

Article 35 of Indian Constitution, Interpretation, Importance

March 7, 2026 • vajiramandravi.com



Article 35 of the Constitution of India provides the Parliament the authority to create laws important for implementing the provisions provided in Part III that is the Fundamental Rights. The parliament has the exclusive right to legislate on certain fundamental rights like Articles 12(3), 32(3) and 34. This allows the Parliament to pass laws that ensure the protection and enforcement of the rights. In this article we are going to cover all about Article 25 of the Indian Constitution, its interpretation and significance.

Article 35 of the Indian Constitution Interpretation

Article 35 of the Constitution of India gives the Parliament the exclusive authority to create laws that are important for the enforcement of Fundamental Rights written in Part III of the Constitution. The article makes sure that fundamental rights are given legal protection and equally implemented all over India and not just remain aspirational.

Article 35 highlights the importance of legislative backing of fundamental rights and centralises the responsibility of making laws with the Parliament, in order to prevent legislative inconsistencies all over states.

Article 35 Provisions

Article 35 of the Constitution of India has the following provisions:

- Article 35(a): Gives power to the Parliament to make laws regarding:
 - Conditions for employment under the State (Article 16(3)),
 - Enforcement of rights through other courts besides the Supreme Court (Article 32(3)),
 - Modifications of rights for armed forces and police (Article 33),
 - Suspension of rights during martial law (Article 34).
 - Allows Parliament to give punishments for opposition to such laws.
- Article 35(b): Makes sure that laws in force before the commencement of the Constitution remain valid unless amended or repealed by Parliament.
 - Refers to Article 372, allowing the President to adapt existing laws for up to three years post-Constitution.
 - The term “law in force” includes pre-constitutional laws still applicable unless explicitly repealed.

Article 35 Importance

Article 35 of the Indian Constitution has the following importance:

- The article reinstates the superiority of Parliament in legislating matters in relation to Fundamental Rights.
- It promotes uniformity and equality to protect and enforce these rights all over the nation.
- Protects the validity of pre-constitutional laws till the time the Parliament reviews them. This helps in making a smooth legal transition post-independence.
- Maintain efficiency and integrity of Fundamental Rights by making sure they are not undermined by inconsistent state-level laws.

Landmark Case Laws on Article 35

Article 35 of the Constitution of India was used in the following cases:

1. Satyajit Kumar vs State of Jharkhand (2022):
 - 100% reservation for Scheduled Tribes in teaching posts in Scheduled Areas.
 - The Supreme Court removed the reservation as violative of Articles 14 and 16, declaring the notification ultra vires the Constitution.
2. Chebrolu Leela Prasad Rao vs State of Andhra Pradesh (2020):
 - Government order providing 100% reservation for ST candidates in Scheduled Areas.
 - The Court held it unconstitutional, reiterating that any legislative or executive action, including those by the Governor, must conform to Fundamental Rights.

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