number of elected representatives. Each constituency shall have vote weightage as close as possible to the above quotient.

(3) While deciding the boundaries of the constituencies, the boundaries of districts or any other geographic areas will not be considered.

7.17 Proceedings of the Vidwat Sabha.- The Vidwat Sabha shall make the rules necessary for smooth and fair conduct of the proceedings of the Vidwat Sabha and such rules shall be binding on all members. The Vidwat Sabha may also fix punishments and procedures for imposing the punishments for violation of such rules. Any rules, punishments or procedures decided under this article will require the approval of at least two thirds of the members of the Vidwat Sabha.

7.18 Advisors to the Vidwat Sabha.- The Rajyapal will nominate advisors from amongst the members who will be responsible for advising the Vidwat Sabha and for co-ordinating with the Council of Ministers. The Rajyapal's right to nominate the advisors will include the right to remove from office.

7.19 Termination of membership of any member of Vidwat Sabha.- The Guru Sabha shall decide the criterion for the termination of membership of any member of Vidwat Sabha. Each case of such termination shall be considered by the Vidwat Sabha and the concerned member shall be given an opportunity to present his case. The approval of at least two thirds of the members shall be needed for passing a resolution for termination.

7.20 Dissolution of Vidwat Sabha.-(1)The Guru Sabha may pass a resolution for dissolution of the Vidwat Sabha of a state. Any such resolution shall need the approval of at least two-third of the members present in the House.

(2) In case of the dissolution of the Vidwat Sabha, the Rajyapal shall not stand removed unless specified so in the resolution for dissolution of the Vidwat Sabha.

(3) Fresh elections and nominations for the Vidwat Sabha shall be held as soon as possible but not later than six months of the dissolution of the Vidwat Sabha.

(4) While the Vidwat Sabha of a state is dissolved, the powers of the Vidwat Sabha shall vest with the Guru Sabha who may either exercise the same directly or through person(s) appointed for the purpose.

Chapter 3 Jan Sabha

7.21 Composition of the Jan Sabha.-(1) The Jan Sabha shall consist of elected members chosen by direct election from territorial constituencies. The number of elected representatives shall be decided by the Lok Sabha.

(2) For the purpose of clause (1), the State Election Commission shall -

- a) divide the state into territorial constituencies in such manner that the population of each constituency is, so far as practicable, the same.
- b) decide the boundaries of the constituencies.

(3) The dividing of territorial constituencies shall be done once every twenty five years and the census data which shall form the basis of such allotment shall be decided by the Lok Sabha. Provided that such readjustment shall not affect the then existing House.

7.22 Duration of the Jan Sabha.-(1) The Jan Sabha, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House:

(2) Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by President for a period not exceeding one year at a time and not exceeding in any case beyond a period of six months after the Proclamation of Emergency has ceased to operate.

7.23 Qualification for membership of Jan Sabha.- A citizen shall be qualified to be chosen to fill a seat in Jan Sabha if he is qualified to fill a seat in Lok Sabha.

7.24 Proceedings of the Jan Sabha.- The Jan Sabha shall make the rules necessary for smooth and fair conduct of the proceedings of the Jan Sabha and such rules shall be binding on all members. The Jan Sabha may also fix punishments and procedures for imposing the punishments for violation of such rules. Any rules, punishments or procedures decided under this article will require the approval of at least two thirds of the members of the Jan Sabha.

7.25 Election of Chief Minister.- The members of the Jan Sabha shall elect a Chief Minister who may or may not be a member of the Jan Sabha.

7.26 Council of Ministers.- (1) The Chief Minister shall constitute a Council of Ministers and may from time to time make any changes in the Council of Ministers.

(2) Any citizen who is not a member of Jan Sabha but is selected as a minister or is elected as Chief Minister shall be allowed to attend the proceedings of the Jan Sabha but shall not be allowed to vote on any matter in the Jan Sabha.

7.27 Procedure for removal of the Chief Minister or a Minister.- (1) The Jan Sabha may pass a resolution with two-thirds majority for removal of the Chief Minister or by a simple majority for removal of any member of the Council of Ministers.

(2) In case a resolution under clause (1) is passed for removal of the Chief Minister, the Council of Ministers including the Chief Minister shall cease to hold office with immediate effect.

(3) In case a resolution is passed for removal of any minister other than the Chief Minister, the concerned minister shall cease to hold office with immediate effect and shall not be re-appointed for a period of at least two years.

7.28 Termination of membership of any member of Jan Sabha.- The Lok Sabha shall decide the criterion for the termination of membership of any member of Jan Sabha. Each case of such termination shall be considered by the Jan Sabha and the concerned member shall be given an opportunity to present his case. The approval of at least two thirds of the members shall be needed for passing a resolution for termination.

7.29 Dissolution of the Jan Sabha.- The Lok Sabha or the Raksha Sabha may by a resolution passed by two-thirds or more members, recommend to the President that the Jan Sabha of a state be dissolved. On receipt of such a recommendation, the President shall either dissolve the Jan Sabha or shall consult the Guru Sabha. After the dissolution of Jan Sabha, fresh elections shall be conducted as and when the President or the Vice-President or the Council of Ministers of the Union so recommends.

7.30 Chief Minister and Council of Ministers after dissolution of Jan Sabha.- In case of dissolution of the Jan Sabha, the Chief Minister and Council of Ministers shall stand removed and the executive powers of the State shall vest in the Rajyapal till fresh elections are held and a new Council of Ministers takes over.

Chapter 4 The Rajyapal

7.31 Election of Rajyapal.- (1) The Rajyapal shall be elected by the elected representatives of the Vidwat Sabha. Each elected member shall have one vote each. The election shall be by secret ballot and each member shall vote by his conscience.

(2) For a candidate to be declared elected as the Rajyapal, he must receive at least fifty per cent of the total votes polled. In case, no candidate receives the required number of votes, the elections will be held once again with the voting restricted to only two candidates receiving the maximum votes in the first round. In case, in the second round, (or in the first round when there are only two candidates) both candidates receive exactly the same number of votes, the Vice-President shall have a casting vote.

7.32 Term of office of Rajyapal.-(1) The Rajyapal shall hold office for a term of four years from the date on which he enters upon his office:

Provided that-

- a) the Rajyapal may, by writing under his hand addressed to the Vice-President, resign his office;
- b) the Rajyapal may be removed from the office by impeachment as provided in this Chapter;
- c) the Guru Sabha may pass a resolution recommending the removal of the Rajyapal of any state and accordingly the Vice President shall immediately order the removal of the said Rajyapal.

7.33 Qualification for election as Rajyapal.- No citizen shall be eligible for election as Rajyapal of a state unless he is qualified for election as a member of the Vidwat Sabha of the state.

7.34 Procedure for impeachment of the Rajyapal.- (1) A resolution for impeachment of the Rajyapal will be effective if passed by the Vidwat Sabha with two-thirds majority and approved by the Vice-President.

(2) Before any resolution under clause (1) is passed, Vidwat Sabha shall provide the Rajyapal with an opportunity to appear, to clarify and to present any defence that he may wish to present.

(3) The Vice-President may, if he thinks necessary, consult the Guru Sabha before giving any decision on the resolution passed by the Vidwat Sabha under clause(1).

7.35 Time of holding election and the term of office of person elected to fill casual vacancy.- (1) An election to fill a vacancy caused by the expiration of the term of office of Rajyapal shall be completed before the expiration of the term.

(2) An election to fill a vacancy in the office of Rajyapal occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than one month from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall, subject to the provisions of Article 7.32, be entitled to hold office for the full term of four years from the date on which he enters upon his office.

Chapter 5 The State Judiciary

7.36 Establishment and Constitution of High Courts.- (1) The High Courts, in existence at the commencement of this Constitution, shall continue after the adaptation of this Constitution.

(2) The Vidwat Sabha of a state shall make rules for the High Court of the state regarding the number of judges, the manner of appointment of the judges, the code of conduct of the judges during and after service, the manner of promotion of one of the judges to the post of Chief Justice, the manner and conditions of removal of a judge, the service conditions of judges, the contempt of Court, the seat and benches of the Court, the manner of enforcement of the orders of the Court, the manner of proceedings of the Court, the procedure for the reconsideration by the Court of its own judgements and the manner of maintaining records of the Court. The Guru Sabha may guide the Vidwat Sabha of any state in the making of such rules and such advice shall be binding.

(3) In all other matters and subject to any law in force, the Chief Justice of the High Court in consultation with other judges of the Court may make rules. The Supreme Court may guide the High Court of any state in the making of such rules and such advice shall be binding.

7.37 Appellate Jurisdiction of the High Court.- An appeal shall lie to the High Court from any judgement, decree or order of any Court or tribunal located within the boundaries of the state, subject to rules made in this regard by the Chief Justice of the High Court in consultation with other judges of the Court.

7.38 Original jurisdiction of the High Court.- (1) Subject to the provisions of this Constitution, the High Court of a state shall, to the exclusion of any other court, have original jurisdiction in any dispute-

- a) between the Government of the State and one or more local bodies; or
- b) between the Government of the State and any Local bodies on one side and one or more other Local bodies on the other; or
- c) between two or more Local bodies,

if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends:

(2) The appeal from any judgement, order or decree made by the High Court in any dispute under clause(1) shall lie with the Vidwat Sabha.

7.39 Law declared by High Court.- The law declared by the High Court of a state, unless modified by the Vidwat Sabha or the Legislature or Guru Sabha or the Parliament, shall be binding on all courts within the territory of the state.

7.40 Powers of High Court.- In addition to the powers listed hereinabove, any powers may be conferred on the High Court by law.

7.41 Supervision of Tribunals, District and Local Body Courts.- The High Court of a state shall be responsible for supervision of all Tribunals, District and Local Body Courts, excluding any military courts set up by the defence forces, in the state and shall take any steps, that it feels necessary, in the interest of fair and speedy justice by the Courts. In case, the High Court feels that some legal changes are necessary in this regard, the High Court may advise the Vidwat Sabha.

Chapter 6 The State Legislative Process

7.42 Introduction and passing of Bills.- (1) Unless otherwise provided in this Chapter, every bill shall originate in the Vidwat Sabha. The Jan Sabha may, however, pass a resolution recommending to the Vidwat Sabha to introduce a Bill.

(2) Unless otherwise provided in this Constitution, a bill or resolution or modification shall be said to have been passed by the House if more than half of the members present in the House are in favour. In case of an equal number of votes being received in favour and against, the Rajyapal shall have a Casting Vote.

7.43 Classified Category of Expenditure of State.- (1) The following expenditure shall be deemed to be Classified Category of Expenditure of the State:

- a) Salary and other expenses related to the Rajyapal, his staff and related establishment
- b) Salary and other expenses related to the Chief Minister, the Council of Ministers, their staff and related establishment
- c) Salary and other expenses related to the members of Vidwat Sabha and Jan Sabha, associated staff and related establishments
- d) Salary and other expenses related to the High Court judges, District Judiciary and associated staff and related establishments
- e) Salary and other expenses related to the State Election Commission and associated staff and related establishment
- f) Salary and other expenses related to the State Comptroller & Auditor General and associated staff and related establishment
- g) Salary and other expenses related to the State Advocate General and associated staff and related establishment

(2) The Vidwat Sabha shall take all decisions in relation to the Classified Category of Expenditure of the state. The sum total of the Classified Category of Expenditure, approved by the Vidwat Sabha, shall be forwarded by the Rajyapal to the Chief Minister for being included in the Expenditure Bill. The Jan Sabha will not discuss or make any comments on the Classified Category of Expenditure.

7.44 Expenditure Bills.- Bills providing for expenditure from the Fund of the State shall be introduced and passed in the Jan Sabha and thereafter sent to the Rajyapal for assent. Except as provided in this chapter for Classified Category of Expenditure, Vidwat Sabha shall not consider Expenditure Bills.

7.45 Comments of Jan Sabha.- (1) Every state bill, except Bills providing for Classified Category of Expenditure, passed by the Vidwat Sabha shall be forwarded to the Jan Sabha for consideration. The Jan Sabha shall either pass the said bill and forward to the Rajyapal or return the bill with comments or suggestions to the Vidwat Sabha.

(2) In case the Jan Sabha does not pass or return any bill within six months, the Vidwat Sabha shall reconsider the Bill and if passed after reconsideration, shall forward the Bill to the Rajyapal for assent.

(3) In case the Jan Sabha returns a Bill with comments or suggestions, the Vidwat Sabha shall reconsider the Bill and after reconsideration, shall once again forward the Bill to the Jan Sabha with or without modifications. The Jan Sabha shall reconsider the Bill and forward the same to Rajyapal with comments or suggestions, if any.

7.46 Assent of Rajyapal.- (1) A Bill forwarded to the Rajyapal without any comments or suggestions shall be accorded assent of the Rajyapal within three months.

(2) A Bill forwarded to the Rajyapal with any comments or suggestions shall be sent by the Rajyapal to the Vice-President for advice and based on the advice of the Vice-President, the Rajyapal may either approve the Bill without modifications or may return the Bill with directions to the Vidwat Sabha to modify in light of either all or some of the comments and suggestions.

(3) On receipt of a Bill from the Rajyapal the Vidwat Sabha shall make the necessary modifications and send the modified Bill at the earliest to the Rajyapal for assent.

7.47 Procedure for Rules, Procedures etc.- The procedure prescribed in this chapter shall apply only to the Bills that become state laws after the due process. The procedure shall not apply to Rules, Procedures and other matters on which the Vidwat Sabha is authorised to legislate. For all such matters that are within the power of the Vidwat Sabha, the Rajyapal shall put his signature on the concerned document, immediately after the approval by the Vidwat Sabha.

7.48 Date of Enforcement.-(1) A Bill shall become a law on the date that it receives the assent of the Rajyapal or on a date provided in the Bill.

(2) The Rules, Procedures and other matters on which the Vidwat Sabha is authorised to legislate, shall be in force from a date as decided by the Vidwat Sabha.

7.49 Matters requiring approval of both houses of the Legislature.- For all matters that require the approval of both houses of the Legislature, the Bill shall need to be passed by both houses without any comments or suggestions. In case it cannot be so passed, the Bill will be dropped. After being passed by both Houses, the Bill or resolution or matter will be forwarded to the Rajyapal for assent.

7.50 Matters requiring two-thirds majority.- (1) All matters that require a two-thirds majority approval or the approval of two-thirds of the members of either the Legislature or one of the Houses shall be passed by two-thirds of the sitting and present members or shall be dropped.

(2) Notwithstanding anything contained in Article 7.46, the Rajyapal may or may not accord his assent for any bill or matter that requires the approval of the Legislature with two thirds majority.

7.51 Ordinances.- If the Rajyapal and the Chief Minister are unanimously of the opinion that circumstances exist which render it necessary to take immediate action, they may promulgate such Ordinance as may appear to them to be necessary.

(2) An Ordinance promulgated under this article shall have the same force and effect as a law passed by the Legislature, but every such ordinance-

- a) shall be passed by the legislature within four months of the promulgation or shall cease to operate; and
- b) may be withdrawn at any time by either the Rajyapal or the Chief Minister.

PART VIII

THE UNION TERRITORIES

8.01 Legislation for Union Territories.-(1) The Parliament may make, from time to time, laws and enactments for Union Territories including creating any institutions or bodies or authorities and providing for delegation of authority.

(2) The Parliament may by two-thirds majority resolve to apply or stop the application of either the whole or part of the Part VII of this Constitution to any Union Territory for a specified or unspecified time.

PART IX

THE LOCAL BODIES

9.01 Legislation for Local Bodies.- The Parliament may make, from time to time, laws and enactments for Local Bodies including Gram Panchayats, Municipalities, District or Block Panchayats, Councils for Tribal areas and may also delegate powers to the State Legislatures to make any such laws and enactments.

PART X

FINANCE, PROPERTY, CONTRACTS AND SUITS

10.01 Taxes not to be imposed save by authority of law.- No tax shall be levied or collected except by authority of law.

10.02 Consolidated Funds, Contingency Funds and Public Accounts of Bharat and of the states.- (1) The Guru Sabha shall make the rules and procedures for all matters relating to the Consolidated Funds, Contingency Funds and Public Accounts of the Government of Bharat.

(2) The Vidwat Sabha of each state shall make rules and procedures for all matters relating to the Consolidated Funds, Contingency Funds and Public Accounts of the Government of the state.

(3) Notwithstanding anything contained in (2) above, the Guru Sabha may advise the Vidwat Sabha of any one or more states on any matter relating to the Consolidated Funds, Contingency Funds and Public Accounts and such advice shall be binding.

10.03 Taxes by the Union, the States and the Local Bodies.- (1) The Guru Sabha shall decide the nature of taxes that may be imposed by the Union, the States and the Local Bodies.

(2) The Guru Sabha shall prescribe policies and rules for levy and collection of taxes.

(3) The Guru Sabha shall decide or shall create a system to decide the share of states in the revenue of the Union (and vice versa) and to decide the individual share of each state.

(4) The Guru Sabha shall decide or shall create a system to decide any grants that may be given by the Union to any state.

(5) The Vidwat Sabha of each state shall decide or shall create a system to decide the share of the Local Bodies in the revenue of the State (or vice versa) and to decide the individual share of each Local Body.

(6) The Vidwat Sabha of each state shall decide or shall create a system to decide any grants that may be given by the state to any local body.

10.04 Borrowing by the Government of Bharat.- The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of Bharat within such limits, if any, as may from time to time be fixed by the Guru Sabha and to the giving of guarantees within such limits, if any, as may be so fixed by the Guru Sabha.

10.05 Borrowing by States.- Any Borrowing by any state shall be subject to the policies and rules made in this behalf by the Guru Sabha.

10.06 Property of the Union and the States.- The Parliament shall be fully authorised to make any declarations or laws about the property of the Union and the States. Such property may be located within the territory of Bharat or may be located anywhere else.

10.07 Power to carry out trade etc.- Subject to the policies made by the Guru Sabha and subject to the laws, rules and procedures of the Union or of the State, as applicable, the executive power of the Union and of each state shall extend to the carrying on of any trade or business and to the acquisition, holding and disposal of property and the making of contracts for any purpose.

10.08 Suits.- The Government of Bharat may sue or be sued in the name of the Government of Bharat and the Government of a State may sue or be sued in the name of the Government of the State.

10.09 Freedom of trade, commerce, travel and intercourse.- (1) Subject to the laws made by the Parliament, trade, commerce, travel and intercourse throughout the territory of Bharat shall be free.

(2) The Legislature or the Vidwat Sabha of any State shall not make any laws, rules or procedures which have the effect of creating any barriers or restrictions in trade, commerce, travel and intercourse from one state to the other.

(3) Notwithstanding anything contained in (1) above, Raksha Sabha may prescribe any restrictions on trade, commerce, travel and intercourse.

PART XI

SERVICES UNDER THE UNION AND THE STATES

- 11.01 Service matters of persons serving the Union or a State.-** The Parliament shall make laws and the Guru Sabha shall make the rules and procedures for all matters relating to the service of persons serving the Union or a State including recruitment, conditions of service, dismissal etc.. The Parliament may also authorise the Legislature of any or all states to legislate on some or all matters relating to the service of persons serving the State.
- 11.02 Service matters of persons in defence services.-** Notwithstanding anything contained in Article 11.01, the service matters of the persons serving in the defence services shall be subject only to the policies that the Guru Sabha may make in this regard and the rules made by the Raksha Sabha.
- 11.03 Service matters of persons whose services are covered by the Classified Category of Expenditure.-** Notwithstanding anything contained in Article 11.01, the service matters of the persons whose services are covered by the Classified Category of Expenditure shall be subject only to the policies, rules and procedures that the Guru Sabha may make in this regard.
- 11.04 All Bharat Services.-** The Parliament may create or disband at any time any services which are common to the Union and the States. However, no special privileges other than salary and perquisites shall be extended to the persons serving under such services.
- 11.05 Reserve Soldiers.-** (1) Notwithstanding any laws made by the Parliament but subject to the policies made by the Guru Sabha, the President may from time to time declare that a specified percentage of the persons serving the Union and/or any or all of the States and/or any employer shall be persons who are registered as reserve soldiers and are subject to the rules made by the Raksha Sabha regarding defence duties and periodic training.
- (2) The procedure of selection, discipline and removal of the reserve soldiers shall be determined by the Raksha Sabha. However for all matters that concern their service other than matters relating to duty and training with defence forces shall be subject to the laws, rules and procedures made under article 11.01 or 11.03 or 11.04 or any other rules applicable to employees.
- (3) Any reserve soldier who is selected to any service under the category of reserve soldiers, if subsequently removed from the register of reserve soldiers on account of indiscipline, shall stand terminated from the service to which he was selected. Such termination will be notwithstanding the fact that the indiscipline relates to his service with the defence services and is not related to his civilian duties.

PART XII

TRIBUNALS, MILITARY COURTS & LOCAL BODY COURTS

- 12.01 Tribunals for Union Matters.-** The Parliament may by a two-thirds majority create or disband one or more tribunals with one or more benches located at locations that the Parliament shall determine for adjudication or trial of any matters relating to the disputes and complaints arising from matters relating to the services of the employees of the Union, the persons employed in any All Bharat Services, the application of taxes by the Government of Bharat, or arising from any law passed by the Parliament.
- 12.02 Tribunals for State Matters.-** The Legislature of a State may by a two-thirds majority create or disband one or more tribunals with one or more benches located at locations that the Legislature may determine for adjudication or trial of any matters relating to the disputes and complaints arising from matters relating to the services of the employees of the State, the application of taxes by the Government of the State, or arising from any law passed by the Legislature.
- 12.03 Military Courts.-** The Raksha Sabha may create or disband military courts and military courts of appeal with the necessary hierarchical and locational structure for adjudication and trial of all matters related to the services of defence personnel, indiscipline of defence personnel and reserve soldiers and offences that are a threat to national security.
- 12.04 Local Body Courts.-** The Legislature of a State may by a two thirds majority authorise the creation or disbanding of Local Body Courts at locations that the Legislature may determine for adjudication or trial of any matters relating to the disputes and complaints arising from matters relating to the local bodies or arising from any law passed by the Legislature or arising from any rules or taxes imposed by the Local Body.

PART XIII

ELECTIONS

- 13.01 No person to be ineligible for inclusion in, or to claim to be included in a electoral roll on grounds of religion, race, caste or sex.-**There shall be one general electoral roll for every territorial constituency for election to Lok Sabha or to Jan Sabha of a State and one special electoral roll for election to Guru Sabha or to Vidwat Sabha of a state. No person shall be ineligible for inclusion in any such roll or claim to be included in any electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

13.02 Adult Suffrage.- The elections to the Lok Sabha and to the Jan Sabha of every state shall be on the basis of adult suffrage; that is to say, every person who is a citizen of Bharat and who is not less than eighteen years of age on such date as shall be fixed in that behalf by or under any law and is not disqualified under this Constitution or any law shall be entitled to be registered as a voter at any such election.

PART XIV

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

14.01 Upliftment of weaker sections of society.- (1) Notwithstanding anything contained anywhere else in this Constitution, the Parliament may by law, from time to time, provide for any measures for upliftment of weaker sections of society. Such measures may inter alia include reservations of seats in Lok Sabha, Jan Sabha of a State, Local Bodies of a State or region, services of the Union or the states; setting up of commissions and offices for welfare and upliftment of such sections.

(2) Notwithstanding anything contained in (1) above, no measures or reservations imposed under (1) above will apply in relation to Guru Sabha, Raksha Sabha, Defence Forces, Reserve Soldiers, Persons covered by the Classified Category of expenditure of the Union or the States (excluding members of Lok Sabha and Jan Sabha).

(3) Any reservations made under (1) above shall apply after the portion for reserve soldiers as declared under Article 11.05 has been set aside.

PART XV

OFFICIAL LANGUAGE

15.01 Official language of the Union.- (1) The Official Language of all the institutions of the Union shall be Hindi in Devnagari script.

(2) The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.

(3) Notwithstanding anything contained in (1) and (2) above, at the commencement of this Constitution and until the Parliament decides otherwise, the use of English and Devnagari form of numerals shall continue in the same manner as before the implementation of this Constitution.

(4) The Parliament may regulate the use of English, provide for the use of Devnagari form of numerals and take steps to promote the use of Hindi.

15.02 Official Language of a State.- (1) The Legislature of every State shall by law adopt one or more Languages to be the Official Language or languages for use in the institutions of the state.

(2) Notwithstanding anything contained in (1) above, at the commencement of this Constitution and until the Legislature of a State decides otherwise, the use of languages in every state shall continue in the same manner as before the implementation of this Constitution.

(3) The Legislature of a State may regulate the use of English, provide for the use of the official language(s) and take steps to promote the use of Hindi.

15.03 National Translation Institute.- Government of Bharat shall set up a National Translation Institute to translate from Hindi and English to Indian languages and vice-versa; from English and other foreign languages to Hindi; and from one Indian language to other Indian languages.

15.04 Communication between one state and another or between a State and the Union.- (1) The language for communication between one state and another or between a state and the Union shall be Hindi or shall be the official language of the state sending the communication or ,till the parliament decides otherwise shall be English.

(2) In case any communication is sent by a state to another state or the Union in a language different from the language of the receiving state or the Union, the said communication may be routed through National translation Institute who will send a copy of the translation along with the original.

(3) In case the officials of any State have any difficulty in understanding the official language of the Union, the state shall set up a State Translation Institute to translate the communication received from the Union.

PART XVI

EMERGENCY PROVISIONS

16.01 Proclamation of Emergency.- (1) If the President, the Vice-President and a two-thirds majority of either the Guru Sabha or the Raksha Sabha are of the opinion that there exist situation(s) either in the whole or a part of the country that call for a proclamation of emergency, the President shall make such a proclamation or shall make a proclamation amending an earlier proclamation, in respect of whole of Bharat or of such territory as may be specified in the Proclamation.

(2) A Proclamation issued under clause (1) may be revoked by a proclamation made by the President with the consent of the Vice-President.

16.02 Effect of Proclamation of Emergency.- (1) Notwithstanding anything in this Constitution, while a Proclamation of emergency is in operation in the whole of the territory of Bharat, then-

- a) the executive power of the Union and the States shall vest in the Raksha Sabha and the Raksha Sabha shall exercise the executive power through an Emergency Council of Ministers led by an Emergency Prime Minister.
- b) the Raksha Sabha may delegate any powers to any official or authority subject to the control of a member of the Emergency Council of Ministers.
- c) Emergency Council of Ministers and Emergency Prime Minister will be appointed by the Raksha Sabha and shall hold office upto the revoking of the proclamation of emergency. The right of Raksha Sabha to appoint shall include the right to remove from office.
- d) a bill to make a law or a bill of expenditure may be introduced in either the Raksha Sabha or the Guru Sabha and shall have the force of law if passed by any two of the Guru Sabha, Raksha Sabha and Lok Sabha; and after it receives the assent of the President.

(2) Notwithstanding anything in this Constitution, while a Proclamation of emergency is in operation in a part of the territory of Bharat, then-

- a) the executive power of the Union and the State(s) where the said territory is located, in respect of the said territory shall vest in the Raksha Sabha and the Raksha Sabha shall exercise the executive power through an Emergency Council.
- b) in respect of the said territory, the Raksha Sabha may delegate any powers to any official or authority subject to the control of a member of the Emergency Council.
- c) Emergency Council will be appointed by the Raksha Sabha and shall hold office upto the revoking of the proclamation of emergency. The right of Raksha Sabha to appoint shall include the right to remove from office.

16.03 Suspension of the enforcement of Constitutional and Legal rights.- (1) Where a Proclamation of emergency is in operation, the Raksha Sabha may declare that any constitutional and legal rights, as may be specified in the declaration, shall remain suspended for the period during which the Proclamation is in force or for such shorter period as may be specified.

(2) A declaration made under clause (1) may extend to the whole or a part of the territory where the Proclamation of emergency is in operation.

PART XVII

MISCELLANEOUS

17.01 Capital.- (1) The Capital of Bharat shall be in Delhi or such other place as be decided by the Parliament with two-thirds majority.

(2) The Lok Sabha, the President, the Prime Minister and the Council of Ministers shall have their permanent headquarters at the Capital.

17.02 Seat of Guru Sabha and the Vice-President.- (1) The seat of Guru Sabha and the Vice-President shall be at a place in the southern part of Bharat, as shall be decided by the Guru Sabha.

(2) The seat of Guru Sabha shall be an independent campus complete with the necessary infrastructure including library, research facilities, residential quarters, etc.

17.03 Seat of Raksha Sabha.- The Raksha Sabha shall meet at a place that shall be decided by the President from time to time.

17.04 Protection of President, Vice-President and Rajyapal.- The President, the Vice-President or the Rajyapal of a state shall not be answerable to any court for the exercise of and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties.

(2) No criminal proceedings whatsoever shall be instituted or continued against the President, the Vice-President or the Rajyapal of a state in any court during his term of office.

(3) No process for the arrest or imprisonment of the President, the Vice-President or the Rajyapal of a State shall issue from any court during his term of office.

17.05 Special provisions as to ports and aerodromes.- Notwithstanding anything in this Constitution, the Parliament may make special laws or may provide for any existing law to cease to have effect in any or all of ports and aerodromes.

17.06 Temporary Provisions for some states or territories.- Notwithstanding anything in this Constitution, the Parliament may make special provisions or enactments for some states or territories. Any such provisions or enactments shall be made with at least two thirds majority of both Houses of the Parliament and that the members of the Parliament shall vote strictly by conscience on any such matter.

17.07 Treaties, Agreements and Arrangements with other countries.- The Prime Minister or the Council of Ministers may authorise any person to negotiate, discuss and finalise any treaty, agreement or arrangement with any other country or countries or group of countries. However, any such treaty, agreement or arrangement shall come into effect if and only if it is approved by the Parliament as well as the Raksha Sabha.

17.08 Continuance in force of existing laws.- Unless the Guru Sabha or the Parliament decides otherwise in respect of any law, all the laws in force in the territory of Bharat immediately before the commencement of this Constitution shall remain in force for a period of ten years from the date of this Constitution or until altered or repealed or amended by a competent Legislature or other competent authority, whichever is earlier.

17.09 Residual Matters.- The Parliament shall have power to make laws in respect of any matters not covered by this Constitution.