

Article 238 of Indian Constitution, Interpretation, Significance

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Article 238 of Indian Constitution discusses the application of provisions of Part VI to States in Part B of the First Schedule. It was amended by the Seventh Amendment Act in 1956 by which it was removed from the Constitution of India following the recommendations of the States Reorganisation Commission. The amendment reorganized states largely on linguistic basis, abolished the old classification of states into Categories A, B, C, and D, and introduced the concept of Union Territories.

Article 238 of Indian Constitution

The provisions of Part VI shall apply in relation to the States specified in Part B of the First Schedule as they apply in relation to the States specified in Part A of that Schedule subject to the following modifications and omissions, namely:-

1. For the word "Governor" wherever it occurs in the said Part VI, except where it occurs for the second time in clause (b) of article 232, the word "Rajpramukh" shall be substituted.
2. In article 152, for the word and letter "Part A" the word and letter "Part B" shall be substituted.

3. Articles 155, 156 and 157 shall be omitted.
4. In article 158,
 1. (i) in clause (1), for the words “be appointed” the word “becomes” shall be substituted;
 2. (ii) for clause (3), the following clause shall be substituted, namely:—
 1. “(3) The Rajpramukh shall, unless he has his own residence in the principal seat of Government of the State, be entitled without payment of rent to the use of an official residence and shall be also entitled to such allowances and privileges as the President may, by general or special order, determine.”;
 3. (iii) in clause (4), the words “emoluments and” shall be omitted.
5. In article 159, after the words “seniormost Judge of that Court available” the words “or in such other manner as may be prescribed in that behalf by the President” shall be inserted.
6. In article 164, for the proviso to clause (1) the following proviso shall be substituted, namely:-
 1. “Provided that in the State of Madhya Bharat there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.”
7. In article 168, for clause (1) the following clause shall be substituted, namely:—
 1. “(1) For every State there shall be a Legislature which shall consist of the Rajpramukh and—
 2. in the State of Mysore, two Houses;
 3. in other States, one House.”
8. in article 186, for the words “as are specified in the Second Schedule” the words “as the Rajpramukh may determine” shall be substituted.
9. In article 195, for the words “as were immediately before the commencement of this Constitution applicable in the case of members of the Legislative Assembly of the corresponding Province” the words “as the Rajpramukh may determine” shall be substituted.
10. In clause (3) of article 202—
 1. (i) for sub-clause (a), the following sub-clause shall be substituted, namely:—
 1. “(a) the allowances of the Rajpramukh and other expenditure relating to his office as determined by the President by general or special order;”
 2. (ii) for sub-clause (f) the following sub-clauses shall be substituted, namely:—
 1. “(f) in the case of the State of Travancore-Cochin, a sum of fifty-one lakhs of rupees required to be paid annually to the Devaswom fund under the covenant entered into before the commencement of this Constitution by the Rulers of the Indian States of Travancore and Cochin for the formation of the United State of Travancore and Cochin;
 2. (g) any other expenditure declared by this Constitution, or by the Legislature of the State by law, to be so charged.”
11. In article 208, for clause (2), the following clause shall be substituted, namely:—
 1. Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature for the State or, where no House of the Legislature for the State existed, the rules of procedure and standing orders in force immediately before such commencement with respect to the Legislative Assembly of such Province as may be specified in that behalf by the Rajpramukh of the State, shall have effect in relation to the

Legislature of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be.”

12. In clause (2) of article 214, for the word “Province” the words “Indian State” shall be substituted.

13. For article 221, the following article shall be substituted, namely:—

1. (1) There shall be paid to the Judges of each High Court such salaries as may be determined by the President after consultation with the Rajpramukh.

(2) Every Judge shall be entitled to such allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament and, until so determined, to such allowances and rights as may be determined by the President after consultation with the Rajpramukh:

14. Provided that neither the allowances of a Judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.”

Article 238 of Indian Constitution Interpretation

- Article 238 applied the provisions of Part VI (dealing with states) to Part B states listed in the **First Schedule**, with specific modifications.
- The term Governor was replaced with Rajpramukh in most references.
- Adjustments were made in articles related to appointments, salaries, allowances, privileges, and powers of the Rajpramukh.
- Special provisions were included for legislative structures in Part B states, including bicameral and unicameral legislatures depending on the state.
- Financial provisions were modified to allow the Rajpramukh or the President to determine salaries, allowances, and certain charged expenditures.
- Procedural rules for legislatures and judicial provisions for High Courts were adapted to the context of Part B states.
- Part B states were mostly former princely states or unions of princely states, which had integrated into the Indian Union after independence.
- The article became redundant after the **States Reorganisation Act**, 1956 and the Constitution (Seventh Amendment) Act, 1956, which abolished the classification of states into Part A, B, C, and D, placed all states on the same footing, and introduced Union Territories.
- Article 238 was omitted by the Constitution (**Seventh Amendment**) Act, 1956.

Article 238 of Indian Constitution Landmark Cases

- No major landmark judgments directly addressed Article 238 due to its early repeal in 1956.
- Its impact was felt mainly through the integration of princely states and the establishment of a common governance system across newly formed Indian states.
- State of Rajasthan v. Union of India (1977) – While unrelated to Article 238 specifically, this case clarified the extent of the President’s powers in dismissing state governments and shaped the understanding of state-Union relations.

- Berubari Union Case (1960) – Although not about Article 238, it established important guidelines on altering Indian territory and reinforced the constitutional process for integrating regions into the Indian Union.

Article 238 of Indian Constitution Significance

- Article 238 of Indian Constitution ensured the smooth transition of princely states to be a part of the democratic nation of India. Applied Part VI provisions (with modifications) to Part B states, giving them a stable legal and administrative framework during integration into India's democratic system.
- Placed Part B states under a governance model similar to Part A states, reducing administrative inconsistencies and reinforcing the federal structure.
- Allowed former rulers to serve as ceremonial heads of state, ensuring a politically smooth transition before full integration into the Union.
- As the difference between Part A and B states lost relevance, it covered the way for linguistic and administrative reorganisation of states.

Article 238 of Indian Constitution Amendment

- Basis for Repeal – Recommended by the States Reorganisation Commission (1953-1955), which found the Part A, B, and C classification outdated and inadequate.
- Abolition of Rajpramukh System – The hereditary or appointed heads of former princely states (Rajpramukhs) were removed, and all states adopted a uniform governance model.
- Merger of Part A, B, and C States – The three-tier classification was replaced with a single category of states and Union Territories.
- Linguistic Reorganisation – States were reorganised based on linguistic and cultural identity, creating new states such as Andhra Pradesh, Kerala, Madhya Pradesh, and Maharashtra.

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Article 23 of Indian Constitution	Article 24 of Indian Constitution
Article 3 of Indian Constitution	Article 38 of Indian Constitution
Article 43 of Indian Constitution	Article 48 of Indian Constitution

Article 143 of Indian Constitution	Article 326 of Indian Constitution
Article 124 of indian constitution	Article 45 of Indian Constitution
Article 41 of Indian Constitution	Article 160 of Indian Constitution
Article 340 of Indian Constitution	Article 43b of Indian Constitution
Article 156 of Indian Constitution	Article 144 of Indian Constitution
Article 365 of Indian Constitution	Article 201 of Indian Constitution
Article 140 of Indian Constitution	Article 35 of Indian Constitution
Article 166 of Indian Constitution	Article 102 of Indian Constitution
Article 83 of Indian Constitution	Article 88 of Indian Constitution
Article 28 of Indian Constitution	Article 103 of Indian Constitution
Article 36 of Indian Constitution	Article 62 of Indian Constitution
Article 82 of Indian Constitution	Article 97 of Indian Constitution
Article 224 of Indian Constitution	Article 251 of Indian Constitution
Article 13 of Indian Constitution	Article 29 & 30 of Indian Constitution
Article 15 of Indian Constitution	Article 4 of Indian Constitution
Article 85 of Indian Constitution	Article 27 of Indian Constitution
Article 238 of Indian Constitution	Article 312 of Indian Constitution
Article 137 of Indian Constitution	Article 118 of Indian Constitution
Article 353 of Indian Constitution	Article 111 of Indian Constitution
Article 113 of Indian Constitution	Article 76 of Indian Constitution
Article 44 of Indian Constitution	Article 50 of Indian Constitution
Article 295 of Indian Constitution	Article 194 of Indian Constitution
Article 39 of Indian Constitution	Article 191 of Indian Constitution
Article 20 of Indian Constitution	Article 16 of Indian Constitution
Article 67 of Indian Constitution	Article 40 of Indian Constitution
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