

CONSTITUTION OF INDIA

The British came to India in 1600 as traders, in the form of East India Company, which had the exclusive right of trading in India under a charter granted by Queen Elizabeth I. In 1858, in the wake of the 'sepoy mutiny', the British Crown assumed direct responsibility for the governance of India. In 1765, the company got rights over revenue and Civil Justice of ie. Diwani Rights, over Bengal, Bihar and Orissa. In 1934 Constituent Assembly was formed by the suggestion of Mr. M.N. Roy.

COMPANY RULE (1773 - 1858) :

REGULATING ACT OF 1773 :

Features of the Act :

- ❖ It designated the Governor of Bengal as the 'Governor-General of Bengal'. The first such Governor-General was Lord Warren Hastings.
- ❖ It provided for the establishment of a Supreme Court at Calcutta (1774) comprising one chief justice and three other judges.
- ❖ It prohibits the servants of company for accepting presents.

Pitt's India Act of 1784:

- ❖ In a bid to rectify the defects of the Regulating Act of 1773, the British Parliament passed the Amending Act of 1781, also known as the Act of Settlement. The next important act was the Pitt's India Act of 1784.

Features of the Act :

- ❖ It distinguished between the commercial and political functions of the company.
- ❖ It allowed the Court of Directors to manage the commercial affairs but created a new body called Board of Control to manage the political affairs. Thus, it established a system of double government ie. Dyarchy.
- ❖ The British government got the Supreme control over the company's affairs.

Charter Act of 1833 :

- ❖ This Act was the final step towards centralisation in British India.



Features of the Act :

- ❖ It made the Governor-General of Bengal as the Governor-General of India and vested in him all civil and military powers. Lord William Bentinck was the first governor general of India.
- ❖ The charter Act of 1833 attempted to introduce a system of open competition for selection of civil servants.
- ❖ East India Company became as a purely administrative body.

Charter Act of 1853 :

This was the last of the series of Charter Acts passed by the British Parliament between 1793 and 1853.

Features of the Act :

- ❖ It separated, for the first time, the legislative and executive functions of the Governor General's council. It provided for addition of six members called legislative councillors to the council.
- ❖ Out of the six members four members were selected from local government of Madras, Bombay Bengal & Agra.

- ❖ It introduced an open competition system of selection and recruitment Civil servants. The covenanted civil service was thus thrown open to the Indians also. Accordingly, the Macaulay Committee (the Committee on the Indian Civil Service) was appointed in 1854.

THE CROWN RULE (1858-1947) :

Government of India Act of 1858:

This Significant Act was enacted in the wake of the Revolt of 1857- also known as the First War of Independence or the 'sepoy mutiny'. The act known as the Act for the Good Government of India, abolished the East India Company rule, and transferred the powers of government, territories and revenues to the British Crown.

Features of the Act of 1858 :

- ❖ It changed the designation of the Governor-General of India to that of Viceroy of India. He (viceroy) was the direct representative of the British Crown in India. Lord Canning thus became the first Viceroy of India.

- ❖ It ended the system of double government by abolishing the Board of Control and Court of Directors.
- ❖ It created a new office, Secretary of State India, vested with complete authority and control over Indian administration.
- ❖ It established a 15-member to assist the secretary of state for India. The council was an advisory body.

INDIAN COUNCILS ACT OF 1861,

1892 AND 1909 :

Features of the Act of 1861 :

- ❖ It made a beginning of representative institutions by associating Indians with the law-making process. In 1862 Lord Canning nominated 3 Indians to his council, the Raja of Benaras, Maharaja of Patilula and Sir Dinakar Rao.
- ❖ It also provided for the establishment of new legislative councils for Bengal, North-Western Frontier Province (NWFP) and Punjab, which were established in 1862, 1866 and 1897 respectively.
- ❖ Decentralisation process started.
- ❖ It empowered the Viceroy to make rules and orders for more convenient transaction of business

in the council. It also gave a recognition to the 'portfolio' system, introduced by Canning in 1859.

- ❖ It empowered the Viceroy to issue ordinances, without the concurrence of the legislative council, during an emergency. The life of such an ordinance was six months.

Features of the Act of 1892 :

- ❖ It increased the number of additional (non-official) members in the Central and provincial legislative councils, but maintained the official majority in them.
- ❖ It increased the functions of legislative councils and gave them the power of discussing the budget and addressing questions to the executive.
- ❖ Indirect provision for election was used.

Features of the Act of 1909:

- ❖ This Act is also known as Morley-Minto Reforms (Lord Morley was the then Secretary of State for India and Lord Minto was the then Viceroy of India).

- ❖ It considerably increased the size of the legislative councils, both Central and provincial. The number of members in the Central Legislative Council was raised from 16 to 60. The number of members in the provincial legislative councils was not uniform.
 - ❖ It retained official majority in the Central Legislative Council but allowed the provincial legislative councils to have non-official majority.
 - ❖ It enlarged the deliberative functions of the legislative councils at both the levels. For example, members were allowed to ask supplementary questions, move resolutions on the budget, and so on.
 - ❖ It provided (for the first time) for the association of Indians with the executive Councils of the Viceroy and governors **Satyendra Prasad Sinha** became the first Indian to join the Viceroy's Executive council. He was appointed as the law member.
 - ❖ It introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'. Under this, the Muslim members were to be elected only by Muslim voters. Thus, the Act 'legalised communalism' and Lord Minto came to be known as the **Father of Communal Electorate**.
 - ❖ Provided separate representation for Presidency, Corporations, Chambers of Commerce, University, Zamindars.
- GOVERNMENT OF INDIA ACT OF 1919 :**
- ❖ On August 20, 1917, the British Government declared, for the first time, that its objective was the gradual introduction of responsible government in India.
 - ❖ The Government of India Act of 1919 was thus enacted, which came into force in 1921. This Act is also known as Montagu-Chelmsford Reforms (Montagu was the Secretary of State for India and Lord Chelmsford was the Viceroy of India).
- Features of the Act :***
- ❖ The central and provincial legislatures were authorised to make laws on their respective list of

subjects. However, the structure of government continued to be centralised and unitary.

- ❖ It further divided the provincial subjects into two parts-transferred and reserved. The transferred subjects were to be administered by the governor with the aid of ministers responsible to the legislative Council. The reserved subjects, on the other hand, were to be administered by the-governor and his executive council without being responsible to the legislative Council. This dual scheme of governance was known as 'dyarchy'
- ❖ It introduced, for the first time, bicameralism and direct elections in the country.
- ❖ It created a new office of the High Commissioner for India in London
- ❖ It provided for the appointment of a statutory commission to inquire into and report on its working after ten years of its coming into force.

Simon Commission:

- ❖ In November 1927 itself (i.e., 2 years before the schedule), the British Government announced the appointment a seven-member

statutory commission under the chairmanship of Sir John Simon to report, on the condition of India under its new Constitution.

- ❖ All the members of this commission were British hence all parties boycott the commission.
- ❖ In Tamilnadu the boycott was headed by Thiru. Sathyamoorthy.

Communal Award In August 1932 :

Ramsay MacDonald, the British Prime Minister, announced a scheme of representation of the minorities, which came to be known as the Communal Award. The award not only continued separate electorates for the Muslims, Sikhs, Indian Christians, Anglo-Indians and Europeans but also extended it to the depressed classes (scheduled castes).

Gandhiji was distressed over this extension of the principle' of communal representation to the depressed classes and undertook fast unto death in Yeravada Jail (Poona) to get the award modified. At last, there was an agreement between the leaders of the Congress and the depressed classes. The agreement, known as Poona Pact, retained the Hindu joint electorate and

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have reserved seats to the depressed classes.

GOVERNMENT OF INDIA ACT OF 1935 :

The Act marked a second milestone towards a completely responsible government in India. It was a lengthy and detailed document having 321 Sections and 10 Schedules.

Features of the Act :

- ❖ It provided for the establishment of an All-India Federation consisting of provinces and princely states as units. The Act divided the powers between the Centre and units in terms of three lists-Federal List for Centre, with 59 item), Provincial List for provinces, with 54 items) and the Concurrent List for both, with 36 items).
- ❖ Residuary powers were given to the Viceroy. However, the federation never came into being as the princely states did not join it.
- ❖ It abolished dyarchy in the provinces and introduced 'provincial autonomy' in its place.

- ❖ It provided for the adoption of diarchy at the Centre.
- ❖ It introduced bicameralism in six out of eleven provinces.
- ❖ It further extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women and labour (workers).
- ❖ It abolished the Council of India, established by the Government of India Act of 1858.
- ❖ It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.
- ❖ It provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.
- ❖ It provided for the establishment of a Federal Court, which was set up in 1937.

INDIAN INDEPENDENCE ACT OF 1947 :

- ❖ On February 20, 1947, the British Prime Minister Clement Atlee

declared that the British rule in India would end by June 30, 1948; after which the power would be transferred to responsible Indian hands ended the British rule in India and declared India as an independent and sovereign state from August 15, 1947.

- ❖ It provided for the partition of India and creation of two independent dominions of India and Pakistan with the right to secede from the British Commonwealth.
- ❖ It abolished the office of viceroy and provided, for each dominion, a governor general, who was to be appointed by the British King on the advice of the dominion cabinet.
- ❖ It empowered the Constituent Assemblies the two dominions to frame and adopt constitution for their respective nations and to repeal any act of the British Parliament, including the Independence itself.
- ❖ It granted permission to princely states to join India or Pakistan or remain Independent.
- ❖ It empowered the Constituent Assemblies with the dominions to legislate for their respective territories till the new constitutions were drafted and enforced. No Act of the British Parliament passed after August 15, 1947 was to extend to either of the new dominions unless it was extended thereto by a law of the legislature of the dominion.
- ❖ It abolished the office of the secretary of the state for India and transferred his functions to the secretary of state for Commonwealth Affairs.
- ❖ It dropped title of Emperor of India from royal titles of the king of England.
- ❖ Lord Mountbatten became the first governor-general of the new Dominion India. He swore in Jawaharlal Nehru as the first prime minister of independent India. The Constituent Assembly of India formed in 1946 became the Parliament of the Indian Dominion.

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INTERIM GOVERNMENT (1946)

Sl.No.	Members	Portfolios Held
1.	Jawaharlal Nehru (Head)	External Affairs & Commonwealth Relations
2.	<i>Sardar Vallabhbhai Patel</i>	Home, Information & Broad casting
3.	Dr. Rajendra Prasad	Food & Agriculture
4.	Dr. John Mathai	Industries & Supplies
5.	Jagjivan Ram	Labour
6.	Sardar Baldev Singh	Defence
7.	C.H. Bhabha	Works, Mines & Power
8.	Liaquat Ali Khan	Finance
9.	Abdur Rab Nishtar	Posts & Air
10.	Asaf Ali	Railways & Transport
11.	C. Rajagopalachari	Education & Arts
12.	I.I. Chundrigar	Commerce
13.	Ghaznafar Ali Khan	Health
14.	Joginder Nath Mandal	Law

Note: The members of the interim government were members of the Viceroy's Executive Council. The Viceroy continued to be the head of the Council. But, Jawaharlal Nehru was designated as the Vice-President of the Council.

FIRST CABINET OF FREE INDIA – 1947

Sl.No.	Members	Portfolios Held
1.	Jawaharlal Nehru	External Affairs, Common Wealth relations, Scientific Research
2.	Sardar Patel	Home, Information and Broad casting, states
3.	Rajendra Prasad	Food, Agriculture
4.	Johnmathai	Railways and Transport
5.	Jagjivan Ram	Labour

6.	Sardar Baldev Singh	Defence
7.	CH Bhaba	Commerce
8.	RK. Shunmugachetty	Finance
9.	B.R. Ambedkhar	Law
10.	Raj kumari Amritkaur	Health
11.	Dr. Shyam Prasad Mukherji	Industries and supply
12.	V.N. Gadgil	Work Mines and Power
13.	Rafi Ahmed Kidwar	Communication
14.	Maulana Abul Kalam Azad	Education

MAKING OF THE CONSTITUTION

Constitution is a legally sanctified document of people's faith and aspirations. It was the fundamental law of a country and all other laws and customs of the country in order to be valid must conform to it.

- ❖ The constitution of India was framed and adopted by the constituent assembly of India.
- ❖ The task of framing a constitution of a sovereign democratic nation is performed by a representative body of its people. Such a body elected by the people for the purpose of considering and adopting a constitution may be known as constituent assembly.

- ❖ 1938, Jawaharlal Nehru, declared that the constitution of free India must be framed without outside interference.
- ❖ In 1934, Indian National Congress (INC) officially demanded for of the constitution constituent Assembly for making of the constitution.
- ❖ British accepted the demand in 1940, known as 'AUGUST OFFER' 24 March 1946.
- ❖ 1942, Sir Stafford Cripps came to India, with a proposal of, framing the constitution after world war.
- ❖ Cabinet mission was sent to India.
- ❖ 6th May 1946 - Cabinet Mission made a declaration.

CABINET MISSION:

- ◆.....◆
- It consist of three members:
1. Lord Pethick Lawrence
 2. Sir Stafford Cripps
 3. A.V.Alexander arrived India on March 24, 1946.
- ❖ Elections held in August 1946. The INC won 209 seats, Muslim League 73 seats, Independents 15 seats.
 - ❖ Princely states stay away from the constituent Assembly.
 - ❖ Mahatma Gandhi didn't participate in the assembly.

COMPOSITION OF THE CONSTITUENT ASSEMBLY:

- ❖ The total strength of constituent assembly was to be 389.

Total Strength	– 389
British India	– 296
Princely States	– 93
11 Governors province	– 292
Chief commissioners provinces	– 4

- ❖ Seats are allocated in proportion to their respective population
- ❖ 296 British Indian Representative of each community were elected and that of princely states were nominated.
- ❖ Seats were allocated to three communities - Muslims, Sikhs and general - in proportion to their population. (10 Lakh member per population).
- ❖ Method of proportional representation by means of single transferable vote.

WORKING OF THE CONSTITUENT ASSEMBLY:

- ❖ On December 9, 1946, constituent Assembly held its first meeting with Dr. Sachchidanand Sinha as temporary president. Meeting attended by 211 members.
- ❖ Muslim League boycotted the meeting insisting on a separate state of Pakistan, only 211 members attended.
- ❖ On December 11, 1946, Dr.Rajendra Prasad and H.C.Mukherjee were elected as President and Vice-President of Assembly.
- ❖ Sir B.N.Rau as constitutional Advisor.
- ❖ On 13 December 1946, Jawaharlal Nehru moved the historic 'Objectives Resolution' in the Assembly. It envisage the constitutional structure.

- ❖ After partition of 1947, (due to withdrawal of Muslim League) members reduced to 299. (90 Muslim members).
 - ❖ Constituent Assembly has two functions,
 1. Formulation of constitution - Chaired by Dr.Rajendra Prasad.
 2. Law making Body - Chaired by G.V.Mavlankar.
 - ❖ Total sessions: - Eleven (11)
 - 1.December 9 to 23, 1946 - First Session.
 - 2.November 14 to 26, 1949 - Final Session (11th).
 - ❖ It took 2 years, 11 months, and 18 days to frame constitution.
 - ❖ The draft constitution was considered for 114 days.
 - ❖ The Constituent Assembly of India was converted into the Provisional Parliament of India on November 26, 1949.
 - ❖ The Objective Resolution was adopted by the constituent assembly on January 22, 1947.
- OTHER FUNCTIONS PERFORMED**
- ❖ It ratified the India's membership of the Commonwealth in May 1949.
 - ❖ It adopted the national flag on July 22 1947
 - ❖ It adopted the national anthem on January 24, 1950
 - ❖ It elected Dr Rajendra Prasad as the first President of India on January 24, 1950.

COMMITTEES OF THE CONSTITUENT ASSEMBLY:

- ❖ Totally 22 committees, out of these 8 were major committees.

S.No.	Committee	Chairman
1.	Union Power Committee	Jawaharlal Nehru
2.	Union Constitution Committee	Jawaharlal Nehru
3.	States Committee	Jawaharlal Nehru
4.	Rules of Procedure Committee	Dr. Rajendra Prasad
5.	Steering Committee	Dr. Rajendra Prasad

6.	Provincial Constitution Committee	Sardar Patel
7.	Advisory Committee on Fundamental Rights and Minorities	Sardar Patel
8.	Drafting Committee	Dr.B.R.Ambedkar
9.	Negotiating Committee	Jawaharlal Nehru
10.	Business Committee	K.M.Munshi

MINOR COMMITTEES

S.No.	Committee	Chairman
1.	Order of Business	KM. Munshi
2.	House Committee	B. Pattabhi Sitaramayya
3.	Ad-hoc Committee on National Flag	Rajendra Prasad
4.	Special Committee to examine Draft Constitution	Alladi Krishnaswamy Ayyar
5.	Credentials Committee	Alladi Krishnaswamy Ayyar
6.	Finance and staff Committee	A.N.Sinha
7.	Hindi Translation Committee	
8.	Urdu Translation Committee	
9.	Press Gallery Committee	
10.	Adhoc Committee on Scheduled Castes	

6. N.Madhava Rau (Replaced B.L.Mitter - due to ill health)

DRAFTING COMMITTEE:

(Dr.B.R.Ambedkar - Head)

7. T.T.Krishnamachari

❖ Set up on August 29, 1947.

(Replaced D P Khaitan, died

❖ Task of preparing draft of the New Constitution

in 1948).

❖ Members:

1. Dr.B.R.Ambedkar (Chairman)
2. N.Gopalswamy Ayyangar
3. Alladi Krishswamy Ayyar
4. Dr.K.M.Munshi
5. Syed Mohammed Saadullah

❖ Constitution was adopted on November 26, 1949, and received signatures from 284 out of 299 members.



ENACTMENT OF THE SALIENT FEATURES OF INDIAN CONSTITUTION :

- ❖ The constitution as adopted contained a Preamble, 395 articles, 8 schedule.
- ❖ Dr.B.R.Ambedkar, Law Minister is recognised as “Father of the Constitution of India” and ‘Chief Architect of the Constitution of India’.

ENFORCEMENT:

- ❖ Some parts effect from November 26, 1949 like citizenship, elections, provisional parliament, temporary and Transitional provision - immediate effect.
- ❖ Major part of constitutional came into force on January 26, 1950.
- ❖ 26th January 1950, Date of Commencement of the Constitution.
- ❖ Mahatma Gandhi and Mohammad Ali Jinnah were not members of the Constituent Assembly.

1. Preamble
2. Lengthiest written constitution
3. Drawn from various sources
4. Blend of Rigidity and flexibility
5. Federal system with unitary bias
6. A Secular state
7. Parliamentary form of government
8. Fundamental rights
9. Directive Principles of state policy
10. Fundamental duties
11. Synthesis of Parliamentary Sovereignty and Judicial Supremacy
12. Integrated and Independent Judiciary
13. Universal Adult Franchise
14. Single Citizenship
15. Independent Bodies
16. Emergency provisions
17. Three-Tier Government



Provisions of the constitution and their source

Major part of the our constitution has taken from Government of India act , 1935

SL.No.	Sources	Features Borrowed
1.	<ul style="list-style-type: none"> Government of India Act – 1935 	Federal Scheme office of Governor Judiciary, Public service Commission Emergency provisions administrative Details
2.	<ul style="list-style-type: none"> Independence of Judiciary Judicial Review President as the Executive Head President as Supreme Commander of the Armed Forces The Vice-President as the ex-officio Chairman of the Council of States Fundamental Rights Preamble Removal of Supreme Court and High Court Judges 	USA Constitution
3.	<ul style="list-style-type: none"> Law making procedures Rule of Law System of single citizenship Parliamentary system with ministerial responsibility 	UK Constitution
4.	<ul style="list-style-type: none"> Federation with ministerial responsibility Distribution of powers between the Union and the States and placing residuary powers with the Centre Appointment of state governors by the 	Canadian Constitution

	centre	
5.	Directive Principles of state policy, Method of Election of the President Nomination of members to the Rajya Sabha by the President	Irish Constitution
6.	Emergency and its effect on Fundamental Rights	Weimar Constitution of Germany
7.	Concurrent List, Provision regarding trade, commerce and intercourse and joint sitting of the two houses of parliament	Australian Constitution
8.	Constitutional Amendments	South African Constitution
9.	Fundamental Duties and the ideal of Justice (social, Economic and political) in the Preamble	Russian Constitution
10.	Republic, Liberty, Equality, Fraternity	French Constitution
11.	Procedure established by Law	Japanese Constitution

PREAMBLE OF THE CONSTITUTION

- ❖ The American constitution was the first to begin with a preamble.
- ❖ It refers to the introduction to constitution.
- ❖ The Preamble of the Indian Constitution is based on the 'Objective Resolution' drafted and moved by Pandit Jawaharlal Nehru and adopted by the constituent Assembly.

TEXT OF THE PREAMBLE :

The preamble in its present form reads:

"We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a

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 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"

- ❖ Adopted on 26 November 1949 and amended only once in 1976.
- ❖ People is the source of preamble.

KEY WORDS OF PREAMBLE:

- ❖ Sovereign, Socialist, Secular, Democratic, Republic, Justice, Liberty, Equality, Fraternity.

PREAMBLE RELATED CASES:

a) BERUBARI UNION: (1960)
Supreme Court said "Preamble is not a part of constitution".



b) KESAVANANDA BHARATI CASE

: (1973)

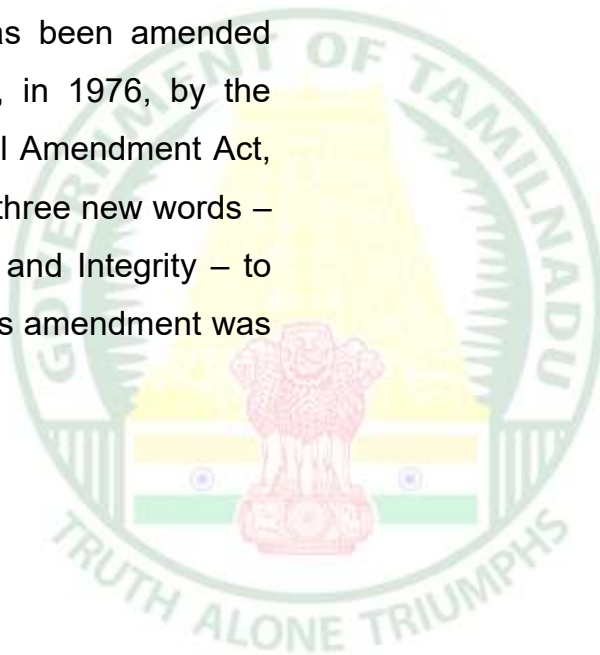
“Preamble is a part of the constitution”
(without altering the Basic structure)

c) LIC OF INDIA CASE : (1995)

“Preamble is the Integral Part of
Constitution” (without altering the Basic
structure of the constitution).

AMENDABILITY OF THE PREAMBLE

- ❖ The Preamble has been amended only once so far, in 1976, by the 42nd Constitutional Amendment Act, which has added three new words – Socialist, Secular and Integrity – to the Preamble. This amendment was held to be valid.



SALIENT FEATURES OF CONSTITUTION

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5. Federal system with unitary bias
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Salient Features of Constitution

	<ul style="list-style-type: none"> Appointment of state governors by the centre 	
5.	Directive Principles of state policy, Method of Election of the President Nomination of members to the Rajya Sabha by the President	Irish Constitution
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11.	Procedure established by Law	Japanese Constitution

1. PARTS

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Salient Features of Constitution

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NOTES: Part VII (dealing with Part – B states) was deleted by the 7th Amendment Act (1956). On the other hand, both Part IV-A and Part XIV-A were added by the 42nd Amendment Act (1976), while Part IX-A was added by the 74th Amendment Act (1992), and part IX-B was added by the 97th Amendment Act (2011).

UNION & ITS TERRITORY

- ❖ Article 1 to 4 under Part-I of the constitution deals with union and its territories.

ARTICLE 1:

Describe India, that is, Bharat as a 'UNION OF STATES', rather than a 'Federation of States'.

- ❖ The states have no right to secede from the federation. The federation is an Union because it is indestructible. India is a indestructible union of destructible states.
- ❖ Article 1, the territory of India can be classified into 3 categories,
 - a) Territories of States
 - b) Union territory
 - c) Acquired territory
- ❖ At present there are **29 states**, 7 union territories.
- ❖ Special provisions under part XXI, applicable to the states of Maharashtra, Gujarat, Nagaland, Assam, Manipur, AP, Sikkim, Mizoram, Arunachal Pradesh, Goa.

ARTICLE 2:

Empowers the parliament to admit into the Union of India, or establish, new States on such terms and conditions as it thinks fit'.

- ❖ Not applicable for union territories, as per this article.
- ❖ Union territory can admitted only through Constitutional Amendment Act - (Article 368) Eg.: Goa, Diu, Daman.
- ❖ Empowers the parliament to admit into the Union of India or for establishment of New States.

ARTICLE 3:

- ❖ Formation of new States and alteration of areas, boundaries (or) names of existing states.
- ❖ It authorises the parliament to, Form a new state by separation of territory from any state or by uniting 2 or more states or parts of states or by uniting any territory to a part of any state.

UNION TERRITORIES

Article 239 to 241 in Part VIII of the Constitution deal with the union territories:

- ❖ Every union territory is administered by the President through an Administrator appointed by him.
- ❖ In Delhi, Daman-Diu, Dadra and Nagar Haveli and Pondicherry – administered by Lt. Governor
- ❖ Andaman & Nicobar and Chandigarh Chief Commissioner
- ❖ Lakshadweep - Administrator
- ❖ There are Legislative assemblies and council of ministers in Pondicherry & Delhi
- ❖ The president can make regulations for the peace, progress and good government of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, and Daman and Diu.

Special Provisions for Delhi:

- ❖ The 69th constitutional Amendment Act of 1991 provided a special status to the Union Territory of Delhi, and redesignated the National Capital Territory of Delhi and designated the administrator of Delhi as the lieutenant (Lt).
- ❖ According to the 69th Amendment Act, 1991, Union Territory of Delhi shall be called the National Capital Territory and it shall have a Legislative Assembly to which members shall be directly chosen by the people.
- ❖ The Assembly shall make laws on the matters enumerated in State List (except on matters relating to Public order, Police, Land).
- ❖ Strength of Assembly - 70

Increase the area of any state

1. Diminish the area of any state
2. Alter the boundaries of any state
3. Alter the Name of any state

BILL : Can be introduced in the parliament only with the Prior recommendation of president.

1. Before it, the president has to refer the same to the state legislative

concerned for expressing its views
within a specified period.

ARTICLE 4 :

2. President or Parliament is not bound by the views of the state legislature.

1. Article 2 and 3 are not to be considered, as amendment of constitution under article - 368.

IN CASE OF UNION TERRITORY:

3. No reference need be made to the concerned legislature and the parliament can itself take any action as it deems fit.

2. Such laws can be passed by a SIMPLE MAJORITY and by ORDINARY legislative process.

NEW STATES CREATED AFTER 1950:

Andhrapradesh	-	1953	
Kerala	-	1956	} State (Reorganisation) Act, 1956.
Karnataka	-	1956	
Gujarat	-	1960	} Bombay (Reorganisation) Act, 1960.
Maharastra	-	1960	
Nagaland	-	1962	- State of Nagaland Act, 1962
Haryana	-	1966	- Punjab (Reorganisation) Act, 1962.
Himachal Pradesh	-	1970	- State of Himachal Pradesh Act, 1970.
Meghalaya	-	1971	} - North Eastern Areas (Reorganisation) Act, 1971.
Manipur	-	1971	
Tripura	-	1971	
Sikkim	-	1975	- 36 th Amendment Act, 1975.
Mizoram	-	1986	- State of Mizoram Act, 1986.
Arunachal Pradesh	-	1986	- State of Arunachal Pradesh Act, 1986.
Goa	-	1987	- Goa, Diu, Daman Reorganisation Act, 1987.
Chattisgarh	-	2000	} - Constitutional Amendment Act, 2000.
Uttarkhand	-	2000	
Jharkhand	-	2000	
Telanghana	-	2014	- Andhra Pradesh Reorganisation Act – 2014

Change of Names

- ❖ The names of some states and union territories have also been changed. The United Provinces was the first state to have a new name. It was renamed 'Uttar Pradesh' in 1950. In 1969, Madras was renamed 'Tamil Nadu'. Similarly, in 1973, Mysore was renamed 'Karnataka'. In the same year, Laccadive, Minicoy and Amindivi Islands were renamed 'Lakshadweep'. In 1992, the Union Territory of Delhi was redesignated as the National Capital Territory of Delhi (without being conferred the status of a full-fledged state) by the 69th Constitutional Amendment Act, 1991. In 2006, Uttaranchal was renamed as 'Uttarakhand'.
- ❖ In the same year, Pondicherry was renamed as 'Puducherry'. In 2011, Orissa was renamed as 'Odisha'.

REORGANISATION OF STATES:

- ❖ Constituent Assembly appointed S.K.Dhar Commission in November 1948. Purpose - To study the issue of reorganisation of States on linguistic Basis.
- ❖ Submitted their Report in December 1948 and recommended reorganisation of states on the basis of administrative convenience rather than linguistic factor
- ❖ This led to appointment of another Linguistic Provinces Committee by the Congress in December 1948,

called the JVP Committee. (Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya)

- ❖ JVP Committee submitted its report in April 1949, they rejected language as the basis for reorganisation of states.
- ❖ However, in October 1953, the GOI was forced to create the 1st linguistic state, known as Andhra state. This followed a Prolonged Popular agitation and the death of potti sriramulu, after a 56 day hunger strike for Andhra state.
- ❖ State Reorganisation Commission (1953) created under Fazal Ali as Chairman, its other members are K. M. Panikkar and H.N. Kunzru.
- ❖ It accepted language as basis of reorganisation of states.
- ❖ Recommended 16 States and 3 centrally administered territories.
- ❖ As a result, 14 states and 6 union territories were created on November 1, 1956.

FUNDAMENTAL DUTIES

In 1976, the Fundamental Duties of citizen were added in the constitution by the recommendations of Sardar Swaransingh Committee

- Included by 42nd Amendment Act, 1976, *Source – USSR*
- Article 51-A in Part IV A of our Constitution.
- One more duty was added by 86th Amendment Act, 2002.
- They are enforceable by law.
- Totally at present 11 duties.

Eleven Fundamental Duties for Citizens

1. To abide by and respect the Constitution, the National Flag and the National Anthem.
2. To cherish and follow the noble ideals of the freedom struggle.
3. To uphold and protect the sovereignty, unity and integrity of India.
4. To defend the country and render national service when required.
5. To promote common brotherhood and establish dignity of women.
6. To value and preserve the rich heritage of the nation's composite culture.
7. To protect and improve natural environment.
8. To develop scientific temper, humanism and spirit of inquiry.
9. To safeguard public property and abjure violence.
10. To strive for excellence in all spheres of individual and collective activity.
11. It shall be duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or as the case may be, ward, between the age of 6 and 14 years (Added by 86th Amendment 2002).

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HUMAN RIGHTS CHARTER

Definition:

Human Rights are moral claims that are inalienable and inherent to all individuals by virtue of being human.

HR Covers:

1. Dowry system, Purdah system
2. Sexual harassment & Domestic violence
3. Custodial death
4. Untouchability
5. Social discrimination
6. Bonded & child labour
7. Religious violence & caste violence

four members. The chairman should be a retired chief justice of India, and other members should be a serving or retired judge of the Supreme Court, a serving or retired chief justice of a high court and two persons having knowledge or practical experience with respect to human rights.

- ❖ In addition to these full-time members, the commission also has four ex-officio members – the chairman of the National Commission for SCs, the National Commission for STs and the National Commission for Women.

NATIONAL HUMAN RIGHTS COMMISSION

- ❖ The National Human Rights Commission is a statutory body. It was established in 1993 under a legislation enacted by the Parliament, namely, the Protecting of Human Rights Act, 1993. This Act was amended in 2006.

Composition:

- ❖ The commission is a multi-member body consisting of a chairman and

Appointment:

- ❖ By the president, on the recommendations of a six-member committee consisting of the
 1. prime minister as its head,
 2. the speaker of the Lok Sabha
 3. the Deputy Chairman of the Rajya Sabha
 4. Leaders of the Opposition in both the Houses of Parliament

- ◆.....◆
5. Parliament and the Central home Ministers. inmates and make recommendation thereon.

Term and Tenure:

- ❖ The chairman and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier.

Functions:

- ❖ To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on an order of a court.
- ❖ To intervene in any proceeding involving allegation of violation of human rights pending before a court.
- ❖ To visit jails and detention places to study the living conditions of

Working of the Commission:

- ❖ The commission's headquarters is at Delhi and it can also establish offices at other places in India.
- ❖ It has all the powers of a civil court and its proceedings have a judicial character.
- ❖ The commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.
- ❖ The functions of the commission are mainly recommendatory in nature.
- ❖ Its recommendations are not binding on the concerned

- The **United Nations Commission on Human Rights (UNCHR)** was a functional commission within the overall framework of the United Nations from 1946 until it was replaced by the United Nations Human Rights Council in 2006.
- It was a subsidiary body of the UN Economic and Social Council (ECOSOC), and was also assisted in its work by the Office of the United Nations High Commissioner for Human Rights (UNHCHR).
- It met for the first time in January 1947 and established a drafting committee for the Universal Declaration of Human Rights, which was adopted by the United Nations on December 10, 1948.
- **Human Rights Day** – December 10.

government or authority. But, it should be informed about the action taken on its recommendations within one month.

The chairperson should be a retired Chief Justice of a High Court and members should be a serving or retired judge of a High Court or a District Judge in the state with a minimum of seven years experience as District Judge and a person having knowledge or practical experience with respect to human rights.

STATE HUMAN RIGHTS COMMISSION (SHRC)

- ❖ A State Human Rights Commission can inquire into violation of human rights only in respect of subjects mentioned in the State List (List – II) and the Concurrent List (List – III) of the Seventh Schedule of the Constitution.

Composition:

- ❖ It is a multi-member body consisting of a chairperson and two members.

Appointment:

- ❖ By the Governor on the recommendations of a committee consisting of

FORMER CHAIRPERSONS

Sl No	Name	Tenure
1.	Justice Ranganath Misra	12 October 1993 - 24 November 1996
2.	Justice M N Venkatachaliah	26 November 1996 - 24 October 1999
3.	Justice J S Verma	4 November 1999 - 17 January 2003
4.	Justice A S Anand	17 February 2003 - 31 October 2006
5.	Justice Shivaraj Patil (Acting Person)	From 1 st November 2006 - 1 st April 2007
6.	Justice S. Rajendra Babu	2 April 2007 - 31 May 2009
7.	Jusice G P Mathur (Acting Person)	From 1 st 2009 – 6 th June 2010
8.	Justice K G Balakrishnan	7 June 2010 - 11 May 2015
9.	Justice H.L. Dattu	29 February 2016

1. Chief Minister as its head
2. The Speaker of the Legislative Assembly
3. The State Home Minister
4. The Leader of opposition in the Legislative Assembly
5. The chairman of the Council and the Leader of the opposition in the Council (Incase the state have legislative Council)

Term and Tenure:

- ❖ The chairperson and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier.

Removal:

- ❖ By the president

Functions:

- ❖ To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on an order of a court.

- ❖ To intervene in any proceeding involving allegation of violation of human rights pending before a court.
- ❖ To visit jails and detention places to study the living conditions of inmates and make recommendation thereon.

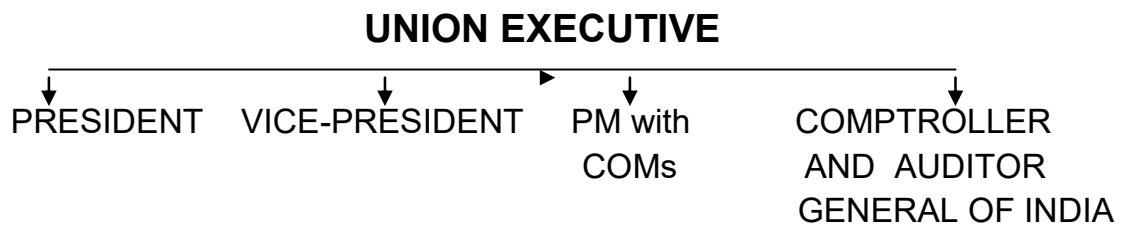
Working:

- ❖ It has all the powers of a civil court and its proceedings have a judicial character.
- ❖ The Commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.

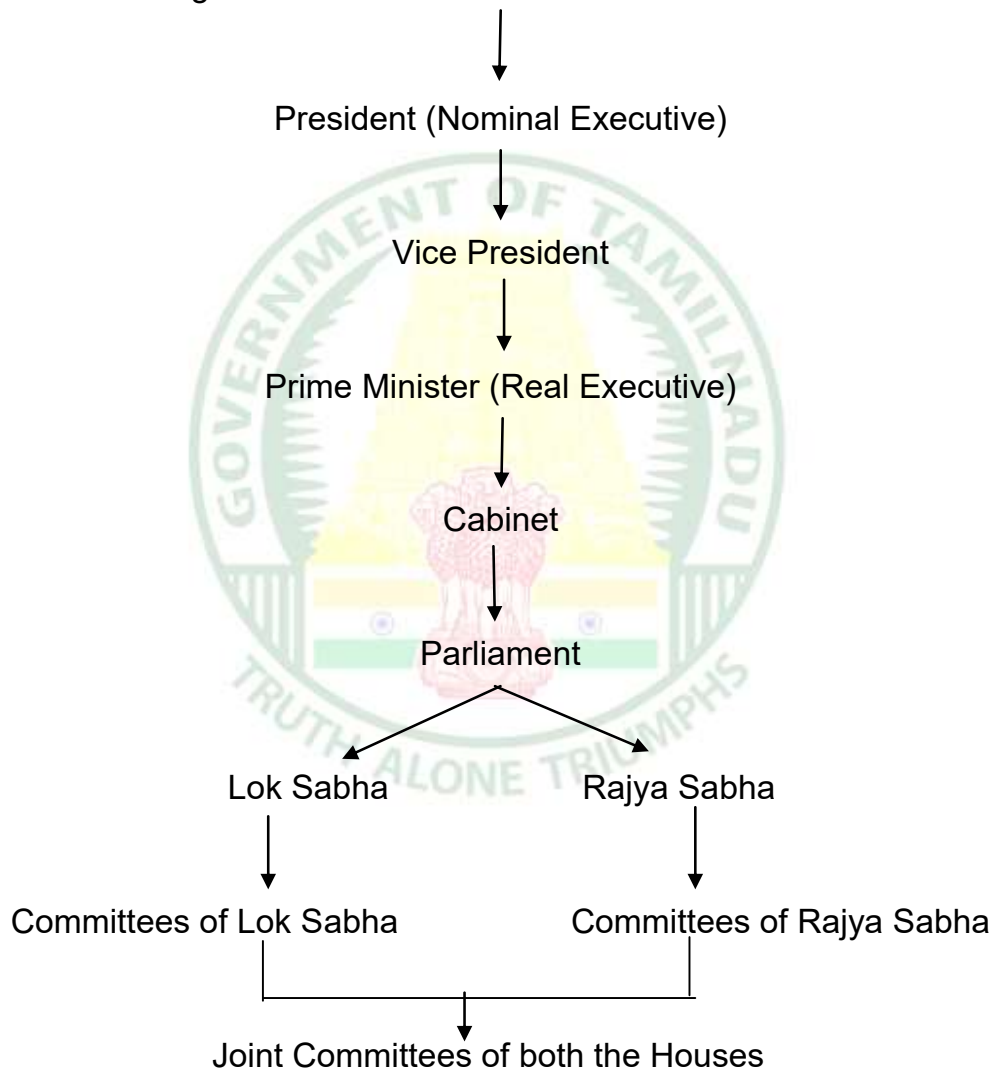
**TAMILNADU HUMAN RIGHTS
COMMISSION**

Chair person – Mrs. Justice
T. Meenakumari

UNION EXECUTIVE



Organisational Structure of Union Government



PRESIDENT

1. Article 52-78 in Part V of the constitution, deals with Union Executive.
2. The President is the head of the Indian State.
3. He is the first Citizen of India.

4. He should not hold any office of profit under the Government.
5. He must be supported by atleast 50 elector as proposer and 50 electors as seconders.
6. Security deposit - Rs.25,000, Lost deposit if the person got less than $\frac{1}{6}^{\text{th}}$ of vote.

PART V: The Union CHAPTER I - The Executive

Article 52	The President of India.
Article 54	Election of President.
Article 55	Manner of Election of President.
Article 61	Procedure for impeachment of the President.
Article 72	Power of President to grant pardons, to suspend, remit or commute sentences in certain cases.

Election: (Article 54 and 55)

Qualifications: (Article 58)

1. He should be a Citizen of India.
2. He must have completed the age of 35 years.
3. He should be qualified to become the member of the Lok Sabha.

1. Indirect Election.
2. Not directly elected by the people, but by the members of electoral college. The Electoral college consists of
 - ❖ Elected members of both the Houses of parliament.
 - ❖ Elected members of legislative assemblies of the state.
 - ❖ Elected members of the legislative assemblies of Union territories of Delhi and Puducherry.
 - ❖ Nominated members should not in the came under electoral college.

3. Value of vote of an MLA.

$$= \frac{\text{Total Population of State}}{\text{Total Number of Elected members in the State Legislative Assemblies}} \times \frac{1}{1000}$$

4. Value of vote of an MP

$$= \frac{\text{Total value of votes of all MLA's of all states}}{\text{Total numbers of elected members of parliament}}$$

❖ In his absence senior most Judge of the Supreme Court available.

5. Electoral Quota

$$\frac{\text{Total Number of Valid Votes Polled}}{1+1=(2)} + 1$$

Salary :

❖ Salary and privileges are determined by Parliament.

6. Secret ballot, system of proportional representation by means of single transferable vote.

Resignation :

❖ Address his Resignation letter to Vice-President of India .

7. All doubts and disputes in connection with election of President are inquired into and decided by Supreme Court, whose decision is final.

❖ Vice-President communicate it to the Speaker of Lok Sabha about his resignation.

Removal:

❖ Impeachment for violation of constitution.

Term of Office: (Article 56)

1. The president hold office for a term of 5 years.
2. He can hold office beyond his term until his successor assumes charge.
3. He is eligible for re-election to that office.
4. He may be elected for any number of times.

Vacancy:

1. In case the office falls vacant due to death, resignation or removal, the Vice-President act as President. (If he is not available then Chief Justice, if not then senior - most judge of Supreme Court).
2. The election is to be held within six months of vacancy.

Oath of Office: (Article 60)

❖ Oath is administered by Chief Justice of India.

Impeachment of the President (Art. 61)

- Under Art.61 of the Constitution, The President of India can be impeached for the violation of the Constitution, which is solely to be decided by the Parliament.
- The impeachment procedure is quasi-judicial in nature. Impeachment can be initiated in either house. Originating House passes Resolution to this effect by a 2/3rd majority of the strength of the House (resolution supported by not less than 25%) of the members of the House.
- It will be moved only after a prior notice of 14 days to the President).
- The other House sets up a Committee to investigate the charges against the President.
- The President can defend himself by taking service of the Attorney General of India or any other lawyer of his choice.
- If the second house also passes the resolution with the same 2/3rd majority of the strength of the house, the President stands impeached.
- So Far no President Impeached.
- Nominated members of either House of Parliament can participate in the impeachment of the president though they do not participate in his election.
- The elected members of the legislative assemblies of states and Union Territories of Delhi & Puducherry do not participate in impeachment though they participate in election.

List of Presidents:

Sl. No.	Period	Victorious Candidate	Special Features
1.	1952 - 1962	Dr.Rajendra Prasad	Only President to secure two terms in office
2.	1962 – 1967	Dr.S.Radhakrishnan	He received Bharat Ratna Award in 1954 before becoming the President

3.	1967 – 1969	Dr.Zakir Hussain	1 st Indian President died in office.
4.	3 rd May 1969 – 20 th July 1969	V.V.Giri	Only Person served both an acting President and President of India
5.	20 th July 1969 – 24 th August 1969	Mohammed Hidayatullah	Chief Justice of India, who acted as President of India
6.	24 th August 1969 – 24 th August 1974	V.V.Giri	
	1974 – 1977	Fakhruddin Ali Ahmed	Second Indian President to die in office
	1977 – 1982	N. Sanjeeva Reddy	1 st Chief Minister of Andhra Pradesh
7.	1982 - 1987	Giani Zail Singh	
8.	1987 – 1992	R.Venkataraman	
9.	1992 – 1997	Dr.Shankar Dayal Sharma	
10.	1997 - 2002	K.R.Narayanan	
11.	2002 – 2007	Dr.A.P.J.Abdul Kalam	Affectionately known as people's President
12.	2007 - 2012	Ms.Pratibha Patil	1 st Woman to become the President of India. She was also the first female governor of Rajasthan
13.	2012 to till date	Pranab Mukherjee	

POWERS:

Executive Powers:

1. All executive actions of the Government of India are formally taken in his name.

2. He can make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.

- ◆.....◆
3. He can declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.
 4. He appoints : PM, Ministers, Chief Justice and Judges of Supreme Court and High Court, Chairman and members of UPSC, Comptroller and Auditor General, Attorney General, Chief Election Commissioner and Other members of Election Commission, Governors, Members of Finance Commission, Ambassadors.
 5. He directly administers the Union Territories through the Lt.Governor, Commissioner, Administrator.
 - bill pending in the parliament or otherwise.
 5. Appoint any member of the Lok Sabha as the Speaker or Deputy Speaker when the year office fall vacant (same way in Rajya Sabha).
 6. In persons having special knowledge in literature, science, Art and social Service. Nominates: 12 members - Rajya Sabha. 2 Members to Lok Sabha (Anglo-Indian Community).
 7. Prior Recommendation is needed to introduce certain type of bills in Parliament. (Ex. Bill having expenditure from

Legislative Powers:

1. Can summon and prorogue the session of the two houses and can dissolve Lok Sabha.
2. Can address both the houses jointly or separately.
3. Addresses the first session after general election and at the commencement of the first session of a each year.
4. Can send messages to both the houses, whether with respect to a
- (i). Consolidated fund of India
- (ii) alteration of boundaries
- (iii) creation of new states
- a) Assent to the bill
- b) With hold his assent
- c) Return (if it is not a money bill or a constitutional amendment bill).
8. He enjoys 3 type of veto - powers
- 1) Absolute Veto
- 2) Suspense Veto
- 3) Pocket Veto
9. Enact laws through ordinance Article 123 when the parliament

is not in session (Ordinance must be approved by Parliament within 6 weeks of reassembly). Also withdraw ordinance at any time.

10. Lays the report of Comptroller and Auditor General, UPSC, the Finance Commission and others before the parliament.

Financial Powers:

- ❖ All money bills can originate in Parliament (prior recommendation of President).
- ❖ No Demand for grant can be made except on his recommendation.
- ❖ Make advances out of the Contingency Fund of India to meet any unforeseen expenditure.
- ❖ Appoints finance commission. (Every 5 years).
- ❖ He can lay before the Annual financial statement before parliament.

Judicial Powers: Art. 72

Appoints Chief Justice of Judges of SC & HC. The President's pardoning power comprises a group of analogous powers.

- 1) **Pardon** : It removes both the sentences and the conviction and

completely absolves the offender from all punishments and disqualifications.

- 2) **Reprieve**: It means a stay of the execution of a sentence for a temporary period.
- 3) **Remission**: The power of remission reduces the period of sentence without changing its character. E.g., a sentence of imprisonment for one year may be remitted for six months.
- 4) **Respite** : The power to grant respite means awarding a lesser sentence instead of the prescribed penalty in view of some special facts E.g. pregnancy of the woman offender.
- 5) **Commutation**: It merely substitutes one form of the punishment for a lighter character - death by transportation, transportation by rigorous imprisonment, rigorous imprisonment by simple imprisonment, and simple imprisonment by fine and so on.

Military Powers:

- ❖ President, the Supreme Commander of the Defence Forces of India.
- ❖ Appoints Chiefs of Army, Navy & Air Force.
- ❖ Declares war or conclude peace, subject to the approval of the Parliament.

vested in him to deal with unforeseen or urgent matters. But, the exercises of this power is subject to the following four limitations:

Diplomatic Powers:

- ❖ Represents country in international forums.
- ❖ Sends ambassadors & receives diplomats.
- ❖ International treaties & agreements are concluded on his behalf.

- ❖ He can promulgate an ordinance only when both the Houses of Parliament are not in session or when either of the two Houses of Parliament is not in session.

Ordinance-Making Power of the President

1. Article 123 of the Constitution empowers the President to promulgate ordinances during the recess of Parliament. These ordinances have the same force and effect as an act of Parliament, but are in the nature of temporary laws.
2. The ordinance-making power is the most important legislative power of the President. It has been

- ❖ He can make an ordinance only when he is satisfied that the circumstances exist that render it necessary for him to take immediate action. The 38th Constitutional Amendment Act of 1975 made the President's satisfaction final and conclusive and beyond judicial review. But, this provision was deleted by the 44th Constitutional Amendment Act of 1978.

- ❖ His ordinance-making power is coextensive as regards all matters except duration, with the law-making powers of the Parliament. This has two implications:

- a) An ordinance can be issued only on those subjects on

which the Parliament can make laws.

b) An ordinance is subject to the same constitutional limitation as an act of Parliament. Hence, an ordinance cannot abridge or take away any of the fundamental rights.

❖ Every ordinance issued by the President during the recess of Parliament must be laid before both the Houses of Parliament when it reassembles. If the ordinance is approved by both the Houses, it becomes an act. If Parliament takes no action at all, the ordinance ceases to operate on the expiry of six weeks from the reassembly of Parliament. The ordinance may also cease to operate even earlier than the prescribed six weeks, if both the Houses of Parliament pass resolutions disapproving it.

❖ **Emergency Powers:** President can Declare

- National Emergency - Art. 352
- State Emergency - Art. 356

– Financial Emergency - Art. 360

VICE PRESIDENT

- ❖ The Vice-President occupies the second highest office in the country.
- ❖ This office is modelled on the lines of the American Vice-President.
- ❖ Article 63 : Vice President of India
- ❖ Article 66 : Election of Vice President
- ❖ Elected by both the houses (Electoral College) of parliament
- ❖ The Supreme Court has the final and exclusive jurisdiction for resolving disputes and doubts relating to the election of the Vice-President.

Qualification:

- ❖ Citizen of India.
- ❖ More than 35 years of age.
- ❖ Possess the qualification for membership of Rajya Sabha.
- ❖ Not hold any office of profit.

Term of Office: (Article 67)

- ❖ Holds office for 5 years.

- ♦.....♦
- ❖ Can be re-elected.
 - ❖ He is the chairman of Rajya Sabha.
 - ❖ He is not a member he has no right to vote but in case of equality of votes he can use casting vote.
- Oath: (Article 69)** - is administered by the President or some person appointed in that behalf by him.

LIST OF VICEPRESIDENT:

Sl. No.	Period	Victorious Candidate
1.	1952 - 1962	Dr. Sarvepalli Radhakrishnan
2.	1962 – 1967	Dr. Zakir Hussain
3.	1967 – 1969	V.V.Giri
4.	1969 – 1974	Gopal Swarup Pathak
5.	1974 – 1979	B.D. Jatti
6.	1979 – 1984	Justice Muhammad Hidayatullah
7.	1984 – 1987	R. Venkataraman
8.	1987 – 1992	Dr. Shankar Dayal Sharma
9.	1992 – 1997	K.R. Narayanan
10.	1997 – 2002	Krishan Kant
11.	2002 – 2007	Bhairon Singh Shekhawat
12.	2007 to 2017	Mohd.Hamid Ansari
13.	2017 onwards	Venkaiah Naidu

- ❖ Being the Vice President of India, he is not entitled for any salary; but draws the salary and allowances payable to the Chairman of the Rajya Sabha.
- ❖ All bills, resolution, motion can be taken in Rajya Sabha after his consent.
- ❖ Can discharge the function of President if the post falls vacant. (For 6 months).

◆.....◆
The Vice President takes over the office of the President when the situation arises due to

1. death of the President;
2. resignation of the President;
3. removal of the President;
4. absence, illness or any other cause, When he discharges the functions of the President, the Vice President does not perform the duties of the office of the Chairman of Rajya Sabha and shall not be receive the salary of the Chairman of Rajya Sabha. During this period, he is entitled for the privileges of the President of India.
5. Present salary is Rs. 1,25,000/- per month. Pension is 50% of the salary

PRIME MINISTERS

In the scheme of parliamentary system of government, the President is the nominal executive authority (de jure executive) and Prime Minister is the real executive authority (de facto executive).

Appointment of the Prime Minister:

- ❖ Article 75 says only that the Prime Minister shall be appointed by the President and other minister are appointed on PM's advice.
- ❖ The President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister. But, when no party has a clear majority in the Lok Sabha, then the president may exercise his personal discretion in the selection and appointment.

Oath, Term and Salary:

- ❖ President administers the oaths of office and secrecy.
- ❖ The term of the Prime Minister is not fixed and he holds office during the pleasure of the President.
- ❖ He gets the salary and allowances that are payable to a member of parliament.

Powers and Functions:

In Relation to Council of Ministers

- ❖ He recommends persons who can be appointed as ministers by the president.

- ❖ He allocates and reshuffles various portfolios among the ministers.
- ❖ He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
- ❖ He presides over the meeting of council of ministers
- ❖ He can recommend dissolution of the Lok Sabha to President at any time.
- ❖ He announces government policies on the floor of the house.

Other Powers & Functions

In Relation to the President

- ❖ He is the principal channel of communication between the President and the council of ministers.
- ❖ He advises the president with regard to the appointment of important officials like attorney general of India, Comptroller and Auditor General of India, chairman and members of the UPSC, election commissioners, chairman and members of the finance commission and so on.
- ❖ He is the chairman of the Planning Commission, National Development Council, National Integration Council, Inter-State Council and National Water Resources Council.
- ❖ He plays a significant role in shaping the foreign policy of the country.
- ❖ He is the chief spokesman of the Union government.
- ❖ He is the crisis manager-in-chief at the political level during emergencies.

In Relation to Parliament

- ❖ He advises the president with regard to summoning and proroguing of the sessions of the Parliament.

COUNCIL OF MINISTERS

- ❖ The council of ministers headed by the prime minister is the real executive authority in our politico administrative system.
- ❖ Article 74 deals with the status of the council of ministers while, Article 75 deals with the appointment, tenure, responsibility,

qualification, oath and salaries and allowances of the ministers.

- ❖ The council of ministers shall be collectively responsible to the Lok Sabha.

Article 74 – Council of Ministers to aid and advise President:

1. There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.
- ❖ The advice tendered by Ministers to the President shall not be inquired into any court.

Article 75 – Other Provisions as to Ministers:

- ❖ The total number of ministers, including, the Prime Minister, in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha. The provision was added by the 91st Amendment Act of 2003.
- ❖ A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. This provision was also added by the 91st Amendment Act of 2003.

Nature of Advice by Ministers:

- ❖ Article 74 provides for a council of ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions. The 42nd and 44th Constitutional Amendment Acts have made the advice binding on the President.
 - ❖ The council of ministers consists of 3 Categories of Ministers namely,
 - 1) Minister of Cabinet Rank
 - 2) Minister of State
 - 3) Deputy Minister.
 - ❖ It is a team & its members sink or swim together. (Article 75).
 - ❖ The cabinet ministers head the important ministries of the Central government like home, defence, finance, external affairs and so forth. They are members of the cabinet, attend its meetings and play an important role in deciding policies.
2. The ministers of state can either be given independent charge of



ministries/departments or can be attached to cabinet ministers. However, they are not members of the cabinet and do not attend the cabinet meetings unless specially invited when something related to their ministries/departments are considered by the cabinet.

- ❖ Next in rank are the deputy ministers. They are not given independent charge of ministries / departments. They are attached to the cabinet ministers or ministers of state and assist them in their administrative, political, and parliamentary duties. They are not members of the cabinet and do not attend cabinet meetings.

Cabinet Committees:

- ❖ They are of two types – standing and adhoc. The former are of a permanent nature while the latter are of a temporary nature. The ad hoc committees are constituted from time to time to deal with special problems. They are disbanded after their task is completed.

Kitchen Cabinet:

- ❖ The cabinet, a small body consisting of the prime minister as its head and some 15 to 20 most important ministers, is the highest decision-making body in the formal sense. However, a still smaller body called the 'inner Cabinet' or 'Kitchen Cabinet' has become the real centre of power.

PARLIAMENT

PARLIAMENT

- ❖ According to Article 79, the Parliament consists of the President, the Council of States (Rajya Sabha) and the House of the People (Lok Sabha).

Session of the Parliament:

- ❖ At the discretion of the President
- ❖ Gap should not be more than six months.
- ❖ Budget Session (Longer session) (February - May)
- ❖ Monsoon Session (July - September)
- ❖ Winter Session (November - December)

Lok Sabha

- ❖ Maximum strength - 550 + 2 [530 - States/ 20 - Union Territories].
- ❖ Present strength of Lok Sabha - 545. [530 - States, 13- Union Territories, 2 - Anglo-Indian members are nominated by the President]

- ❖ The Ninety First Amendment, 2001, extended freeze on Lok Sabha and State Assembly seats till 2026.

Tenure:

- ❖ Lok Sabha - 5 years. (Extended for 1 year each time at the time of National emergency).

Qualification :

- ❖ Citizen of India.
- ❖ At least 25 yrs of age.
- ❖ Not hold any office of profit.
- ❖ No unsound mind / insolvent.
- ❖ Has registered as voter in any Parliamentary constituency.

Disqualification:

- ❖ If he voluntarily gives up the membership of party.
- ❖ If he over - rules the 'whip'.
- ❖ Absent for 60 days without intimation.

Oath:

- ❖ By Pro-Tem Speaker.

◆.....◆
Presiding Officer:

- ❖ Speaker (In his absence Deputy Speaker)
- ❖ Member among themselves elect him.
- ❖ The Speaker continues in office even after the dissolution of the Lok Sabha till a newly elected Lok Sabha meets.

Salary:

- ❖ From Consolidated Fund of India.

Resignation:

- ❖ He resigns by writing to the Deputy Speaker.

Removal:

- ❖ Majority of the total membership can remove Speaker after giving a 14 days notice (he doesn't preside over the meetings).
- ❖ After his removal, continues till his successor takes charge.

Rajya Sabha:

- ❖ Maximum Strength - 250 (238 – States and Union Territories 12 – nominated by the President).

- ❖ President nominates 12 persons having special knowledge or experience in the fields of literature, science, art and social service.
- ❖ Present strength of Rajya Sabha – 245.
- ❖ 233 seats for the state and the union territories.
- ❖ All the States and the Union Territories of Delhi and Pondicherry are represented.
- ❖ Proportional representation through a single transferable vote.
- ❖ No seats reserved for Scheduled Castes and Scheduled Tribes in Rajya Sabha.

Qualification:

- ❖ Citizen of India
- ❖ Age - 30 years

Special Powers of Rajya Sabha:

- ❖ Vice President is the ex-officio chairman of Rajya Sabha.
- ❖ Removal of the Vice-President can originate only in the Rajya Sabha.
- ❖ Any resolution- creation of one or more All India Services (All

India Judicial Services - Article 312)

- ❖ Any resolution seeking legislation on any subject of the state list can originate in Rajya Sabha (Article 249)
- ❖ He presides over Rajya Sabha as long as he does not act as the President of India, a vacancy in the office of the President of India.

There are four alternate courses:

1. The Bill may be taken into consideration immediately or on some other fixed date
1. The Bill may be referred Select Committee of the House.
2. The Bill may be referred to a Joint Committee of the House.
3. The Bill may be circulated for the elicit public opinion.
- ❖ If the Bill is referred to the Select Committee or Joint Committee, it is to give its report within a specified date.
- ❖ The Committee submits its report to the House, which were printed and made available for the members of the House. This is called the report stage of the Bill (discussion clause by clause).

Different Stages In The Passage Of Bills (Other Than The Money Bills):

Introduction of the Bill:

- ❖ It involves introduction of Bill accompanied by the Statement of Objects and reasons.
- ❖ If a private member wishes to introduce a Bill, he must give one month notice of his intention to introduce the Bill.
- ❖ The introduction of the Bill and its publication in the Gazette constitutes the First Reading of the Bill.

Third Reading of the Bill:

- ❖ The third reading is the final reading.

Bill in the Second House:

Four Alternatives of Second House:

- i. It may pass the Bill with no amendments - have been passed by both the Houses

Second Reading of the Bill:

- ❖ Discussion of clauses, schedules and amendments.

- ◆.....◆
- ii. It may pass the Bill with amendments. The Bill will be returned to the originating House, accepts then the bill is considered to be passed.
 - iii. If the originating House does not agree to the amendments made by the other House and if there is final disagreement amendments between the two Houses, the President summons the Joint session;
 - iv. It may reject the Bill altogether. Again the President can summon Joint Session;
 - v. It may take no action on the Bill by keeping it lying on the table, (six months passes from the date of reception of the President summons for the Joint Session).
- ❖ In case, a bill remains pending un passed for more than 6 months, Joint session is presided over by the Speaker of Lok Sabha (or in his absence Deputy Speaker or by the Deputy Chairman of the Rajya Sabha)
 - ❖ The Lok Sabha is dissolved, before the President notifies a Joint sitting, the bill lapses (no joint sitting is possible).
 - ❖ The deadlock over a Bill is resolved by a majority of the total number of the members of both the Houses present and voting.
 - ❖ No fresh amendments can be done in Joint session.

Prorogation Of House:

Joint Sitting:

Can be ordered by President to consider a particular bill in case:

- ❖ A bill passed by one house is rejected by other.
- ❖ The amendments made by the other house are not acceptable to the house, where the bill originated.

- ❖ Means ending the session
- ❖ Pending bills or business does not lapse, they are taken in the next session.

Budget:

- ❖ The annual financial statement of the Government.

- ❖ It is presented to the Lok Sabha upon the recommendation of the President.
- ❖ It is presented by the Finance Minister.
- ❖ It is the statement of the estimated receipts and expenditures of the Government of India following Financial Year.
- ❖ All the expenditures approved through various demands for grants and expenses charged on the Consolidated Fund of India, are then presented in the form of a single Bill called the Appropriation Bill.
- ❖ The proposals for taxation to raise revenue are presented in form of 'Finance Bill'.

Dissolution Of The House:

Only of Lok Sabha.

- ❖ By President on advices of PM
- ❖ Bill pending in Rajya Sabha, passed by Lok Sabha also lapses unless President call a Joint sitting of the two houses.
- ❖ Bills pending in Rajya Sabha, not passed by Lok Sabha don't lapse.

Conduct Of Business In Parliament:

Ordinary Bills:

All bills, except money bills, are introduced in either house. [Speaker of Lok Sabha decides whether the bill is a money bill or not].

Money Bills:

- ❖ It deals with the imposition or abolition of taxes, matters pertaining to borrowing of money by the government custody & maintenance of consolidated funds etc.
- ❖ It can originate only in Lok Sabha on the recommendation of the President. The Rajya Sabha can only delay it by 14 days. Its final authority lies with Lok Sabha only.

Consolidated Fund of India: (Article 266)

- ❖ It is fund to which all the revenue, loans raised and income of the Government of India are deposited.
- ❖ Similarly no money can be spent out of this Fund except through the grants made by the Parliament and expenditures charged on the Consolidated Fund of India.

◆.....◆
Contingency Fund Of India (Article 267):

- ❖ Through an act of parliament in 1950, Contingency fund of India exists for disasters and related unforeseen expenditures.
- ❖ In 2005 it was raised from Rs. 50 crore to Rs. 500 crores.
- ❖ It is at the disposal of the President. He can make advances out of this fund to meet unforeseen expenses (no need of Parliament's approval)
- ❖ The states have their own Consolidated and Contingency Funds.

Question Hour:

- ❖ The First hour of every sitting in both houses (11 am - 12 noon).
 - ❖ In this questions are asked by members & answered by ministers.
1. Starred Questions (I member can ask only one/day) for which oral answers is required.
 2. Unstarred Questions for which written answer (10 days notice) is required.
 3. Short Notice Questions are the ones which relates to matters of urgent public importance and

can be asked by members with notice shorter than the ten days prescribed for an ordinary question.

Zero Hour:

- ❖ 12-1 PM daily. Time allotted everyday for miscellaneous business is call-attention notices, questions on official statements & adjournment motions.

Motion:

- ❖ It is a proposal brought before the house for its opinion/decision.

Types:

a. Privilege Motion

- ❖ A resolution introduced by the opposition that a minister has mislead the house by giving wrong information.

b. Censure Motion

- ❖ Moved only in Lok Sabha only by the opposition.
- ❖ It can be brought again the ruling government or against any minister (failure to act or seek disapproval of their policy).
- ❖ A censure motion must specify the charges against the

government for which it is moved (no leave of the House is required).

- ❖ If a censure motion is passed in the Lok Sabha, the Council of Minister is bound to seek the confidence of the Lok Sabha as early as possible.

c. No Confidence Motion:

- ❖ Can be moved only in Lok Sabha and only by the opposition. It can be brought only against the Council of ministers and not against any individual minister.
- ❖ If the motion is adopted by the house, the council of Ministers is bound to resign.
- ❖ It needs 50 members support in Lok Sabha.

d. Call- Attention Motion:

- ❖ A member (after permission from Speaker) calls the attention of the Minister to any matter of 'urgent public importance'.
- ❖ There is no Call-Attention motion in the Rajya Sabha. Instead there exist a motion called 'Motion for Papers'.

e. Adjournment Motion:

- ❖ Leads to setting aside the normal business of the House for discussing a definite matter of urgent public importance.
- ❖ Its available only for Lok Sabha.

f. Cut Motions:

- ❖ They are moved in the Lok Sabha only. They are part of the Budgetary Process which seeks to reduce the amounts for grants.

Cut Motions can be divided into three categories:

- a. **Policy Cut:** A cut motion which says "The amount of the demand be reduced to Re. 1.
- b. **Economy Cut:** The object of the motion is to reduce the amount of the expenditure and the form of the motion is "The amount of the demand reduced by Rs (a specified amount)".
- c. **Token Cut:** Where the object of the motion is to ventilate a specific grievance within the sphere of responsibility of the Government of India form is "The amount of the demand be reduced by Rs.100".

◆.....◆

1. Whip:

A directive issued by any political party to ensure the support of its members voting in favour or against a particular issue on the floor of the House. A person may lose the membership of the party and the legislature if he votes against the whip or abstains from voting.

2. Lame duck session:

This refers to the last session of the old parliament which is held after a new Lok Sabha has been elected after the general election (not eligible for re-election).

3. Snap vote:

Refers to a vote taken unexpectedly without voters being briefed or informed about it in advance.

4. Speaker Pro-tem:

As soon as the new Lok Sabha is constituted a President appoints a Speaker Pro-tem who is usually the senior most member of the House. (Two members are equally qualified, weightage given to members age)

Functions:

- ❖ Include administering the oath to the newly elected Lok Sabha members and presiding over the election of the new Speaker.
- ❖ His term ceases as soon as the Speaker is elected.

5. Guillotine:

- ❖ When due to lack of time, demand for grants are put to vote whether they are discussed or not in the House on the last day of the allotted time, it is called Guillotine and it concludes the discussion on demands for grants.

6. Quorum:

- ❖ A Quorum is the Minimum number of members of a deliberative assembly necessary to conduct the business of that group. Quorum for either house (Article 100(c) is $\frac{1}{10}$ the of the total numbers of members)

COMMITTEES IN PARLIAMENT:

- ❖ Appointed to save time
- ❖ Most of them functions under the direction of Speaker

Classified under two heads:

- a. Standing Committees
- b. Ad hoc Committees
- ❖ Members of the Rajya Sabha are associated with all committees (Except estimate committees).
- ❖ Strength 1/3 of members on each committee
- ❖ Either elected by Rajya Sabha or nominated by the Chairman of Rajya Sabha.
- ❖ The members of the Committee are generally elected for not more than one year
- ❖ Chairman of all the Committees (except the Joint Committee on Salaries and Allowances of MPs) are appointed by the Speaker from amongst the members of the Committee.
- ❖ Joint Committee on Salaries and Allowances appoints its own Chairman.

Public Accounts Committee

- ❖ This committee was setup first in 1921 under the provisions of the Government of India Act of 1919 and has since been in existence.
- ❖ At present, it consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha). The term of office of the members is one year.
- ❖ The function of the committee is to examine the annual audit reports of the comptroller and auditor general of India (CAG), which are laid before the Parliament by the president.

Estimates Committee

- ❖ The origin of this committee can be traced to the standing financial committee set up in 1921.

The functions of the committee are :

1. To report what economies, improvements in organisation, efficiency and administrative reform consistent with the policy underlying the estimates, can be affected.



2. To suggest alternative policies in order to bring about efficiency and economy in administration.
3. To examine whether the money is well laid out within the limits of the policy implied in the estimates.
4. To suggest the form in which the estimates are to be presented to Parliament.

- ❖ To exercise such other functions vested in the public accounts committee and the estimates committee in relation to public undertakings which are allotted to it by the Speaker from time to time.

Committee on Public Undertakings

This committee was created in 1964 on the recommendation of the Krishna Menon Committee. Originally, it had 15 members (10 from the Lok Sabha and 5 from the Rajya Sabha). However, in 1974, its membership was raised to 22 (15 from the Lok Sabha and 7 from the Rajya Sabha).

The functions of the committee are :

- ❖ To examine the reports and accounts of public undertakings.
- ❖ To examine the reports of the comptroller and auditor general on public undertakings.
- ❖ To examine whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices.

Departmental Standing Committees

- ❖ On the recommendation of the Rules Committee of the Lok Sabha, 17 departmentally related standing committees were set-up in 1993. In 2004, seven more such committees were set up, thus increasing their number from 17 to 24.

The functions of each of the standing committees are:

1. To consider the demands for grants of the concerned ministries / departments before they are discussed and voted in the Lok Sabha. Its report should not suggest anything of the nature of cut motions.
2. To examine bills pertaining to the concerned ministries departments.
3. To consider annual reports of ministries/departments.
4. To consider national basic long-term policy documents presented to the Houses.

STATE EXECUTIVE & LEGISLATION ASSEMBLY

GOVERNOR

- ❖ Nominal Executive Head.
- ❖ Articles 153 to 167 in Part VI of the Constitution deal with the state executive.
- ❖ The state executive consists of the governor, the chief minister, the council of ministers and the advocate general of state.
- ❖ Each state has its own governor
- ❖ Under the Seventh Amendment Act, 1956 the same person can be appointed as Governor of one or more states or Lt. Governor of the Union Territory.
- ❖ Appointed by the President on the recommendations of Union Council of Ministers.
- ❖ Must possess the qualification or membership of State Legislature.
- ❖ Must'nt hold any office of profit.

Other Points

- ❖ Term - 5 yrs subject to (Pleasure of President). Can hold office beyond his term until his successor assumes charge.
- ❖ Resignation & Removal: By President
- ❖ Legislature of a State or a High Court has no role in the removal of a Governor.

Salary:

- ❖ Consolidated Fund of the State (Rs.1,10,000 per month)
- ❖ Has no right to vote of the State Legislature.
- ❖ When the same person is appointed as the Governor of two or more States, the emoluments and allowances payable to him shall be allocated

Qualification

- ❖ Citizen of India.
- ❖ Completed 35 yrs of age.
- ❖ He Should not be a member of either house of parliament or the state legislature.

among the States in such proportion as determined by the President of India.

Oath:

- ❖ By Chief Justice of the concerned State High Court (in his absence, the senior-most judge of that Court)

Powers

a. Executive Powers:

- ❖ All executive actions of the government of a state are formally taken in his name.
- ❖ He can make rules specifying the manner in which the Orders and other instruments made and executed in his name shall be authenticated.
- ❖ Acts as chancellor of universities.
- ❖ Appoints Chief Minister, Council of Ministers, Chairman & members of State Public Service Commission, Advocate General of the State and Election Commissioner of the State.
- ❖ Recommend the imposition of constitutional emergency in a state.

b. Legislative Powers:

- ❖ Summons, Prorogues & dissolves the State Legislative Assembly.
- ❖ Addresses the first session of State Legislature after election and at the beginning of each new session.
- ❖ Sends messages to State Legislature on bills pending before it.
- ❖ Appoints 1/6th members of Legislative Council having special knowledge in literature, Science Art cooperative Social Service.
- ❖ Nominates one member from the Anglo-Indian community (if not proper representation).
- ❖ Makes laws through ordinances.
- ❖ Gives assent to the Bills so that they become laws.

The Governor has three alternatives:

- ❖ assent to the Bill;
- ❖ Return (if it is not a Money Bill), for reconsideration suggesting alternations. But such Bills when passed again have to be given assent;

- ❖ Reserve the Bill for the assent of the President.

c. Financial Powers:

- ❖ Ensures that the budget is laid, all money bills can be introduced on his recommendation only.
- ❖ Make advances out of contingency fund of the state to meet any unforeseen expenditure.
- ❖ Constitute Finance Commission every 5 years.

d. Judicial Powers:

- ❖ President consults Governor while appointing Chief Justice and other judges of High Court.
- ❖ Appoints judges of courts below the High Court, and grant pardon, reprieve or remission of punishment for offence against State laws, (Cannot grant pardon in cases of death sentences).

e. Emergency Powers:

- ❖ Reports to the President if the State Government is not running constitutionally and

recommends the President's Rule (Article 356).

- ❖ When the President's Rule is in progress, he becomes the Agent of the Union Government in the State.
- ❖ He takes over the reins of administration directly into his own hands and runs the State with the aid of the Civil Servants.

Other Powers:

- ❖ Receives & tables the report of State Auditor General.
- ❖ Tables the report of State Public Service Commission.
- ❖ Acts as Chancellor of State Universities & appoints Vice-chancellor.
- ❖ Can appoint any members as Chief Minister if no party has, clear-cut majority.
- ❖ Can refuse to sign an ordinary bill passed by State Legislature.

CHIEF MINISTER

- ❖ Real executive head of the Government at the State level.



- ❖ The position is analogous to the position of the Prime Minister at the Centre.

3. Karnataka
4. Maharashtra
4. Uttar Pradesh
5. Andhra Pradesh
6. Telangana

Appointment:

- ❖ Appointed by Governor Art 164.
- ❖ Other Ministers are appointed by the Governor on the advice of the Chief Minister.
- ❖ The Chief Minister is the chief link between the Governor and the Council of Ministers.
- ❖ It is he who keeps the Governor informed of all decisions of the Council of Ministers.
- ❖ If CM resigns, entire ministry resigns.
- ❖ A person who is not a member of State Legislature can be appointed, but he has to get himself elected within 6 months, otherwise he is removed.

- ❖ Legislative Council can be created or abolished on the recommendations of Legislative Assembly.
- ❖ The Parliamentary Standing Committee on Law and Justice, headed by E.M. Sudarsana Natchippan, has recommended revival of the Legislative Council in Andhra Pradesh, 20 years after it was abolished in 1985.
- ❖ Tamilnadu Legislative council was abolished in 1986.

Legislative Council [Vidhan Parishad]

- ❖ Upper House,
- ❖ Like Rajya Sabha (Permanent house (sort of) and cannot be dissolved).

STATE LEGISLATURE

- ❖ Can be
 - UNICAMERAL - One House
 - BICAMERAL - Two House

Bicameral States (7):

1. Bihar
2. Jammu & Kashmir

Strength:

- ❖ The total strength cannot exceed 1/3rd of the strength of Legislative Assembly
- ❖ Minimum of 40 members.
- ❖ The strength varies as per the population of state.

Creation and Abolition:

- ❖ As per Article 169, if the Legislative Assembly passes a resolution for abolishing creating of the Legislative Council by a majority of the total membership of assembly and by a majority of not less than two-third of the members present and voting, the Parliament may approve the resolution by a simple majority.

Tenure:

- ❖ 6 years term with 1/3rd members retiring every two years.

Qualification:

- ❖ Same as that of Lok Sabha
- ❖ Age - 30 years.

Election :

- ❖ 1/3rd of the members are elected by local bodies, 1/3rd by legislative assembly.
- ❖ 1/12th by university graduates of at least 3 years standing, similar proportion by teachers (not less than secondary school) of at least 3 years standing & 1/6th nominated by the Governor from persons who distinguish in

literature, science or social service

Chairman:

- ❖ The Council elects a Chairman & a Vice-chairman from amongst its members.

Legislative Assembly [VIDHAN SABHA]

- ❖ Lower House (just like the Lok Sabha).
- ❖ Consists of directly elected representatives.
- ❖ Term - 5 years, dissolved by the Governor earlier. (Term can be extended by one year during national emergency).
- ❖ The Council of ministers is collectively responsible to the Assembly.
- ❖ The Chief Minister is the leader of the house.

Strength:

- ❖ Consists of not more than 500 members & not less than 60 members.
- ❖ The strength varies according to the population of the State.
- ❖ The Legislative assembly of Sikkim, Goa, Mizoram, Arunachal Pradesh and

- ◆.....◆
- ❖ Pondicherry have less than 60 members.
 - ❖ passing the no - confidence motion).

Qualification :

- ❖ Same as that of the Lok Sabha or Legislative Council, (Except age 25 years).
- ❖ Participates in the Election of President
- ❖ Has a share in the amendment of constitution as some provisions can be amended after ratification by the Legislatures of half of the State.

Speaker / Deputy Speaker:

- ❖ Every legislative assembly chooses its 2 members to be the Speaker and Deputy Speaker.
- ❖ Their functioning, resignation, removal procedures are exactly the same as the speaker / Deputy Speaker of the Lok Sabha.

Legislative Procedure :

- ❖ For money bill the position is the same at union and state level.
- ❖ In case of ordinary bill, with hold for 3 months.

Powers of State Legislature:

- ❖ Can legislate on subjects contain in the State list, Concurrent list.
- ❖ Exercise Control over State Expenses, State Council of Ministers (can remove it by

STATUS OF JAMMU KASHMIR

STATUS OF JAMMU & KASHMIR

- ❖ The special status guaranteed in Article 370.
- ❖ This status has been provided on the basis of an agreement concluded at the time of Jammu and Kashmir accession to the Indian Union.

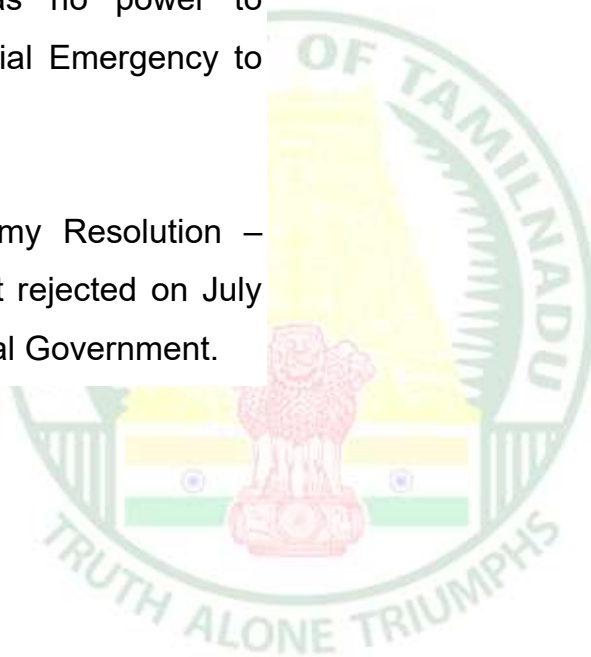
The following are some of the special features of the special relationship between the Union of India and Jammu and Kashmir :

1. J&K has its own constitution, apart from the Indian Constitution. Its constitution was framed by a Constituent Assembly of its own and came into being on the 26th January, 1957.
2. The Parliament cannot make law with regard to J & K on subjects in the State List.
3. The residuary powers lie with the legislatures of J & K and not with the Parliament.

4. It follows dual citizenship. Only the citizens of J & K can take part in the elections to the State Assembly and acquire, own and dispose immovable property in J & K.
5. Only National Emergency proclaimed on grounds of war and external aggression shall have automatic extension to J & K. National Emergency proclaimed on the basis of armed rebellion shall not be automatically extended to J & K.
6. Apart from the President's Rule, the Governor's Rule can also be imposed for a maximum period of six months, in case of constitutional breakdown in the State.
7. The Parliament cannot change the name, boundary or territory of J & K, without the concurrence of State Legislature.



8. The State Government shall be consulted by the Centre before appointing a person as the Governor of J & K.
9. No preventive detention law made by the Parliament can have automatic extension to J & K.
10. The Union has no power to proclaim a Financial Emergency to J & K.
11. J & K autonomy Resolution – June 26, 2000 but rejected on July 14, 2000 by Central Government.



LOCAL GOVERNMENT

PANCHAYATI RAJ

- ❖ The term Panchayati Raj in India signifies the system of rural local self-government.
- ❖ It was constitutionalised through the 73rd Constitutional Amendment Act of 1992.
- ❖ It is in State List, Eleventh Schedule.
- ❖ Ensures the direct participation of people at the grass root level.

Evolution of Panchayatiraj:

Balwant Rai Mehta Committee

- ❖ In January 1957, the Government of India appointed a committee to examine the working of the community development programme (1952) and the National Extension Service (1953).
- ❖ The chairman of this committee was Balwant Rai G Mehta
- ❖ The Committee submitted its report in November 1957 and recommended the establishment

of the scheme of 'democratic decentralisation, which ultimately came to be known as Panchayati Raj.

- ❖ It recommended:

- a) A 3-tier structure consisting of Zila Parishad at the District Level, Panchayat Samiti at the Block Level and Gram Panchayat at the Village Level.
- b) Genuine transfer of power & responsibility to these institutions.
- c) To provide Adequate resources to them.
- d) All social & economic development programmes channelized through these bodies.
- e) The 3-tier system of Panchayat Raj was 1st adopted by Rajasthan (Nagaur District) on Oct 2, 1959. This was followed by Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Punjab, Tamil Nadu, UP & West Bengal.

Three Tier System

- ❖ It envisages Panchayat at the village level, Panchayat Samitis at the block level and Zilla Parishad at the district level.

Village Panchayat:

- ❖ Consists of elected representatives of the people.
- ❖ Membership varies from 5-31.
- ❖ Seats reserved for SC, ST, women, etc.
- ❖ Chairman is elected from among its members, known as 'Sarpanch'.
- ❖ The Panchayat is accountable for all its actions to the Gram Sabha, the general body of villagers.
- ❖ Gram Sabha consists of all the adults residing within the jurisdiction of the Panchayat.
- ❖ It exercises general supervision over the working of the Panchayat & lays down necessary guidelines for its working.

Block & Panchayat Samiti:

- ❖ The block, consisting of 20-60 villagers is administered through a Panchayat Samiti consisting of indirectly elected members of village panchayat.

- ❖ The chairman of Panchayat Samiti is called 'Pradhan'.

Zila Parishad:

- ❖ It is the top level of the 3-tier structure.
- ❖ Elect its chairman from amongst its members who is known as the District Collector.
- ❖ Nyaya Panchayat – It is a Judicial Panchayats to try petty civil and criminal cases.

Ashok Mehta Committee:

- ❖ Appointed in Dec, 1977 by the Janata Government.
- ❖ Submitted its report in 1978, which said :-
 - a. Replacement of 3-tier system by 2-tier system consisting of Mandal Panchayats at the base (consisting of a group of villages comprising a population of 15,000 to 20,000) & the Zilla Parishad at the top.
 - b. To reduce the dependence of Panchayati Raj Institutions on State Government by giving them powers to collect certain taxes like profession tax, entertainment tax, etc in their areas.

- c. Suggested the setting up of Social Justice Committee in each Zila Parishad to protect the interests of vulnerable sections of society.
- d. Favoured the open participation of political parties in the working of Panchayati Raj Institutions.

Narasimha Rao once again considered the matter of the constitutionalisation of panchayati raj bodies.

- ❖ This bill finally emerged as the 73rd Constitutional Amendment Act, 1992 and came into force on 24 April, 1993.

73rd Amendment Act of 1992:

G.V.K. Rao Committee:

- ❖ The committee on Administrative Arrangement for Rural Development and Poverty Alleviation Programmes under the chairmanship of G.V.K. Rao was appointed by the Planning Commission in 1985.

- ❖ This act has added a new Part – IX to the Constitution of India.
- ❖ Article 243 to 243 O – Panchayats and its provisions
- ❖ It also added a new Eleventh Schedule to the Constitution. It contains 29 functional items of the Panchayats.

Salient Features

L.M. Singhvi Committee:

- ❖ In 1986, Rajiv Gandhi government appointed a committee on 'Revitalisation of Panchayati Raj Institutions for Democracy and Development under the chairmanship of L M Singhvi.

Gram Sabha (Article 243 A):

- ❖ The act provides for a Gram Sabha as the foundation of the panchayati raj system.

Three-Tier System:

- ❖ The act provides for a three-tier system of panchayati raj in every state, that is, panchayats at the village, intermediate, and district levels.

CONSTITUTIONALISATION

Narasimha Rao Government:

- ❖ The Congress Government under the prime ministership of P.V.



Election of Members and Chairpersons:

- ❖ All the members of panchayats at the village, intermediate and district levels shall be elected directly by the people.
- ❖ However, the chairperson of a Panchayat at the village level shall be elected in such manner as the state legislature determines.

Reservation of seats (Article 243 D):

- ❖ The act provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for women belonging the SCs and STs)

Duration of Panchayats (Article 243E):

- ❖ The act provides for a Five – year term of office to the Panchayat at every level.

Disqualifications (Article 243 F):

- ❖ A person shall be disqualified
 - i. under any law for the time being in force for the purpose of elections to the legislature of the state concerned, or

- ii. under any law made by the state legislature.

State Election Commission (Article 243 K):

- ❖ The superintendence, direction and control of the preparation of electoral rolls and the conduct of all elections to the panchayats shall be vested in the state election commission.
- ❖ Powers and Functions:
 - a) the preparation of plans for economic development and social justice.
 - b) the implementation of schemes for economic development and social justice as may be entrusted to them, including those in relation to the 29 matters listed in the Eleventh Schedule.

Finances (Article 243 H):

- ❖ The state legislature may
 - a) authorise a Panchayat to levy, collect and appropriate taxes, duties, tolls and fees.
 - b) provide for making grants-in-aid to the panchayats from the consolidated fund of the state.

c) provide for constitution of funds for crediting all moneys of the panchayats.

Nagaland, Meghalaya and Mizoram and certain other areas.

Finance Commission (Article 243 I):

- ❖ The governor of a state shall, after every five years, constitute a finance commission to review the financial position of the panchayats.

Audit of Accounts (Article 243 J):

- ❖ The state legislature may make provisions with respect to the maintenance of accounts by the panchayats and the auditing of such accounts.

Application to Union Territories (Article 243 L):

- ❖ The president of India may direct that the provisions of this act shall apply to any union territory subject to such exceptions and modifications as he may specify.

Exempted States and Areas (Article 243 M):

- ❖ The act does not apply to the states of Jammu and Kashmir,

Continuance of Existing Laws and Panchayats (Article 243 N):

- ❖ All the state laws relating to Panchayats shall continue to be in force until the expiry of one year from the commencement of this act.

Bar on Interference by Courts (Article 243 O):

- ❖ The act bars the interference by courts in the electoral matters of panchayats.

TAMILNADU PANCHAYAT ACT:

The Government of Madras enacted Madras Panchayats Act, 1958 and Madras District Development Council Act, with the following major features:

- i) Creation of Panchayat Unions Coterminous with Development Blocks
- ii) Abolition of District Boards
- ii) Creation of District Development Council to play an advisory role
- iii) Entrustment of development and social welfare functions to Village Panchayats and

- ◆.....◆
- ◆ Panchayat Unions. However, the enactments deleted certain powers of Village Panchayats like judicial powers.
 - ◆ 1/3rd of the total number of seats and offices is reserved for women.
 - ◆ The rotation of offices in all three tiers will be once in 10 years.

The Government of Tamil Nadu enacted Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) which came into force on **22.4.1994**.

The 1994 Act brought in a number of changes in the Tamil Nadu Panchayat Raj structure:

- ◆ Three Tier System came into existence
- ◆ Members of the three tiers of Rural Local Bodies and Village Panchayat Presidents were directly elected whereas the Chairpersons of Panchayat Union Councils and District Panchayats were elected from among the elected ward members.
- ◆ All the three tiers of Panchayats are independent of each other and the Village Panchayat Presidents are not members in the Panchayat Union Council.
- ◆ Reservation of seats and offices for SCs/STs in proportion to their population has been made and

- ◆ Election shall be conducted within 6 months from the date of occurrence of any vacancy and the tenure is fixed as 5 years for all the members and Chairpersons.
- ◆ Tamil Nadu State Election Commission was constituted.
- ◆ State Finance Commission is being constituted quinquennially.
- ◆ District Planning Committee has been constituted to consolidate the Development Plans of Panchayats and Urban Local Bodies in the Districts.

Grama Sabha:

- i) All the registered voters of a Village Panchayat constitute Grama Sabha, which is provided with specific powers and functions.
- i) Grama Sabha shall statutorily be conducted in such a way that the intervening period between two Grama Sabhas shall not exceed a period of 6 months.

- ii) However, the Government of Tamil Nadu has made it mandatory to convene Grama Sabha a minimum number of 4 times i.e. on 26th January, 1st May, 15th August and 2nd October of every calendar year.
- iii) Besides, the Grama Sabha can be convened as and when the necessity arises.

the people through their elected representatives.

- ❖ There are eight types of urban local governments in India – municipal corporation, municipality, notified area committee, town area committee, cantonment board, township, port trust and special purpose agency
- ❖ Lord Ripon is called the father of local self-government in India.

The Grama Sabha performs the following functions:

- ❖ Approves the Village Development Plan.
- ❖ Approves the Village Panchayat Budget.
- ❖ Approves the Audit Report.
- ❖ Reviews the progress of scheme implementation.
- ❖ Approves the list of beneficiaries, intended to be benefitted under various schemes.
- ❖ Promotes communal and social harmony among various groups of people.

74th Amendment Act of 1992:

- ❖ The act has added a new Part IX-A to the Constitution of India.
- ❖ Articles 243-P to 243-ZG – Municipalities
- ❖ It contains 18 Functional Items.

Three Types of Municipalities (Article 243 Q):

- ❖ A Nagar Panchayat – transitional area
- ❖ A municipal council – smaller urban area
- ❖ A municipal corporation – larger urban area

URBAN LOCAL GOVERNMENTS

- ❖ The term 'Urban Local Government' in India signifies the governance of an urban area by

Composition (Article 243 R):

- ❖ All the members of a municipality shall be elected directly by the people of the municipal area.

◆.....◆
Wards Committee (Article 243 S):

- ❖ There shall be constituted a wards committee, consisting of one or more wards, within the territorial area of a municipality having population of three lakh or more.

Reservation of Seats (Article 243 T):

- ❖ The act provides for the reservation of seats for the scheduled castes and the scheduled tribes in every municipality in proportion of their population to the total population in the municipal area.

Duration of Municipalities (Article 243 U):

- ❖ The act provides for a five-year term of office for every municipality.

Disqualifications (Article 243 V):

- ❖ A person shall be disqualified for being chosen as or for being a member of a municipality if he is so disqualified
 - i. under any law for the time being in force for the purposes of elections to the

legislature of the state concerned

- ii. under any law made by the state legislature.

State Elections Commission:

- ❖ The state legislature may make provision with respect to all matters relating to elections to the municipalities.

**District Planning Committee:-
Article 243- ZD**

- ❖ Every state shall constitute at the district level, a district planning committee to consolidate the plans prepared by panchayats and municipalities in the district, and to prepare a draft development plan for the district as a whole.
- ❖ The act lays down that four-fifths of the members of a district planning committee should be elected by the elected members of the district Panchayat and municipalities in the district from amongst themselves.

◆.....◆
Metropolitan Planning Committee:-

Article – 243-ZE

- ❖ Every metropolitan area shall have a metropolitan planning committee to prepare a draft development plan.
- ❖ The act lays down that two-thirds of the members of a metropolitan planning committee should be elected by the elected members of the municipalities and chairpersons of the Panchayats in the metropolitan area from amongst themselves.

Types of Urban Governments:

1. Municipal Corporation
2. Municipality
3. Notified Area Committee
4. Town Area Committee
5. Cantonment Board
6. Township
7. Port Trust
8. Special Purpose Agency

**DISTRICT ADMINISTRATIVE
STRUCTURE**

- ❖ District is the basic unit of administration in India.

- ❖ The five types of the district in India are the rural district, urban district, industrial district, backward district and the hills district.

Features of District Administration:

Generally, the district administration has the following features.

- ❖ It is at district level that the State Government comes into contact with the people.
- ❖ District administration is a field work as opposed to staff or secretariat functions.
- ❖ The problems at the district level are local relating to the district.
- ❖ At district level, policy formulation ends and the implementation begins.
- ❖ The District Officer is the last agent of the state government and the 'man of the spot' for any activity or incidence in the district; and
- ❖ At the district, there is functional aggregation of units. A large number of departments have their field agencies located in the district.

◆.....◆
District Level Functionaries:

❖ The District Collector is the head of district administration. The office of the collector at first was created by Warren Hastings in 1772 for the dual purpose of collecting revenue and dispensing justice.

❖ The general roles and the functions of the district collector are following:

1. As Collector, he has to collect land revenue.
2. As District Magistrate, he has to maintain law and order in the district.
3. As District Officer, he has to deal with the personnel matters like salary, transfer, etc within the district.
4. As Development Officer, he is responsible for the implementation of rural development programmes.
5. As the Returning Officer, he is the chief for the elections to the Parliament, the State Legislative Assembly, and the local Government in the district. Hence, he co-ordinates the election works at the district level.

6. As the District Census Officer, he conducts the census operations once in ten years.

7. As the Chief Protocol Officer, he has to protect the VIPs in their tour and stay in the district.

8. As the co-ordinator, he supervises the district level other functionaries and departments.

9. He presides over the District Plan Implementation Committee.

10. He acts as the official representative of the state government during the ceremonial functions in the district.

11. He acts as the Public Relations Officer of the State Government.

12. He acts as the Crisis Administrator in chief during the natural calamities and other emergencies.

13. He supervises and controls, the local government institutions.

14. He handles the work pertaining to civil defence; and

15. He is responsible for civil supplies, food and other essential commodities.

❖ The District Collector is the multi-functionary in the district level.

This is for the Revenue Administration.

❖ The District Collector is the hero of the district administration. The other important district level functionaries are following:

1. Superintendent of Police
2. District Medical Officer
3. District Health Officer
4. District Forest Officer
5. Assistant Registrar of Co-operative Societies
6. District Agricultural Officer
7. District Industries Officer
8. District Judges
9. Backward Class Welfare Officer
10. Superintendent of Jails
11. District Labour Officer

Firka Level:

❖ Revenue Inspector is the head of Firka level revenue administration. Every taluk is divided to the many firkas in Tamil Nadu. But, the nomenclature of this level differs from state to state.

Village Level:

- Village Administrative Officer is the head of village level administration.

Division Level:

❖ In Tamil Nadu, Revenue Divisional Officer is the head of divisional administration especially for revenue administration and for the maintenance of law and order.

District Rural Development Agency (DRDA) to oversee the implementation of anti-poverty programmes of the ministry of rural development. This agency was created to implement the IRDP. From 1 April 1999 a separate DRDA administration has been introduced.

IN TN, DRDA is chaired by the District Collector

Taluk Level :

❖ Tahsildar is the head of taluk level administration in Tamil Nadu. For assisting him, the Deputy Tahsildars are there in the Tahsil.

JUDICIARY

SUPREME COURT OF INDIA

- ❖ Stands at the apex of the judicial system of India
- ❖ Consists of Chief Justice and 30 other judges

Appointment:

Senior most judge of the Supreme Court is appointed as the Chief Justice of India.

Qualification:

- ❖ Must be a Citizen of India
- ❖ Has been a judge of High Court for five years or an advocate of High Court for ten years minimum.
or in President's view a distinguished jurist of the country.

Terms and Salary:

- ❖ The chief Justice and other Judges hold office till 65 years of age.

Resignation & Removal:

- a. Can give resignation in writing to the President.

- b. Can be removed by the Parliament
- c. After retirement, a Judge of Supreme Court cannot lead or act before any authority.

Salary:

- ❖ Chief Justice - 1 Lakh
- ❖ Judges - 90,000

Removal Of Judges:

- ❖ A motion can be preferred before either house of the Parliament.
- ❖ If it is introduced in Lok Sabha, it should be signed by not less than 100 members.
- ❖ If it is introduced in Rajya Sabha, then it should be signed by not less than 50 members.
- ❖ Resolution - supported by a majority of total membership of the houses & by 2/3 majority of the members present & voting.

Other Points:

- ❖ Chief Justice can appoint adhoc judges in the Supreme Court with the (Consent of President)

◆.....◆ **INDEPENDENCE OF JUDGES**

- ❖ The Constitution has ensured this by:
 - a) Salaries from Consolidated Fund.
 - b) Salaries cannot be changed to their disadvantage.
 - c) Removal difficult.
 - d) Cannot practice after retirement.
 - e) Decision & actions of judges cannot be criticized & the person doing so can be punished
 - f) Conduct of judges cannot be discussed in parliament.
 - g) President cannot appoint judges of the Supreme Court himself, he has to consult the judges also.
 - h) Separation From Executive – Article 32.

Jurisdiction Of The Supreme Court:

- a) **Original Jurisdiction:** The Supreme Court settles all disputes between Centre - State, etc.
- b) **Writ Jurisdiction:** Every individual has the right to move the Supreme Court, (directly enforcement of his Fundamental Rights). The Supreme Court is empowered to issue writs including habeas corpus, etc. this is a Original Jurisdiction.

c) **Appellate Jurisdiction:**

- It has appellate jurisdiction in both civil and criminal matters
- The appellate jurisdiction of a high court is wider than its original jurisdiction.

d) **Advisory Jurisdiction:** President seeks the advice of Supreme Court, on any question of law or fact it is duty bound to give its opinion. (Its opinion isn't a binding on President) Art 143.

e) **Revisory Jurisdiction:** The Supreme Court under Article 137 is empowered to review any judgement or order made by it with a view to removing any mistake or error that might have crept in the judgement or order.

- f) It is a court of record as its decisions are of evidentiary value and cannot be questioned in any court.
- g) Supreme Court enjoys the power of judicial review.
- h) Supreme Court decides disputes regarding the election of the President and the Vice President.

- i) Supreme Court recommends the removal of Members of UPSC to the Parliament.

Public Interest Litigation (PIL):

- ❖ Any member of the public can now initiate a proceeding on behalf of the aggrieved person (especially if the person is too poor or unable to move the court on his or her own) in either the High Court or the Supreme Court for the enforcement of Constitutional Rights.
- ❖ This derives from the right to be heard, as implied by Article 32.
- ❖ Justice PN Bhagwati and Justice V.R. Krishna Iyer were among the first judges to admit PIL in the court.

HIGH COURT

- ❖ Each state has a High Court.
- ❖ Highest Judicial organ of the State.

Presently there are 24 High Courts in India.

Composition:

- ❖ Consist of the Chief Justice and others such judges as appointed by President.

- ❖ Constitution does not fix any maximum Number of Judges for a High Court.
- ❖ A judge of High Court can be transferred to another High Court, (Without President consent).
- ❖ Delhi is the only UT that has High Court of its own.

Appointment of Judges:

Chief Justice is made after consultation with the Chief Justice of Supreme Court and the Governor of the State by the President.

Qualification:

- ❖ Must be a citizen of India.
- ❖ Should have been an advocate of a High Court or of 2 such courts in succession for atleast 10 years
- ❖ Or should have held Judicial Office in India for a period of atleast 10 years.

Term and Salary:

- ❖ Continues his office till 62 years of age.



Salary

- Rs.90,000/- per month - Chief Justice.
- Rs.80,000/- per month - Other Judges.

- ❖ Supervises the working of all subordinate courts & frames rules & regulations for the transaction of business.
- ❖ It can examine the records of subordinate courts.

Removal:

- ❖ The President can remove a judge of High Court only if the Parliament passes the resolution.
- ❖ Majority of 2/3 members present and voting in each house.
- ❖ The conduct of the judges cannot be discussed in Parliament, except on a motion for the removal of the Judge.

Restriction on Legal Practice:

- ❖ He is not allowed to practice law before the authority of the same court except the Supreme Court and any other High Court.

Jurisdiction of High Court :

- ❖ Court of record and has power to punish for its contempt.
- ❖ Under Article 226, the High Courts are given powers of issuing writs for the enforcement of Fundamental Rights and for other purposes.

SUBORDINATE COURTS

- ❖ Judiciary in States consists of a High Court and subordinate courts.
- ❖ The organisation of the Subordinate Courts is uniform.
- ❖ Two types of law courts in every district - Civil and Criminal Court.
- ❖ They function under the superintendence and control of the High Court of that particular state.
- ❖ The highest civil court in a district is the court of the District Judge. The court decide civil and criminal cases.

Appointment

- ❖ By the Governor (consultation with the Chief Justice of the High Court).
- ❖ He hears the appeals against the decision of the sub-judges.
- ❖ Besides the District Court, there are courts of sub-judges, munsiff courts and small causes.

- ❖ Below the Session Courts are the courts of First Class Magistrates.
- ❖ In Metropolitan cities like Kolkata, Chennai, Mumbai and Delhi Magistrates are known as Metropolitan Magistrates.
- ❖ There are courts of 2nd Class and 3rd Class Magistrates also.

THE HIGH COURTS - SEATS AND JURISDICTION

Name	Year of Establishment	Territorial Jurisdiction	Seat
Allahabad	1866	Uttar Pradesh	Allahabad (Bench at Lucknow)
Andhra Pradesh	1954	Andhra Pradesh	Hyderabad
Mumbai	1862	Maharashtra, Dadra & Nagar - Haveli, Goa, Daman & Diu	Mumbai (Benches at Nagpur, Panaji, Aurangabad)
Kolkata	1862	West Bengal, Andaman & Nicobar Islands	Kolkata (Bench at Port Blair)
Delhi	1966	Delhi	Delhi
Guwahati	1948	Assam, Manipur, Meghalaya, Nagaland, Tripura, Mizoram and Arunachal Pradesh	Guwahati (Benches at Kohima, Imphal, and Agartala & Shillong)
Gujarat	1960	Gujarat	Ahmedabad
Himachal Pradesh	1966	Himachal Pradesh	Shimla
Jammu & Kashmir	1928	Jammu & Kashmir	Srinagar & Jammu

Karnataka	1884	Karnataka	Bangaluru
Kerala	1958	Kerala & Lakshadweep	Ernakulam
Madhya Pradesh	1956	Madhya Pradesh	Jabalpur (Bench at Indore, Gwalior)
Madras	1862	Tamil Nadu & Puducherry	Madras
Orissa	1948	Orissa	Cuttack
Patna	1916	Bihar	Patna
Punjab & Haryana	1975	Punjab, Haryana, Chandigarh	Chandigarh
Rajasthan	1949	Rajasthan	Jodhpur (Bench-Jaipur)
Sikkim	1975	Sikkim	Gangtok
Chhattisgarh	2000	Chhattisgarh	Bilaspur
Uttaranchal	2000	Uttaranchal	Nainital
Jharkhand	2000	Jharkhand	Ranchi
Tripura	2013	Tripura	Agartala
Manipur	2013	Manipur	Imphal
Meghalaya	2013	Meghalaya	Shillong

INDIAN FEDERALISM

CENTRE & STATE RELATIONS

CENTER STATE RELATIONS

- ❖ The Centre-State relations can be studied under three heads:
 1. Legislative relations
 2. Administrative relations
 3. Financial relations

LEGISLATIVE RELATIONS:

- ❖ Articles 245 to 255 in part XI of the Constitution deal with the legislative relations between the Centre and the states.

There are four aspects in the Centre-States Legislative relations.

Viz.,

1. Territorial extent of Central and state legislation (Article 245)
2. Distribution of legislative subjects (Article 246)
3. Parliamentary legislation in the state field (Article 249)
4. Centre's control over state legislation

Distribution of legislative subjects (Article 246)

- ❖ The Constitution divides the subject into the-
 1. Union List (100 subjects)
 2. State List (61 subjects)
 3. Concurrent List (52 subjects)

- ❖ Parliament has exclusive power on Union list (contains subjects like defence, foreign affairs, Currency, communication, citizenship, inter-state trade & commerce, banking, atomic energy, posts and telegraphs, etc).

- ❖ The State List contains subjects on which ordinarily the States alone can make laws, The include public order, police, administration of justice, prisons, local government agriculture, public health and sanitation, irrigation, etc. but under certain conditions the Constitution authorizes the Central

Government to extend its jurisdiction over matters formally included in the State list. In fact, when a proclamation of emergency is in operation, Parliament can legislate on matters enumerated in all the three lists.

- ❖ Both Parliament & State Legislature can legislate on subjects contained in the concurrent list. (contains subjects like criminal and civil law, forest, education, marriage & divorce, drugs, trade unions, labour welfare, newspapers, books & printing press, population control and family planning, etc).
- ❖ Residual powers (i.e. subjects not included in any of the lists) rest with union government.
- ❖ Article 200 directs the Governor to reserve a Bill passed by the State Legislature for the consideration of the President, if in his opinion, if 'passed into law, would derogate the powers of the High Court.

ADMINISTRATIVE RELATIONS:

Articles 256-263 in Part XI of the Constitution deal with the administrative relations between the Centre and the states.

- ❖ The Indian Constitution has a strong bias towards the Centre to make it strong. The Central administration prevails over the State administration.
- ❖ The executive powers of the State should be so exercised as to ensure compliance with the laws of the Union Parliament and not impede or prejudice the executive power of the Union.
- ❖ If the State does not comply with the directives of the Centre, the latter may invoke Art. 356 and take-over the administration of the State to itself.

FINANCIAL RELATIONS:

Articles 268-293 in Part XI of the Constitution deal with Centre-State Financial relations.

DISTRIBUTION OF TAX REVENUES:

- ❖ The 80th Amendment of 2000 and the 88th Amendment of 2003 have

introduced major changes in the scheme of the distribution of tax revenues between the centre and the states.

- ❖ The 88th Amendment has added a new Article 268-A dealing with service tax. It also added a new subject in the Union List – entry 92-C (taxes on services). Service tax is levied by the centre but collected and appropriated by both the centre and the states.

A. Taxes Levied by the Centre but Collected and Appropriated by the States (Article 268): This category includes the following taxes and duties:

- i) Stamp duties on bills of exchange, cheques, promissory notes, policies of insurance, transfer of shares and others.
- ii) Excise duties on medicinal and toilet preparations containing alcohol and narcotics.

The proceeds of these duties levied within any state do not form a part of the Consolidated Fund of India, but are assigned to that state.

B. Service Tax Levied by the Centre but Collected and Appropriated by the Centre and the States (Article 268-A):

- i) Taxes on services are levied by the Centre. But, their proceeds are collected as well as appropriated by both the Centre and the states. The principles of their collection and appropriation are formulated by the Parliament.

C. Taxes levied and Collected by the Centre but Assigned to the States (Article 269): The following taxes fall under this category:

- i) Taxes on the sale or purchase of goods (other than newspapers) in the course of inter-state trade or commerce.
- ii) Taxes on the consignment of goods in the course of inter-state trade or commerce.
- iii)

The net proceeds of these taxes do not form a part of the Consolidated Fund of India. They are assigned to the concerned states in accordance with the principles laid down by the Parliament.

CONCURRENT LIST (LIST – III)

- Criminal Law and procedure, Civil procedure
- Marriage and divorce
- Population control and family planning
- Electricity
- Newspapers, books and printing presses, etc...

The 42nd Amendment Act of 1976 transferred five subjects to Concurrent List from State List, that is,

- Education
- Forests
- Weights and measures
- Protection of wild animals and birds
- Administration of all courts except the Supreme Court and the high courts.

D. Taxes Levied and collected by the Centre but distributed between the Centre and the States (Article 270): This category includes all taxes and duties referred to in the Union List except the following:

- i) Duties and taxes referred to in Article 268, 268-A and 269 (mentioned above):
- ii) Surcharge on taxes and duties referred to in Article 271 (mentioned below); and
- iii) Any cess levied for specific purposes.

The manner of distribution of the net proceeds of these taxes and duties is prescribed by the President on the recommendation of the Finance Commission.

A. Surcharge on Certain Taxes and Duties for Purposes of the Centre (Article 271):

The parliament can at any time levy the surcharges on taxes and duties referred to in Articles 269 and 270 (mentioned above). The proceeds of such surcharges go to the Centre exclusively. In other words, the states have no share in these surcharges.

B. Taxes Levied and Collected and Retained by the States:

These are the taxes belonging to the states exclusively. They are enumerated in the state list and are 20 in number.

Administrative

Reforms

- ❖ All-India services (IAS, IPS and IFS) should be abolished.

Commission:

The Central government appointed a six-member administrative Reforms commission (ARC) in 1966 under the chairmanship of Morarji Desai

The important recommendations are:

- ❖ Establishment of an Inter-State Council under Article 263 of the Constitution.
- ❖ Appointment of persons having long experience in public life and administration and non-partisan attitude as governors.

Rajmanner Committee:

In 1969, the Tamil Nadu Government (DMK) appointed a three-member committee under the chairmanship of Dr P V Rajamanner to examine the entire question of Centre-state relations.

The Important recommendations of

- ❖ An Inter-State Council should be set up immediately
- ❖ Articles 356, 357 and 365 (dealing with President's Rule) should be totally omitted

Sarkaria Commission:

- ❖ In 1983, the Central government appointed a three-member Commission on Centre-state relations under the chairmanship of **R S Sarkaria**, Members – Sivaraman, S.R. Sen a retired judge of the Supreme Court.
- ❖ The final report was submitted in October 1987, the Important recommendations are mentioned below:
 - a) A permanent Inter-State Council called the Inter-Governmental Council should be set up under Article 263.
 - b) The institution of All-India Services should be further strengthened and some more such services should be created.

Punchhi Commission

A new commission on Centre-State Relations was set-up by the Government of India in April 2007 under the Chairmanship of Madan Mohan Punchhi, former Chief Justice of India.

GST

Introduction

Goods and Services Tax is a comprehensive indirect tax which is to be levied on the manufacture, sale and consumption of goods and services in India. This is so far the biggest tax reform in the country. GST eliminates the cascading effect of taxes because it is taxed at every point of business and the input credit is available in the value chain.

Historical Background

France was the first country to introduce GST system in 1954. More than 140 countries have implemented the GST. Genesis of GST occurred during the previous NDA Government under Atal Bihari Vajpayee Government when it set up the *Asim Dasgupta committee* to design a model for GST. The UPA Government took the matter further and announced in 2006 that this tax would be introduced from April 1, 2010. However, so far it was not introduced. All the GST bills including Constitution (101st Amendment) Act have been passed now and GST is set to come into force from July 1, 2017.

Tax Replaced by GST

GST would replace almost all vital indirect taxes and cesses on Goods & services in the country. Among the taxes levied by centre, GST will subsume the following:

- ❖ Central Excise duty & Service Tax
- ❖ Duties of Excise (Medicinal and Toilet Preparations)
- ❖ Additional Duties of Excise (Goods of Special Importance)
- ❖ Additional Duties of Excise (Textiles and Textile Products)
- ❖ Additional Duties of Customs (commonly known as CVD)
- ❖ Special Additional Duty of Customs (SAD)
- ❖ Central Surcharges and Cesses so far as they relate to supply of goods and services

Among the state taxes that would be replaced by GST include:

- ❖ State VAT
- ❖ Central Sales Tax c. Luxury Tax
- ❖ Entry Tax (all forms)
- ❖ Entertainment and Amusement Tax (except when levied by the local bodies)
- ❖ Taxes on advertisements
- ❖ Purchase Tax

- ❖ Taxes on lotteries, betting and gambling. State Surcharges and Cesses so far as they relate to supply of goods and services.

Commodities Not Under GST

- ❖ Potable alcohol
- ❖ Five petroleum products viz. petroleum crude, motor spirit (petrol), high speed diesel, natural gas and aviation turbine fuel
- ❖ Electricity

Constitution 101st Amendment Act, 2016

- ❖ This is the enabler act for GST and it amends several important articles and schedules of the constitution of India so that necessary constitutional. You can read in detail about this here. Here are important notes for your examinations.
- ❖ The *new articles* added by this amendment to Indian Constitution are Article 246-A (Special provision with respect to goods and services tax); Article 269-A ((Levy and collection of goods and services tax in course of inter-State trade or

commerce) and Article 279A (GST Council).

- ❖ Two schedules have been changed viz. 6th schedule and 7th
- ❖ As per article 246-A:
- ❖ Both Union and States in India now have “concurrent powers” to make law with respect to *goods & services*
- ❖ The intra-state trade now comes under the jurisdiction of both centre and state; while inter-state trade and commerce is “exclusively” under central government jurisdiction.

As per Article 269-A:

- ❖ In case of the inter-state trade, the tax will be levied and collected by the Government of India and shared between the Union and States as per recommendation of the GST Council.
- ❖ The article also makes it clear that the proceeds such collected *will not be credited to the consolidated fund of India or state* but respective share shall be assigned to that state or centre. The reason for the same is that under GST, where centre collects the tax, it assigns state's

share to state, while where state collects tax, it assigns centre's share to centre. If that proceed is deposited in Consolidated Fund of India or state, then, every time there will be a need to pass an appropriation tax. *Thus, under GST, the apportionment of the tax revenue will take place outside the Consolidated Funds.*

Article 279-A:

- ❖ There will be a GST council constituted by President, headed by finance minister as its chairman and one nominated member from each state who is in charge of finance or taxation. GST Council has been discussed in detail here.
- ❖ All decisions taken at the GST council will be taken based on voting. Process of voting is clearly articulated in detail in the constitutional amendment bill.

Other Changes

- ❖ The residuary power of legislation of Parliament under article 248 is now subject to article 246A.
- ❖ Article 249 has been changed so that if 2/3rd majority resolution is

passed by Rajya Sabha, the Parliament will have powers to make necessary laws with respect to GST in national interest.

- ❖ Article 250 has been amended so that parliament will have powers to make laws related to GST during emergency period.
- ❖ Article 268 has been amended so that excise duty on medicinal and toilet preparation will be omitted from the state list and will be subsumed in GST.
- ❖ Article 268A has been repealed so now service tax is subsumed in GST.
- ❖ Article 269 would empower the parliament to make GST related laws for inter-state trade / commerce.

Important Facts and Notes about GST

- ❖ GST is a Destination Based Tax
- ❖ In GST, CGST and SGST will be simultaneously levied
- ❖ Both States and Centre have a say in GST rates
- ❖ GSTN is the Special Purpose Vehicle for GST administration

- ❖ GST provides for a Compliance rating mechanism for tax payers
- ❖ GST Provides for an Anti-Profiteering measure
- ❖ For GST to be levied – there must be business and quid-pro-quid
- ❖ GST differentiates between composite supply and mixed supply

Reverse Charge Mechanism

- ❖ In Normal Charge Mechanism, generally service tax is payable by the provider of Service.
- ❖ For eg:- When a service is provided by an Accountant to his client then in this case the service provider i.e the Accountant is liable to pay Service tax
- ❖ The accountant collects the tax from the client and compensates. But nevertheless only the accountant is liable to pay Service

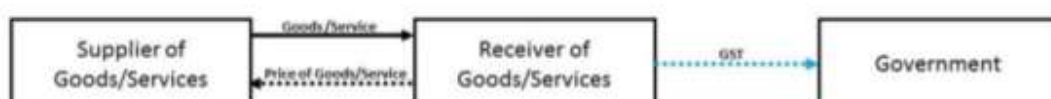
tax and comply with other general provisions of return filing etc.

- ❖ Similarly the GST has to be typically paid by the supplier of goods and services.
- ❖ But in some cases, the liability to pay the tax falls on the buyer.
- ❖ This reverse charge is applicable only under certain circumstances. Some are-
- ❖ The most common instance is when a business buys goods or services from a supplier who is not registered to pay GST.
- ❖ e.g Let's assume that business A that buys goods worth Rs.100 from business B that is not registered to pay GST.
- ❖ If the GST on the goods supplied is Rs.5, then business A, instead of business B, will have to pay Rs.5 to the Government.

NORMAL GST PAYMENT PROCESS



GST PAYMENT IN CASE OF REVERSE CHARGE



- ♦.....♦
- ❖ Business A can, however, claim input tax credit of the GST payment of Rs.5, when it sells the goods to its client.
 - ❖ An importer is also liable to pay the GST under the reverse charge mechanism.
 - ❖ Also government departments making payments to vendors above a specified limit (Rs.2.5 lakh under one contract) are required to deduct tax (TDS) and e-commerce operators are required to collect tax (TCS) on the net value goods or services supplied through them.

to promote interstate cooperation and coordination.

Inter-State Water Disputes:

Article 262 of the Constitution provides for the adjudication of inter-state water disputes.

Inter-State Councils:

Article 263 contemplates the establishment of an Inter-State Council to effect coordination between the states and between Centre and states.

Establishment of Inter-State Council:

INTER – STATE RELATIONS

The Constitution makes the following provisions with regard to interstate community:

- ❖ Adjudication of inter-state water disputes.
- ❖ Coordination through inter-state councils.
- ❖ Mutual recognition of public acts, records and judicial proceedings
- ❖ Freedom of inter-state trade, commerce and intercourse
- ❖ In addition, the zonal councils have been established by the Parliament

- ❖ The Janata Dal Government headed by V.P. Singh established the Inter-State council in 1990. It consists of

- a) Prime Minister as the chairman
- b) Chief Ministers of all the states
- c) Chief Ministers of union territories having legislative assemblies
- d) Administrators of union territories not having legislative assemblies.
- e) Six Central cabinet ministers, including the home minister to be nominated by the Prime Minister.

Sl. No	Name	Members	Headquarters
1	Northern Zonal Council	Punjab, Rajasthan, Haryana, J&K, Uttarakhand, Himachal Pradesh, Chandigarh & National Capital Territory of Delhi	New Delhi
2	Central Zonal Council	Uttar Pradesh, Uttarakhand, Chhattisgarh and MP.	Allahabad
3	Eastern Zonal Council	Bihar, Jharkhand, West Bengal, Orissa	Kolkata
4	Western Zonal Council	Goa, Gujarat and UTs of Dadar and Nagar Haveli and Daman Diu	Mumbai
5	Southern Zonal Council	Andhra Pradesh, Tamil Nadu, Karnataka, Kerala and UT of Pondicherry	Chennai

❖ The Council is a recommendatory body on issues relating to inter-state, Centre-state and Centre-union territories relations. The council may meet at least thrice in a year

Zonal Councils:

❖ The zonal councils are the statutory (and not the constitutional) bodies. They are established by an Act of the Parliament, that is, States Reorganisation Act of 1956. The act divided the country into five zones (Northern, Central Eastern, Western and Southern) and provided a zonal council for each zone.

Inter – State Trade and Commerce:

Articles 301 to 307 in Part XIII of the Constitution deal with the trade, commerce and intercourse within the territory of India.

- ❖ The home minister of Central government is the common chairman of the five zonal councils. Each chief minister acts as a vice-chairman of the council by rotation, holding office for a period of one year at a time.
- ❖ The zonal councils aim at promoting cooperation and coordination between states, union territories and the Centre.

North Eastern Council:

- ❖ In addition to the above Zonal Councils, a North-Eastern Council was created by a separate Act of Parliament the North-Eastern Council Act of 1971. Its members include Assam, Manipur, Mizoram, Arunachal Pradesh, Nagaland, Meghalaya, Tripura and Sikkim.

SPECIAL STATUS OF JAMMU & KASHMIR

- ❖ The special status guaranteed in Article 370.
- ❖ This status has been provided on the basis of an agreement concluded at the time of Jammu

and Kashmir accession to the Indian Union.

- ❖ The following are some of the special features of the special relationship between the Union of India and Jammu and Kashmir :
 1. J&K has its own constitution, apart from the Indian Constitution. Its constitution was framed by a Constituent Assembly of its own and came into being on the 26th January, 1957.
 2. The Parliament cannot make law with regard to J & K on subjects in the State List.
 3. The residuary powers lie with the legislatures of J & K and not with the Parliament.
 4. It follows dual citizenship. Only the citizens of J & K can take part in the elections to the State Assembly and acquire, own and dispose immovable property in J & K.
 5. Only National Emergency proclaimed on grounds of war and external aggression shall have automatic extension to J & K. National Emergency proclaimed on the basis of armed rebellion shall

not be automatically extended to J & K.

6. Apart from the President's Rule, the Governor's Rule can also be imposed for a maximum period of six months, in case of constitutional breakdown in the State.
7. The Parliament cannot change the name, boundary or territory of J & K, without the concurrence of State Legislature.
8. The State Government shall be consulted by the Centre before appointing a person as the Governor of J & K.
9. No preventive detention law made by the Parliament can have automatic extension to J & K.
10. The Union has no power to proclaim a Financial Emergency to J & K.
11. J & K autonomy Resolution – June 26, 2000 but rejected on July 14, 2000 by Central Government.



EMERGENCY PROVISIONS

- ❖ The Emergency provisions are contained in Part XVIII of the Constitution, from Article 352 to 360.
- ❖ This kind of transformation of the political system from federal during normal times to unitary during Emergency is a unique feature of the Indian Constitution.

The Constitution stipulates three types of emergencies:

- ❖ An emergency due to war, external aggression or armed rebellion (Art 352). This is popularly known as 'National Emergency.'
- ❖ An Emergency due to the failure of the constitutional machinery in the states (Art 356). This is popularly known as 'President's Rule'. It is also known by two other names, State Emergency or constitutional Emergency.
- ❖ Financial Emergency due to a threat to the financial stability or credit of India (Art 360).

National Emergency:

- ❖ First emergency was declared in 1962 due to Chinese aggression
- ❖ Second emergency was declared in 1971 due to Indo-Pakistan war
- ❖ Third emergency was declared in 1975, on the grounds of Internal disturbance

Financial Emergency:

- ❖ So far, no emergency declared

Grounds of Declaration:

- ❖ Under Article 352, the President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or armed rebellion.
- ❖ The President can also issue different proclamations on grounds of war, external aggression, and armed rebellion.
- ❖ When a national emergency is declared on the ground of 'war' or 'external aggression', it is known as 'External Emergency',

it is declared on the ground of armed rebellion', it is known as 'Internal Emergency.'

- ❖ The 44th Amendment Act of 1978 substituted the words 'armed rebellion' for 'internal disturbance.'
- ❖ The President, however, can proclaim a national emergency only after receiving a written recommendation from the cabinet by 44th Amendment Act of 1978.

special majority, introduced by the 44th Amendment Act of 1978.

Revocation of Proclamation:

- ❖ A Proclamation of emergency may be revoked by the president at any time by a subsequent proclamation. Such a proclamation does not require the parliamentary approval.
- ❖ Further, the President must revoke a proclamation if the Lok Sabha passes a resolution disapproving its continuation, this safeguard was introduced by the 44th Amendment Act of 1978

Parliamentary Approval and Duration:

- ❖ Approved by the both the Houses of Parliament within one month from the date of its issue. Originally, it was two months, but was reduced by the 44th Amendment Act of 1978.
- ❖ The emergency continues for six months, with an approval of the Parliament for every six months, added by 44th Amendment Act of 1978.
- ❖ Every resolution approving the proclamation of emergency or its continuance must be passed by either House of Parliament by a

Effects of National Emergency:

1. Effects on the Centre-state relations.
2. Effect on the life of the Lok Sabha and State assembly, and
3. Effect on the Fundamental Rights.

1. Effects on the Centre-State Relations

(a) Executive

The Centre becomes entitled to give executive directions to a state on 'any' matter. Thus the state

governments are brought under the complete control of the Centre, though they are not suspended.

(b) Legislative

The normal distribution of the legislative powers between the Centre and state is suspended, though the state Legislatures are not suspended.

(c) Financial

The president can either reduce or cancel the transfer of finances from Centre to the states.

2. Effect on the life of the Lok Sabha and State assembly

The life of the Lok Sabha may be extended beyond its normal term (Five years) by a law of parliament for one year at time. This extension cannot continue beyond a period of six months after the emergency has ceased to operate.

3. Effect on the Fundamental Rights

- ❖ Article 358 – Suspension of the Fundamental Rights guaranteed by Article 19.
- ❖ The six fundamental rights under article 19 are automatically

suspended. No separate order for their suspension is required. When the national emergency ceases to operate, it automatically came into force.

- ❖ Article 359 - Suspension of the other Fundamental Rights guaranteed except Article 20 and 21
- ❖ Under this fundamental rights as such are not suspended, but only their enforcement. The suspension of enforcement relates to only those specified in the Presidential order.
- ❖ Declarations made so far
- ❖ This type of emergency has been proclaimed three times so far-in 1962, 1971, 1975

PRESIDENT RULE:

Grounds of imposition

The President rule can be proclaimed under Article 356 on two grounds

1. Article 365 empowers the President to issue a proclamation, if he is satisfied that a situation has arisen in which the government of a state

Emergency Provisions

-◆
- cannot be carried on in accordance with the provisions of the constitution.
 - 2. Article 365 says that whenever a state fails to comply with or to give effect to any direction from the centre

Parliamentary approval and duration:

- ❖ Approved by the both the Houses of Parliament within two months from the date of its issue.
- ❖ If approved by both the houses of parliament, the President's rule continues for six months. It can be extended for a maximum period of three years with the approval of the parliament, every six months.
- ❖ Every resolution approving the proclamation of President's rule or its continuation can be passed by either house of parliament only by simple majority.

Consequences of President's Rule:

- ❖ When the President's Rule is imposed in a state, the President dismisses the state council of

ministers headed by the chief minister.

- ❖ The state governor, on behalf of the President, carries on the state administration with the help of the chief secretary of the state or the advisors appointed by the President.
- ❖ 356 is popularly known as the imposition of 'president's rule' in a state
- ❖ Further, the President either suspends or dissolves the state legislative assembly.

Scope of Judicial Review:

- ❖ The 38th Amendment Act of 1975 made the satisfaction of the President in invoking Article 356 final and conclusive which could not be challenged in any court on any ground.
- ❖ But, this provision was subsequently deleted by the 44th Amendment Act of 1978 implying that the satisfaction of the President is not beyond judicial review.

◆.....◆
Financial Emergency:

Grounds of Declaration:

- ❖ Article 360 empowers the president to proclaim a Financial Emergency if he is satisfied that a situation has arisen due to which the financial stability or credit of India or any part of its territory is threatened.

- ❖ A resolution approving the proclamation of financial emergency can be passed by either House of Parliament only by a simple majority.

Parliamentary Approval and

Duration:

- ❖ Financial emergency must be approved by both the Houses of Parliament within two months from the date of its issue.
- ❖ Once approved by both the Houses of Parliament, the Financial Emergency continues indefinitely till it is revoked. This implies two things.

- a) there is no maximum period prescribed for its operation; and
- b) repeated parliamentary approval is not required for its continuation

ELECTION COMMISSION

ELECTION

Articles Related to Elections

Article No.	Subject - Matter
324	Superintendence, direction and control of elections to be vested in an Election Commission
325	No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex
326	Elections to the House of the People and to the Legislative Assemblies of states to be on the basis of adult suffrage
327	Power of Parliament to make provision with respect to elections to Legislatures
328	Power of Legislature of a state to make provision with respect to elections to such Legislature
329	Bar to interference by courts in electoral matters
329A	Special provision as to elections to Parliament in the case of Prime Minister and Speaker (Repealed)

ELECTION MACHINERY

Election Commission of India (ECI)

- ❖ Under Article 324 of the Constitution of India, the Election Commission of India is vested with the power of superintendence, direction and control of conducting the

elections to the Lok Sabha and State Legislative Assemblies.

- ❖ The Chief Electoral Officer of a state / Union Territory is authorised to supervise the election work in the state / Union Territory subject to the overall superintendence, direction and

ELECTION COMMISSION

control of the Election Commission.

officer of the state Government as the Direct Election Officer in consultation with the state government

Composition:

1. Chief election commissioner & 2 Election Commissioners.
2. Appointed by President.
3. Tenure decided by President.
4. From 1950 to 15 October 1989 - functions as a single member body.
5. 16 October 1989 two more election commissioners appointed.
6. All the three members have same emoluments and allowances as those of a Judge of the Supreme Court.
7. They can hold office for a term of 6 years or until they attain the age of 65 years whichever is earlier.
8. No prescribed qualification of the members in the constitution.

- ❖ The Returning Officer of a Parliamentary or assembly constituency is responsible for the conduct of elections in the Parliamentary or assembly constituency concerned.
- ❖ The Election Commission of India nominates or designates an officer of the Government or a local authority as the Returning Officer for each of the assembly and parliamentary constituencies in consultation with the State Government / union Territory Administration.

District Election Officer (DEO)

- ❖ Subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer supervises the election work of a district.
- ❖ The Election Commission of India nominates or designates an

- ❖ The Electoral Registration Officer is responsible for the preparation of electoral rolls for a Parliamentary / assembly constituency.
- ❖ The Election Commission of India, in consultation with the state / UT government, appoints an officer of the government or

the local authorities as the Electoral Registration Officer.

- ❖ The Presiding Officer with the assistance of polling officers conducts the poll at a polling station.
- ❖ The District Election Officer appoints the Presiding Officers and the Polling Officers.
- ❖ The Election Commission of India nominates officers of Government as Observers (General Observers and Election Expenditure Observes) for Parliamentary and assembly constituencies.



1. Largest Constituencies : Ladakh - Jammu & Kashmir
2. Smallest Constituencies : Chandni Chowk - NCT of Delhi

Electronic Voting Machines: (EVM)

EVM are being used in Indian General and state elections. Electronic voting is partly implemented from 1999 elections and in total since 2004 elections.

- ❖ The EVMs were first used in 1998 in the by – election at North Paravur Assembly Constituency in Kerala for a limited number of polling stations.
- ❖ The EVMs were used for the first time in the general elections (entire state) to the Assembly of Goa in 1999.
- ❖ Election Commission decided to introduce EVMs with Voter – verified paper audit trail (VVPAT) system. The VVPAT system was introduced in 8 of 543 parliamentary constituencies as a pilot project in Indian General Election, 2014.

NOTA – None Of The Above

- **NOTA** was designed to allow the voter to indicate disapproval of all of the candidates in a assembly constituency.
- On September 27, 2013 –Supreme court directed Election commission to introduce a NOTA button.
- NOTA symbol – ballot paper with a black cross across it. Introduced – September 18, 2015.
- Before NOTA – Rule 49-0 of “The Conduct of Elections Rules, 1961” was used by election commission.

ELECTORAL REFORMS

Electoral Reforms Before 1996

- ❖ **Lowering of Voting Age** – The 61st Constitutional Amendment Act of 1988 reduced the voting age from 21 years to 18 years for the Lok Sabha as well as the assembly elections.
- ❖ **Deputation to Election Commission** – In 1988, a provision was made that the officers and the staff engaged in preparation, revision and correction of electoral rolls for elections are deemed to be on deputation to the Election Commission for the period of such employment.

ELECTION COMMISSION OF UNION AND STATE

- ❖ Article 324 of the constitution provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the offices of President of India and the office of Vice-President of India shall be vested in the election commission.

Composition:

- ❖ Consists of Chief Election Commissioner + 2 Election Commissioners. They all enjoy equal powers.

Appointment :

- ❖ The Chief Election Commissioner is appointed by the President and the other Election Commissioners are appointed by the President (after consultation with the Chief Election Commissioner).
- ❖ President also appoints Regional Commissioners at the time of General Elections after consultation with the Election Commission.

Term and Tenure:

- ❖ Election Commissioners are appointed for a term of 6 years or until they attain the age of 65 years, whichever is earlier.
- ❖ They are not eligible for re-appointment. Also, they cannot hold any office of profit after their retirement. Salary – equal to judge of Supreme Court

1. Election Commission of India

- Formed - January 25, 1950
- Head quarters – New Delhi.
- Chief Election Commissioner – Syed Nazim Ahmad Zaidi (from April 19, 2015)

2. Tamil Nadu Election Commission

It is an autonomous, independent Constitutional and Statutory authority of Tamil Nadu.

- Formed - July 15, 1994
- Head quarters – Chennai.
- Function - The conduct of elections to Rural and Urban bodies of Tamil Nadu.
- TN Election Commissioner - P. Seetharaman, I.A.S (from March 2015)

Removal:

- ❖ The Chief Election Commissioner can be removed from office before expiry of his term by the President on the basis of a resolution passed by the Parliament by a special majority on the ground of proven mis-behaviour or incapacity (same as that of Judge of Supreme Court). The other Election Commissioners may be removed by the President on the recommendation of the Chief Election Commissioner.

Functions:

- ❖ Preparation of electoral rolls & keep voters list updated.

- ❖ The electoral roll is normally revised every year to add the names of those who have turned 18 on the 1st. January of that year or have moved into a constituency and to remove the names of those who have died or moved out of a constituency.
- ❖ Preparation of code of conduct for all political parties.
- ❖ Recognition of various political parties & allotment of election symbols.
- ❖ Appointment of election officers to look into disputes concerning election arrangements.
- ❖ To examine the returns of election expenses filed by the candidate

ELECTION COMMISSION

Chief Election Commissioners






The following have held the post of the Chief Election Commissioner of India.

- ❖ Chief Election Commissioner –
Dr. Nasim Zaidi









❖ Election Commissioners – Sh.

A.K. Joti, Sh.Om Prakash Rawat

List of Chief Election Commissioners

SL.No.	Name	Portrait	Took Office	Left Office
1	Sukumar Sen		21 March 1950	19 December 1958
2	KVK Sundaram		20 December 1958	30 September 1967
3	S. P. Sen Verma		1 October 1967	30 September 1972
4	Nagendra Singh		1 October 1972	6 February 1973
5	T. Swaminathan		7 February 1973	17 June 1977

ELECTION COMMISSION

6	S. L. Shakdhar		18 June 1977	17 June 1982
7	R. K. Trivedi		18 June 1982	31 December 1985
8	R. V. S. Peri Sastri		1 January 1986	25 November 1990
9	V. S. Ramadevi		26 November 1990	11 December 1990
10	T. N. Seshan			
11	M. S. Gill		12 December 1996	13 June 2001
12	J. M. Lyngdoh		14 June 2001	7 February 2004
13	T. S. Krishnamurthy		8 February 2004	15 May 2005

ELECTION COMMISSION

14	B. B. Tandon		16 May 2005	29 June 2006
15	N. Gopalaswami		30 June 2006	20 April 2009
16	Navin Chawla		21 April 2009	29 July 2010
17	S. Y. Quraishi		30 July 2010	10 June 2012
18	V. S. Sampath		10 June 2012	15 January 2015
19	<u>H. S. Brahma</u>		15 January 2015	Incumbent
20.	Nasim Zaidi		15 April 2015	Incumbent
21.	Achal Kumar Jyoti		6 th July 2017	22 Jan 2018
22.	Om Prakash Rawat		23 Jan 2018	Present

◆.....◆ FINANCE COMMISSION

- ❖ Article 280 of the Constitution of India provides for a Finance Commission as a quasi judicial body. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.

- | | | |
|----------------------|------------------|---------|
| ❖ Presently | 15 th | Finance |
| Commission | | |
| ❖ Chairman N.K.Singh | | |

Composition:

- ❖ It consists of a Chairman & 4 other members. They are eligible for re-appointment.
- ❖ The Chairman is selected from persons who have had experience in public affairs while the members are selected from the persons who. Qualified to be appointed judges of High Court.
 - ❖ Have special knowledge of the finance & accounts of govt.
 - ❖ Wide experience in financial matter & in administration. Have special knowledge of Economics.

Functions:

- ❖ To recommend to the President distribution of net proceeds of the taxes which are divisible between Union and States.
To recommend the principles which should govern the Grants of the revenues of the State out of the Consolidated Fund of India.
- ❖ The recommendations made by it are only of advisory nature and hence not binding on the Government.
- ❖ To tender advice to the President on any other matter referred to the Commission in the interest of sound finance.

ANTI- DEFECTION LAW

- ❖ To curb political defection, added by 52nd amendment in 1985 in Tenth Schedule.
- ❖ Any member of Parliament belonging to any political party can be disqualified.
 - If he voluntarily gives up the membership of that political party. If he votes or abstains from voting according to the party 'whip'.

- Any independent member can be disqualified if he joins any political party after election.
- Any nominated member can be disqualified if he joins any political party after the expiry of 6 month from the date of his joining.

This law shall not apply:

- ❖ To a situation of 'merger' in which atleast 2/3 members of any party are involved.
- ❖ To person who resigns membership of his party after becoming the Presiding officer of the house & _he rejoins the party after laying down that office.
- ❖ 91st amendment act – 2003 omitted exception provision i.e. disqualification on ground of defection not to apply in case of split.

AMENDMENTS TO CONSTITUTION

- ❖ Article 368 in Part XX of the Constitution deals with the powers of Parliament to amend the Constitution and its procedure.
- ❖ The Parliament cannot amend those provisions which form the 'basic structure' of the Constitution. This was ruled by the Supreme Court in the Kesavananda Bharati case (1973).

Procedure for Amendment:

- ❖ An amendment of the Constitution can be initiated only by the introduction of a bill for the purpose in either House of parliament and not in the state legislatures.
- ❖ The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
- ❖ The bill must be passed in each house by a special majority, (more than 50 percent of the total membership of the house and a majority of two-thirds of the members of the house present and voting).
- ❖ Each house must pass the bill separately. In case of a disagreement between the two Houses, there is no provision for holding a joint sitting of the two Houses for the purpose of deliberation and passage of the bill.
- ❖ If the bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members of the House present and voting.
- ❖ After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent.



- ❖ The president must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament.
- ❖ After the president's assent, the bill becomes an Act (i.e., a constitutional amendment act) and the Constitution stands amended in accordance with the terms of the Act.

Type of amendments:

- ❖ Amendment by simple majority of the Parliament
- ❖ Amendment by special majority of the Parliament, and
- ❖ Amendment by special majority of the Parliament, and the ratification of half of the state legislatures.

By Simple Majority of Parliament

1. Admission or establishment of new states
2. Formation of new states and alteration of areas, boundaries or names of existing states.
3. Abolition or creation of legislative councils in states.

4. Second Schedule – emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.
5. Fifth Schedule – administration of scheduled areas and scheduled tribes.
6. Sixth Schedule – administration of tribal areas.
7. Quorum in Parliament.
8. Salaries and allowances of the members of Parliament.
9. Rules of procedure in Parliament.
10. Privileges of the Parliament, its members and its committees.
11. Use of English language in Parliament.
12. Conferment of more jurisdiction on the Supreme Court.
13. Use of official language.
14. Citizenship acquisition and termination.
15. Elections to Parliament and state legislatures.
16. Delimitation of constituencies.
17. Union territories.
18. Number of puisne judges in the Supreme court.

By special Majority of Parliament

1. Fundamental Rights
2. Directive Principles of State Policy
3. All other provisions which are not covered by the first and third categories.

By simple Majority of Parliament and Consent of States:

1. Election of the President and its manner

2. Extent of the executive power of the Union and the states
3. Supreme Court and High Courts
4. Distribution of legislative powers between the Union and the states
5. Any of the lists in the Seventh Schedule.
6. Representation of states in Parliament.
7. Power of Parliament to amend the Constitution and its procedure (Article 368 itself).

LIST OF CONSTITUTIONAL AMENDMENTS AND THEIR PROVISIONS

SL. No	Amendment	Important Provisions
1	1st Amendment Act: 1951	<ul style="list-style-type: none"> • Added Ninth Schedule to protect the land reform and other laws included in it from the judicial review. • Added three more grounds of restrictions on freedom of speech and expression, viz., public order, friendly relations with foreign states and incitement to an offence. Also, made the restrictions 'reasonable' and thus, justiciable in nature. • Empowered the state to make special provisions for the advancement of socially and economically backward classes
2	2nd Amendment act: 1952	Readjusted the scale of representation in the Lok Sabha by providing that one member could represent even more than 7,50,000 persons.

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3	3rd Amendment act: 1954	Empowered the Parliament to control the production, supply and distribution of the foodstuffs, cattle fodder, raw cotton, cotton seed and raw jute in the public interest
4	4th Amendment act: 1955	Made the scale of compensation given in lieu of compulsory acquisition of private property beyond the scrutiny of courts.
5	5th Amendment Act: 1955	Empowered the president to fix the time-limit for the state legislatures to express their views on the proposed Central legislation affecting the areas, boundaries and names of the states
6	6th Amendment Act: 1956	Included a new subject in the Union list i.e., taxes on the sale and purchase of goods in the course of inter-state trade and commerce and restricted the state's power in this regard
7	7th Amendment Act: 1956	<ul style="list-style-type: none"> • This constitutional amendment act was brought to give effect to recommendations of state reorganisation commission. • Provided for the establishment of a common high court for two or more states. • Abolished the existing classification of states into four categories i.e., Part A, Part B, Part C and Part D states, and reorganised them into 14 states and 6 union territories. • Extended the jurisdiction of high courts to union territories. • Provided for the appointment of additional and acting judges of the high court.
8	8th Amendment Act: 1960	Extended the reservation of seats for the SCs and STs, and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a period of ten years (i.e., up to 1970).

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9	9th Amendment Act: 1960	Facilitated the cession of Indian territory of Berubari Union (located in West Bengal) to Pakistan as provided in the Indo-Pakistan Agreement (1958).
10	10th Amendment Act: 1961	Incorporated Dadra and Nagar Haveli in the Indian Union
11	11th Amendment Act: 1961	<ul style="list-style-type: none"> • Changed the procedure of election of the vice-president by providing for an electoral college instead of a joint meeting of the two Houses of Parliament. • Provided that the election of the president or vice-president cannot be challenged on the ground of any vacancy in the appropriate electoral college.
12	12th Amendment Act: 1962	Incorporated Goa, Daman and Diu in the Indian Union.
13	13th Amendment Act: 1962	Gave the status of a state to Nagaland and made special provisions for it.
14	14th Amendment Act: 1962	Incorporated Puducherry in the Indian Union
15	15th Amendment Act: 1963	Increased the retirement age of high court judges from 60 to 62 years
16	16th Amendment Act: 1963	Included sovereignty and integrity in the forms of oaths or affirmations to be subscribed by contestants to the legislatures, members of the legislatures, ministers, judges and CAG of India.
17	17th Amendment Act: 1964	Prohibited the acquisition of land under personal cultivation unless the market value of the land is paid as compensation.
18	18th Amendment Act: 1966	Made it clear that the power of Parliament to form a new state also includes a power to form a new state or union territory by uniting a part of a state or a union territory to another state or UT.
19	19th Amendment Act: 1966	Abolished the system of Election Tribunals and vested the power to hear election

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20	20th Amendment Act: 1966	Validated certain appointments of district judges in the UP which were declared void by the Supreme Court.
21	21st Amendment Act: 1967	Included sindhi as the 15th language in the Eight Schedule.
22	22nd Amendment Act: 1969	Facilitated the creation of a new autonomous State of Meghalaya within the State of Assam.
23	23rd Amendment Act: 1969	Extended the reservation of seats for the SCs and STs, and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e., up to 1980).
24	24th Amendment Act: 1971	<ul style="list-style-type: none"> • Affirmed the power of Parliament to amend any part of the constitution including fundamental rights. • Made it compulsory for the president to give his assent to a Constitutional Amendment Bill.
25	25th Amendment Act: 1971	<ul style="list-style-type: none"> • Curtailed the fundamental right to property. • Provided that any law made to give effect to the Directive Principles contained in Article 39 (b) or (c) cannot be challenged on the ground of violation of the rights guaranteed by Articles 14, 19 and 31.
26	26th Amendment Act: 1971	Abolished the privy purses and privileges of the former rulers of princely states.
27	27th Amendment Act: 1971	Empowered the administrators of certain union territories to promulgate ordinances.
28	28th Amendment Act: 1972	<ul style="list-style-type: none"> • Abolished the special privileges of ICS officers and empowered the Parliament to determine their service conditions. • Twenty-Ninth Amendment Act, 1972 • Included two Kerala Acts on land reforms in the Ninth Schedule.
29	30th Amendment Act: 1972	Did away with the provision which allowed

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		appeal to the Supreme Court in civil cases involving an amount of `20,000, and provided instead that an appeal can be filed in the Supreme Court only if the case involves a substantial question of law.
30	31st Amendment Act: 1972	Increased the number of Lok Sabha seats from 525 to 545.
31	32nd Amendment Act: 1973	Made special provisions to satisfy the aspirations of the people of the Telangana region in Andhra Pradesh.
32	33rd Amendment Act: 1974	Provided that the resignation of the members of Parliament and the state legislatures may be accepted by the Speaker/Chairman only if he is satisfied that the resignation is voluntary or genuine.
33	34th Amendment Act: 1974	Included twenty more land tenure and land reforms acts of various states in the Ninth Schedule.
34	35th Amendment Act: 1974	Terminated the protectorate status of Sikkim and conferred on it the status of an associate state of the Indian Union. The Tenth Schedule was added laying down the terms and conditions of association of Sikkim with the Indian Union.
35	36th Amendment Act: 1975	Made Sikkim a full-fledged State of the Indian Union and omitted the Tenth Schedule.
36	37th Amendment Act: 1975	Provided legislative assembly and council of ministers for the Union Territory of Arunachal Pradesh.
37	38th Amendment Act: 1975	Empowered the president to declare different proclamations of national emergency on different grounds simultaneously.
38	39th Amendment Act: 1975	Placed the disputes relating to the president, vice-president, prime minister and Speaker beyond the scope of the judiciary. They are to be decided by such authority as may be determined by the

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		Parliament.
39	40th Amendment Act: 1976	Empowered the Parliament to specify from time to time the limits of the territorial waters, the continental shelf, the exclusive economic zone (EEZ) and the maritime zones of India.
40	41st Amendment Act: 1976	Raised the retirement age of members of State Public Service Commission and Joint Public Service Commission from 60 to 62.
41	42nd Amendment Act: 1976	<ul style="list-style-type: none"> • It is also known as Mini-Constitution. It was enacted to give effect to the recommendations of Swaran Singh Committee.) • Added three new words (i.e., socialist, secular and integrity) in the Preamble. • Added Fundamental Duties by the citizens (new Part IV A). • Made the president bound by the advice of the cabinet. • Added three new Directive Principles viz., equal justice and free legal aid, participation of workers in the management of industries. • Shifted five subjects from the state list to the concurrent list, viz, education, forests, protection of wild animals and birds, weights and measures and administration of justice, constitution and organisation of all courts except the Supreme Court and the high courts. • Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.
42	43rd Amendment Act: 1977	Restored the jurisdiction of the Supreme Court and the high courts in respect of judicial review and issue of writs
43	44th Amendment Act: 1978	<ul style="list-style-type: none"> • Empowered the president to send back once the advice of cabinet for

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		<p>reconsideration. But, the reconsidered advice is to be binding on the president</p> <ul style="list-style-type: none"> • Replaced the term 'internal disturbance' by 'armed rebellion' in respect of national emergency. • Made the President to declare a national emergency only on the written recommendation of the cabinet. • Deleted the right to property from the list of Fundamental Rights and made it only a legal right.
44	45th Amendment Act: 1980	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e., up to 1990).
45	46th Amendment Act: 1982	Enabled the states to plug loopholes in the laws and realise sales tax dues.
46	47th Amendment Act: 1984	Included 14 land reforms Acts of various states in the Ninth Schedule.
47	48th Amendment Act: 1984	Facilitated the extension of President's rule in Punjab beyond one year without meeting the two special conditions for such extension.
48	49th Amendment Act: 1984	Gave a constitutional sanctity to the Autonomous District Council in Tripura.
49	50th Amendment Act: 1984	Empowered the Parliament to restrict the Fundamental Rights of persons employed in intelligence organisations and telecommunication systems set up for the armed forces or intelligence organisations.
50	51st Amendment Act: 1984	Provided for reservation of seats in the Lok Sabha for STs in Meghalaya, Arunachal Pradesh, Nagaland and Mizoram as well as in the Legislative Assemblies of Meghalaya and Nagaland
51	52nd Amendment Act: 1985	<ul style="list-style-type: none"> • This amendment popularly known as Anti-Defection Law

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		<ul style="list-style-type: none"> Provided for disqualification of members of Parliament and state legislatures on the ground of defection and added a new Tenth Schedule containing the details in this regard.
52	53rd Amendment Act: 1986	Made special provisions in respect of Mizoram and fixed the strength of its Assembly at a minimum of 40 members
53	54th Amendment Act: 1986	Increased the salaries of the Supreme Court and high court judges and enabled the Parliament to change them in future by an ordinary law.
54	55th Amendment Act: 1986	Made special provisions in respect of Arunachal Pradesh and fixed the strength of its Assembly at a minimum of 30 members.
55	56th Amendment Act: 1987	Fixed the strength of the Goa Legislative Assembly at a minimum of 30 members.
56	57th Amendment Act: 1987	Reserved seats for the STs in the legislative assemblies of the states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland.
57	58th Amendment Act: 1987	Provided for an authoritative text of the Constitution in Hindi language and gave the same legal sanctity to the Hindi version of the Constitution.
58	59th Amendment Act: 1988	Provided for the declaration of national emergency in Punjab on the ground of internal disturbance.
59	60th Amendment Act: 1988	Increased the ceiling of taxes on professions, trades, callings and employments from Rs 250 per annum to Rs 2,500 per annum
60	61st Amendment Act: 1989	Reduced the voting age from 21 years to 18 years for the Lok Sabha and state legislative assembly elections.
61	62nd Amendment Act: 1989	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and

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		the state legislative assemblies for the further period of ten years (i.e., up to 2000).
62	63rd Amendment Act: 1989	Repealed the changes introduced by the 59th Amendment Act of 1988 in relation to Punjab. In other words, Punjab was brought at par with the other states in respect of emergency provisions.
63	64th Amendment Act: 1990	Facilitated the extension of the President's rule in Punjab upto a total period of three years and six months
64	65th Amendment Act: 1990	Provided for the establishment of a multi-member National Commission for SCs and STs in the place of a Special Officer for SCs and STs.
65	66th Amendment Act: 1990	Included 55 more land reforms Acts of various states in the Ninth Schedule.
66	67th Amendment Act: 1990	Facilitated the extension of the President's rule in Punjab up to a total period of four years.
67	68th Amendment Act: 1991	Facilitated the extension of the President's rule in Punjab up to a total period of five years
68	69th Amendment Act: 1991	Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi.
69	70th Amendment Act: 1992	Provided for the inclusion of the members of the Legislative Assemblies of National Capital Territory of Delhi and the Union Territory of Puducherry in the Electoral College for the election of the president.
70	71st Amendment Act: 1992	Included Konkani, Manipuri and Nepali languages in the Eight Schedule. With this, the total number of scheduled languages increased to 18.
71	72nd Amendment Act: 1992	Provided for reservation of seats for the STs in the Legislative Assembly of Tripura
72	73rd Amendment Act: 1992	1.Granted constitutional status and protection to the panchayati raj institutions.

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		2. For this purpose, the Amendment has added a new Part-IX entitled as 'the panchayats' and a new Eleventh Schedule containing 29 functional items of the panchayats.
73	74th Amendment Act: 1992	<ul style="list-style-type: none"> • Granted constitutional status and protection to the urban local bodies. • For this purpose, the Amendment has added a new Part IX-A entitled as 'the municipalities' and a new Twelfth Schedule containing 18 functional items of the municipalities.
74	75th Amendment Act: 1994	Provided for the establishment of rent tribunals for the adjudication of disputes with respect to rent, its regulation and control and tenancy issues including the rights, title and interest of landlords and tenants
75	76th Amendment Act: 1994	Included the Tamil Nadu Reservation Act of 1994 (which provides for 69 per cent reservation of seats in educational institutions and posts in state services) in the Ninth Schedule to protect it from judicial review. In 1992, the Supreme Court ruled that the total reservation should not exceed 50 percent.
76	77th Amendment Act: 1995	Provided for reservation in promotions in government jobs for SCs and STs. This amendment nullified the Supreme Court ruling with regard to reservation in promotions.
77	78th Amendment Act: 1995	Included 27 more land reforms Acts of various states in the Ninth Schedule. With this, the total number of Acts in the Schedule increased to 282. But, the last entry is numbered 284.
78	79th Amendment Act: 1999	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and

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		the state legislative assemblies for a further period of ten years (i.e., up to 2010).
79	80th Amendment Act: 2000	Provided for an 'alternative scheme of devolution' of revenue between the Centre and states. This was enacted on the basis of the recommendations of the Tenth Finance Commission which has recommended that out of the total income obtained from Central taxes and duties, twenty-nine per cent should be distributed among the states.
80	81st Amendment Act: 2000	Empowered the state to consider the unfilled reserved vacancies of a year as a separate class of vacancies to be filled up in any succeeding year or years. Such class of vacancies are not to be combined with the vacancies of the year in which they are being filled up to determine the ceiling of 50 per cent reservation on total number of vacancies of that year. In brief, this amendment ended the 50 per cent ceiling on reservation in backlog vacancies.
81	82nd Amendment Act: 2000	Provided for making of any provision in favour of the SCs and STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to the public services of the Centre and the states.
82	83rd Amendment Act: 2000	Provided that no reservation in panchayats need be made for SCs in Arunachal Pradesh. The total population of the state is tribal and there are no SCs.
83	84th Amendment Act: 2001	<ul style="list-style-type: none"> Extended the ban on readjustment of seats in the Lok Sabha and the state legislative assemblies for another 25 years (i.e., up to 2026) with the same

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		<p>objective of encouraging population limiting measures.</p> <ul style="list-style-type: none"> • In other words, the number of seats in the Lok Sabha and the assemblies are to remain same till 2026. • It also provided for the readjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 1991 census.
84	85th Amendment Act: 2001	<p>Provided for 'consequential seniority' in the case of promotion by virtue of rule of reservation for the government servants belonging to the SCs and STs with retrospective effect from June 1995.</p>
85	86th Amendment Act: 2002	<ul style="list-style-type: none"> • Made elementary education a fundamental right. The newly-added Article 21-A declares that "the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may determine". • Changed the subject matter of Article 45 in Directive Principles. It now reads—"The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years". • Added a new fundamental duty under Article 51-A which reads—"It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years".

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86	87th Amendment Act: 2003	Provided for the readjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 2001 census and not 1991 census as provided earlier by the 84th Amendment Act of 2001.
87	88th Amendment Act: 2003	Made a provision for service tax (Article 268-A). Taxes on services are levied by the Centre. But, their proceeds are collected as well as appropriated by both the Centre and the states in accordance with the principles formulated by parliament
88	89th Amendment Act: 2003	Bifurcated the erstwhile combined National Commission for Scheduled Castes and Scheduled Tribes into two separate bodies, namely, National Commission for Scheduled Castes (Article 338) and National Commission for Scheduled Tribes (Article 338-A). Both the Commissions consist of a Chairperson, a Vice-Chairperson and three other members. They are appointed by the President.
89	90th Amendment Act: 2003	Provided for maintaining the erstwhile representation of the Scheduled Tribes and non- Scheduled Tribes in the Assam legislative assembly from the Bodoland Territorial Areas District (Article 332 (6)).
90	91st Amendment Act: 2003	<ul style="list-style-type: none"> The total number of ministers, including the Prime Minister, in the Central Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha (Article 75(1A)). The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15% of the total strength of the legislative Assembly of that state. But, the number of ministers, including the Chief Minister, in a state shall not be

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		<p>less than 12 (Article 164(1A)).</p> <ul style="list-style-type: none"> The provision of the Tenth Schedule (anti-defection law) pertaining to exemption from disqualification in case of split by one-third members of legislature party has been deleted. It means that the defectors have no more protection on grounds of splits.
91	92nd Amendment Act: 2003	Included four more languages in the Eighth Schedule. They are Bodo, Dogri (Dongri), Maithili (Maithili) and Santhali. With this, the total number of constitutionally recognised languages increased to 22
92	93rd Amendment Act: 2005	Empowered the state to make special provisions for the socially and educationally backward classes or the Scheduled Castes or the Scheduled Tribes in educational institutions including private educational institutions (whether aided or unaided by the state), except the minority educational institutions (clause (5) in Article 15). This Amendment was enacted to nullify the Supreme Court judgement in the Inamdar case (2005) where the apex court ruled that the state cannot impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges. The court declared that reservation in private, unaided educational institutions was unconstitutional.
93	94th Amendment Act: 2006	Freed Bihar from the obligation of having a tribal welfare minister and extended the same provision to Jharkhand and Chhattisgarh. This provision will now be applicable to the two newly formed states and Madhya Pradesh and Orissa, where it has already been in force (Article 164(1)).

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94	95th Amendment Act: 2009	Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years i.e., upto 2020 (Article 334).
95	96th Amendment Act: 2011	Substituted “Odia” for “Oriya”. Consequently, the “Oriya” language in the Eighth Schedule shall be pronounced as “Odia”
96	97th Amendment Act: 2011	<ul style="list-style-type: none"> • Gave a constitutional status and protection to co-operative societies. In this context, it made the following three changes in the constitution: • It made the right to form co-operative societies a fundamental right (Article 19) • It included a new Directive Principle of State Policy on the promotion of co-operative societies (Article 43-B). • It added a new Part IX-B in the constitution which is entitled as “The Co-operative societies” (Articles 243-ZH to 243-ZT).
97	98th Amendment Act: 2013	To empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region
98	99th Amendment Act: 2014	It provided for establishment of National judicial commission
99	100th Amendment Act: 2015	This amendment is Land Boundary Agreement (LBA) between India and Bangladesh
100	101st Amendment Act: 2016	Goods and Services Tax (GST) has commenced with the enactment of the 101st Constitution Amendment Act, 2016 on 8th September, 2016 and the subsequent notifications