THE CONSTITUTION OF INDIA

भारत का संविधान

Along with Linked Provisions [लिंकिंग प्रावधान सहित]

Ву

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DIGLOT EDITION द्विभाषी संस्करण



Jodhpur, Rajasthan

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THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a ¹[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

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 ²[unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

L/w: Art.12, 38, 44, 14, 39, P.II, 368, 16, 394

भारत का संविधान

उद्देशिका

हम, भारत के लोग, भारत को एक ¹[संपूर्ण प्रभुत्व-संपन्न समाजवादी पंथनिरपेक्ष लोकतंत्रात्मक गणराज्य] बनाने के लिए, तथा उसके समस्त नागरिकों को :

सामाजिक, आर्थिक और राजनैतिक न्याय, विचार, अभिव्यक्ति, विश्वास, धर्म और उपासना की स्वतंत्रता, प्रतिष्ठा और अवसर की समता

प्राप्त कराने के लिए, तथा उन सब में

व्यक्ति की गरिमा और ²[राष्ट्र की एकता और अखंडता] सुनिश्चित करने वाली **बंधुता**

बढाने के लिए दृढ़ संकल्प होकर **अपनी इस संविधान सभा में** आज तारीख 26 नवम्बर, 1949 ई० (मिति मार्गशीर्ष शुक्ला सप्तमी, संवत् दो हजार छह विक्रमी) को **एतद्वारा इस संविधान को अंगीकृत, अधिनियमित और आत्मार्पित करते हैं**।

L/w: - Art.12, 38, 44, 14, 39, P.II, 368, 16, 394

¹ Subs. by the Constitution (Forty-second Amendment) Act, 1976, s.2, for "SOVEREIGN DEMOCRATIC REPUBLIC" (w.e.f. 3-1-1977).

² Subs. by s. 2, ibid., for "Unity of the Nation" (w.e.f. 3-1-1977)

PART I THE UNION AND ITS TERRITORY

1. Name and territory of the Union.

- India, that is Bharat, shall be a Union of States.
- ¹[(2) The States and the territories thereof shall be as specified in the First Schedule.
- (3) The territory of India shall comprise—
 - (a) the territories of the States;
 - ²[(b) the Union territories specified in the First Schedule; and]
 - (c) such other territories as may be acquired.

L/w: - 366(26B), 366(30), Schedule I, CPC 2(7B)

2. Admission or establishment of new States.

Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

L/w: - Schedule I,

³[2A. Omitted]

Formation of new States and alteration of areas, boundaries or names of existing States.

Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
- (b) increase the area of any State;
- (c) diminish the area of any State;
- (d) alter the boundaries of any State;
- (e) alter the name of any State:

⁴[Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.]

⁵[Explanation I.—In this article, in clauses (a) to (e), — "State" includes a Union territory, but in the proviso, —"State" does not include a Union territory.

Explanation II.— The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory.

L/w: - Art 359, 48A,

^{1.} Subs. by the Constitution (Seventh Amendment) Act, 1956, s. 2, for cl. (2) (w.e.f. 1-11-1956).

^{2.} Subs. by s. 2 ibid. for sub-clause (b) (w.e.f. 1-11-1956).

^{3.} Omitted by the Constitution (Thirty-sixth Amendment) Act, 1975, s. 5 (w.e.f. 26-4-1975).

^{4.} Subs. by the Constitution (Fifth Amendment) Act, 1955, s. 2, for the proviso (w.e.f. 24-12-1955).

^{5.} Ins. by the Constitution (Eighteenth Amendment) Act, 1966, s. 2 (w.e.f. 27-8-1966)

भाग 1 संघ और उसका राज्यक्षेत्र

संघ का नाम और राज्यक्षेत्र

- (1) भारत, अर्थात् इंडिया, राज्यों का संघ होगा ।
- ¹[(2) राज्य और उनके राज्यक्षेत्र वे होंगे जो पहली अनुसूची में विनिर्दिष्ट हैं ।]
- (3) भारत के राज्यक्षेत्र में.-
 - (क) राज्यों के राज्यक्षेत्र,
 - (ख) पहली अनुसूची में विनिर्दिष्ट संघ राज्यक्षेत्र, और
 - ²(ग) ऐसे अन्य राज्यक्षेत्र जो अर्जित किए जाएं, समाविष्ट होंगे ।

L/w: - 366(26B), 366(30), Schedule I, CPC 2(7B)

2. नए राज्यों का प्रवेश या स्थापना

संसद , विधि द्वारा, ऐसे निबंधनों और शर्तों पर, जो वह ठीक समझे, संघ में नए राज्यों का प्रवेश या उनकी स्थापना कर सकेगी ।

L/w: - Schedule I,

³[2क. लोपित किया गया ।]

3. नए राज्यों का निर्माण और वर्तमान राज्यों के क्षेत्रों, सीमाओं या नामों में परिवर्तन संसद. विधि द्वारा-

- (क) किसी राज्य में से उसका राज्यक्षेत्र अलग करके अथवा दो या अधिक राज्यों को या राज्यों के भागों को मिलाकर अथवा किसी राज्यक्षेत्र को किसी राज्य के भाग के साथ मिलाकर नए राज्य का निर्माण कर सकेगी:
- (ख) किसी राज्य का क्षेत्र बढा सकेगी
- (ग) किसी राज्य का क्षेत्र घटा सकेगी;
- (घ) किसी राज्य की सीमाओं में परिवर्तन कर सकेगी:
- (ङ) किसी राज्य के नाम में परिवर्तन कर सकेगी:

⁴[परंतु इस प्रयोजन के लिए कोई विधेयक राष्ट्रपति की सिफारिश के बिना और जहां विधेयक में अंतर्विष्ट प्रस्थापना का प्रभाव राज्यों में से किसी के क्षेत्र, सीमाओं वहां जब तक उस राज्य के विधान-मंडल द्वारा उस पर अपने भीतर जो निर्देश में विनिर्दिष्ट की जाए या ऐसी अतिरिक्त अविध या नाम पर पड़ता है विचार, ऐसी अविध के के भीतर जो राष्ट्रपति द्वारा अनुज्ञात की जाए, प्रकट किए जाने के लिए वह विधेयक राष्ट्रपति द्वारा उसे निर्देशित नहीं कर दिया गया है और इस प्रकार विनिर्दिष्ट या अनुज्ञा अविध समाप्त नहीं हो गई है, संसद के किसी सदन में पुरःस्थापित नहीं किया जाएगा।

⁵[**स्पष्टीकरण 1 -** इस अनुच्छेद के खंड (क) से खंड (ड) में, "राज्य" के अंतर्गत संघ राज्यक्षेत्र है, किंतु परंतुक में "राज्य" के अंतर्गत संघ राज्यक्षेत्र नहीं है ।

स्पष्टीकरण **2**- खंड (क) द्वारा संसद को प्रदत्त शक्ति के अंतर्गत किसी राज्य या संघ राज्यक्षेत्र के किसी भाग को किसी अन्य राज्य या संघ राज्यक्षेत्र का निर्माण करना है।]

L/w: - Art 359, 48A,

^{1.} Subs. by the Constitution (Seventh Amendment) Act, 1956, s. 2, for cl. (2) (w.e.f. 1-11-1956).

^{2.} Subs. by s. 2 ibid. for sub-clause (b) (w.e.f. 1-11-1956).

^{3.} Omitted by the Constitution (Thirty-sixth Amendment) Act, 1975, s. 5 (w.e.f. 26-4-1975).

^{4.} Subs. by the Constitution (Fifth Amendment) Act, 1955, s. 2, for the proviso (w.e.f. 24-12-1955).

^{5.} Ins. by the Constitution (Eighteenth Amendment) Act, 1966, s. 2 (w.e.f. 27-8-1966)

THE CODE OF CIVIL PROCEDURE, 1908

(Act No. 5 of 1908)

सिविल प्रक्रिया संहिता,1908

(1908 का अधिनियम संख्यांक 5)

[Enactment Date: 21st March, 1908]

[Enforcement Date: 1st January, 1909]

Along with Linked Provisions [लिंकिंग प्रावधान सहित]

Ву

Tansukh Paliwal

LL.M, CA
Ex. Govt Officer (Raj.)
Founder, Linking Laws

DIGLOT EDITION द्विभाषी संस्करण



Jodhpur, Rajasthan

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CODE OF CIVIL PROCEDURE, 1908

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THE CODE OF CIVIL PROCEDURE, 1908 Act No. 5 of 1908

21st March, 1908.

An Act to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature: It is hereby enacted as follows:

PRELIMINARY

- 1. Short title, commencement and extent.
 - (1) This Act may be cited as the Code of Civil Procedure, 1908.
 - (2) It shall come into force on the first day of January, 1909.
 - (3) It extends to the whole of India except—
 - (a) omitted
 - (b) the State of Nagaland and the tribal areas:

Provided that the State Government concerned may, by notification in the Official Gazette, extend the provisions of this Code or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications as may be specified in the notification.

Explanation. — In this clause, "tribal areas" means the territories which, immediately before the 21st day of January, 1972, were included in the tribal areas of Assam as referred to in paragraph 20 of the Sixth Schedule to the Constitution.

(4) In relation to the Amindivi Islands, and the East Godavari, West Godavari and Visakhapatnam Agencies in the State of Andhra Pradesh and the Union Territory of Lakshadweep, the application of this Code shall be without prejudice to the application of any rule or regulation for the time being in force in such Islands, Agencies or such Union Territory, as the case may be, relating to the application of this Code.

L/w: - Sec.2(7B), 4-5, 43, 157-158 CPC, Sec.1 BNSS

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context, —

(1) "Code" includes rules:

L/w: Sec.2(18), 122, 125, 1st Schedule

- (2) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within section 144, but shall not include—
 - (a) any adjudication from which an appeal lies as an appeal from an order, or
 - (b) any order of dismissal for default.

Explanation. — A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final;

L/w: Sec.33, 44A Expl.2, 152, O.20 R.6, R.6A, R.7-R.20, O.34 R.2-R.5, R.7-R.8, O.41 R.35-R.37

सिविल प्रक्रिया संहिता, 1908

1908 का अधिनियम संख्यांक 5

[21 मार्च, 1908]

सिविल न्यायालयों की प्रक्रिया से सम्बन्धित विधियों का समेकन और संशोधन करने के अधिनियम यह समीचीन है कि सिविल न्यायालयों की प्रक्रिया से सम्बन्धित विधियों का समेकन और संशोधन किया जाए अत: एतदद्वारा निम्नलिखित रूप में यह अधिनियमित किया जाता हैं।

प्रारम्भिक

1. संक्षिप्त नाम, प्रारम्भ और विस्तार

- (1) इस अधनियम का संक्षिप्त नाम सिविल प्रक्रिया संहिता है. 1908 है।
- (2) यह सन् 1909 की जनवरी के प्रथम दिन को प्रवृत्त होगा।
- (3) इसका विस्तार
 - (क) जम्मु कश्मीर राज्य
 - (ख) नागालैण्ड राज्य और जनजाति क्षेत्रों के सिवाय सम्पूर्ण भारत पर है:

परन्तु संबंधित राज्य सरकार, राजपत्र में अधिसूचना द्वारा इस सहिता के उपबंधो का या उनमें से किसी का विस्तार, यथास्थिति, सम्पूर्ण नागालैण्ड राज्य या ऐसे जनजाति क्षेत्रों या उनके किसी भाग पर ऐसे अनुपूरक, आनुषंगिक या पारिणामिक उपान्तरों सहित कर सकेगी जो अधिसूचना में विनिर्दिष्ट किए जाए ।

स्पष्टीकरण- इस खण्ड में "जनजाति क्षेत्र" से वे राज्यक्षेत्र अभिप्रेत है जो 21 जनवरी, 1972 के ठीक पहले संविधान की छठी अनुसूची के पैरा 20 में यथानिर्दिष्ट असम के जनजाति क्षेत्र में सम्मिलत थे

(4) अमीनदीवी द्वीपसमूह और आन्ध्रप्रदेश राज्य में पूर्वी गोदावरी, पश्चिमी गोदावरी और विशाखापत्तनम् अभिकरणों और लक्षद्वीप संघ राज्यक्षेत्र के सम्बन्ध में, इस संहिता के लागू होने का कोई प्रतिकूल प्रभाव, यथास्थिति ऐसे द्वीपसमूह, अभिकरणों या ऐसे संघ राज्यक्षेत्र में इस संहिता के लागू होने के सम्बन्ध में तत्समय प्रवृत्त किसी नियम या विनियम के लागू होने पर नहीं पडेगा।

L/w: Sec.2(7B), 4-5, 43, 157-158 CPC, Sec.1 BNSS

2. परिभाषाएँ

इस अधिनियम में, जब तक कि विषय या संदर्भ में कोई बात विरुद्ध न हो -

(1) **संहिता** के अंतर्गत नियम आते हैं।

L/w: Sec.2(18), 122, 125, 1st Schedule

- (2) "डिक्री" से ऐसे न्यायनिर्णयन की प्ररुपिक अभिव्यक्ति अभिप्रेत है जो, जहां तक कि वह उसे अभिव्यक्त करने वाले न्यायलय से सम्बन्धित है, वाद में के सभी या किन्ही विवादग्रस्त विषयों के सम्बन्ध में पक्षकारों के अधिकारों का निश्चायक रुप से अवधारण करता है और वह या तो प्रारम्भिक या अन्तिम हो सकेगी । यह समझा जाएगा कि इसके अन्तर्गत वादपत्र का नामंजूर किया जाना और धारा 144 के भीतर के किसी प्रश्न का अवधारण आता है किन्तु इसके अन्तर्गत -
 - (क) न तो कोई ऐसा न्यायनिर्णयन आएगा जिसकी अपील, आदेश की अपील की भांति होती हैं; और
 - (ख) न व्यतिक्रम के लिए खारिज करने का कोई आदेश आएगा

स्पष्टीकरण- डिक्री तब प्रारम्भिक होती है जब वाद के पूर्ण रुप से निपटा दिए जा सकने से पहले अगे और कार्यवाहियां की जानी है। वह तब अंतिम होती है जब कि ऐसा न्यायनिर्णयन वाद को पूर्ण रूप से निपटा देता है वह भागत: प्रारम्भिक और भागत: अंतिम हो सकेगी;

L/w: Sec.33, 44A Expl.2, 152, O.20 R.6, R.6A, R.7-R.20, O.34 R.2-R.5, R.7-R.8, O.41 R.35-R.37

Scan QR for Landmark Judgments (Year wise & Subject wise)

