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- 1600 - English East India Trading Company
- 1765 - Diwani Rights & Bengal Bihar and Odissa
- 1858 - British Crown Direct responsibilities

- 1934 - Idea & constituent assembly by M.N.Roy
- 1946 - Constituent Assembly formed
- 1950 Jan 26 - Constitution came into force

Historical Background

Company Rule (1773 - 1858)

Contents:

- Regulating Act of 1773
- Pitt's India Act of 1784
- Charter Act of 1833
- Charter Act of 1853

1. Regulation Act 1773

- Warren Hastings
- 1772 Terrible famine
- Company privileges misuse
- British P.M. Lord North
- Governor of Bengal changed to Governor General of Bengal & executive council of 4 members assist him
- First Governor General of Bengal is **Warren Hasting**
- It made Governors of Bombay and Madras provinces to subordinate him.
- It prohibited the servants of the company from engaging in any private trade or bribes from the natives
- Created a new body called Court of Directors
- Establishment of **Supreme court at Calcutta (1774)** at William.
- Contains 1 Chief Justice & 3 Judges
- 1st CJI - **Sir Elijah Impey**
- Tenure of company directors - 5 years ($\frac{1}{4}$ of retires every year)
- Governor General had no veto power.

Act of Settlement

- Rectify defects of Regulating Act of 1773.
- Amending Act of 1781.

2. Pitts India Act of 1784

- England P.M. - William Pitt
- Warren Hastings
- It rectified the defects of the previous act of the British parliament passed the Amendment Act of 1781 also known as Act of Settlement.
- It created new body called Board of Control.

East India company

Court of Directors	Board of Control
Commercial Affairs	Political Affairs

- Established a system of double Govt.
- Company territories in India was called the British possessions in India.
- Board of control - 6 members
- Secretariat of the State - President of Board of control
- Secret Committee was formed with 3 directors
- Pitts India Act was a deemed failure
- The Act failed to meet its objectives.

3. Charter Act 1793

- Lord John shore
- Trade Monopoly
- Salary of Board of control taken from company
- Extend company rule for 20 years.
- Redefined the jurisdiction of courts.
- Rise of Napoleon Bonaparte devastated Economy of England.
- Berlin decree of 1806 & Milan Decree of 1807 Forbade Import of British goods in Europe countries.
- British Merchants were allowed to trade with under strict license.

4. Charter Act 1813

- Lord Hastings
- Extend company's monopoly in Trade for 20 years except trade with china
- Alloted one lakhs for Indian Educational Development
- First time constitutional position of the British Territories in Independent India.

5. Charter Act of 1833

- William Bentick
- Idea of this act by James mill
- Final step towards centralisation in British India
- Abolish slavery in India.
- Governor General of Bengal changed to Governor General of India.
- First Governor General of India is William Bentick.
- It deprived the Governors of Bombay and Madras of their legislative power.
- GGI was given exclusive legislative power of entire India.
- Commercial body changed into purely administrative body.
- This act attempted to introduce a system of open competition for selection of civil servant but opposed by court of directors.
- China Tea Trade abolished
- Appointed Bishop for Madras, Bombay, Calcutta.
- Outcome of industrial Revolution in England.
- Introduced Laizsezz faire for mass production in India.

6. Charter Act of 1853

- Lord Dalhousie
- Last series of Charter acts
- It separated the legislative and executive function of the Governor general's council.
- It provided additional 6 new members to the New legislative council. Of that 4 members were appointed by local government of Madras, Bombay, Bengal and Agra.
- Legislative wings of the council functioned as a Mini Parliament.
- **Macaulay committee** (Committee on Indian Civil Service) was appointed in 1854

- Introduced an open competition system for selection and recruitment of civil servant for Indians also.
- This act extends the companies rule and allowed to retain the possession of India territories but it did not specify any particular period.
- Separate Governor for Bengal
- No. of Court of Directors reduced 24 to 18.

The Crown Rule (1858 - 1947)

Contents:

- Government of India Act of 1858
- Indian Councils Act of 1861, 1892 and 1909
- Government of India Act of 1919
- Government of India Act of 1935]
- Indian Independence Act of 1947

1. Govt of India Act 1858

- Lord Canning
- On the wake of 1857 Revolt
- Named as Act for the good government of India
- East India company abolished
- Court of Director and Board of control abolished
- GGI changed viceroy of India
- Office of Secretary of State formed (assisted by 11 members)
- First viceroy & Last GGI - Lord Canning
- First Secretary of State - Lord Stanley
- Viceroy - Direct responsible to king (or) queen
- Secretary of State -Direct responsible to British parliament.

2. Indian Council Act 1861

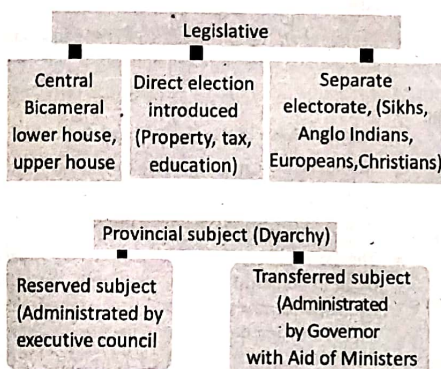
- Lord Canning
- Legislative power to Bombay, Madras (already legislative power loss by 1833 act)
- Viceroy can appoint Indians as non official
 1. Maharaja of Patiala
 2. Raja of Benaras
 3. Sir Dinkar Rao

New legislative council

Bengal 1862	NWFP 1886	Punjab 1897
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- Viceroy issue ordinance for 6 months no need legislative approved.
- Decentralisation
- Introduction of Portfolio system in 1859
- **1860 First time Budget issued**
- **Indian Council Act 1892**
 - Increased the No of members (Non-official)
 - Legislative members can discuss & ask question on budget 1860.
 - Nomination system for non-official members
 - Viceroy appoints central legislative council
 - Governors appoint provincial legislative council
 - The word "Election" was not used.

- Central legislative increase by 16 to 60 members
 - Members ask supplementary Questions and resolution.
 - Communal Representation for Muslims
 - First time Indians in Executive council
 - First Indian to Join Viceroy's Executive - **Satyendra Prasad Sinha (Law member)**
 - Minto - (Father of communal electorate) - Viceroy
 - Morley - (Secretary of State for India)
- 5. Govt. of India Act 1919**
- Montagu Chelmsford act
 - Montagu - Secretary of State for India
 - Chelmsford - Viceroy



- Related Central control over provinces
- Dyarchy - Greek word - diarche meaning double rule
- Dyarchy - Transferred and Reserved subjects
- Bicameralism - Upper and Lower House
- 3/6 Indian members - Viceroy's executive council
- Separate electorates - Sikhs, Indian Christians, Anglo Indians and Europeans
- New Office - High commissioner for India in London
- **Establishment of a Public Service Commission in 1926**

- Direct election introduced (Property, tax, education)
- 6. Simon Commission (1927)**
- Statutory commission
 - Chairman Sir John Simon
 - 7 Members Nov 1927
 - Report submission 1930
 - Recommendation
 - Abolition of dyarchy
 - Continuation of communal electorate
 - Established federation of British India and princely states
 - Boycott - reason
 - All members are white
 - Commission was appointed earlier

Communal Award

- Ramsay MacDonald - August 1932
- Extended to depressed classes
- Poona Pact

7. Govt of India Act 1935 (321 section / 10 schedules)

- Lord Wellington
- Abolished 'Dyarchy' at Provinces
- Dyarchy at Center
- Introduced Bicameralism - 6/11 provinces
- 6/11 bicameral legislative (Bengal, Bombay, Madras, Assam Bihar, United provinces)
- 10% got voting right
- Separate electorate
 1. Schedule caste
 2. Women,
 3. Labourers
- Established RBI - Control currency and credits
- PSC → Federal public service commission
→ Provincial public service commission
→ Joint public service commission

- Division of powers:
 - Federal list 59,
 - Provincial list 54
 - Concurrent list 36

Established Federal court 1937 in Delhi

- Abolished council of India (1858)
- Extended Franchise to 10% of people

8. Indian Independence Act 1947

- Lord Mountbatten
- Feb 20 Clement Atlee announced June 30 1948.
- June 3 plan (Mountbatten plan)
- July 4 - Independent Bill introduced but assent by Queen - July 18 1947]

Features

- Provision for partition of India
- British dropped its title Emperor of India
- Abolished the office of Viceroy & Secretary of state
- Powers to Constituent Assemblies
- Freedom to princely states
- Continuation of Govt. of India Act 1935
- King of England no more "Emperor of India"
- Discontinued the appointment of members for civil servants.
- Empower constituent assembly as a sovereign body to form and adopt their own constitution.
- India & Pakistan boundary line by Redcliff (Pakistan - W.Punjab, Sind, Baluchistan, E.Bengal, N.W.F.P., Assam (Sylhet District))

15 August 1947 (Friday)

- Jawaharlal Nehru - First Prime Minister of India
- Lord Mountbatten - First Governor General of new Dominion India
- First Cabinet of Free India - 14 members
- First law minister in interim Govt.-Johindher Nath Mandal.

Making of Constitution

Content:

- Demand for a Constituent Assembly
- Composition of the Constituent Assembly
- Working of the Constituent Assembly
- Changes by the Independence Act
- Committees of the Constituent Assembly - Major, Minor and Draft
- Enactment and Enforcement of the Constitution
- Criticism of the Constituent Assembly

Demand for a Constituent Assembly

- 1934 - M.N.Roy
- 1935 - INC demanded constitution of India
- 1938 - Nehru "the Constitution of Free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise".
- 1940 - August Offer
- 1942 - Cripps - Drafts Proposal ie Cabinet Mission - Rejected by Muslim League

Composition of the Constituent Assembly

- November 1946
- Features :
 - Total 389 - 296 British India (292+4), 93 Princely states.
 - 4 - Four Chief Commissioner provinces (Delhi, Ajmer - Merwara, Coorg and British Baluchistan).
 - 1 seat for 10 lakhs (1 million)

- The members of the Provincial Legislative Assemblies indirectly elected the members of the Constituent Assembly.
- Three communities - Muslims, Sikhs and general
- Proportional representation by means of single transferable vote.
- For princely states - Members nominated by Head
- Partly elected and partly nominated body
- Election July - August 1946, INC - 208 seats, Muslim League - 73, others - 15
- The Constituent assembly was not directly elected by the people on the basis of adult franchise
- The Assembly included all important personalities of India at that time, with the exception of Mahatma Gandhi & Jinnah

Working of the Constituent Assembly

- First meeting - Dec 9, 1946
- Muslim League boycotted - Pakistan
- 211 members attended
- Dr. Sachchidanand Sinha - Temporary President - French practice.
- Dr. Rajendra Prasad - President
- Two Vice Presidents - H.C.Mukherjee and V.T.Krishnamachari

Objective Resolution - By Jawaharlal Nehru

- Released on December 13, 1946 - adopted on January 22, 1947

- Independent Sovereign Republic
- India shall be Union of all territories (states)
- Territories retain autonomous status excepts such powers to Union
- Power and authority derived from the people
- Guaranteed and secured to people
- Safeguard for minorities, backward & tribal areas
- Integrity of the territory. World peace and welfare of Mankind

Changes by the Independence Act 1947

- Princely state representatives & Muslim League Members joined Assembly.
- Three changes in position of the Assembly:
 - Assembly can frame any constitution.
 - Abrogate or alter any law
- Two separate functions assigned to assembly until November 26, 1949
- Constituent body - Chaired by Dr.Rajendra Prasad
- Legislative body - Chaired by G.V.Mavalankar
- Muslim League members withdrew from Assembly for India. Total strength came down to 299 from 389 (Indian Provinces - 296 to 229 and princely state - 93 to 70)

Other Functions Performed

- India's membership of the Commonwealth - May 1949

- Adopted national flag – July 22, 1947
- Adopted national anthem and song – January 24, 1950
- Elected Dr. Rajendra Prasad as 1st President of India – January 24, 1950
- Assembly had 11 session – 2 years 11 months and 18 days
- Referred 60 countries constitutions.
- Expenditure – 64 lakhs
- Draft constitution considered for 114 days

Committees of the Constituent Assembly

- Different task of Constitution making.
- 8 major committees and 13 minor committees.

Major Committees

- Union Powers Committee – Jawaharlal Nehru
- Union Constitution Committee – Jawaharlal Nehru
- Provincial Constitution Committee – Sardhar Patel
- Drafting Committee – Dr B R Ambedkar
- Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas – Sardar Patel
- Rules of Procedure Committee – Dr Rajendra Prasad
- States Committee – Jawaharlal Nehru
- Steering Committee – Dr Rajendra Prasad

Minor Committees

- Finance and Staff Committee – Dr. Rajendra Prasad
- Credentials Committee – Alladi Krishnaswami Ayyar
- House Committee – B Pattabhi Sitaramayya
- Order of Business Committee – Dr K M Munshi
- Ad-hoc Committee on the National Flag – Dr Rajendra Prasad
- Committee on the Functions of the Constituent Assembly – G V Mavalankar
- Ad-hoc Committee on the Supreme Court – S Varadachari
- Committee on Chief Commissioners Provinces – B Pattabhi Sitaramayya.
- Expert Committee – Financial provisions of the Union Constitution – Nalini Ranjan Sarkar
- Linguistic provinces commission – S K Dhar
- Special committee to Examine the Draft Constitution – Jawaharlal Nehru
- Press Gallery Committee – Usha Nath Sen
- Ad-hoc Committee on Citizenship – S Varadachari

Drafting Committee

- Set up on August 29, 1947

- Seven Members headed by B R Ambedkar
- 1. Dr B.R. Ambedkar (Chairman)
- 2. N. Gopalaswami Ayyangar
- 3. Alladi Krishnaswami Ayyar
- 4. Dr. K. M. Munshi
- 5. Syed Mohammad Sadullah
- 6. N. Madhava Rau (replaced B. L. Mitter)
- 7. T. T. Krishnamachari (replaced D. P. Khaitan)
- First draft – February 1948
- Eight months – Public comments, criticisms, suggestions
- Second draft – October 1948
- Less than 6 months – 141 days

Enactment of the Constitution

- First reading – November 4, 1948 – five days – general discussion
- Second reading – November 15, 1948 to October 17, 1949
- 7653 amendments proposed; 2473 actually discussed.
- Third reading – November 14, 1949; Draft constitution passed on November 26, 1949.
- Out of 299 members, 284 members only present in assembly.
- Constitution contained a Preamble, 395 Article and 8 Schedules
- Dr B R Ambedkar – “Father of the Constitution of India”; “Modern Manu”, “Chief Architect of Constitution of India”

Enforcement of the Constitution

- Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 came into force on November 26, 1949
- Remaining provisions came into force on January 26, 1950 – Republic day
- 1930 – Purna Swaraj celebrated
- The Abolition of Privy Council Jurisdiction Act continued.

Criticism of the Constituent Assembly

- Not a Representative Body
- Not a Sovereign Body
- Time Consuming
- Dominated by Congress
- Lawyer – Politician Domination
- Dominated by Hindus

Important Facts

- Elephant – Symbol of constituent Assembly
- B. N. Rau – Legal Advisor to the Constituent Assembly
- H. V. R. Iyengar – Secretary to the Constituent Assembly
- S. N. Mukerjee – Chief draftsman of the Constitution in the Assembly
- Shantiniketan, Nand Lal Bose and Beohar Rammanohar Sinha beautified and decorated original version of Constitution
- In all, the Constituent Assembly had 11 sessions over two years, 11 months and 18 days.
- The Total expenditure incurred on making the Constitution amounted to Rs. 64 lakh.
- 2473 Amendments were placed before Constituent Assembly
- Prem Behari Narain Raizada was the calligrapher of the Indian Constitution in Italic style
- Hindi version calligraphed by Vasant Krishan Vaidya

The Composition of the Constituent Assembly

- Two hundred eighty-four members were present on 26 November 1949 and appended their signature to the Constitution as finally passed.
- The 1st meeting of the Constituent Assembly took place in Constitution Hall, New Delhi, on Monday, the 9th December 1946, at Eleven of the Clock. The title of the first debate was “Election of Temporary Chairman,” Acharya J. B. Kripalani (United Provinces: General) requesting Dr. Sachchidananda Sinha to take the Chair as temporary Chairman. (Constituent Assembly Debates)
- The Final meeting held on 24.01.1950 with the title of “Signing of the Constitution” and Dr. Rajendra Prasad is the Chairman of the debate.
- The Constituent assembly debate consists of 12 Volume and it held between 9th December 1946 to 24th January 1950
- Volume I (9th December to 23rd December 1946)
- Volume II (20th January to 25th January 1947)
- Volume III (28th April to 2nd May 1947)
- Volume IV (14th July to 31st July 1947)
- Volume V (14th August to 30th August 1947)
- Volume VI (27th January 1948)
- Volume VII (4th November 1948 to 8th January 1949)
- Volume VIII (16th May to 16th June 1949)
- Volume IX (30th July to 18th September 1949)
- Volume X (6th October to 17th October 1949)
- Volume XI (14th November to 26th November 1949)
- Volume XII (24th January, 1950)

Salient Features of Constitution**Introduction**

- Indian Constitution – Unique from other country
- Substantial change – 7th, 42nd, 44th, 73rd, 74th and 97th Amendments
- Mini-Constitution – 42nd Amendment Act (1976)
- Kesavananda Bharati Case (1973):
- Supreme Court ruled Article 368
- Basic structure cannot be altered by Parliament

Content:

- Longest Written Constitution
- Drawn From Various Sources
- Blend of Rigidity and Flexibility
- Federal System with Unitary Bias
- Parliamentary Form of Government
- Synthesis of Parliamentary Sovereignty and Judicial Supremacy

- Integrated and Independent Judiciary
- Fundamental Rights

Longest Written Constitution

- Constitution – written (American) and unwritten (British)
- Indian Constitution – Longest in the World
- 1949- Preamble, 395 Articles (22 Parts) and 8 Schedules
- 2019- Preamble, 448 Articles (25 Parts) and 12 Schedules
- Four Factors:
 - Geographical factor
 - Historical factor
 - Single Constitution for both Centre and States
 - Dominance of legal luminaries in the Constituent Assembly

Drawn From Various Sources

- Borrowed from Other Countries and Government of India Act of 1935
- Dr. B. R. Ambedkar – ransacking all the known Constitution of the World
- Philosophical part – American and Irish Constitution
- Political part – British constitution
- Others – Canada, Australia, Germany, USSR, France, South Africa, Japan
- Government of India Act 1935
- Federal Scheme, Judiciary, Governors, Emergency powers, Public Service Commissions

Blend of Rigidity and Flexibility

- Constitution – Rigid (American) and Flexible (British)
- Indian Constitution – neither rigid nor flexible but of both
- Article 368:

- Special majority of the Parliament ($\frac{2}{3}$ rd members present and 50% majority)
- Special majority of the Parliament + acceptance by $\frac{1}{2}$ of the total states.

Federal System with Unitary Bias

- Federal system of Government
- Two government, division of powers, independent judiciary, bicameralism
- Unitary or non-federal features:
- Single Constitution & citizenship, appointment of state governor by the Centre
- Article 1 : India as A 'Union of States'
- Indian Federation is not the result of an agreement by the states
- No state has the right to secede from the federation
- 'quasi-federal'; 'bargaining federalism': 'Co-operative federalism': 'federation with a centralizing tendency'

Parliamentary Form of Government

- Opted – British parliamentary system of Gov. than American Presidential
- Parliamentary system – Westminster model
- Features:
 - Presence of nominal and real executives
 - Majority party rule; Responsibility of the executives to the legislature
 - Membership of the minister
 - Leadership of the PM or CM
 - Dissolution of the lower house
- Indian state – elected head; British state – hereditary head

Synthesis of Parliamentary Sovereignty and Judicial Supremacy

- Sovereignty – British parliament; Judicial supremacy – American Supreme court
- American constitution – 'due process of law'
- Indian Constitution (Article 21) – 'procedure established by law'
- Supreme Court – declare parliamentary laws as unconstitutional
- Parliament – amend major portion of constitution through constituent power

Integrated and Independent Judiciary

- Judicial system – Integrated as well as independent
- Supreme Court at top in the country
- High Court at the state level
- Subordinate Courts/ district Courts and lower courts
- USA – federal laws enforced by federal judiciary and state judiciary

- Security of tenure, fixed service, expenses charged on Consolidated Fund of India

Directive Principles of State Policy

- 'Novel feature' of Indian Constitution (Part IV)
- Three broad categories – Socialistic, Gandhian and liberal – intellectual
- Establish a welfare state in India
- Duty of the state to apply these principles in making laws
- Real force behind them is political (public opinion)
- Minerva Mills case (1980)

Fundamental Rights

- Part – III of Indian Constitution
- 6 fundamental rights
- Right to Equality (Articles 14-18)
- Right to Freedom (Articles 19-22)
- Right against Exploitation (Articles 23-24)
- Right to Freedom of Religion (Articles 25-28)
- Cultural and Educational Right (Articles 29-30)
- Right to Constitutional Remedies (Articles 32)
- Habeas corpus, Mandamus, prohibition, certiorari and quo warranto
- Suspended during National Emergency except rights guaranteed by Article 20 & 21

Fundamental Duties

- Added by 42nd Constitutional Amendment Act of 1976.
- Swaran Singh Committee
- Originally 10 duties
- 86th Constitutional Amendment Act of 2002 added one more
- Part – IV – A specifies 11 fundamental duties
- Respect constitution, national flag, national anthem, protect sovereignty, unity, integrity
- Non-justifiable in nature

A Secular State

- Not uphold any particular religion as official religion
- Secular added to preamble by 42nd Constitutional Amendment Act of 1976
- Article 14, 15, 16, 26, 27, 28, 29, 30 and 44
- Equal respect to all religions
- Abolished reservation of seats in the legislatures on basis of religion
- Temporary reservation of seats for SC and ST – ensure adequate representation

Universal Adult Franchise

- Elections to the Lok Sabha and the state legislative assemblies
- Citizen above age 18 has right to vote
- 61st Constitutional Amendment Act of 1988
- Voting age reduced to 18 from 21 years in 1989
- Bold experiment and highly remarkable

- Huge population, high poverty, social inequality and illiteracy
- Enhanced self-respect and prestige of common people

Single Citizenship

- Indian constitution is federal and a dual polity – single citizenship
- USA – citizen of USA and also for particular state
- Same political and civil rights
- No discrimination
- Witnessing some communal riots, caste wars, linguistic clashes

Independent Bodies

- Election Commission
- Comptroller and Auditor general of India
- Union Public Service Commission
- State Public Service Commission

Emergency Provisions

- Enable President – meet any extraordinary situation effectively
- National Emergency – Article 352
- State Emergency – Article 356 or Article 365
- Financial Emergency – Article 360
- Central Government become all-powerful

Three-tier Government

- 73rd Constitutional Amendment Act of 1992
- Panchayats (rural local government)
- new Part IX and new Schedule 11
- 74th Constitutional Amendment Act of 1992
- Municipalities (urban local government)
- new Part IX-A and new Schedule 12

Co-operative Societies

- 97th Constitutional Amendment Act of 2011
- Protection to Co-operative societies

Three changes

- Article 19- Form Co-operative societies a fundamental right
- Article 43-B – new Directive Principle of State policy on co-operative societies promotion
- Article 243 – ZH to 243 ZT- added new part IX-B "The Co-operative Societies"
- Empowers Parliament and state legislature to make law

Criticism of the Constitution

- A borrowed Constitution
- A Carbon copy of the 1935 Act
- Un-Indian or Anti-Indian
- An Un – Gandhian Constitution
- Elephantine Size
- Paradise of the Lawyers

Preamble to the Constitution

Introduction

- American Constitution.
- Introduction or preface to the Constitution
- Contains summary of the constitution
- NA Palkhivala – Identity card of the Constitution
- Based on the 'Objective Resolution'
- 42nd Constitutional Amendment Act (1976) added 3 new words - Socialist, secular and integrity

Content

- Text of the preamble
- Ingredients
- Key words

Text of the Preamble

- 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

Ingredients of the Preamble

- Source of authority of the Constitution
- Nature of Indian State
- Objectives of the Constitution
- Date of adoption of the Constitution

Key Words in the Preamble

- Sovereign
- Secular
- Republic
- Liberty
- Fraternity
- Socialist
- Democratic
- Justice
- Equality

Sovereign

- INDIA – neither a dependency nor a dominion
- 1949 membership of commonwealth of nations
- British Crown as the head
- Membership of UNO
- Acquire foreign territory or cede part of its territory.

Socialist

- Added by 42nd Amendment in 1976

- Before Present in Directive Principles of State Policy
- 1955, Congress party 'Socialist pattern of society' - Avadi session
- Democratic Socialism
- mixed economy - public and private sector
- Communistic Socialism
- Production and Distribution; No private property
- Indian Socialism - blend of Marxism and Gandhism

Secular

- Added by the 42nd Constitutional Amendment Act of 1976
- 1974, Supreme court said 'secular state' not expressly mentioned in the Constitution
- Article 25 to 28 - fundamental right to freedom of religion
- All religion have same status and support

Democratic

- Supreme power by the people
- Two types
 1. Direct (Switzerland)
 - a. Supreme power: people
 - b. 4 devices: Referendum, Initiative, Recall and Plebiscite
 2. Indirect (India)
 - a. Supreme power: Rep, elected by people
 - b. Two kinds - Parliamentary presidential
- Dr. Ambedkar (Nov 25, 1949)
 1. Political democracy cannot last unless Social democracy
 2. Social democracy: liberty, equality and fraternity

Republic

- Democratic polity two categories:
- Monarchy
- Head - king/Queen (Britain)
- Republic
- Elected head directly /Indirectly (USA, India)
- India has elected head called President - elected Indirectly (Period 5 years)
- Two things:
- Political sovereignty with people, not in a single

- Public office open to all citizens without discrimination

Justice

- Secured in Fundamental Rights and Directive Principles

Three forms

- **Social Justice**: All citizens are equal without caste, colour, race, religion, sex.
- **Economic Justice**: Non discrimination b/w people basis of wealth, income and property
- **Political Justice**: Equal political rights; equal access to all political offices
- Russian Revolution (1917)

Liberty

- Absence of restraints;
- providing opportunities for development
- Liberty of thought, expression, belief, faith and worship
- Liberty, equality and fraternity taken from French revolution (1789-1799)

Equality

- Absence of special privileges to any section of society; Without any discrimination
- Equality of status and opportunity
- Civic equality:
- Equality before the law (Article 14)
- Prohibition of discrimination (Article 15)
- Equality of opportunity - public employment (Article 16)
- Abolition of untouchability & titles (Article 17 & 18)
- Political equality;
- No person is ineligible in electoral called (Article 325)
- Lok Sabha & state assemblies election - adult suffrage (Article 326)
- Economic equality:
- Men and women - equal rights (Article 39)
- Equal pay for equal work

Fraternity

- Brotherhood
- Single citizenship

- Article 15-A: promote harmony and brotherhood
- Assured things
 - Dignity of the individual
 - Unity and integrity of the nation
- KM Munshi - dignity of the individual - personality of every individual is sacred
- Article 1 : India as a 'Union of States'

Significance of the Preamble

- **Sir Alladi Krishna swami Iyer**
'Preamble to our Constitution expressed what we has thought or dreamt so long'
- **KM Munshi**
'Horoscope of our sovereign democratic republic'
- **Pandit Thakur Das Bhargava**
'Soul of the Constitution, Key to the Constitution, Jewel set in the Constitution'
'proper yardstick one can measure the worth of the Constitution'
- **Sir Ernest Barker**
'Key note to the Constitution' - Principles of Social and Political Theory (1951)
- **M Hidayatullah**
'Preamble resembles the Declaration of Independence of the United States of America, but is more than a declaration'

Preamble as Part of the Constitution

- Berubari Union Case (1960):
- Preamble not a part of the Constitution
- Kesavananda Bharati case (1973)
- Preamble is a part of the Constitution
- LIC of India case (1995)
- Preamble is an integral part of the Constitution

Amendability of the Preamble

- Berubari Union case (1960)
- Preamble can't be amended
- Kesavananda Bharati case (1973)
- Preamble can be amended
- Article 368 cannot be used to destroy basic structure
- 1976-42nd Constitutional Amendment Act - added 3 words (Socialist, Secular, Integrity)

Union and its Territory

Introduction

- Part - 1 of the Constitution
- Article 1: Name and territory of the Union
- Article 2: Admission or establishment of new states
- Article 2A - Sikkim to be associated with the Union - (Repealed)
- Article 3: Formation of new states and alteration of areas, boundaries or names of existing states.
- Article 4: Laws made under Article 2 & 3 to provide for the amendment of the 1st and 4th Schedules and supplemental, incidental and consequential matters.

Contents:

- Union of States
- Parliament's Power to Reorganise the States
- Evolution of States and Union Territories

Union of States

- Article 1 described India, that is, Bharat as a 'Union of States' rather than 'Federation of States'
- Two things:
 - Name of the Country

- Type of polity
- Territory of India classified into
 - Territories of the States
 - Union Territories
- Territories that may be acquired by the Government of India at any time

Union of States

- Currently, 28 States and 9 Union Territories
- 1st Schedule - Territory of India
- 5th and 6th Schedule - Administration of Scheduled areas and Tribal areas

Parliament's Power to Reorganise the States

- Article 3 authorises the Parliament to:
 - Form a new state by separation of territory from any state or by uniting two states.
 - Increase the area of any state
 - Diminish the area of any state
 - Alter the boundaries of any state
 - Alter the name of any state
- Article 3 has 2 conditions:

- Prior recommendation of the President
- President refer to State legislature
- President can accept or reject them
- Union Territory - no reference
- Political map can be re-drawn by parliament
- "Indestructible Union of Destructible State"
- Simple majority and Ordinary legislative process enough.
- 1960 - Question came up before the Supreme Court
- "Article 3 also included power to cede Indian Territory to a foreign country"
- Berubari Union
- Supreme Court - "Indian territory can be ceded to a foreign state" Article 368
- 9th Constitutional Amendment Act (1960) transferred said territory to Pakistan
- 1969 - Supreme court ruled
- Settlement of boundary dispute does not require constitutional amendment

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- 100th Constitutional Amendment Act (2015)
- India transferred 111 enclaves and Bangladesh transferred 52 enclaves
- Transfer of Adverse possessions
- Demarcation of 6.1 Km undemarcated border stretch
- Amendment modified provisions of 4 states (Assam, West Bengal, Meghalaya and Tripura) in 1st Schedule
- India and Bangladesh – Common boundary 4096.7 Kms
- Radcliffe Award of 1947
- Bagge Award of 1950
- Nehru Noon Agreement of 1958
- 16th May 1974, Agreement signed but not ratified.
- Signed protocol on 6th September 2011

Evolution of States and Union Territories

Contents:

- Integration of Princely States
- Dhar Commission and JVP Committee
- Fazl Ali Commission
- New States and Union Territories Created After 1956

Integration of Princely States

- Two categories of Political Units
- British Provinces and Princely states
- India Independence Act of 1947
- Princely states (552) has 3 options
- India
- Pakistan
- Independent
- 549 Joined India except Hyderabad, Junagarh and Kashmir
- 1950 – Four Fold classification of Indian Union (Part – A, B, C, D) – 29 States

Dhar Commission and JVP Committee

- Reorganisation of States on linguistic basis
- June 1948, Govt. appointed Linguistic Provinces Commission – S K Dhar
- December 1948 – Reorganisation based on administrative convenience
- December 1948 – JVP Committee; Submitted report in April 1949
- Rejected Language as the basis for Reorganisation of states.
- October 1953 – First linguistic state (Andhra) created
- Death of Potti Sriramulu – 56 day hunger strike

Fazl Ali Commission

- Other Regions demand for states on linguistic basis.
- December 1953 – 3 member States Reorganisation Commission appointed
- Fazl Ali, K M Panikkar and H N Kunzru
- September 1955 – Submitted report; Accepted language as basis

4 major factors:

1. Prevention and strengthening of the Unity and security of the country
 2. Linguistic and cultural homogeneity
 3. Financial economic and administrative considerations
 4. Planning and promotion of the welfare of the people
- States Reorganisation Act (1956) & 7th Constitutional Amendment Act – 14 states & 6 UT

Princely states

- i.e., native state
- Ruled directly by monarch

Princely states under British Raj

- Gun salute system
- 2 types - Salute states, Non Solute states

1. Salute states

- That had British East India presence.
- King / Rulers - greeted with gun salute.
- Highest honour - 21 gun salutes.
 - 1) Maharaja Scindia of Gwalior
 - 2) Maharaja Gaekwar of Baroda
 - 3) Maharaja of J & K
 - 4) Maharaja of Mysore
 - 5) Nizam of Hyderabad & Berar

- Minimum honour - 9 gun salutes

- 1) Nawab of Sachin
- 2) Maharaja of Patna
- 3) Maharaja of Wadhwan
- 4) Nawab of Loharu

2. Non - Salute States

- States that considered of lower prestige.

Integration of princely states

- Head - Sardar Vallabhai Patel (Deputy Home Minister and Minister of Home affairs)
- Secretary - VP Menon

Junagadh

- Nawab - Shah Nawaz Bhutto

Majority - Non Muslims

- Bhutto joined Pakistan on 15th August 1947.
- Bhutto flown to Karachi with State's treasure.

Hyderabad

- Nizam - Mir Osman Ali Khan Siddiqi, Asaf Jah VII
- Majority - non Muslim
- Communal Org - IHehad - ul - Musilmeen
- Head - Kasim Razvi
- Volunteers - Razakars
- Indian Army - Operation Polo to annex Hyderabad

Jodhpur

- Maharaja Hanuant Singh
- Jinnah offered free access to Karachi port
- Majority - Hindus
- Patel offer even more offerings

Preindependence

- Orissa - first Linguistically independent state in 1936.

After Independence

- Andhra - first Linguistic state
- Vishalandhra Movement

Pending States

- Harith Pradesh (Western Uttar Pradesh)
- Purvanchal (Eastern Uttar Pradesh)
- BodoLand (Northern Asam)
- Saurashtra (Southern Gujarat)
- Gorkhaland (Northern West Bengal)
- Vidarbha (Eastern Maharashtra)
- Kosal (Odisha)

States Reorganisation Act (1956)

- Travancore, Cochin, Malabar district of Madras and Kasargode → Kerala
- Hyderabad with Andhra state → Andhra Pradesh
- Madhya Bharat, Vindhya Pradesh and Bhopal → Madhya Pradesh
- Saurashtra and Kutch → Bombay
- Coorg → Mysore
- Patiala, East Punjab States Union → Punjab
- Ajmer → Rajasthan
- New Union Territory Laccadive, Minicoy and Amindivi islands

New States and Union Territories Created After 1956

- Maharashtra and Gujarat - 1960
- Dadra and Nagar Haveli - 1961
- Goa, Daman and Diu - 1962, 1987
- Pudhucherry - 1962
- Nagaland - 1963
- Haryana, Chandigarh and Himachal Pradesh - 1966
- Manipur, Tripura and Meghalaya - 1972
- Sikkim - 1975
- Mizoram, Arunachal Pradesh and Goa - 1975
- Chhattisgarh, Uttarakhand and Jharkhand - 2000
- Telangana - 2014
- Jammu Kashmir & Ladakh - 2019

Maharashtra and Gujarat

- 1960, Bombay divided into
 - Maharashtra for Marathi speaking people
 - Gujarat for Gujarati speaking people
- 15th State – Gujarat

Dadra and Nagar Haveli

- Portuguese ruled until 1954
- Till 1961, people chosen themselves and administrator
- Converted into Union Territory of India by 10th Constitutional Amendment Act, 1961

Goa, Daman and Diu

- Acquired from Portuguese by Police Action in 1961
- Union Territory by 12th Constitutional Amendment Act, 1962
- 1987, Goa conferred a statehood
- Daman and Diu was made separate Union Territory

Pudhucherry

- French establishment in India (Pudhucherry, Karaikal, Mahe and Yanam)
- French handed over to India in 1954
- Administered as an 'acquired territory'
- 1962, made a Union Territory by 14th Constitutional Amendment Act.

Nagaland

- 1963 – Nagaland formed as 16th State
- Naga Hills and Tuensang area (Assam)
- It was under the Control of Governor of Assam

Haryana, Chandigarh and Himachal Pradesh

- 1966, Punjab bifurcated to create Haryana (17th

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State) and Chandigarh (Union Territory)

- Demand separate 'Sikh Homeland' raised by Akali Dal & headed by Master Tara Singh
- Shah Commission (1966)
- Punjabi speaking – Punjab
- Hindi speaking – Haryana
- 1971, Himachal Pradesh changed from UT to 18th State.

Manipur, Tripura and Meghalaya

- 1972 – Political map of Northeast India went major change
- Manipur (19th State)
- Tripura (20th State)
- Meghalaya (21st State)

Sikkim

- Till 1947, Sikkim – Indian princely state ruled by King Chogyal
- Defence, external affairs and communications of Sikkim
- 35th Constitutional Amendment Act (1974) – 'Associate State'
- New Article 2A and new schedule (10th Schedule) inserted in the Constitution
- Referendum held in 1975, Sikkim became integral part of India
- 36th Constitutional Amendment Act (1975) – 22nd State Sikkim
- Amended 1st and 4th Schedule

- Added Article 371 – F – provide special provision

Mizoram, Arunachal Pradesh and Goa

- 1987
- 23rd State – Mizoram
- 24th State – Arunachal Pradesh
- 25th State – Goa
- Central Government and Mizo National Front signed Mizoram Peace Accord in 1986
- Ended Two decade old insurgency

Chhattisgarh, Uttarakhand and Jharkhand

- 2000, Three new states
- Chhattisgarh (26th State) from Madhya Pradesh
- Uttarakhand (27th State) from Uttar Pradesh
- Jharkhand (28th State) from Bihar

Telangana

- 29th State. Carved out of Andhra Pradesh
- Andhra State Act 1953
- 1st Linguistic state of India – 'Andhra'
- Capital of Andhra state at Kurnol
- State high court was at Guntur
- States Reorganisation Act of 1956
- Hyderabad merged with Andhra to form Andhra Pradesh. Hyderabad as Capital
- Andhra Pradesh Reorganisation Act of 2014, bifurcated 2 states
- Andhra Pradesh and Telangana

- Hyderabad as joint capital for period of 10 years

Jammu Kashmir & Ladakh

- On Oct 31, 2019
- J & K Reorganisation Act 2019
- J & K divided into 2 Union territories
 - J & K
 - Ladakh

Change of Names

- 1950, United Provinces => Uttar Pradesh
- 1969, Madras => Tamil Nadu
- 1973, Mysore => Karnataka
- 1973, Laccadive, Minicoy & Amindivi => Lakshadweep
- 1992, Delhi => National Capital Territory of Delhi
- 2006, Uttaranchal => Uttarakhand
- 2006, Pondicherry => Puducherry
- 2011, Orissa => Odisha

Sankarlinganar

- Born in Manmalai Medu (Virudhunagar) 1895.
- Parents - Karupasamy & Valliammal
- Fast unto death (76 days)
- For name changing Madras to Tamilnadu
- Hunger strike started on 27 July 1956.
- He died on 76th day (13 Oct 1956.)
- Madras state (Alteration of Name) Act 1968.

Territory of India in 1050

	States in Part-A	States in Part-B	States in Part-C	States in Part-D
1.	Assam	Hyderabad	Ajmer	Andaman and Nicobar Islands
2.	Bihar	Jammu and Kashmir	Bhopal	
3.	Bombay	Madhya Bharat	Bilaspur	
4.	Madhya Pradesh	Mysore	Cooch-Bihar	
5.	Madras	Patiala and East Punjab	Coorg	
6.	Orissa	Rajasthan	Delhi	
7.	Punjab	Saurashtra	Himachal Pradesh	
8.	United Provinces	Travancore-Cochin	Kutch	
9.	West Bengal	Vindhya Pradesh	Manipur	
10.			Tripura	

Part A	-	British Provinces
Part B	-	Princely States
Part C	-	Chief Commissioner's Province
Part D	-	Andaman & Nicobar Islands

Citizenship

Contents:

- Meaning and Significance
- Constitutional Provisions
- Citizenship Act, 1955
- Acquisition of Citizenship
- Loss of Citizenship
- Citizenship (Amendment) Act, 2015
- Citizenship (Amendment) Act, 2019
- Overseas Citizenship of India

Meaning and Significance

- Two kinds – Citizens and Aliens (Friendly and enemy)
- Rights and Privileges
- Article 15 – Right against discrimination
- Article 16 – Right to equality
- Article 19 – Right to freedom
- Article 29 and 30 – Cultural and educational right
- Article 326 – Right to vote

- Right to contest for MP, MLA
- Eligibility to hold certain Public Offices (President, VP of India etc.)

Constitutional Provisions

- Part II of Constitution – Article 5 to 11
- Identifies person who became citizen of India at its commencement 26 Jan 1950
- Empowers Parliament to enact a law relating to Citizenship
- Parliament enacted Citizenship Act, 1955
- Amended in 1957, 1960, 1985, 1986, 1992, 2003, 2005 and 2015

Article 5

- Person who had his domicile in India

Article 6

- Person who migrated to India from Pakistan
- He/ His parents / His grand parents born in Undivided India
- Fulfill any 1 of 2 conditions

- Migrated before July 19, 1948 – Ordinary reside of India
- Migrated after July 19, 1948 – Resident in India for 6 months

Article 7

- Person who migrated to Pakistan from India after March 1, 1947
- Later returned to India for resettlement
- Reside in India for 6 months before application

Article 8

- Person who, or any of whose parents / grand parents born in Undivided India
- But residing outside India
- Overseas Indians

Article 9

- No person shall be Indian citizen if he voluntarily acquires foreign citizenship

Article 10

- Person who is citizen of India continuing to be such citizen, subject to provisions of any law made by Parliament

- Parliament have power to make any provision – acquisition and termination
- Nov Article 5 - 11 is not under progress, but citizenship act 1955 is only applicable

Citizenship Act, 1955

- Provides for acquisition and loss of citizenship
- Amended 8 times
- Citizenship (Amendment) Act, 1957
- Repealing and Amending Act, 1960
- Citizenship (Amendment) Act, 1985; 1986; 1992; 2003; 2005; 2015; 2019
- Commonwealth Citizenship repealed by Citizenship Act, 2003

Acquisition of Citizenship

- Five ways of acquiring citizenship
- By Birth
- By Descent
- By Registration
- By Naturalisation
- By Incorporation of Territory

By Birth

- Born in India on or after 26th January 1950 but before 1st July 1987
 - Irrespective of nationality of parents
- Born in India on or after 1st July 1987
 - Either of his parents – citizen of India
- Born in India on or after 3rd December 2004
- Both the parents are citizen of India or any one and other not an illegal migrant
- Children of foreign diplomats, enemy aliens cannot acquire Citizenship

By Descent

- Born outside India
- On or after 26th January 1950 but before 10th December 1992
- Father was a citizen of India at the time of his birth
- Born outside India on or after 10 Dec 1992, either of his parents - citizens of India
- From 3rd December 2004
- Birth registered at an Indian Consulate within 1 year of birth
- Minor child does not hold the passport of another country

By Registration

- Central Govt. on an application, register a person as a citizen of India

Categories:

- Person of Indian origin (PIO) – resident in India for 7 years before applying
- Person of Indian origin – resident in any country outside undivided India
- Person married to Citizen of India and resident in India for 7 years before applying
- Minor children of India citizen
- Person of full age, parents are Indian citizen or either of his parents earlier citizen and is resident for 12 months
- Person of full age registered as an OCI cardholder for 5 years and resident for 12 months

Oath

- "I, A/B Do solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfill my duties as a citizen of India"

Citizenship (Amendment) Act, 2015

- **Citizenship by registration and naturalisation:**
- To relax the requirement of 12 months stay or service if special circumstances exist. Relaxation up to 30 days may be permitted.
- **Overseas Citizen of India cardholders:**
- additional grounds for registering for an Overseas Citizen of India card.
- These are:
 - a minor child whose parent(s) are Indian citizens; or
 - spouse of foreign origin of an Indian citizen or spouse of foreign origin of an Overseas Citizen of India cardholder
 - great-grandchild of a person who is a citizen of another country
- Merger of Overseas Citizen of India and Persons of Indian Origin schemes:
- If person renounces their overseas citizenship, their minor child shall also cease to be an Overseas Citizen of India.
- To cancel the Overseas Citizenship of India card where it is obtained by the spouse of an Indian citizen or Overseas Citizen of India cardholder, if:
 - the marriage is dissolved by a court, or
 - the spouse enters into another marriage even while the first marriage has not been dissolved.
- Come into force on January 6, 2015.

Citizenship (Amendment) Act, 2019

- Passed by the Lok Sabha on 9th December 2019.
- Signed by the President on 12 December 2019.

Key Points of Citizenship Amendment Act, 2019

- The Citizenship Amendment Act, 2019 seeks to provide Indian citizenship to illegal refugees from

6 communities coming from Pakistan, Bangladesh, And Afghanistan.

- These 6 communities include; Hindu, Buddhist, Sikh, Christian, Jain, and Parsi.
- Worth to mention that Illegal migrants can be imprisoned or deported under the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920.
- These two Acts empower the central government to check the entry, exit and residence of foreigners within India.
- The Citizenship Amendment bill, 1955 made it mandatory for a person to stay in India for at least 11 years to acquire citizenship naturally. which was later reduced to 6 years, but in the citizenship (Amendment) Act, 2019, this period reduced to 5 years.
- Under the citizenship Act 1955, a person may be given an OCI card, if he is of Indian origin (e.g., a former citizen of India or their descendants) or the spouse of a person of Indian origin. Now the Act of 2019 gives the facility to OCI cardholder to travel in India, work, and study in the country.
- Bill added one more ground of the cancellation i.e. if the OCI has violated any law that is in force in the country.

Exclusions

- The Citizenship (Amendment) Act does not apply to tribal areas of Tripura, Mizoram, Assam and Meghalaya because of being included in the Sixth Schedule of the Constitution.
- Also areas that fall under the Inner Limit notified under the Bengal Eastern Frontier Regulation, 1873, will also be outside the Act's purview. This keeps almost entire Arunachal Pradesh, Mizoram and Nagaland out of the ambit of the Act.

By Naturalisation

- Person or his parents not born in India

Qualifications:

- Renounce citizenship of other country
- Reside in India / Service in Govt. for 12 months before application
- Reside in India for total 11 years
- Good character
- Knowledge in language specified in Eight Schedule
- Distinguished service in Science, Philosophy, Art, Literature, World peace or Human progress

By Incorporation of Territory

- If any foreign territory becomes a part of India, the Government of India specifies the persons who among the people of the territory shall be the citizens of India.
- Such persons become the citizens of India from the notified date.
- For Example : Puducherry Including 1962

Special Provision by the Assam Accord (as per 1985 citizenship amendment act)

- Person of Indian Origin
- Came to Assam before 1st January, 1966 from Bangladesh – Citizen of India
- Came to Assam after 1st January, 1966 before 25th March, 1971
- Detected as Foreigner
- Register himself
- Be Citizen of India – period of 10 years
- Have same rights and Obligations except Right to Vote

Loss of Citizenship

- Three ways of losing citizenship
- By Renunciation
- By Termination
- By Deprivation

By Renunciation

- Citizen of full age (18 years) can renounce Indian Citizenship
- Minor child of that Citizen also loses Indian Citizenship
- After 18 years, such child may resume Citizenship
- India engaged in war, registration is withheld

By Termination

- When an Indian citizen voluntarily acquires the citizenship of another country, his Indian citizenship automatically terminates

By Deprivation

- Obtained citizenship by fraud
- Shown disloyalty to the Constitution of India
- Unlawfully traded / communicated with enemy during war
- Imprisoned in any country for 2 years – within 5 years after Registration / Naturalisation
- Ordinary resident out of India for 7 years continuously

Single Citizenship

- Indian Constitution is federal and dual polity '1 Single Citizenship
- No separate state citizenship like USA and Switzerland

- Same political and civil rights where ever we born

Exceptions:

- Article 16: Parliament can prescribe residence within State / UT for certain employment
- Article 15: State Govt. can give concession for Education fees
- Article 19: Right of Outsiders to settle / enter / reside in Tribal areas

Overseas Citizenship of India

- September 2000, Indian Govt. Setup high level committee – L M Singhvi
- Study of Global Indian Diaspora
- January 2002 Report submitted, Recommended amendment of Citizenship Act 1955
- Grant of Dual Citizenship to PIO
- Citizenship Act 2003 → Acquisition of OCI by of 16 Specified Country
- Citizenship Act 2005 '1 Expanded to all countries except Pak and Bangladesh
- Citizenship Act 2015 '1 Merged OCI + PIO '1 OCI cardholder

- Registration
- Conferment of Rights
- Renunciation
- Cancellation

Registration of OCI cardholder

- 18 years of age
- Citizen of another country but
- Citizen of India after commencement of constitution
- Eligible to become citizen
- Belonged to territory became part of India
- Child / Grand child / Great grand child of citizen
- Minor child and any one or both parents are citizen of India
- Spouse of Foreign origin of Indian Citizen / OCI cardholder

Conferment of Rights on OCI cardholder

- Not entitled to Right to equality of opportunity in Public Employment
- Not eligible for Election as President, Vice –

- Appointment as Supreme / High court judge
- Registration as a voter
- MP, MLA election
- Appointment to public Services

Renunciation of OCI cardholder

- OCI cardholder renounced the card registered by Central Govt.
- Person, spouse of foreign origin of that person and every minor child cease to be an OCI cardholder

Cancellation of Registration as OCI cardholder

- Fraud / False representation
- Disaffection towards Indian Constitution
- During War, traded / Communicated with Enemy
- Within 5 years after registration. Sentenced to imprisonment > 2 years
- Sovereignty and integrity of India

Comparison of NRI, PIO and OCI

- NRI - Non Resident Indian
- PIO - Person of Indian Origin
- OCI - Overseas Citizen of India cardholder

Fundamental Rights**Introduction**

- Part III → Article 12 to 35
- Derived from USA
- Magna Carta of India
- Political democracy - 'a government of laws and not of men'

Earlier Seven Fundamental Rights: Now 6

- Right to Equality (Article 14-18)
- Right to Freedom (Article 19-22)
- Right against exploitation (Article 23-24)
- Right to Freedom of religion (Article 25-28)
- Cultural and educational right (Article 29-30)
- Right to Property (Article 31) - Deleted by 44th Amendment Act, 1978
- Right to Constitutional Remedies (Article 32)

Contents:

- Features of Fundamental Rights
- Definition of State
- Laws inconsistent with Fundamental Rights
- Rights to Equality, Freedom, against exploitation, freedom of religion, Culture & Education, Property and Constitutional Remedies
- Writs - Types and Scope
- Armed Forces, Martial Law and Fundamental Rights
- Criticism of Fundamental Rights
- Significance of Fundamental Rights
- Rights outside Part - III

Features of Fundamental Rights

- Some Rights available only to the Citizens (Article 15, 16, 19, 29, 30)
- Not absolute but some reasonable restrictions.
- Justiciable, persons move to court if rights violated
- Defended and guaranteed by Supreme court
- Parliament can repeal by Constitutional Amendment Act
- Can be Suspended during National Emergency except Article 20 and 21
- Restricted while 'military rule'
- Law can be made only by the Parliament and not by state

Definition of State

- Article 12
- Govt. Parliament of India and State legislature (Executive and Legislative organs)
- All local authorities - Municipalities, Panchayats, District boards, trust etc.
- Statutory and Non-Statutory authorities like LIC, ONGC etc.
- Private agency working as an instrument of the State falls under 'State'

Laws inconsistent with Fundamental Rights

- Article 13
- Laws inconsistent with fundamental rights shall be void
- Supreme court (Article 32) & high court (Article 226) can declare law invalid
- Permanent laws by Parliament / State Legislatures
- Ordinances issued by President / State governor
- Kesavananda Bharati case (1973) - Constitutional Amendment can be challenged if violates Fundamental Rights.

Article 14 : Equality before Law and Equal Protection of Laws

- State shall not deny to any person equality before law or equal protection of laws within territory of India.
- Equality before Law → British Origin
 - Absence of Special Privileges in favour of any person
 - Equal Subjection of all person to the ordinary law; No person is above the law
- Equal Protection of Law → American Constitution
- Equality of treatment under equal circumstances
- Same laws to all person who similarly situated
- the like should be treated alike without any discrimination

Rule of Law

- A.V.Dicey, British Jurist
- Three elements :
 - Absence of arbitrary power, no man can be punished except for a breach of law
 - Equality before the law
 - Constitution is the result of the rights of the individual. In Indian System, Constitution is the source of the individual rights.

- Article 14 is a 'basic feature' of the Constitution cannot be destroyed even by amendment.

Exceptions to Equality

- Article 361 : President of India and Governor of States enjoy following,
 - Not answerable to any courts, No Criminal and Civil proceedings, No Process for arrest
- Article 361-A : No Person liable to any proceeding of Parliament / State legislature
- Article 105 : No MP shall be liable to any court for saying inside Parliament
- Article 194 : No MLA shall be liable to any court
- Article 31-C : Directive Principle of State policy implementation
- Foreign sovereigns, ambassadors, diplomats, UN and its agencies.

Article 15 : Prohibition of Discrimination on Certain Grounds

- State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth
- 'Discrimination' - 'to make an adverse distinction with regard to'
- 'Only' - discrimination on other grounds is not prohibited
- Prohibits discrimination both by the State and private individuals.

Exceptions to Article 15

- State permitted to make any special provision for
 - Women and Children
 - Advancement of any socially and educationally backward classes / SC & ST
 - Admission to educational institutions including private except minority Educational Institutions
- Added by 93rd Amendment Act of 2005.
- Centre enacted Central Educational Institutions Act, 2006
 - Provided quota of 27% OBC in IIT's and IIM's
 - Excluded creamy layer among OBC's

Creamy Layer

- President, Vice-President, Judges of SC and HC, Chairman and members of UPSC, SPSC, CEC and CAG

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Article 21: Protection of Life and Personal Liberty

- No Person shall be deprived of his life or personal liberty
- Except according to procedure established by law
- Gopalan case (1950)
 - Protection against arbitrary executive action and not from arbitrary legislative action
- Menaka case (1978)
 - Protection against both arbitrary executive and legislative action
 - Personal liberty can be deprived if the Law is reasonable, fair or just
 - Supreme court reaffirmed 34 rights under Article 21

Rights under Article 21

- Live with human dignity
- Appropriate life insurance policy
- Not be driven out of state
- Decent environment
- Women to be treated decency and dignity
- prisoners have necessities
- Livelihood
- Privacy
- Shelter
- Health
- Free education upto 14 age
- Free legal aid
- Against solitary confinement, handcuffing, inhuman treatment & delayed execution
- Travel abroad; Speedy train
- Sleep
- Electricity
- Freedom from noise pollution
- Against bonded labour, custodial harassment; Public hanging
- Emergency medical aid
- Timely medical treatment in GH
- Fair trail
- Hearing, information, reputation, appeal from a judgement of conviction
- Social Security.

Article 21 A : Right to Education

- State shall provide free and compulsory education to all children (Age 6 to 14)
- 86th Constitutional Amendment Act of 2002 - 'Education to All'
- Before this amendment, it was under Article 45 in Part IV
- Replaced Article 45 as - provide early childhood care and education for all children until they complete the age of six years.
- 1993, Supreme Court recognised a Fundamental Right in right to life (Article 21)
- Right of Children to Free and Compulsory Education (RTE) Act, 2009
 - Full time elementary education of satisfactory and equitable quality

Article 22 : Protection Against Arrest and Detention

- Protection to persons who are arrested or detained
- Two types :
 - Punitive - Punish a person for an offence committed by him
 - Right to be informed of the grounds of arrest
 - Consult with legal practitioner.

- 81st Amendment Act 2000 - Unfilled reserved vacancies filled in succeeding years

- 76th Amendment Act 1994 - Tamil Nadu Reservation Act - 9th Schedule - 69%

Article 17 : Abolition of Untouchability

- Untouchability (Offences) Act, 1955 → Protection of Civil Rights Act, 1976
- Term 'Untouchability' - not been defined in the Constitution or in the Act
- Imprisonment upto 6 months or Fine upto 500 or both
- Convicted of offence - disqualified for election to MP or MLA

Offences

- Preventing any person entering any place for public worship
- Justifying untouchability
- Denying access to any shops, hotels
- Insulting a person belonging to SC
- Refusing to admit person in hospitals, educational Institutions
- Preaching untouchability
- Refusing to sell goods

Article 18 : Abolition of Titles

- Four Provisions
 - Prohibits state to confer any title (Except military and academic)
 - Prohibits accepting title from any foreign state
 - Foreigner holding office under state cannot accept any title without president consent
 - No Citizen or Foreigner holding office under state accept present / employment from foreign state.
- Maharaja, Raj Bahadur, Dewan Bahadur banned
- 1996, Supreme court said National Awards do not amount to 'titles'.

Right to Freedom

- Article 19 : Protection of Six Rights
- Article 20 : Protection in Respect of Conviction for Offences
- Article 21 : Protection of Life and Personal Liberty
- Article 21 A : Right to Education
- Article 22 : Protection Against Arrest and Detention

Article 19 : Protection of Six Rights

- Guarantees 6 rights
 - (a) Freedom of speech and expression
 - (b) Assemble peaceably and without arms
 - (c) Form associations or unions or co-operative societies
 - (d) Move freely throughout the territory of India
 - (e) Reside and settle in any part of India
 - (g) Practice any profession / occupation, trade or business
- 19(f)-Right to property deleted by 44th Amendment Act. 1978 by Moraji Desai (Janata Dal Govt)
- Protected against only state action and not private individuals.

Article 20 : Protection in Respect of Conviction for Offences

- Protection against arbitrary and excessive punishment to an accused person
- 3 Provisions :
 - No ex-post-facto law
 - No Double jeopardy
 - No Self-incrimination

- Group 'A', 'B' / Class I, class II Officers of All India Central & State Services
- Employee equivalent post in PSU, Banks, Insurance Organisations, Universities
- Rank of Colonel in Army, Navy, Air force and paramilitary forces
- Professionals like doctors, lawyers, engineers, artist, authors, consultants
- Person in trade, business, industry and agriculture land above certain limit
- Persons having gross annual income more than 8 lakhs.

Article 16: Equality of Opportunity in Public Employment

- Equality of opportunity for all citizens in matters of employment or appointment to any office under the State
- Religion, race, caste, sex, descent, place of birth or residence

Exceptions to Article 16

- Parliament can prescribe residence as condition for certain employment. Public Employment (Requirement as to Residence) Act of 1957 expired in 1974 Except Andhra Pradesh and Telangana
- State can provide in favour of any backward class, not adequately represented in state services.
- Law can provide - incumbent of an office related to religious or denominational institution belong to the particular religion.
- The first backward Classes Commission was appointed in 1953 under the chairmanship of Kaka Kalelkar. It submitted its report in 1955.

Mandal Commission

- 1979, Morarji Desai Govt. appointed 2nd BC Commission - B P Mandal
- Article 340, investigate conditions of socially and educationally backward classes
- Submitted report in 1980, Identified 3743 castes (52% population)
- Commission recommended 27% Govt. jobs for OBCs
- 1990, VP Singh Govt. declared reservation of 27% for OBCs.
- 1991, Narasimha Rao Govt. → two changes
 - Preference to poorer sections among OBCs
 - Reservation of another 10% jobs for poorer sections of higher castes

Mandal case (1992)

- Supreme court rejected additional reservation of 10% per poorer sections of higher castes
- 27% reservation for OBC with following conditions
 - Creamy layer excluded
 - No reservation for promotions. Existing reservation upto 1997
 - Total reserved quota should not exceed 50%
 - Carry forward rule incase unfilled
 - Permanent statutory body to examine complaints of over and under inclusion.

Actions taken by Govt.

- Ram Nandan Committee - identify creamy layer among OBCs
 - Submitted report in 1993
- National Commission for Backward Classes established in 1993
 - Considers inclusions and exclusions from the castes list
- 77th Amendment Act 1995 - Reservation for promotions for SCs and STs
- 85th Amendment Act 2001 - Consequential seniority

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- Produced before magistrate within 24 hours;
- released after 24 hours unless magistrate authorises.
- Preventive - Detention of a person without conviction by a court
 - Cannot exceed 3 months unless having a sufficient cause
 - Should afford opportunity to make representation against the detention order

- 44th Amendment Act of 1978 - reduced period of detention from 3 to 2 months.

Preventive detention laws

- Preventive Detention Act 1950, Expired in 1969
- Maintenance of Internal Security Act (MISA), 1971 - Repealed in 1978
- Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, (COFEPSA) 1974
- National Security Act (NSA), 1980
- Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act (PBMSECA), 1980
- Terrorist and Disruptive Activities (Prevention) Act (TADA), 1985 - Repealed in 1995
- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, (PITNDPSA) 1988
- Prevention of Terrorism Act (POTA), 2002 - Repealed in 2004.

Right against Exploitation

- Article 23 : Prohibition of Traffic in Human Beings and Forced Labour
- Article 24 : Prohibition of Employment of Children in Factories, etc.

Article 23 : Prohibition of Traffic in Human Beings and Forced Labour

- Prohibits traffic in human being
 - Selling and buying of men, women and children like goods
 - Prostitution, Devadasis and Slavery
 - Immoral Traffic (Prevention) Act. 1956
- Prohibits begar
 - Compulsory work without remuneration
 - Bonded labour
 - Bonded Labour System (Abolition) Act. 1970; Minimum wages Act, 1948; the Contract Labour Act, 1970; Equal Remuneration Act. 1976.

Exceptions to Article 23

- Permits the State to impose compulsory service for public purposes
- It is not bound to pay
- State is not permitted to make any discrimination on grounds only of religion, race, caste or class.

Article 24 : Prohibition of Employment of Children in Factories, etc.

- Prohibits employment of children below the age of 14 years
- 1996, Supreme court - Child Labour Rehabilitation Welfare Fund
 - Fine of 20,000
- Commissions for Protection of Child Rights Act, 2005
 - Children's courts for speedy trial of offences
- 2006, Govt. banned employment of children as domestic servants.

Acts related to Article 24

- Child Labour (Prohibition and Regulation) Act, 1986
- Employment of Children Act, 1938
- Factories Act, 1948;
- Mines Act, 1952

- Merchant Shipping Act, 1958
- Plantation Labour act, 1951
- Motor Transport Workers Act, 1951
- Apprentices Act, 1961;
- Bidi and Cigar Workers Act, 1966

Child Labour Amendment (2016)

- Amended Child Labour Act, 1986
- Renamed Principal Act as Child and Adolescent Labour Act, 1986
- Prohibits employment of children below 14 years in all occupations & processes
- Prohibits employment of adolescents (14 - 18 years) in hazardous occupation

Punishments:

- Imprisonment of 6 months to 2 years or Fine of 20,000 to 50,000 or both
- Repeated offences - imprisonment is of 1 year to 3 years

Rights to Freedom of Religion

- Article 25: Freedom of Conscience and Free Profession, Practice and Propagation of Religion
- Article 26: Freedom to Manage Religious Affairs
- Article 27: Freedom from Taxation for Promotion of a Religion
- Article 28 : Freedom from Attending Religious Instruction

Right to Freedom of Religion (25 - 28)

Article 25 : Freedom of Conscience and Free Profession, Practice & Propagation of Religion

- Freedom of Conscience :
 - Inner freedom to mould his relation in whatever way he desires
- Right to profess :
 - Declaration of one's religious beliefs and faith openly and freely
- Right to practice :
 - Performance of religious worship, rituals, ceremonies and exhibition of belief & ideas
- Right to propagate :
 - Transmission and dissemination of one's religious belief to others. Not forcible conversion

Exceptions to Article 25

- Regulate or restrict any economic, financial, political or secular activity
- Provide for social welfare
- Two explanations :
 - Wearing and carrying of kirpans is to be included in the profession of Sikh religion
 - Hindus, in this context, include Sikhs, Jains and Buddhist

Article 26 : Freedom to Manage Religious Affairs

- Every religious denominations have following rights
 - Establish and maintain institution for religious and charitable purpose.
 - Manage its own affairs
 - Own and acquire movable and immovable property
 - Administer such property
- 3 Conditions
 - Be a collection of individuals who have a system of belief
 - Have Common organisation
 - Designated by a distinctive name

Article 27 : Freedom from Taxation for Promotion of a Religion

- No person shall be compelled to pay any taxes for

Article 28 : Freedom from Attending Religious Instruction

- Freedom as to attendance at religious instruction or religious worship in certain educational institutions.
- Four types of educational institutions
- Wholly maintained by the State - religious instructions prohibited
- Administered by State but established under trust - permits religious instructions
- Recognised by the State & Receiving aid from the State
 - Religious instructions is permitted on a voluntary basis

Article 29 : Protection of Interests of Minorities

- Any section of the citizen having distinct language, script or culture shall have the Right to conserve the same
- Protects both linguistic and religious minorities
- No citizen shall be denied admission into educational institution maintained by State or receiving aid from State on grounds of religion, race, caste or language
- Representation of the People Act. 1951.

Article 30 : Right of Minorities to Establish and Administer Educational Institutions

- Grants rights to religious or linguistic minorities
- Establish and administer educational institution
- Compensation amount fixed if acquisition of any property by State.
- In granting aid, State shall not discriminate in institutions managed by minority.
- Three types of minority educational institutions
 - Seek recognition as well as aid from the State
 - Seek only recognition from State and not aid
 - Neither seek recognition nor aid from the State.

Malankara Syrian Catholic College case (2007)

- Establish and administer educational institution of their choice
- Rights conferred on minority is only to ensure equality
- Not absolute right. Ensures regulatory measures
- Unaided minority educational institutions have freedom to appoint teachers
- Extension of aid by the State does not alter the nature and character of the institutions

Right to Constitutional Remedies

- Article 32 : Right to remedies for the enforcement of the fundamental rights of an aggrieved citizen

Article 32: Right to remedies for the enforcement of the fundamental rights of an aggrieved citizen

- Right to get the Fundamental Rights itself a fundamental right
- Dr. Ambedkar called Article 32
- 'an Article without which this constitution would be nullity. Very soul & heart of constitution'

Four Provisions

1. Right to move to supreme Court for fundamental rights is guaranteed
2. Power to issue writs
3. Parliament can empower any other court to issue directions, orders and writs
4. Right to move the Supreme Court shall not be suspended except during National emergency

Writs

- Supreme court (Under Article 32) & High Court (under Article 226) issue writs
- Before 1950, High Court of Calcutta, Bombay & Madras had power to issue writs
- Borrowed from English law (Prerogative writs)- 'Fountain of justice'
- 3 aspects supreme court differs from High court

S.No	Supreme Court	High Court
1.	Can Issue Writs only for the enforcement of Fundamental Rights.	Can issue writs for the enforcement of Fundamental Rights. Also for ordinary legal rights
2.	Issue writs through the territory of India	Issue writs within its territory of India
3.	May not refuse to exercise its writ jurisdiction	May refuse to exercise its writ jurisdiction

Types of Writs

- Habeas corpus
- Mandamus
- Prohibition
- Certiorari
- Quo-warranto

Habeas Corpus

- Latin word means 'to have body of'
- Ordered issued by the court to a person who detained another person to produce detainee
- Court examines the cause and legality of detention.
 - If detention is found to be illegal, detained person is set free
- Can be issued against both public authorities and private individuals
- Not issued
 - When detention is lawful, outside the court jurisdiction & contempt of a legislature / court

Mandamus

- Means 'we command'
- Command issued by the court to a public official asking him to perform his official duties that he failed / refused to perform
- Also issued against any public body, a corporation, an inferior court, Govt.
- Cannot be issued against
 - Private individual
 - President of India / State Governors
 - Chief Justice of a High Court

Prohibition

- Means 'to forbid'
- Issued by a higher court to a lower court
- Mandamus directs activity, prohibition directs inactivity.
- Can be issued only against judicial and quasi-judicial authorities
- Not issued against
 - Administrative authorities
 - Legislative bodies
 - Private individuals

Certiorari

- Means 'to be certified' or 'to be informed'
- Issued by a higher court to a lower court or to transfer a pending case
- Issued against judicial and quasi-judicial authorities
- 1991, Supreme court ruled certiorari can be issued even against administrative authorities
- Not available against legislative bodies and private individuals.

Quo-Warranto

- Means 'by what authority or Warrant'

- Enquire into the legality of claim of a person to a public office
- Prevents illegal usurpation of public office by a person
- Cannot be issued in case of ministerial office or private office.

Article 33 : Armed Forces and Fundamental Rights

- Empowers Parliament to restrict or abrogate the fundamental rights of the members of the armed, para-military, police forces, intelligence agencies
- Power to make laws under Article 33 conferred only on Parliament and not on state legislatures.
- Impose restrictions on
 - Freedom of speech
 - Right to form associations to be members of trade unions / Political associations
 - Right to communicate with the press

Parliament enacted laws under Article 33

- Army Act (1950)
- Navy Act (1950)
- Air Force Act (1950)
- Police Forces (Restriction of Rights) Act, 1966
- Border Security Force Act, 1968

Article 34 : Martial Law and Fundamental Rights

- Restrictions on fundamental rights while martial law is in force in any area within the territory of India.
- Military authorities run the administration of their own rules & regulations framed outside ordinary law
- Imposed during war, invasion, insurrection / rebellion, riot
- Borrowed from the English common law
- Not defined anywhere in the Constitution - Implicitly mentioned
- Martial Law (Article 34) is different from National Emergency (Article 352)

Article 35 : Effecting Certain Fundamental Rights

- Power to make laws, to give effect to certain fundamental rights vest only with Parliament and not in the state legislatures
- Three provisions
 - Power to make laws with respect to Article 16, 32, 33 and 34.
 - Power to make laws for prescribing punishment that art declared to be offences
 - Untouchability (Article 17)
 - Traffic in human being and forced labour (Article 23)
 - Law in force at commencement of the Constitution, continue in force until altered or repealed

Present position of Right to Property

- Inserted new Article 300A in Part XII under 'Right to property'
- State can acquire the property based on two condition
 - Public purpose
 - Payment of compensation

Martial Law vs National Emergency

S. No.	Martial Law	National Emergency
1.	Affects only fundamental rights	Affects not only fundamental right but also Centre State relations, distribution of revenues and legislative powers and extend the centre of the parliament.
2.	Suspends the Govt. and ordinary law Courts	Continues the Govt. and ordinary law Courts
3.	Imposed to restore the breakdown of law and order due to any reason	Can be imposed only on 3 grounds-War, External aggression and armed rebellion
4.	Imposed in some specific area of the country	Imposed either in the whole country or in any part of it
5.	Implicit. No specific provision in the Constitution.	Explicit. Specific and detailed provision in the Constitution.

- Implications
 - Can be regulated
 - Protects private property against executive action but not legislative action
 - Cannot move directly to supreme court under Article 32. Move to High court (Article 226)
 - No guaranteed right to compensation in case of acquisition of private property by the state.

Two cases for compensation

- 44th Amendment Act (1978)
 - Article 30 : State acquires property of a minority educational institution
- 17th Amendment Act (1964)
 - Article 31 : State acquires land held by a person under his personal cultivation

Exceptions to Fundamental Rights

- Article 31 A - Saving of Laws Providing for Acquisition of Estates, etc.
- Article 31 B - Validation of Certain Acts and Regulations
- Article 31C - Saving of Laws Giving Effects to Certain Directive Principles

Criticism of Fundamental Rights

- Excessive Limitations
- No Social and Economic Rights
- No Clarity and Permanency
- Suspension During Emergency
- Expensive Remedy
- Preventive Detention
- No Consistent Philosophy

Significance of Fundamental Rights

- Bedrock of democratic system
- Material and moral protection of man
- Formidable bulwark of individual liberty
- Establishment of rule of law
- Protect minorities and weaker sections of society
- Strengthen secular fabric of the Indian State
- Check Absoluteness
- Foundation stone of social equality and justice
- Ensure dignity and respect of individuals;
- Facilitate participation of people in the political and administrative process.

Rights outside Part - III

- Constitutional or Legal or Non-Fundamental Rights
- Cannot avail Constitutional remedy.
- Can move to High Court under Article 226.
- Part XII → Article 265 → No tax levied / collected except by authority of law.
- Part XII → Article 300-A → No person shall be deprived of his property save by authority of law
- Part XIII → Article 301 → Trade, Commerce and intercourse throughout the territory of India shall be free
- Part XV → Article 326 → Election to Lok Sabha and State Legislative Assembly on the basis of adult Suffrage.

Introduction

- Part IV
- Article 36 to 51
- Borrowed idea from Irish Constitution of 1937
- Dr.B.R.Ambedkar described 'novel features' of the Indian Constitution
- Directive Principles + Fundamental Rights
- Philosophy and is soul of the Constitution
- Granville Austin has described as the 'Conscience of the Constitution'.

Content

- Features of the Directive Principles
- Classification of the Directive Principles
- New Directive Principles
- Sanction Behind Directive Principles
- Criticism of the Directive Principles
- Utility of Directive Principles
- Conflict between Fundamental Rights and Directive Principles
- Implementation of Directive Principles
- Directives Outside Part IV

Features of the Directive Principles

- DPSPs are constitutional instruction or recommendations to the State Article 36 : Definition of State; same meaning as in Fundamental Rights
- DPSP resembles 'Instrument of Instruction' from Government of India Act of 1935.
- Seek to establish Economic and Social democracy.
- Embody the concept of a 'welfare state' and not that of 'police state'
- Non-justiciable in nature.
- Not legally enforceable by the courts for their violation
- **Article 37:** Fundamental in the governance of the country & duty of the State to apply.
- Help the courts in examining and determining constitutional validity of a law.
- Law to be 'reasonable' relation to Article 14 (Equality before law) / Article 19 (six freedom)

Classification of the Directive Principles

- Based on Content and Direction, DPSP classified into three
 - Socialistic Principles
 - Gandhian Principles
 - Liberal-Intellectual Principles

Socialistic Principles

- **Article 38:** Promote welfare of the people by securing a social order by justice .
- To minimize inequalities in income, status, facilities and opportunities.
- **Article 39 :** To secure
 - Right to adequate means of livelihood for all citizens
 - Equitable distribution of material resources
 - Prevention of concentration of wealth and means of production
 - Equal pay for equal work for men and women
 - Preservation of health and strength of workers and children against forcible abuse

Implementation of Directive Principles

- The Planning Commission was established in 1950 to take up the development of the country in a planned manner.
- In 2015, the Planning Commission was replaced by a new body called NITI Aayog (National Institution for Transforming India)

Land reform laws

- (a) abolition of intermediaries like zamindars, jagirdars, inamdars, etc;
- (b) tenancy reforms like security of tenure, fair rents, etc;
- (c) imposition of ceilings on land holdings;
- (d) distribution of surplus land among the landless labourers; and
- (e) cooperative farming.

To protect the interests of the labour sections

- The Minimum Wages Act (1948).
- The Payment of Wages Act (1936)
- The Payment of Bonus Act (1965)
- The Contract Labour Regulation and Abolition Act (1970)
- The Child Labour Prohibition and Regulation Act (1986)
- The Bonded Labour System Abolition Act (1976)
- The Trade Unions Act (1926)
- The Factories Act (1948)
- The Mines Act (1952)
- The Industrial Disputes Act (1947)
- The Workmen's Compensation Act (1923)
- In 2006 the government banned the child labour.
- In 2016, the Child Labour Prohibition and Regulation Act (1986) was renamed as the Child and Adolescent Labour Prohibition and Regulation Act, 1986.

To protect the interests of women workers

- The Maternity Benefit Act (1961)
- Equal Remuneration Act (1976)

To utilise the financial resources for promoting the common good.

- Nationalisation of life insurance (1956)
- The nationalisation of fourteen leading commercial banks (1969)
- Nationalisation of general insurance (1971)
- Abolition of Privy Purses (1971)

To provide free and competent legal aid to the poor

- The Legal Services Authorities Act (1987)

For the development of cottage industries in rural areas

- Khadi and Village Industries Board.
- Khadi and Village Industries Commission
- Small-Scale Industries Board.
- National Small Industries Corporation
- Handloom Board
- Handicrafts Board
- Coir Board
- Silk Board

For raising the standard of living of people

- The Community Development Programme (1952)
- Hill Area Development Programme (1690)
- Drought-Prone Area Programme (1973)
- Minimum Needs Programme (1974)
- Integrated Rural Development Programme (1978)
- Jawahar Rozgar Yojana (1989)
- Swarnajayanti Gram Swarozgar Yojana (1999)
- Sampoorna Grameena Rozgar Yojana (2001)
- National Rural Employment Guarantee Programme (2006)

To safeguard the wildlife and the forests

- The Wildlife (Protection) Act, 1972
- Forest (Conservation) Act, 1980

For the protection, conservation and development of forests

- The Water and Air Acts
- Central and State Pollution Control Boards
- Protection and improvement of environment.
- National Forest Policy (1988)

To protect the SCs and STs from social injustice and exploitation

- The Untouchability (Offences) Act, 1955, which was renamed as the Protection of Civil Rights Act in 1976.
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

To protect the interests of SCs and STs.

- The 65th Constitutional Amendment Act of 1990 established the National Commission for Scheduled Castes and Scheduled Tribes.
- 89th Constitutional Amendment Act of 2003
- National Commission for Schedule Castes and National Commission for Schedule Tribes.

To promote and protect the social, educational and economic interests of the weaker sections of the society.

- The National Commission for Backward Classes (1993)
- The National Commission for Minorities (1993)
- The National Commission for Women (1992)
- The National Commission for Protection of Child Rights (2007).
- Criminal Procedure Code (1973) separated the judiciary from the executive in the public service of the state.

To protect the monuments, places and objects of national importance

- Ancient and Historical Monument and Archaeological Sites and Remains Act (1951).

To improve the public health

- Primary health centres and hospitals.

To promote international peace and security

- Laws to prohibit the slaughter of cows, calves and bullocks in some states
- Some state have initiated the old age pension schemes above 65 years
- India following non-alignment & panchsheel policy to promote International peace and security
- Policy of non-alignment and panchsheel

- Opportunities for healthy development of children
- **Article 39 A:** To promote equal justice and free legal aid to the poor.
- **Article 41 A:** To secure the right to work, education & public assistance in case of unemployment old age, sickness and disablement
- **Article 42:** Provision for just and human conditions of work & material relief
- **Article 43:** To secure living wage, decent standard of life, social & cultural opportunities for all workers
- **Article 43 A:** Take steps to secure the participation of workers in industries
- **Article 47:** Raise nutrition level, standard of living of people & to improve public health.

Gandhian Principles

- **Article 40:** Organise village panchayats & endow with powers & authority to enable them to function as units of self government.
- **Article 43:** Promote cottage industries by individual / co-operation in rural areas
- **Article 43 B:** Promote voluntary formation, autonomous functioning, democratic control & professional management of co-operative societies
- **Article 46:** Promote the educational & economic interest of SCs, STs & weaker sections of society and protect from social injustice and exploitation.
- **Article 47:** Prohibit consumption of intoxicating drinks & drugs which injurious to health
- **Article 48:** Prohibit the slaughter of cows, calves and draught cattle. Improve their breeds.

Liberal – Intellectual Principles

- **Article 44:** Secure for all citizens a uniform civil code throughout the country
- **Article 45:** Provide early childhood care & education for all children until age of 6.
- **Article 48:** Organise agriculture & animal husbandry on modern & scientific lines
- **Article 48 A:** Protect & improve the environment. Safeguard forests & wild life
- **Article 49:** Protect monuments, places and objects of artistic or historic interest
- **Article 50:** Separate judiciary from the executive in the public services of the state.
- **Article 51:** Promote international peace and security. Honorable relation between nations. Respect for international law and treaty. Encourage settlement of disputes

New Directive Principles

- 42nd Amendment Act of 1976 added 4 new Directive Principles to the original list
- Added Article 39, 39A, 43A and 48A
- 44th Amendment Act of 1978 added one more Article 38
- 86th Amendment Act of 2002 Subject matter changed in Article 45
- 97th Amendment Act of 2011 added Article 43B

Sanction behind Directive Principles

- Sir B N Rau, recommended individual rights should be divided into two
- Fundamental Rights – justiciable
- Directive Principles – non-justiciable

- Real force behind applying DPSP is public opinion
- Alladi Krishna Swamy Ayyar – no ministry responsible to the people to ignore the provisions in Part IV
- Dr. B R Ambedkar – govt which rest on popular vote can ignore DPSP, it will certainly have to answer for that before electorate at the election time.

Why DPSP is non – justiciable?

- Country did not possess sufficient financial resources to implement them
- Presence of vast diversity and backwardness
- Newly born independent Indian State might be crushed under the burden. It was free to decide the order, time, place and mode of fulfilling them.

Criticism of the Directive Principles

- No legal Force
- Illogically Arranged
- Conservative
- Constitutional Conflict

Utility of Directive Principles

- LM Singhvi - 'life giving provisions; philosophy of social justice'
- MC Chagla - 'if all principles fully carried out, our country would be heaven'
- Dr. B. R. Ambedkar - goal of Indian polity is 'economic democracy' as distinguished from 'political democracy'
- Granville Austin - aimed at furthering the goals of the social revolution
- Sir B N Rau - moral precepts for the authorities of the state; have educative value

Significance of DPSP

- Like an 'Instrument of Instructions' or recommendations to all authorities
- Useful beacon - lights to the courts, Determine the constitutional validity
- Form the dominating background to all state, legislative or executive actions
- Amplify the Preamble
- Facilitate stability and continuity in spite of the changes of the party in power
- Supplementary to the fundamental rights
- Opposition can blame ruling party that its activities opposed to the Directives
- Crucial test for the performance of the government. Guide, Philosopher & Friend

Conflict between Fundamental Rights and Directive Principles

1. Champakam Dorairajan case (1951)

- DPSP run as Subsidiary to the Fundamental Rights
- Fundamental rights could be amended by the Parliament.
- 1st (1951) & 17th (1964) Amendment Act implements some of the Directives

2. Golaknath case (1967)

- Fundamental Rights cannot be amended or take away for the implementation of the DPSP
- 24th Amendment Act (1971): Parliament has power to abridge or take away fundamental rights
- 25th Amendment Act (1971): Inserted Article 31C - Two provisions

3. Kesavananda Bharati case (1973):

- Article 31C 2nd Provision declared as unconstitutional and invalid. 1st Provision is valid
- 42nd Amendment Act: DPSP got legal primacy and supremacy over Fundamental rights conferred by Article 14, 19 and 31

4. Minerva Mills case (1980):

- Above extension made unconstitutional and invalid. Fundamental rights conferred by Article 14 and 19 were accepted as subordinate to the DPSP
- Constitution is founded on the bedrock of the balance between Fundamental rights & DPSP

Directives Outside Part IV

- Claims of SCs and STs to Services
- Part XVI → Article 335 → Appointment to services and posts in connection with the Union or a State
- Instruction in mother tongue
- Part XVII → Article 350-A → Provide Instructions in mother - tongue at the primary stage of education to children belonging to linguistic minority groups
- Development of the Hindi Language
- Part XVII → Article 351 → Duty of Union to promote spread of Hindi Language to serve as a medium of expression

Distinction between Fundamental Rights and DPSP

S.No	Fundamental Rights	DPSP
1.	Negative, Prohibit the state	Positive, Require state to do certain things
2.	Justiciable, Legally enforceable	Non-justiciable; Not legally enforceable
3.	Aim at establishing political democracy	Aim at establishing social and economic democracy
4.	Have legal sanctions	Have moral and political sanctions
5.	Promote welfare of the individual	Promote welfare of the community
6.	Do not require any legislation for implementation	Require legislation for their implementation
7.	Courts are bound to declare a law as unconstitutional and invalid	Courts cannot declare a law violative of DPSP as unconstitutional and invalid

Introduction

- Part IV Article 51A - 11 Duties
- 1976, Fundamental Duties added in the Constitution
- Inspired from USSR
- Japanese Constitution, only democratic country to have list of Fundamental Duties.

Contents:

- Swaran Singh Committee Recommendations
- List of Fundamental Duties
- Features of the Fundamental Duties
- Criticism of Fundamental Duties
- Significance of Fundamental Duties
- Verma Committee Observations

Swaran Singh Committee Recommendations

- 1976, Congress Party set up Sardar Swaran Singh Committee during Internal Emergency
- Committee recommended inclusion of separate chapter in the Constitution
- 42nd Constitutional Amendment Act in 1976
- Committee suggested 8 Fundamental Duties.
- Certain recommendations not accepted by Congress Party are :
- Parliament may provide imposition of such penalty/ punishment for refusal to observe duties
- Penalty/Punishment are not questioned in any court
- Duty to pay Taxes

List of Fundamental Duties

- Respect Constitution, National Flag and National Anthem
- Cherish & follow the noble ideals that inspired the National Struggle for freedom
- Uphold and protect the Sovereignty, Unity and Integrity of India
- Defend the country and render national service
- Promote harmony and the spirit of common brotherhood
- Value and preserve the rich heritage of the country's composite culture
- Protect & improve Natural environment including forest, lakes, rivers & wildlife
- Develop scientific temper, humanism and the spirit of inquiry and reform
- Safeguard public property and to abjure violence
- Strive towards excellence
- Provide opportunities for education to his child between the age 6 and 14 (Added by the 86th Constitutional Amendment Act, 2002).

Features of the Fundamental Duties

- Some of them are moral duties while others are civic duties

- Values – part of the Indian tradition, mythology, religions and practices
- Fundamental Duties are confined to citizens only
- Non-justiciable. Parliament is free to enforce them by suitable legislation.

Criticism of Fundamental Duties

- Not exhaustive. Does not cover important duties like casting vote, paying tax etc.
- Duties are vague, ambiguous and difficult to be understood by the common man.
- Described as a code of moral precepts due to their non-justiciable character
- Superfluous
- Appendage to Part IV has reduced their value and significance

Significance of Fundamental Duties

- Serve as a remainder to the citizens

- Conscious of duties to their country
- Serve as a warning against the anti-national and anti-social activities like burning the national flag, destroying public property
- Serve as a source of inspiration and promote sense of discipline & commitment
- Help the courts in examining and determining the constitutional validity of a law
- Enforceable by law

Verma Committee Observations 1999

- Prevention of Insults to National Honour Act (1971)
- Protection of Civil Rights Act (1955)
- Indian Penal Code (IPC)
- Unlawful Activities (Prevention) Act of 1967
- Representation of People Act (1951)
- Wildlife (Protection) Act of 1972
- Forest (Conservation) Act of 1980

Sources of the Indian Constitution

Sources	Features Borrowed
1. Government of	Federal Scheme, Office of Governor, Judiciary, Public Service Commissions, India Act of 1935 Emergency provisions and administrative details.
2. British Constitution	Parliamentary Government, Rule of Law, Legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.
3. US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
4. Irish Constitution	Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president.
5. Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
6. Australian Constitution	Concurrent List, freedom of trade, commerce and inter course, and joint of the two houses of Parliament.
7. Constitution of Weimar	Suspension of Fundamental Rights during Emergency Germany
8. Soviet Constitution	Fundamental duties and the ideal of justice (Social, economic (USSR, now Russia) and political) in the Preamble, five year plan.
9. French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble
10. South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha.
11. Japanese Constitution	Procedure established by law

Amendment of the Constitution

Introduction

- Part XX - Article 368 - Powers of Parliament to amend the Constitution & its procedure
- drawn from South Africa
- Neither as easy as Britain nor difficult as in USA
- Neither flexible nor rigid
- Parliament cannot amend 'basic structure' of the Constitution
- Ruled by Supreme court in the Kesavanandha Bharati case (1973)

Contents

- Procedure for Amendment
- Types of Amendment
- Criticism of the Amendment Procedure

Procedure for Amendment

- Initiated in either House of Parliament and not in the State Legislatures
- Bill can be introduced either by a Minister or by a Private member
- Bill must be passed in each house by a special majority.
- Each house must pass the bill separately.

- No Provision for joint sitting
- To amend the federal provisions, bill must be passed by half of state legislatures by a simple majority
- After duly passed by both houses of Parliament bill presented to the President
- President must give his assent to the bill. After assent, bill becomes an Act.

Types of Majority (Provided for under Indian Constitution)

- Simple Majority
- Absolute Majority

4. Special Majority : has its own 3 sub-types

- Majority as under Article 249
- Majority as under Article 368
- Majority as under Article 61

By Simple Majority of Parliament

- Half of members present and voting
- Example : Total members - 545; Present members - 400; If 200 + members accept then we can make amendment on below provisions :
 - Admission or establishment of new states.
 - Formation of new states & alternation of areas, boundaries / names of existing state
 - Abolition or creation of legislative council in states
 - Second schedule - emoluments, allowances, privileges of the president, governor
 - Quorum in Parliament
 - Salaries & allowances of the MP's; Rule of procedure in Parliament
 - Privileges of the Parliament, its members and its committees
 - Use of English language in Parliament
 - Number of puisne judges in the Supreme Court
 - Conferment of more jurisdiction, on the Supreme Court
 - Use of official language
 - Citizenship
 - Election to Parliament & State legislatures
 - Delimitation of constituencies
 - Union territories; 5th and 6th Schedule.

By Special Majority of Parliament

- More than 50% of total members present + 2/3rd of members present & voting
- Example: Total members - 545; Present members - 300;
- Provisions which can be amended
- Fundamental Rights
- DPSP
- All other provisions which are not covered by the Simple majority and Special majority with state concern

Bills and motions that can be passed through Simple Majority

- No confidence motion in Lok Sabha only;
- Confidence motion in Lok Sabha only;
- All the Ordinary bills;
- Vote of Thanks on President's address;
- Censure motion;
- Money bills
- Financial bills;
- Election of Speaker;

- Resolution seeking the approval of Parliament for imposition of President's rule in any state.

Absolute Majority

- It means more than 50% of Total Strength of the house. In case of Lok Sabha, it will be 273 or more (i.e. 50% of 545)
- Note, it is nowhere needed in a stand-alone manner.
- Without it, there would be an unstable government.

Effective Majority :

- It means more than 50% of the effective strength of the house
- Effective Strength = Total Strength - Vacancies.

Situations where it is needed

- It is needed for the removal of Vice President in Rajya Sabha.
- Resolution seeking the removal of Speaker & deputy Speaker of Lok Sabha and State Legislative Assemblies.
- Resolution seeking the removal of Deputy Chairman of Rajya Sabha.

Special Majority

- Any majority other than Simple, Absolute or Effective Majority is called Special Majority. There are various types of Special majority.

a) Special majority as under Article 249 :

- It means a majority of not less than 2/3rd of the members present and voting.

It is needed

- Under Article 249 : To enable the Parliament to legislate on any subject in the State List.
- Under Article 312 : To create a new All India Service. (Eg. S.C. direction in May 2017 for creation of AJS)

b) Special Majority as under Article 368 :**It is needed for :**

- For the passage of Constitutional Amendment Bill in Parliament;
- Resolution seeking removal of a Judge of Supreme Court or High Court, CAG.
- For approval of National Emergency.
- Resolution in State Assembly to create or abolish Legislative Council in the State.

c) Special Majority as under Article 61 :

- Needed for removal / impeachment of President of India. This is the toughest kind of majority given under Indian constitution.
- It requires a majority of 2 / 3rd of total membership of the house.

By Special Majority of Parliament and consent of States

- More than 50% of total members present + 2/3rd of members present & voting + 1/2 of State legislatures by a simple majority
- Provisions which can be amended
 - Election of the President and its manner
 - Extent of the executive power of the Union and the states
 - Supreme Court and High Courts
 - Distribution of legislative powers between the Union and states
 - List in 7th Schedule
 - Representation of states in Parliament
 - Article 368 itself.

Criticism of the Amendment Procedure

- No provision for a special body as in USA
- Power to initiate an amendment to the Constitution lies with the Parliament
- Major part of the Constitution can be amended by Parliament alone. Only few cases, consent of state legislature is required.
- Constitution does not prescribe the time frame within which the state legislature should ratify or reject.
- No provision for holding a joint sitting if there is a deadlock over amendment bill
- Process of amendment is similar to legislative process
- Procedure are too sketchy.

AMENDABILITY OF FUNDAMENTAL RIGHTS**Shankari Prasad case**

- The power of parliament to amend the constitution under Article 368 included the power to amend fundamental rights.

Golak Nath case

- Reversed its earlier stand
- Parliament cannot abridge or take away any of the fundamental rights.

24th amendment Act

- Amended articles 13 & 368 and declared parliament was power to abridge or take away any fundamental rights.

Kesavananda Bharati case

- Supreme Court overruled its judgement in Golak Nath case.
- Laid 'Basic Structure' of the constitution.

42nd Amendment

- Amended Article 368 & declared there is no limitation on power of parliament & no amendment can be questioned in any court.

Minerva Mills case

- excluded Judicial review which is a 'basic feature' of the constitution)

Basic Structure of the Constitution**Contents**

- Emergence of the Basic Structure
- Elements of the Basic Structure
- Evolution of the Basic Structure of the Constitution

Emergence of the Basic Structure

- Question whether Fundamental Rights can be amended by the Parliament under Article 368 came for consideration of the Supreme Court.
- Within 1 year of Constitution coming into force

Shankari Prasad case (1951)

- 1st Amendment Act (1951) was challenged
- Supreme Court ruled
 - Power of Parliament to amend Constitution under Article 368 includes Fundamental Rights
 - Word 'Law' in Article 13 includes only Ordinary laws and not constitutional Amendment Act

Golak Nath case (1967)

- 17th Amendment Act (1964) inserted certain state acts in the 9th Schedule, was challenged

- Supreme Court ruled
 - Fundamental Rights are given a 'transcendental and immutable' position
 - Parliament cannot abridge or take away any of these rights
 - Constitutional amendment act is also a law within the meaning of Article 13.
- Parliament reacted to above judgement and enacted 24th Amendment Act (1971)
- Parliament has the power to abridge/take away any FR under Article 368 & such act not be a law under the meaning of Article 13

Kesavananda Bharati Case (1973)

- Supreme court overruled its judgement in the Golak Nath case
- Parliament empowered to abridge or take away any of the Fundamental Rights and it does not alter the 'basic structure' of the Constitution

Indira Nehru Gandhi case (1975)

- Invalidated 39th Amendment Act (1975)

- Kept election disputes involving the Prime Minister and Speaker of Lok Sabha outside the Jurisdiction of all courts
- Above provision affected the basic structure of the Constitution

42nd Amendment Act (1976)

- Amendment Article 368
 - Declared no limitation on the Constituent power of Parliament
 - No amendment can be questioned in any court on any ground

Minerva Mills case (1980)

- Invalidated above provision as it excluded 'Judicial review'
- Parliament cannot, under article 368, expand its amending power-repeal or abrogate the constitution or destroy basic features
- Limited power cannot convert the limited power to unlimited one

- Clarified 'basic structure'
- Apply to constitutional amendments enacted after April 24, 1973 (date of the judgement in the Kesavananda Bharati case)

ELEMENTS OF THE BASIC STRUCTURE

- Supremacy of the Constitution
- Sovereign, democratic and republican nature of the Indian polity.
- Secular character of the Constitution
- Separation of powers between the legislature, the executive & the judiciary.
- Federal character of the Constitution
- Unity and Integrity of the nation
- Welfare state
- Judicial review
- Freedom and dignity of the individual
- Parliamentary system
- Rule of law
- Harmony and balance between Fundamental Rights and DPSP
- Principle of equality
- Free and fair election
- Independence of Judiciary
- Limited power of Parliament to amend the Constitution
- Effective access to justice
- Principles underlying fundamental rights

- Powers of the High Courts under Article 226 and 227

EVOLUTION OF THE BASIC STRUCTURE OF THE CONSTITUTION

- Kesavanda Bharati case (1973)
 - Supremacy, separation of powers, republic & democratic form, secular & federal character
 - Sovereignty & unity, Freedom & Dignity, build welfare state & Parliamentary system
- Indira Nehru Gandhi case
 - Sovereign democratic republic, equality of status and opportunity
 - Secularism and freedom of conscience and religion; Rule of law; Judicial review; Free & fair election
- Minerva Mills case (1980)
 - Limited power of parliament to amend the constitution
 - Justicial review; Harmony and balance between FR and DPSP
- Central Coal Fields Ltd Case (1980) - Effective access to justice
- Bhim Singhji case (1981) - Welfare State
- S.P.Sampath Kumar case (1987) - Rule of law, judicial review
- P.Sambamurthy case (1987) - Rule of law, judicial review
- Delhi Judicial Service Association case (1991) Powers of the Supreme court

- Kumar Padma Prasad Case (1992) - Independence of judiciary
- Kihoto Hollohon case (1993) or Defence case - Free & Fair elections Sovereign, democratic, republican structure
- Raghunath Rao case (1993) - Principle of equality Unity
- S.R.Bommai Case (1994)
 - Federalism, Secularism, Democracy, Unity & integrity, Social justice and Judicial review
- L.Chandra Kumar case (1997) - Powers of High court under Article 226 & 227
- Indra Sawhney II case (2000) - Principle of equality
- All India Judge's Association case (2002) - Independent Judicial system
- Kuldeep Nayar case (2006) - Democracy, free and fair election
- M.Nagaraj case (2006) - Principle of equality
- I.R.Coelho case (2007) or IX Schedule
 - Rule of law, Separation of powers, Principle underlying FR, Judicial review, Equality principle
- Ram Jethumalani case (2011) - Powers of the supreme court under Article 32.
- Namit Sharma case (2013) - Freedom and dignity of the individual
- Madras Bar Association case (2014)
 - Judicial review and Powers of High Courts under Article 226 and 227.

Administrative Reforms Commission

Administrative Reforms

- Iyyengar committee 1949
- Gorwala committee 1951
- Appleby committee 1953
- Administrative reform commission (1966-70)

Iyyengar committee 1949

- First committee example the Government machinery
- Recommend the difference between Ministry and Department
- Central Secretariat divided into 37 primary units
 - 28 Departments
 - 8 Central Administrative officer
 - 1 Cabinet Secretariat division
- Organisation and method division (OM) installed in every department

Gorwala Committee 1951

- Planning Commission felt many problem in public Administration
- Main Aim Relation to the implantation of the Development programme
- Recommendation (Unless there is the standard of morality of the functionaries)

Appleby Report 1953 - 1956

- He is belong to USA
- Gook knowledge in public Administration
- Finance minister C.D.Deshmukh message to Appleby
- Aims to strong central administration programme started.
- Important Recommendation All India Institute for Training the Personnel
- Develop the Hierarchy level, O and M Division created in central secretariat. (Organisation and Method Division)
- Established India Institute of Public Administration in Delhi 1954.

Administration Reform commission (1966-70)

- Set up Home ministry
- Headed by Moraji Desai
- Six-member Commission

- Its terms of references included, among others, the examination of Centre-State relations.
- Study team under M C Setalvad.
- It made 22 recommendations.

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.
- Delegation of powers to the maximum extent to the states.
- Transferring of more financial resources to the states to reduce their dependency upon the Centre.
- Deployment of Central armed forces in the states either on their request or otherwise.
- No action was taken by the Central government on the recommendations of the ARC.

2nd ARC- 2005

- A Committee to revitalise public administration system in India
- Chairperson - Veerappa Moiley (2005-2009) V.Ramachandran (followed by)
- Composition 1 + 5 (1 Chairperson + 5 members)

Vision

- 1) Organisation structure of India
- 2) Ethics in governance
- 3) Refurnishing of Personal administration
- 4) Effective District administration
- 5) Panchayat Raj / Municipalities
- 6) E-governance

Recommendation

- The commission submitted 15 reports to Government

e.g.

1. Right to Information
2. Ethics in Governance
3. Public order etc.

Implementation of recommendation

- The Government appointed Group of Ministers (GOM) on 2007 to review the commissions reports.

Sarkaria Commission

- Set up in 1983
- Report 1988
- 247 Recommendation
- Headed by Ranjith Singh Sarkaria (Retired SCL)
- There are three member
 - B. Sivaraman
 - S.R. Sen
 - Rama subramanian
- Set up by Indira Gandhi
- Reports to Rajiv Gandhi

Aim

- To examine the relationship and balance of power between state and Central Government.

Governor appoint & recommend

- He should be a eminent person
- Not belong to same state
- Not involved in politics
- Art 155 appoint of Governor consultation with

Rajamannar Committee

- Set up in 1969
- Started by Tamilnadu state Govt.

Mandal Commission 1979

- 338 ⇒ SC • 338 A ⇒ ST
- 338 B National Economolly backward class
- 2nd socially backward classes commission
- 1st commission under kaka kaleswar in 1953 report submitted 1955.
- Established year 1979
- Report submitted 1980
- OBC ⇒ 27% reservation
- B.P. Mandal (Bindeshwari prasad mandal)
- Mandal commission appointed by V.P.Singh
- Mandal commission sanction 1990 president.
- OBC reservation came in to force 1992
- 3743 different caste & community

Parliamentary System

Introduction

- Constitution of India provides Parliamentary form of Government
- Parliamentary system :
 - At Centre : Article 74 and 75
 - At States : Article 163 and 164
- Modern Democratic Govt. classified into Parliamentary and Presidential system based on nature of relation between executive and legislative organs.

Modern Democratic Govt.

- Parliamentary System
 - Executive responsible to the legislature for its policies and acts
 - Also called Cabinet Govt., Responsible Govt., Westminster model of Govt.
 - Prevalent in Britain, Japan, Canada, India.
- Presidential System
 - Executive is not responsible to the legislature for its policies and acts
 - Also called Non-responsible Govt, Non-parliamentary or Fixed executive system
 - Prevalent in USA, Brazil, Russia, Sri Lanka.

Contents

- Features of Parliamentary Government
- Features of American Presidential Government
- Merits of the Parliamentary Government
- Demerits of the Parliamentary Government
- Comparison between Parliamentary and Presidential System
- Reason for adopting Parliamentary System
- Distinction between Indian and British Models

Features of Parliamentary Government

- Nominal and Real Executives
- Majority Party Rule
- Collective Responsibility
- Political Homogeneity
- Double Membership
- Leadership of the Prime Minister
- Dissolution of the Lower House
- Secrecy

Features of American Presidential Government

- President is both the Head of the State and the Government
- Elected by an electoral college for fixed tenure (4 years)
- Governs with the help of a cabinet or a smaller body (Kitchen Cabinet)
- Not responsible to the Congress for their acts
- Cannot dissolve the lower house of the Congress
- Legislative, Executive and Judicial powers are separated & vested in 3 independent organs

Merits of the Parliamentary Government

- Harmony between Legislature and Executive
- Responsible Government
- Prevents Despotism
- Ready Alternative Government
- Wide Representation

Demerits of the Parliamentary Government

- Unstable Government
- No Continuity of Policies
- Dictatorship of the Cabinet

- Against Separation of Powers
- Government by Amateurs

Reason for adopting Parliamentary System

- Familiarity with the System

- Preference to more Responsibility
- Need to Avoid Legislative - Executive Conflicts
- Nature of Indian Society

Comparison between Parliamentary and Presidential System

S.No. Parliamentary System

1. Dual executive
2. Majority Party rule
3. Collective responsibility
4. Political homogeneity
5. Double membership
6. Leadership of Prime minister
7. Dissolution of Lower House
8. Fusion of Powers

Presidential System

- Single Executive
President & legislators elected separately
Non-responsibility
Political homogeneity may not exist
Single Membership
Domination of President
No dissolution of Lower House
Separation of Powers

S.No. Merits of Parliamentary System

1. Harmony between legislature & executive
2. Responsible government
3. Prevents despotism
4. Wide representation

Demerits of Presidential System

- Conflict between legislature & executive
Non-responsible government
May lead to autocracy
Narrow representation

S.No. Demerits of Parliamentary System

1. Unstable government
2. No Continuity of policies
3. Against separation of powers
4. Government amateurs

Merits of Presidential System

- Stable government
Definiteness in policies
Based on separation of powers
Government by experts

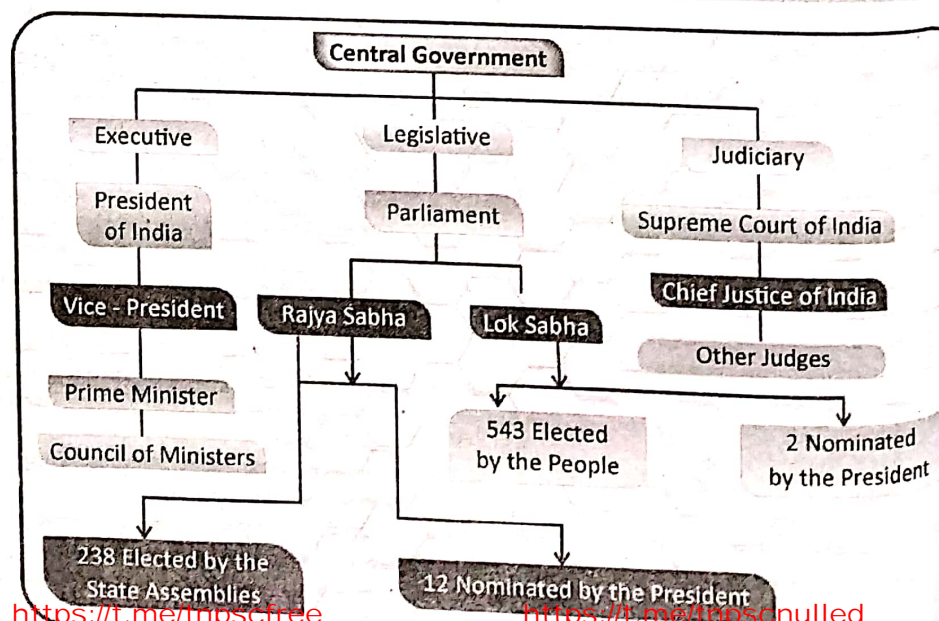
Distinction between Indian and British Models

S.No. British Model

1. Monarchical system
2. System based on sovereignty of Parliament
3. Prime Minister should be a member of Lower house of Parliament
4. MP alone are appointed as ministers
5. Has system of Legal responsibility of the minister
6. 'Shadow cabinet' is a unique institution formed by opposition party

Indian Model

- Republican system
Parliament is not supreme & enjoys limited power
Prime Minister may be member of any of the houses of Parliament
Person who is not an MP can be appointed as minister (Max of 6 months)
No such system
No such institution



Introduction

- Legislative organ of the Union Government
- Occupies pre-eminent & central position in the Indian democratic political system
- Part V – Article 79 to 122
- Deals with Organisation, composition, duration, officers, procedures, privileges, powers and so on.

Contents

- Organisation of Parliament
- Composition of the Two Houses
- System of Elections to Lok Sabha
- Duration of Two Houses
- Membership of Parliament

Organisation of Parliament

- Under the Constitution, Parliament of India consist of 3 parts,
 - President
 - Council of States or Rajya Sabha or Upper House : represents States & U.T. of Indian Union
 - House of the People of Lok Sabha or Lower House : represents people of India as a whole
- President of India is not a member of either House of Parliament and does not sit in the Parliament to attend its meetings. He is integral part of the Parliament

Lok Sabha

- House of people
- Lower House
- First chamber
- Popular house
- Adopted these Hindi names in 1954 by G.V.Mavlankar

Composition

- Maximum Strength - 552 members (489)
- Representatives of states - 530
- Union Territories - 20
- Nominated by President - 2 (Anglo Indian)

At present

- Total - 545 members
- Representatives of states - 530
- Union Territories - 13
- Anglo Indian members - 2

Representation of States

- Directly elected by people from territorial constituencies in the states.
- Voting age reduced from 21 to 18 years
- 61st Amendment, 1988

Representation of Union Territories

- Chosen by direct election (Acc. to Act. 1965)

Nominated Members

- Anglo Indian Community (2 members)
- Provision extended till 2026 by 95th Amendment 2009

System of Elections to Lok Sabha

- Territorial Constituencies
 - Ratio between no. of seats allotted and its population is the same for all states
- Readjustment after each Census
 - Delimitation Commission Acts in 1952, 1962, 1972 and 2002. Ban extended upto year 2026
- Reservation of Seats for SCs and STs

- Under 95th Amendment Act of 2009, reservation last until 2020
- Proportional Representation not adopted
- Difficulty for the voters to understand the system; Unsuitability to the parliamentary Govt.

Duration

- Not a continuing chamber
- Normal term is 5 years from date of its first meeting after general elections.
- President can dissolve any time.
- Term can be extended during national emergency by a law for 1 year at a time for any length of time.
- Cannot continue beyond 6 months after emergency ceased to operate.
- First constituted in 1952.

Reservation

- Reservation of seats for SCs & STs
- Reservation operates for 10 years & continuously extended for 10 years.
- Elected by all voters in a constituency, without any separate electorate.

Rajya Sabha

- Council of states
- upper house
- Second chamber
- House of Elders

Adopted these Hindi names in 1954 by G.V. Mavlankar

Rajya Sabha

- Origin - Montague Chelmsford Report 1919.
- Came into existence - 1921
- 1st Sitting - 13th May 1952.
- 1st Aug 2014 Use Tamil as Court Language in TN.
- 1st Budget of Madras Presidency - 1937 - C.Rajaji

Composition

- Maximum Strength - 250 members
- Representatives of states - 238 (elected indirectly) & union territories (230+8)
- Nominated by President - 12

At Present

- Strength - 245 members
- Representatives of States - 229
- Union Territories - 4
- Nominated by President - 12
- 4th schedule - allocation of seats in Rajya Sabha

Representation of States

- Elected by elected members of state legislative assemblies Election (MLA)
- System of proportional representation by means of single transferable vote
- Seats are allocated to states on the basis of population (1971)

For example :

- Uttarpradesh - 31
- Tripura - 1
- Tamilnadu - 18

Representation of Union Territories

- Indirectly elected by members of electoral college.
- Out of nine union territories, only Delhi, Pondichery & Jammu can participate.

Delhi-3 seats-Pondicherry-1seat, Jammu- 4 seats

Nominated Members

- Nominates 12 members who have special knowledge in art, literature, Science & social service
- American senate has no nominated members

Duration

- is a 'continuing chamber' (Permanent)
- is a permanent body & not subject to dissolution.
- 1/3rd of its members retire every second year.
- Retiring members are eligible for re-election.
- Has not fixed the term of office of members.
- Representation of People Act (1951)
- Term of office is six years.
- First batch retirement members Decided by lottery

Reservation

- No Reservation

Qualification

- Must be a citizen of India
- Must make & subscribe an oath or affirmation according to form prescribed in third schedule
- Age not less than 25 years for Lok Sabha
- Age not less than 30 years for Rajya Sabha
- Representation of People Act (1951) added some qualifications,
- He must be registered as an elector for a parliamentary constituency.
- He must be a member of SC or ST in any state / U.T if he want to contest a seat reserved for them.

Disqualification

- Decided by Speaker
- Hold and office of profit
- Unsound mind
- Not a citizen of India
- Representation of People Act (1951) laid down some additional disqualifications
 - Election offences or corrupt practice in the elections. Imprisonment for two or more years.
 - Failed to lodge an account of his election expenses. Offence of bribery, dowry, sati etc.

Anti - Defection

- under Tenth schedule (Anti - Defection law)
- if he voluntarily give his membership
- if he votes or abstains from voting in house contrary to his political party.
- If any independently elected member joins any political party.
- If any nominated member joins any political party after expiry of 6 months

Vacating of seats

1. Double Membership

- If a person is elected to both houses, he must intimate in 10 days in which house he desires to serve. If not, his seat in Rajya sabha becomes vacant.

- A sitting member of one house when elected to other house, his seat in first house becomes vacant.

2. Disqualification

- On grounds of defection under the provisions of 10th schedule.

3. Resignation

- By writing to chairman of Rajya Sabha (or) Speaker of Lok Sabha
- May or may not be accepted by Chairman / Speaker if he fails it involuntary or genuine.

4. Absence

- Declare the seat vacant when he is absent from all its meetings for a period of 60 days without permission.

5. Other cases

- If his election is declared void by court.
- If he is expelled by the house
- If he is elected to the office of president or Vice President.
- If he is appointed to office of governor of a state.

6. Oath or Affirmation

- Before the president or some person appointed by him for this purpose (Speaker ProTem)
- Without taking Oath, he cannot vote or participate in the proceedings of house.

7. Salaries & Allowances

- Determined by parliament.
- Both speaker & Chairman receive equal salary

Presiding Officers of Parliament

- Speaker of Lok Sabha
- Deputy Speaker of Lok Sabha
- Panel of Chairpersons of Lok Sabha
- Speaker Pro Tem
- Chairman of Rajya Sabha
- Deputy Chairman of Rajya Sabha
- Panel of Vice-Chairpersons of Rajya Sabha
- Secretariat of Parliament

Speaker of Lok Sabha

Election

- Elected by Lok Sabha from among its members
- Date of election of speaker when office of speaker falls vacant is decided by president.
- Created by Government of India Act 1919. Came into force in 1921
- Remains in office during life of Lok Sabha
- But vacates if he
 - ceases to be a member of Lok Sabha
 - Resigns by writing to Deputy Speaker
 - removed by resolution passed by a majority of all members of Lok Sabha. (14 days advance notice)
- Speaker does not vacate until newly elected Lok Sabha meets.

Role

- Leader of Lok Sabha - P.M
- Head of Lok Sabha - Speaker
- Guardian of powers & privileges of members
- Decision in all parliamentary matters is final
- Have high dignity & Supreme authority within the house.

Powers & Functions

- Adjourns the house or suspends the meeting in absence of quorum (1/10)
- Does not vote in first instance
- Votes in case of a tie (casting vote)
- Presides over joint sitting of two houses
- Decides whether a bill is money bill or not & his decision is final.
- Decides the question of disqualification of a member of Lok Sabha due to ground of defection

1) Member of the house (L/S)

2) Enjoys certain special powers

- Decides whether a bill is money bill or not
- Presides over joint sitting of two houses.

3) Can cast a vote only in case of tie

- Acts as a ex-officio chairman of Indian Parliamentary Group of Inter Parliamentary Union.

- Appoints the chairman of all parliamentary committees of Lok Sabha & supervises their functioning.

Independence & Impartiality

- Provided with a security of tenure.
- can be removed only by a resolution passed by Lok Sabha by absolute majority.
- Removal motion can be considered & discussed only when it has support of at least 50 members.
- Given seventh rank along with Chief Justice of India.

Public Accounts Committee

- Chairperson appointed by the Speaker from amongst its Members of Lok Sabha.
- In 1967-68, Member of Opposition as Chairperson for the first time.
- Became a Parliamentary Committee from January 1950
- It has presented 1596 Reports till April 2018.

Deputy speaker of Lok Sabha

Election

- Elected by Lok Sabha from among its members.
- Date of election is fixed by speaker.
- Remains in office during the life of Lok Sabha.
- He may vacate, if he
 - ceases to be a member of Lok Sabha
 - resigns by writing to speaker
 - is removed by resolution passed by majority of all members of Lok Sabha. (14 days advance notice)
- Till 10th Lok Sabha - Both speaker and Deputy Speaker are from ruling party.
- From 11th Lok Sabha - Speaker from ruling party & Deputy speaker from main opposition party.

Central Legislative Assembly

- First Speaker : Fredrick Whyte
- First Deputy Speaker : Sachidanand Sinha
- First Indian & First elected Speaker of Central legislative assembly Vithalbai J. Patel

Govt. of India Act, 1935

- Changed president and Deputy president to speaker & Deputy Speaker
- First Speaker : G.V. Mavalankar (1952)
- First Deputy Speaker : Ananthasayanam Ayyangar (1952)

Panel of Chairpersons of Lok Sabha

- Speaker nominates a panel of not more than 10 chair persons.
- Any of them can preside the house in the absence of speaker & Deputy Speaker.
- He has same power as the Speaker when so presiding
- He holds office until a new panel of chairpersons is nominated
- When a member of the panel of chairpersons is also not present, any other person as determined by House acts as the Speaker

Chairman

1. Not a member of the house

- Powers and functions are same as speaker
- Can cast a vote only in case of tie
- Cannot preside over a sitting as chairman when resolution for his removal is under consideration.

Speaker ProTem

- President appoints a member of Lok Sabha when speaker of last Lok Sabha vacates before the first meeting of newly elected Lok Sabha (senior most member).
- He presides over the first sitting of newly elected Lok Sabha.
- Main duty is to administer oath to new members. defection.
- President appoints a member of the Lok Sabha as the Speaker Pro Tem. Usually, the Senior most member is selected for this.
- President himself administers oath to the Speaker Pro Tem. He has all the powers of the Speaker.

Secretariat of Parliament

- Each House of Parliament has separate secretarial staff of its own
- Their recruitment and service conditions are regulated by Parliament
- Secretariat of each House is headed by a secretary general
- He is a permanent officer and is appointed by the presiding officer of the House

Leaders in Parliament

- Lok Sabha
 - Means the Prime Minister
 - It is an important functionary and exercises direct influence on the conduct of business
- Raja Sabha
 - Minister - He must be member of Raja Sabha
 - Nominated by Prime minister
- Leader of the Opposition
 - Leader of the largest opposition party having not less than 1/10th of total strength of house
- Whip
 - Appointed by the political party to serve as an assistant floor leader
 - Charged with the responsibility of ensuring the attendance of his party members in large no.

Chairman of Rajya Sabha

- Vice President (ex-officio chairman)
- Can be removed only if he is removed from office of Vice President (constitution silence)
- Powers and functions of Chairman are similar to those of the Speaker in the Lok Sabha except Speaker has 2 special powers.
 - Speaker decides whether a bill is a money bill or not and his decision on this question is final
 - Speaker presides over a joint sitting of 2 houses of Parliament

Deputy Chairman of Rajyasabha

- Elected by Rajyasabha itself from among its members.
- Directly responsible to Rajyasabha.
- Deputy Chairman vacates, if he ceases to be a member of Rajya Sabha
- resigns by writing to chairman
- removed by resolution passed by majority of all members

Panel of Vice-chairpersons

- Nominated by chairman to preside over the house when chairman or Deputy Chairman is absent.

Sessions of Parliament**Contents:**

- Summoning
- Adjournment
- Adjournment Sine Die
- Prorogation and Dissolution
- Quorum and Voting in House
- Language in Parliament
- Rights of Ministers and Attorney General
- Lame-duck Session

Summoning

- President summons each house of parliament to meet from time to time.
- Max. gap between two sessions should not be more than 6 months.
- should meet atleast twice a year.

Three sessions

- Budget session (Feb to May)
- Monsoon session (July to Sep)
- Winter session (Nov to Dec)

Session

- Period between first sitting of a house and its prorogation (or dissolution in Lok Sabha)
- House meets everyday to transact business.

Recess

- Period between prorogation of house and its reassembly in a new session.

Two sittings

- Morning - 11 am to 1 pm
- Post - Lunch - 2 pm to 6 pm

Adjournment

- Suspends the work in a sitting for a specified time (may be hours, days or weeks)

Adjournment sine die

- Terminating a sitting of parliament for indefinite period.
- Power of both Adjournment & adjournment sine die lies with the presiding officer.

Prorogation

- Presiding officer declares the House adjourned sine die, when the business of a session is completed.
- President issues prorogation notice of the session

Adjournment

1. Only terminates a sitting
2. Done by presiding officer
3. Does not affect bills

Dissolution

- Only for Lok Sabha
- Ends the very life of existing house
- Rajya Sabha, being a permanent house, is not subject to dissolution

Two ways

- Automatic Dissolution (on the expiry of tenure of five years)
- When president decides

Effect

- All business including bills, motions, resolutions, notices, petitions etc. lapse.
- Pending bills that are to be examined by Committee on Govt. Assurances do not lapse.
- They must be reintroduced in the newly constituted Lok Sabha

Lapsing of bills

- A bill pending in Lok Sabha lapses
- Bill passed by Lok Sabha but pending in Rajya Sabha lapses
- Bill pending in Rajya Sabha but not passed by Lok Sabha does not lapse.
- Bill passed by both houses but pending assent of president does not lapse.

Quorum

- Minimum number of members required to be present in the house before transacting any business.
- 1/10th of total number of members (including presiding officer)
 - Lok Sabha - atleast 55 members
 - Rajya Sabha - atleast 25 members
- If there is no quorum during a meeting of the House, duty of the presiding officer either to adjourn the House or to suspend the meeting.

Voting in house

- All matters at any sitting of either house or joint sitting of both houses - decided by majority of votes

Prorogation

1. Terminates a sitting but also a session
2. Done by president of India.
3. All pending notices (Other than bills) lapse

of members present and voting, excluding the presiding officer.

Special Majority

- Impeachment of President, amendment of constitution, removal of presiding officers.
- Voting procedure in the Lok Sabha
 - On the conclusion of a debate, the Speaker shall put the question and invite those who are in favour of the motion to say 'Aye' and those against the motion to say 'No'
 - Speaker shall then say: "I think the Ayes have it". If not challenged, he shall say twice
 - If Speaker's decision is challenged, shall order Lobby be cleared. After the lapse of 30 min 30 sec, he puts question 2nd time. If challenged, use automatic vote recorder.

Language in Parliament

- Hindi and English
- Mother Tongue - Permission of presiding officer

Rights of Ministers & Attorney General

- Can participate in proceedings of a house, of which he is not a member.
- A minister, not a member of either house can participate in proceedings of both the houses. (person can be a minister for 6 months without being either house of parliament)

Lame-Duck Session

- Last session of existing Lok Sabha, after a new Lok Sabha has been elected.

Lame Ducks

- Members of existing Lok Sabha who could not get re-elected to new Lok Sabha.
- Article 120
- Hindi and English for conducting business in Parliament.
- The Presiding Officer may, however, allow any member not proficient in either to address the House in his mother tongue.

Devices of Parliamentary proceedings**Question hour**

- First hour of every parliamentary sitting.
- During this time, the members ask questions & the ministers usually give answers

Questions

1. Starred question - requires oral answer.
 2. Unstarred - required written answer
 3. Short notice - Answered orally - Asked by giving a notice of less than 10 days.
- List of starred, unstarred, short notice question and question to private members are printed in green, white, light pink and yellow colour to distinguish them

Zero hour

- Not mentioned in rules of procedure
- Starts immediately after question hour & lasts till agenda for the day.
- Indian innovation since 1962.

Motions

- No discussion on a matter of general public importance can take place except on a motion made with the consent of the presiding officer
- House expresses its decisions or opinions on various issues through the adoption or rejection of motions.

Censure

1. Should state reason
2. Moved against individual Minister or entire ministers.
3. If passed in Lok Sabha, council of ministers need not resign from office

No-confidence

1. Need not state reason
2. Moved against entire council of ministers only.
3. If passed in Lok Sabha, council of ministers must resign

Three Principal categories :

- Substantive Motion : Self contained independent proposal dealing with important matter
- Substitute Motion : Moved in substitution of an original motion
- Subsidiary Motion : No meaning & cannot state the decision of the House without reference

Closure Motion

- To cut short a debate on a matter before the house.
- If approved, debate is stopped & matter is put to vote.
- Four kinds of closure motion :
 - Simple Closure
 - Closure by Compartments
 - Kangaroo Closure
 - Guillotine Closure

Simple closure

- Matter having been sufficiently discussed is put to vote.

Closure by compartments

- grouped into parts before debate. Debate covers entire part & it is put to vote

Kangaroo closure

- Only important matters are taken for debate & put to vote

Guillotine closure

- Due to want of time, undiscussed clauses or resolution are also put to vote.

Privilege Motion

- Moved by a member for breach of parliamentary privileges by a minister.
- Giving wrong or distorted facts
- Its purpose is to censure the concerned minister

Calling Attention Motion

- To call the attention of a minister to a matter of urgent public importance.

- Seek an authoritative statement from him on that matter

- Indian innovation since 1954.
- It is mentioned in the Rules of Procedure

Adjournment Motion

- Needs support of 50 members.
- Interrupts the normal business of house
- Not permitted in Rajya Sabha
- Should not last for less than 2 hours and 30 minutes.

Restrictions :

- Should raise a matter which is definite, factual, urgent and of public importance
- Should not cover more than one matter
- Should be restricted to a specific matter of recent occurrence and should not be framed in general terms
- Should not raise a question of privilege
- Should not revive discussion on a matter than has been discussed in the same session
- Should not deal with any matter that is under adjudication by court
- Should not raise any question that can be raised on a distinct motion

No-confidence Motion

- Loksabha can remove Ministry from office.
- Needs support of 50 members.

Motion of Thanks

- First session of every fiscal year and first session after each general election addressed by president.
- President outlines the policies and programmes of the government in the preceding year and ensuring year

- This inaugural speech of the president

- At the end of discussion, Motion put to vote.
- Motion must be passed. Otherwise fall of government.

No-day-yet-Named Motion

- Admitted by speaker but no date has been fixed for discussion.

Point of Order

- When the proceedings of house do not follow normal rules of procedure.
- Interpretation or enforcement of rules of house.
- Should raise a question that is within the cognizance of the Speaker
- Usually raised by an opposition member in order to control the Govt.
- Extraordinary device as it suspends the proceedings before the House
- No debate is allowed on a point of order

Half-an-Hour Discussion

- Discussing a matter of sufficient public importance
- Subjected to a lot of debate and the answers to which needs elucidation
- Speaker can allot 3 days in a week
- No formal motion or voting before the House

Short Duration Discussion

- Also known as two-hour discussion
- Discussion should not exceed 2 hours
- Members of the Parliament can raise such discussion on a matter of urgent public importance
- Speaker can allot 2 days in a week for such discussions
- Neither a formal motion before the house nor voting

Special Mention

- Matter which is not a point of order or which cannot be raised in any discussion
- Can be raised under special mention in Rajya Sabha.
- Equivalent procedural device in the Lok Sabha known as 'Notice (Mention) Under Rule 37'

Resolutions

- To draw the attention of the House / Govt. matters of general public interest
- Member who has moved a resolution or amendment to a resolution cannot withdraw the same except by leave of the House
- 3 Categories :
 - Private Member's Resolution : Moved by private member. Discussed only on alternate Fridays and in the afternoon sitting
 - Government Resolution : Moved by a minister. Taken up any day from Monday to Thursday
 - Statutory Resolution : Moved either by private member or a minister. Always table in Pursuance of a provisions in the Constitution or an Act of Parliament.

Youth Parliament

- Started on the recommendation of the Fourth India Whips Conference
- Objectives :
 - To acquaint the younger generations with practices and procedures of the Parliament
 - To imbibe the spirit of discipline and tolerance cultivating character in the minds of youth
 - To inculcate in the student community the basic values of democracy
- Ministry of Parliamentary affairs provide necessary training and encouragement to the states in introducing the scheme

Legislative Procedure in Parliament

Legislative Procedure in Parliament

- Legislative procedure is identical in both the Houses of Parliament

Contents:

- Types of Bills
- Public Bill Vs Private Bill
- Money Bill
- Ordinary Bill Vs Money Bill
- Joint Sitting

Bills - Two kinds

- Public bills (Govt. bills) (Minister)
- Private bills (Private members bill) (M.P)

Private member Bill

- Bill introduced by any member other than minister
- From both ruling and opposition party MPs.
- Only on alternative Fridays 2 pm to 6 pm
- Needs a month of notice.
- Till date total 15 private bill passed.
- Last - Riggs of Transgender Bill 2014.
- By Trichy Siva, MP of Tamilnadu
- Passed in Rajya Sabha on 24 April 2015.
- Introduced in Loksabha on 26 Feb 2016.
- Only constitutional amendment bills from private member bills are accepted.

Four categories

- Ordinary bill - Other than financial matter
- Money bill - financial matters like taxation, public expenditure etc.
- Financial bill - Financial matter
- Amendment bill - Amendment of provision of constitution

Public Bill vs Private Bill

S.No. Public Bill

1. Introduced in the Parliament by a Minister
2. Reflects of the policies of the government.
3. Greater chance to be approved by Parliament
4. Rejection by the House may lead to its resignation
5. Its introduction in the House requires 7 days notice
6. It is drafted by the concerned department in consultation with the law department

Private Bill

- Introduced by any MP other than a minister
- Reflects the stand of opposition party on public matter
- Lesser chance to be approved by the Parliament
- Rejection by the House has no implication on the parliamentary confidence in the Govt.
- Its introduction in the House requires 1 month notice
- Its drafting is the responsibility of the member concerned

Ordinary bill - Five Stages

Procedure is identical in both the houses

Every bill has to pass through the following stages.

1. First Reading
2. Second Reading
3. Third Reading
4. Bill in Second house
5. Assent of President

1. First Reading

- Introduced in either house of parliament
- Introduced either by minister or by any other member.

- Reads the title & objectives

- No discussion takes place
- Bill is published in Gazette of India

2. Second Reading

- Scrutinizes and assumes final shape.

Three stages

- General Discussion
- Committee stage
- Consideration stage

3. Third Reading

- Acceptance or rejection of the bill as a whole
- No amendments allowed
- If majority member present & voting accept bill, it is regarded as 'passed'.
- Bill is authenticated by presiding officer & passed to second house.

4. Bill in second house

- Passes through all the three stages.
- Dead lock takes place (when second house rejects the bill or does not take any action for 6 months)
- To resolve, joint sitting is summoned under president.

- If it approves, bill is said to be passed by both the houses.

5. Assent of President

- Has three alternatives (assent, withhold or reconsider)
- Becomes act & placed on statute book (having vetopower)

Money Bills

- Definition of Money bill - Article 110
- Final decision by Speaker of Lok Sabha
- Can be introduced only in Lok Sabha.
- On recommendation of President
- After passing in Lok Sabha, it is sent to Rajya Sabha.
- It cannot reject or amend a money bill & can only make recommendations.
- Must return to Lok Sabha within 14 days.
- Lok Sabha may or may not accept it.
- Lok Sabha has more powers regarding money bill.
- Provisions dealing with following matters :
 - Imposition, abolition, remission, alteration or regulation of any tax
 - Regulation of the borrowing of money by the Union government
 - Custody of the Consolidated Fund of India or the Contingency fund of India
 - Appropriation of money out of the Consolidated Fund of India
 - Declaration of any expenditure charged on the Consolidated Fund of India
 - Receipt of money on account of the Consolidated Fund of India or public account of India.

Financial Bills

- Bills that deal with fiscal matters that are revenue or expenditure
- 3 kinds
 - Money Bills - Article 110
 - Financial Bills (I) - Article 117 (1)
 - Financial Bills (II) - Article 117 (3)
- Financial Bills (I) : Governed by the same legislative procedure
- Financial Bills (II) : Contains provisions involving expenditure from the Consolidated Fund of India

Joint Sitting of two houses

- Joint sitting is when to resolve a deadlock between the two houses over passing the bill

Dead lock is when

- Bill rejected by other house
- If the houses disagreed to amendments made in the bill
- If other house does not pass for more than 6 months.
- President can summon both houses for joint sitting (Due to dead lock)

Private Member's Bills passed By Parliament

	Title	MP's Name	House	Date of Assent
1.	The Muslim Wakfs Bill, 1952	Syed Muchammed Ahmed Kasmi	Lok Sabha	21.05.1954
2.	The Indian Registration (Amendment) Bill, 1955	S C Samanta	Lok Sabha	06.04.1956
3.	The Parliamentary Proceedings (Protection of publication) Bill, 1956	Feroze Gandhi	Lok Sabha	26.05.1956
4.	The code of Criminal Procedure (Amendment) Bill, 1953	Raghunath Singh	Lok Sabha	01.09.1956
5.	The Women's and Children's Institution (Licensing) Bill, 1954	Kamledu Mati Shah	Lok Sabha	30.12.1956
6.	The Code of Criminal Procedure (Amendment) Bill, 1964	Subhadra Joshi	Lok Sabha	26.12.1960
7.	The Salary and Allowances of Members of Parliament (Amendment Bill), 1957	Raghunath Singh	Lok Sabha	29.09.1964
8.	The Hindu Marriage (Amendment) Bill, 1968	Diwan Chand Sharma	Lok Sabha	20.12.1964
9.	The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968	Anand Narian Mullah	Lok Sabha	09.08.1970
10.	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Bill, 1954	Dr. Raghunir Singh	Rajya Sabha	15.12.1956
11.	The Hindu Marriage (Amendment) Bill, 1956	Dr. Seeta Parmanand	Rajya Sabha	20.12.1956
12.	The Orphanages and Other Charitable Homes (Supervision and Control) Bill, 1960	Kailash Bihari Lall	Rajya Sabha	09.04.1960
13.	The Marine Insurance Bill, 1960	MP Bhargava	Rajya Sabha	18.04.1963
14.	The Indian Penal Code (Amendment) Bill, 1963	Diwan Chaman Lall	Rajya Sabha	07.09.1969

Ordinary Bill vs Money Bill

S.No.	Ordinary Bill	Money Bill
1.	Introduced either in the Lok Sabha or Rajya Sabha	Introduced only in the Lok Sabha
2.	Introduced either by a minister or private member	Introduced only by a minister
3.	Introduced without recommendation of President	Introduced only on recommendation of President
4.	Can be amended or rejected by the Rajya Sabha	Cannot be amended / rejected by the Rajya Sabha
5.	Can be detained by Rajya Sabha for max 6 months	Can be detained by Rajya Sabha for max 14 days
6.	Does not require the certification of Speaker	Required the certification of the Speaker
7.	Sent for President's assent after 2 houses approved	Sent for President's assent even approved by LS only
8.	Defeat in the LS may lead to the Govt. resignation	Defeat in the LS leads to the Govt. resignation
9.	Rejected, approved or returned for reconsideration by the President	Rejected or approved but cannot be returned for reconsideration by the President

- Speaker Presides over the joint sitting
- Deputy Speaker (In absence of Speaker)
- Deputy Chairman of Rajya Sabha (In absence of Deputy Speaker)
- Chairman does not preside (not a member of either house)
- Governed by the Rules of Procedures of Lok Sabha and not of Rajya Sabha

Joint Sitting of Two Houses

- Constitution has specified that at a joint sitting, new amendments to the bill cannot be proposed except in 2 cases :

- Those amendments that have caused final disagreement between the Houses
- Those amendments that might become necessary due to the delay in the passage of the bill
- Since 1950, joint sitting has been invoked only thrice.
- Bills that have been passed in joint sitting
 1. Dowry Prohibition bill - 1960
 2. Banking Service Commission - 1977
 3. Prevention of Terrorism Bill 2002

Position of Rajya Sabha

Position of Rajya Sabha

- Constitutional position of the Rajya Sabha can be studied from three angles,

Contents:

- Where Rajya Sabha is equal to Lok Sabha
- Where Rajya Sabha is unequal to Lok Sabha
- Where Rajya Sabha has special powers that are not all shared with the Lok Sabha

Rajya Sabha Equal status with Lok Sabha

- Introduction and passage of ordinary bill and amendment bill

- Election & impeachment of President
- Election & removal of Vice President
- Approval of ordinances issued by President
- Approval of Proclamation of all emergencies.

Unequal Status with Lok Sabha

- Money bill can be introduced only in Lok Sabha.
- Rajya Sabha cannot amend or reject a money bill should return to Lok Sabha within 14 days.
- Power to decide a bill is money bill or not is vested with speaker of Lok Sabha.
- Speaker of Lok Sabha presides over the joint sitting

- Rajya Sabha can only discuss the budget but cannot vote on demands for grants.
- Rajya Sabha cannot remove council of ministers by passing no confidence motion (council of ministers are collectively responsible to Lok Sabha)

Special powers of Rajya Sabha

- Can authorise parliament to make law on a subject enumerated in state list (Art 249)
- Can authorise parliament to create new All-India Services common to both centre & states (Article 312).

Budget

Introduction

- Annual financial statement
- Article 112

Contents:

- Budget
- Stages of enactment
- Funds

Budget

- Estimated receipts and expenditure of Govt. of India in a financial year (1 Apr-31 March)

Budget contains

- Estimates of revenue & capital receipts
- Ways & means to raise the revenue
- Estimates of expenditure
- Details of actual receipts & expenditure of the closing financial year.

Two Budgets

- Railway Budget & General Budget
- Railway Budget Separated from General Budget in 1921 (Acworth Committee) then presentation 1924-1925
- The again now rejoin in 2017-18.
- Every Year Union Budget presented on February 1

Reasons for Separation

- To introduce flexibility in railway finance
- To facilitate railway approach to railway policy
- To secure stability of general revenues by assuring annual contribution from railway revenues.

Constitutional Provisions

- President lays a statement of receipts and expenditure for that year to both houses of parliament.
- No demand for a grant shall be made except on recommendation of President.
- No money shall be withdrawn from consolidated fund of India except under appropriation made by law.
- No tax shall be levied or collected except by authority of law.
- Parliament can reduce or abolish a tax but cannot increase it.

Two types of Expenditure

1. 'Charged' upon Consolidated fund of India
 2. 'Expenditure made' from Consolidated fund of India
1. 'Charged' upon Consolidated fund of India
 - Non votable by Parliament

- Discussed by Parliament
2. 'Expenditure made' from Consolidated fund of India
 - Votable by Parliament
- List of charged Expenditure

- Emoluments & allowances of President & other allowance relating to his office.
- Salaries & allowances of Chairman & Deputy Chairman of Rajya Sabha Speaker & Deputy Speaker of Lok Sabha, Judges of Supreme Court, High Court etc.
- Salaries, allowances and pensions of the judges of the Supreme Court, Comptroller and Auditor General and pensions of High court judges.

Stages in enactment - 6 stages

1. Presentation of Budget
2. General Discussion
3. Scrutiny by departmental committees.
4. Voting on demands for grants
5. Passing of appropriation bill
6. Passing of finance bill

1. Presentation of Budget

- Railway Budget & General Budget

Railway Budget

1. Presented to Lok Sabha
2. By Railway minister
3. On 1st of February
4. Railway Budget precedes General Budget.

General Budget

1. Presented to Lok Sabha
2. By Finance minister
- Finance Minister presents the Budget with a speech known as the 'budget speech'
- Budget speech is in two parts,
 - Part A constitute a general economics condition of the country
 - Part B relates to taxation proposals
- At the end of the speech in the Lok Sabha, the budget is laid before Rajya Sabha
2. General Discussion
 - Takes place in both houses
 - Lasts for 3 to 4 days.
 - Only discussion neither cutmotion nor vote
3. Scrutiny by departmental committees
 - After general discussion, Houses are adjourned for 3 to 4 weeks.
 - 24 departmental standing committees examine &

- prepare reports.
 - Standing committee - Established in 1993.
4. Voting on demands for grants
 - Exclusive privilege of Lok Sabha

Cut Motion

- Policy cut motion
- Economy cutmotion
- Token cutmotion
- Members of parliament move motion to reduce any demand for grant.
- 26 days are allotted
- Last day - Remaining demands disposed - called guillotine

5. Passing of appropriation Bill

- No money can be withdrawn from consolidated fund of India except appropriation made by law

'Vote on Account'

- Lok Sabha can grant in advance estimate expenditure for financial year. When the Vote & enactment of bill are pending.

Vote of Credit

- Granted for meeting an unexpected demand upon resources of India.

6. Passing of Finance bill

- To give effect to financial proposals of Government
- Must assent within 75 days.
- By President
- This Finance Act Legalises the income side of the budget.

Funds

- Consolidated Fund of India (Article 266)
- Public Account of India (Article 266)
- Contingency fund of India (Article 267)

Consolidated Fund

- All receipts are credited
- All payments are debited

Public Accounts

- All other public money other than consolidated fund of India.
- Includes, Provident fund deposits, Judicial deposits, Savings bank deposits etc.

Contingency Fund

- Act 1950
- President can make advances out of it to meet unforeseen expenditure
- Held by Finance Secretary on behalf of President

Powers & Functions of Parliament

Contents:

- Legislative Powers & Functions
- Executive Powers & Functions
- Financial powers & functions
- Constitution Powers & Functions
- Judicial powers & functions
- Electoral powers & Functions
- Other Powers & Functions

1. Legislative Powers & Functions of Parliament

- Has exclusive power to make laws in Union list, & residuary subjects
- over riding powers - Concurrent list.
- State List - make laws on 5 abnormal situations (61 subjects)
 - i. When Rajya Sabha passes a resolution to that effect.
 - ii. Proclamation of national emergency
 - iii. Two or more states make a joint request.
 - iv. During President's rule

- v. To give effect to international agreement, treaties etc.

2. Executive Powers & Functions

- Ministers are collectively responsible to parliament in general & to Lok Sabha in particular.
- Can pass No confidence by:
 - i) Motion of Thanks not passed
 - ii) Rejection of money bill
 - iii) Passing Censure or adjournment motion
 - iv) Passing cut motion

3. Financial powers & functions

- No tax can be levied or collected.
- No expenditure can be incurred without Parliament's approval.

4. Constitution Powers & Functions

- Pass amendments by
 - i) Simple Majority
 - ii) Special Majority &
 - iii) Special Majority but with consent of half of all state legislatures.

5. Judicial powers & functions

- Can impeach president
- Remove Vice President
- can recommend for removal of Judges Supreme Court & High Court.
- Can punish its members for breach of privilege or content.

6. Electoral powers & Functions

- Participates in election of president & Vice President.

- Lok Sabha - Elects speaker & Dep. speaker
- Rajyasabha - Elects Deputy Chairman

7. Other Powers & Functions

- Approves all types of emergencies
- Can create or abolish state legislative councils recommendation of state legislative assemblies.
- Can increase or decrease the area, alter boundaries & change names of states of India

Parliamentary Privileges

Introduction

- Special rights, immunities and exemptions enjoyed by the two houses of Parliament, their committees and their members
- They are necessary in order to secure the independence and effectiveness of their action
- Constitution has also extended the parliamentary privileges to attorney general of India and to the Union ministers
- Do not extend to the President who is also an integral part of the Parliament

Contents:

- Classification of Parliamentary Privileges
- Breach of Privilege and Contempt of the Houses
- Source of Privileges
- Sovereignty of Parliament

Classification of Parliamentary Privileges

- Parliamentary privileges can be classified into 2 broad categories
 - Those that are enjoyed by each House of Parliament collectively
 - Those that are enjoyed by the members individually

Collective Privileges

- Right to publish its reports, debates and proceedings & right to prohibit others from publishing the same.
- 44th Amendment Act of 1978 restored the freedom of the press to publish true reports of parliamentary proceedings without prior permission

- It can exclude strangers from its proceedings and hold secret sittings
- It can make rules to regulate its own procedure
- It can punish members as well as outsiders for breach of its privileges
- It has the right to receive immediate information of the arrest, detention, conviction etc.
- It can institute inquiries and order the attendance of witnesses and send for relevant papers and records.
- Courts are prohibited to inquire into proceedings of a House or its committees
- No person can be arrested and no legal process can be served within the precincts of the House without the permission of the Presiding officer

Individual Privileges

- Members cannot be arrested during the session of Parliament and 40 days before the beginning and 40 days after the end of a session
- This privilege is available only in civil cases and not in criminal cases or preventive detention cases
- Members have freedom of speech in Parliament. No member is liable to any proceedings in any court for anything said or any vote given by him in Parliament or its committees.
- Members can refuse to give evidence and appear as a witness in a case pending in a court when Parliament is in session

Breach of Privilege and Contempt of the Houses

- When any individual or authority disregards or attacks any of the privileges, rights and immunities is termed as breach of privileges

- Any act or omission which obstructs a Houses of Parliament, its member or its officer in the performance of their functions or which has a tendency, directly or indirectly to produce results against the dignity, authority and Honour of the Houses is treated as a contempt of the Houses
- Example : Disobedience to a legitimate order of the Houses is not a breach of privilege, but can be punished as contempt of the House

Source of Privileges

- Constitution (Article 105) expressly mentioned two privileges,
 - Freedom of speech in Parliament
 - Right of publication of the its proceedings
- Parliamentary privileges are based on 5 sources,
 - Constitutional provisions
 - Various laws made by Parliament
 - Rules of both the Houses
 - Parliamentary conventions and Judicial interpretations

Sovereignty of Parliament

- Sovereignty means the supreme power within the State
- Supreme power in Great Britain lies with the Parliament. There are no 'legal' restriction on its authority and jurisdiction
- Indian Parliament on the other hand, cannot be regarded as a sovereign body in the similar sense as there are 'legal' restrictions on its authority and jurisdiction

Parliamentary Committee

Introduction

- Parliament is assisted by a number of committees in the discharge of its duties.
- Appointed or elected by house or nominated by speaker / chairman
- Works under speaker / chairman
- Presents its report to house or to speaker / chairman.

Two types Committee

- Standing (Permanent)
- Adhoc (Temporary)
- Setup by prime minister regarding requirements of the situation.

Standing Committees

- Political Affairs Committee
- Economic Affairs Committee
- Appointments Committee (Prime Ministers is the head)
- Parliamentary Affairs Committee (Home Minister is the head)

Most powerful Committee

- Political Affairs Committee also called 'Super-Cabinet'

Committees of the Parliament

- Broadly, parliamentary committees are of two kinds - Standing Committee and Ad Hoc Committees. The former are permanent (constituted every year or periodically) and work on a continuous basis, while the latter are temporary and cease to exist on completion of the task assigned to them.

Standing Committees

- On the basis of the nature of functions performed by them, standing committees can be classified into the following six categories:

1. Financial Committees

- Public Accounts Committee
- Estimates Committee
- Committee on Public Undertakings

2. Departmental Standing Committees (24)

3. Committees to Inquire

- Committee on Petitions
- Committee of Privileges
- Ethics Committee

4. Committees to Scrutinise and Control

- Committee on Government Assurances
- Committee on Subordinate Legislation
- Committee on Papers Laid on the Table
- Committee on Welfare of SC's and ST's
- Committee on Empowerment of Women
- Joint Committee on Offices of Profit

5. Committees Relating to the Day-to-Day Business of the House

- Business Advisory Committee
- Committee on Private Members' Bills and Resolutions
- Rules Committee
- Committee on Absence of Members from Sittings of the House.

6. House-Keeping Committees or Service Committees (i.e. Committee concerned with the Provision of Facilities and Services to Members)

- General Purposes Committee
- House Committee
- Library Committee

- Joint Committee on Salaries and Allowances of Members.

Ad Hoc Committee

- Ad Hoc Committees can be divided into two categories, that is, Inquiry Committees and Advisory Committees.

Financial Committees

- Public Accounts Committee
- Estimates Committee
- Committee on Public Undertakings

Public Accounts Committee

- Set up in 1921 under the provisions of the Government of India Act of 1919
- At present it consist of 22 members (15 – Lok Sabha & 7 – Rajya Sabha)
- Members are elected according to the principle of proportional representation by means of the single transferable vote
- Term of office of the members is 1 year
- Minister cannot be elected as a member of the committee
- Committee's chairman is appointed from among its member by the Speaker whereby the chair of the committee selected invariably from the Opposition.

Functions of Public Accounts Committee

- To examine the annual audit reports of the Comptroller and Auditor General of India (CAG)
- To examine the appropriation accounts & finance accounts of the Union Govt.
- To examine the accounts of state corporations, trading concerns and manufacturing projects and the audit report of CAG on them.
- To examine the accounts of autonomous and semi-autonomous bodies

- To examine the money spent on any service in excess of the amount granted by the Lok Sabha

Limitations of Public Accounts Committee

- Conducts a post-mortem examination of accounts
- Cannot intervene in the matters of day-to-day administration
- Recommendations are advisory and not binding on the ministries
- It is not vested with the power of disallowance of expenditures by the departments.
- It is not an executive body and hence, cannot issue an order

Estimates Committee

- Consist of 30 members; All the 30 members are from Lok Sabha
- Members are elected by the Lok Sabha according to the principles of proportional representation by means of single transferable vote
- Term of office is 1 year
- Minister cannot be elected as a member of the committee
- Chairman of the committee is appointed by the Speaker invariably from the ruling party

Functions of Estimates Committee

- To examine the estimates included in the budget and suggest "economics" in public expenditure. Hence, described as 'continuous economy committee'
- To suggest alternative policies in order to bring about efficiency and economy in administration
- To examine whether the money is well laid out within the limits of the policy implied in the estimates.

Limitations of Estimates Committee

- It cannot question the policy laid down by the Parliament
- Its recommendations are advisory and not binding on the ministries
- It examines every year only certain selected ministries and departments
- Its work is in the nature of a post-mortem

Committee on Public Undertakings

- This committee was created in 1964 on the recommendation of the Krishna Menon Committee
- Committee has 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha)
- Members are elected by the principle of proportional representation by means of a single transferable vote.
- Term of office of the members is 1 year
- Minister cannot be elected as a member of the committee
- Chairman of the committee is appointed by the Speaker from the Lok Sabha only

Functions of Public Undertakings Committee

- To examine the reports and accounts of public undertakings
- To examine the reports of the Comptroller and Auditor General of Public undertakings
- 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.
- Matters of major government policy and matters of day-to-day administration are not to be examined and investigated by the Committee

Limitation of Public Undertakings Committee

- It cannot take up the examination of more than 10 to 12 public undertakings in a year
- Its work is in the nature of a post-mortem

- It does not look into technical matters as its members are not technical experts
- Its recommendations are advisory and not binding on the ministries

Departmental Standing Committees

- On the recommendation of the Rules Committee of the Lok Sabha, 17 Departmentally – Related Standing Committees (DRSCs) were set up in 1993
- In 2004, 7 more were setup, thus increasing their number from 17 to 24
- Main objective is to secure more accountability of the Executive to the Parliament
- Each Standing committee consists of 31 members (21 from Lok Sabha and 10 from Rajya Sabha)
- Minister is not eligible to be nominated as a member of any of the standing committee. Term of office of each standing committee is 1 year.

Functions of each Standing Committees

- To Consider the demands for grants of the concerned ministries / departments before they are discussed and voted in the Lok Sabha
- Report should not suggest anything of the nature of Cut Motions
- To examine bills pertaining to the concerned ministries / departments
- To consider annual reports of ministries / departments
- To consider national basic long-term policy documents presented to the Houses
- Should not consider the matters of day to day administration of the concerned ministries / departments
- Should not generally consider the matters which

- are considered by other parliamentary committees
- Recommendations of these committees are advisory in nature and hence not binding on the Parliament

Procedure followed in consideration of the demands of grants

- After general discussion on the budget in the Houses is over, the Houses shall be adjourned for a fixed period
- Committees shall consider the demands for grants of the concerned ministries during the aforesaid period
- Committees shall make the report within the period & shall not ask for more time
- Demands for grants shall be considered by the House in the light of the reports of the committee
- There shall be a separate report on the demands for grants of each ministry

Procedure followed in examining the bills

- Committee shall consider the general principles & clauses of bills referred to it
- Committee shall consider only such bills as introduced in either of the Houses and referred to it
- Committee shall make report on bills in a given time

Merits of the Standing Committees

- Their proceedings are devoid of any party bias
- Procedure adopted by them is more flexible than in the Lok Sabha
- System makes parliamentary control over executive much more detailed, close, continuous in-depth and comprehensive.

Departmental Standing Committees under Rajya Sabha

S. No.	Name of the Committees	Ministries / Departments covered
1.	Committee on Commerce	Commerce and Industry
2.	Committee on Home Affairs	Home Affairs, Development of North-Eastern region
3.	Committee on Human Resource Development	Human Resource Development, Youth Affairs & Sport
4.	Committee on Industry	Heavy Industries, Small scale, Agro & Rural Industries
5.	Committee on Science & Technology, Environment & Forests	Science and Technology, Space, Earth Sciences, Atomic Energy, Environment & Forests
6.	Committee on Transport, Tourism & Culture	Civil Aviation, Shipping, Road, Culture, Tourism
7.	Committee on Health and Family Welfare	Health and Family Welfare
8.	Committee on Personnel, Public Grievances, Law & Justice	Law & Justice, Personnel, Public Grievances & Pension

Departmental Standing Committees under Lok Sabha

9.	Committee on Agriculture	Agriculture, Food Processing Industries
10.	Committee on Information Technology	Communications and IT, Information & Broadcasting
11.	Committee on Defence	Defence
12.	Committee on Energy	New and Renewable Energy, Power
13.	Committee on External Affairs	External Affairs, Non Resident Indian Affairs
14.	Committee on Finance	Finance, Company Affairs, Planning, Statistics & Programme Implementation
15.	Committee on Food, Consumer Affairs & Public Distribution	Consumer Affairs, Food and Public Distribution
16.	Committee on Labour	Labour and Employment, Textiles
17.	Committee on Petroleum & Natural Gas	Petroleum and Natural Gas
18.	Committee on Railways	Railways
19.	Committee on Urban Development	Urban Development, Houseing & Urban Poverty Alleviation
20.	Committee on Water Resources	Water Resources
21.	Committee on Chemicals and Fertilizers	Chemicals and Fertilizers
22.	Committee on Rural Development	Rural Development, Panchayati Raj
23.	Committee on Coal and Steel	Coal and Mines, Steel
24.	Committee on Social Justice and Empowerment	Social Justice and Empowerment, Tribal Affairs

- System ensures economy and efficiency in public expenditure as the ministries / departments would now be more careful in formulating their demands
- Facilitate opportunities to all MPs to participate & understand Govt. functioning
- Opp. Parties & Rajya Sabha play a greater role in exercising financial control

Committees to Inquire

- Committee on Petition
 - Examines petitions on bills and on matters of general public importance
- Committee of Privileges
 - Examines the cases of breach of privileges of the House
 - Functions are Semi-Judicial in nature
- Ethics Committee
 - Examines the cases of misconduct. Enforces the code of the conduct of members of Parliament
 - Engaged in maintaining discipline and decorum in Parliament

Committees to Scrutinise And Control

- Committee on Governmental Assurances
- Committee on Subordinate Legislation
- Committee on Papers Laid on the Table
- Committee on Welfare of SCs and STs
- Committee on Empowerment of Women
- Joint Committee on Officers of Profit

Committees Relating to the Day-To-Day Business Of The House

- Business Advisory Committee
 - Regulates Programme & time table of the House. Allocates time for legislative transactions
- Committee on Private Members Bills and Resolutions
 - Classifies & allocates time for discussion on bill

& resolutions introduced by private members

- Rules Committee
 - Considers the matters of procedure and conduct of business in the House
- Committee on Absence of Members
 - Considers all applications from members for leave of absence from the sittings of the House

House – Keeping Committees

- General Purposes Committee
 - Advises on matters concerning affairs of the House
- House Committee
 - Deals with residential accommodation of members & other amenities like food, medicals etc.
- Library Committee
 - Considers all matters relating to library of the Parliament & assist the members in utilizing it
- Joint Committee on Salaries and Allowances of Members
 - Frames rules for regulating payment of salary, allowances & pension to MPs. 15 members.

Consultative Committees

- Attached to various ministries / departments of the Central Govt.
- Consist of members of both the Houses of Parliament
- Minister / Minister of State in charge of the Ministry concerned acts as the Chairman of the Consultative committee of that ministry
- Provide a forum for informal discussions between the ministers and the MPs
- These committees are constituted by the Ministry of Parliamentary Affairs
- Membership is voluntary Max. membership of a committee is 30 and Min. is 10

Cabinet Secretariat

- Staff agency to union cabinet
- Operates under the discretion & leadership of Prime Minister of India.

- Important coordinating role in policy making at highest level in Central Govt.

Role and Functions

- Prepares agenda for meetings of cabinet and provides necessary information.
- Keeps record of discussions & decisions of cabinet & concerned ministers.
- Provides secretarial assistance to committees.
- Keeps president, Vice president & Central Ministers informed about main activities.
- Chief coordinating agency in central Govt.

Cabinet Secretary

- Administrative head of cabinet secretariat
- Given top place among civil servants.

Cabinet Secretary

- Every cabinet minister is assisted by a cabinet secretary.
- He is the chairman Senior Selection Board
- He presides over the conference of chief secretaries
- He acts as the chief advisor to the Prime Minister on all aspects of administration and policy.
- He acts as the link between Prime Minister's Office and various administrative agencies and also between civil service and the political system.

Powers & functions

- Chief Coordinator of Central administration.
- Chairman of Senior selection board
- Selects officers for posts of secretary and additional secretary in central Secretariat.
- Acts as chief advisor to Prime Minister on all aspects of administration & policy.
- Acts as a link between PMO and various administrative agencies.
- According to 91st Amend Council of Minister consist only 15% of Total strength

Parliamentary Group

Contents

- Rationale of the Group
- Composition of the Group
- Objectives of the Group
- Functions of the Group
- The Group and IPU
- The Group and CPA

Rationale of the Group

- M.N. Kaul and S.L. Shakhder have nicely explained the rationale of the Indian Parliamentary Group (IPG) in the Following ways :
 - Establishment and development of relations among parliaments
 - Safeguard democracy and work in synergy to confront the challenges before the world and convert them into opportunities to facilitate peace and prosperity
 - Parliamentarians from different parts of the world, therefore, have a forum where they can meet to discuss and find out solutions to their common problems
 - Problems that are faced by one parliament today may confront another tomorrow
 - IPG acts both as the National Group of the IPU and also as the India Branch of the CPA

Composition of the Group

- IPG is an autonomous body. Formed in the year 1949 in pursuance of a motion adopted by the Con-

stituent Assembly (Legislative).

- Membership of IPG is open to all members of Parliament
- Former member of Parliament can also become associate member of the Group
- Associate members are entitled to limited rights only. Not entitled to representation at meetings and conferences of the IPU and the CPA
- Speaker of the Lok Sabha is the ex-officio president. Deputy Speaker of the Lok Sabha & Deputy Chairman of the Rajya Sabha are the ex-officio Vice-Presidents

Objectives of the Group

- To promote personal contacts between members of the Parliament of India.
- To study questions of public importance; arrange seminars, discussions and orientation courses and bring out publications.
- To arrange lectures on political, defence, economic, social and educational problems by the members of the Parliament and distinguished persons.
- To arrange visits to foreign countries with a view to develop contacts with members of other parliaments.

Functions of the Group

- Group acts as a link between the Parliament of India and the various parliaments of the world.
- Group functions as the (a) National Group of the IPU & (b) main branch of the CPA in India

- Address to the MPs by visiting Head of State & Govt. of foreign countries and talks by eminent persons are arranged under the auspices of the Group.
- Seminars and symposia on parliamentary subjects of topical interest are organized periodically at national as well as international level.

Functions of the Group

- Members of the Group, when visiting abroad, are given letters of introduction to the Secretaries of National Groups of the IPU & Secretaries of CPA branches.
- Only those MPs who are members of the Group of at least 6 months, may be included in the Indian Parliamentary delegations to foreign countries.
- Uninterrupted flow of information to members regarding the activities of the Group maintained through IPG Newsletter brought out every quarter.
- Outstanding Parliamentarian award was instituted in the year 1995 given annually.
- To encourage bilateral relation, Group constitute Parliamentary Friendship Group

The Group and IPU

- IPU is an international organisation of the parliaments of sovereign states (153)
- Aim is to work for peace & cooperation among people. It expresses its views on all burning questions of international importance.
- Main advantages of membership of the Group,

- Helps members of Indian Parliamentary delegations to develop contacts with the parliamentarians of the member countries of the IPU
- To study and understand contemporary changes / reforms taking place in various countries
- Provide facilities to meet parliamentarians in different countries & members of the Indian Parliamentary delegations to Inter-Parliamentary Conferences.

The Group and CPA

- CPA is an association of about 17000 Commonwealth Parliamentarians spread over 175 National, State, Provincial and Territorial Parliaments.
- Its aims are to promote knowledge & understanding of the Constitutional, legislative, economic, social & cultural system within a parliamentary democratic framework.
- Its mission is to promote the advancement of parliamentary democracy by enhancing knowledge

The Group and CPA

- Main advantages of membership of the Group,
 - Conferences and Seminars
 - Publications
 - Information
 - Introductions
 - Parliamentary Facilities
 - Travel Facilities

Parliamentary Forums**Contents**

- Establishment of Forums
- Objectives of the Forums
- Composition of the Forums
- Functions of the All Forums

Establishment of Forums

- Parliamentary Forum on Water Conservation and Management (2005)
- Parliamentary Forum on Youth (2006)
- Parliamentary Forum on Children (2006)
- Parliamentary Forum on Population and Public Health (2006)
- Parliamentary Forum on Global Warming and Climate Change (2008)
- Parliamentary Forum on Disaster Management (2011)
- Parliamentary Forum on Artisans and Crafts people (2013)
- Parliamentary Forum on Millennium Development Goals (2013)

Objectives of the Forums

- Provide a platform to the members to have interactions with the ministers concerned, experts and key officials from the nodal ministries
- With the view to have a focused and meaningful discussion on critical issues with a result-oriented approach for speeding up the implementation process
- To sensitise members about the key areas of concern and also about the ground level situation & equip them with the latest information, knowledge from experts
- To prepare a data-base through collection of data on critical issues from ministries concerned, reliable NGOs, newspapers, UNs, internet etc.

Composition of the Forums

- Speaker of Lok Sabha is the ex-officio President of all the Forums except the Parliamentary Forum on Population and Public Health where Chairman of Rajya Sabha is the ex-officio President and the Speaker is the ex-officio Co-President.
- Deputy Chairman of Rajya Sabha, the Deputy Speaker of Lok Sabha, the concerned Ministers and the Chairman of Departmentally-Related Standing Committees are the ex-officio Vice - President of the respective Forums.
- Each Forum consist of not more than 31 members
- Members are nominated by the Speaker / Chairman from leaders of various political parties or their nominees who have special knowledge

Parliamentary Forum on Water Conservation & Management**Functions**

- Identify problems relating to water and make suggestions / recommendations for consideration and appropriate action by Govt. / Organisations concerned.
- Identify the ways of involving members of Parliament in conservation and augmentation of water resources in their respective states / constituencies.
- Organise seminars / workshops to create awareness

for conservation and efficient management of water

- Undertake such other related task as it may deem fit

Parliamentary Forum on Youth**Functions**

- To have focused deliberations on strategies to leverage human capital in the youth for accelerating development initiatives.
- To build greater awareness amongst public leaders and at the grass-roots level of the potential of youth for effecting socio-economic change
- To interact on a regular basis with youth representatives and leaders, in order to better appreciate their hopes, aspirations, concerns and problems.
- To consider ways for improving Parliament's outreach to different sections of Youth, in order to reinforce their faith and commitment.
- To hold consultations with experts, national & international academicians in redesigning youth policy in the matter of youth empowerment.

Parliamentary Forum on Children**Functions**

- To further enhance awareness and attention of Parliamentarians towards critical issues affecting children's well being
- To provide a platform to Parliamentarians to exchange ideas, views, experiences, expert practices in relating to children, in a structured manner, through workshops, seminars etc.
- To provide Parliamentarians an interface with civil society for highlighting children's issues including, inter-alia, the voluntary sector, media, and corporate sector.
- To enable Parliamentarians to interact with specialized UN agencies like the UNICEF and other multilateral agencies on expert reports, studies, news and trend-analyses.
- To undertake any other tasks, projects, assignments, etc. as the Forum may deem fit.

Parliamentary Forum on Population & Public Health**Function**

- To have focused deliberations on strategies relating to population stabilization and matters connected therewith
- To discuss and prepare strategies on issues concerning public health
- To build greater awareness in all sections of the society, particularly at the grass-root level, regarding population control and public health.
- To hold comprehensive dialogue and discussion in the matter of population and public health with experts at the national and international levels and to have interactions with multilateral Organisations like WHO, United Nations Population Fund, academicians and Govt. agencies concerned.

Parliamentary Forum on Global Warming & Climate Change**Functions**

- To identify problems relating to global warming and climate change and make suggestions to reduce the extent of global warming
- To identify the ways of involving MPs to interact

with specialists of national & international bodies to develop new technologies to mitigate global warming

- To organize seminars / workshops to create awareness about the causes and effects of global warming and climate change among the members of Parliament
- To identify the ways of involving MPs to spread awareness to prevent global warming & climate change
- To undertake such other related task as it may deem fit.

Parliamentary Forum on Disaster Management**Functions**

- To identify problems relating to Disaster Management and make suggestions to reduce the effect to disasters
- To identify the ways of involving MPs to interact with specialist of National & International Bodies working on Disaster Management to develop new technologies
- To organize seminars / workshops to create awareness about the causes & effects of disasters
- To identify the ways of involving MPs to spread awareness about disaster Management
- To undertake such other related task as it may deem fit.

Parliamentary Forum on Artisans & Craftspeople**Functions**

- To enhance awareness & attention to Parliamentarians towards critical issues affecting artisans & craftspeople to preserve & promote traditional art & craft
- To provide a platform to Parliamentarians to exchange ideas, views, experiences, expertise, in structural manner, through Workshops, Seminars etc.
- To provide Parliamentarians an interface with civil society for highlighting issues
- To enable Parliamentarians to interact, in an institutionalized manner with various Union Ministries Govt. Organisations like Khadi, Coir, Board, CAPAR
- To hold dialogue and discussion with experts at the national & international levels

Parliamentary Forum on Millennium Development Goals**Functions**

- To review & enhance awareness & attention of Parliamentarians towards critical issues which have been bearing on achievement of goals / targets under Millennium Development Goals
- To provide a platform to Parliamentarians to exchange ideas, views, experiences, expertise and implement them in a structured manner, through Workshops, Seminars, etc.
- To provide Parliamentarians an interface with civil society for highlighting issues.
- To enable parliamentarians to interact, in an institutionalized manner with specialized UN Agencies
- To undertake any other Tasks, Projects, Assignments etc as the Forum may deem fit.

Union Executive

President

Union Executive

- Article 52 to 78, Part V
- Consists of President, Vice President, Prime Minister, Council of ministers & Attorney general of India.

President

- Head of Indian state
- First citizen of India
- Symbol of unity, Integrity & solidarity of the nation.

Content

- Election of the President
- Qualifications, Oath and Conditions
- Term, Impeachment and Vacancy
- Powers and Functions of the President
- Constitutional Position of the President

Election of President

Elected members of (Art 54)

- both houses of parliament
- Legislative assemblies of the states and
- Legislative assemblies of union territories of Delhi and Pondichery. (70th Amendment)
- Nominated members (Art 55) do not participate in the election of President.

Calculation of no. of Votes

Value of vote of an MLA =

$$\frac{\text{Total Population of state}}{\text{MLA}} \times \frac{1}{1000}$$

Value of vote of an MP = $\frac{\text{Total value of votes of all MLA's of all states}}{\text{Total number of elected members of parliament}}$

$$\text{Electoral Quota} = \frac{\text{Total number of valid votes polled}}{1+1=(2)} + 1$$

- Proportional representation
- By means of single transferable vote.
- voting by secret ballot.
- Must secure absolute majority of votes.
- Disputes regarding election Inquired into and decided by supreme court whose decision is final.

Qualifications (Art 58)

- Have completed 35 years of age.
- should be a citizen of India
- Should be qualified for election as a member of Lok Sabha.
- Should not hold any office of profit

Nomination of a candidate

- Must be subscribed by atleast 50 electors as proposers and 50 electors as seconders.
- Make a security deposit of Rs.15,000 in RBI.

Qualification for Election as President

- Should be a citizen of India
- Should have completed 35 years of age
- Should be qualified for election as a member of the Lok Sabha
- Should not hold any office of profit
- Must be subscribed by at least 50 electors as proposers and 50 as seconders
- Every candidate has to make a security deposit of Rs.15,000 in the RBI
- Security deposit forfeited incase the candidate fails to secure 1/6th of votes polled

Oath (Art 60)

- President swears,

- To faithfully, execute the office
- To preserve, protect and defend the Constitution and the Law
- To devote himself to the service and well-being of the people of India

- Administered by Chief Justice of India (or) Senior Most Judge

Conditions of President's office (Art 59)

- Should not be a member of either House of Parliament or a House of state legislature.
- Should not hold any other office of profit
- Entitled, without payment of rent, to use Rastrapathi Bhavan
- Entitled to such emoluments, allowances and privileges determined by Parliament
- In 2008, Parliament increased salary of the President from 50k to 1.5 lakh/ month
- During his term, he is immune from any criminal proceedings. Cannot be arrested
- After giving 2 months notice, civil proceedings can be instituted against him

Term of Office (Art 56)

- Five years
- by resignation letter to Vice-President.
- can be removed by impeachment (Art 61)
- Also eligible for reelection to the office (Art 57)
- May be elected for any number of terms
- In USA, a person cannot be elected to office of the President more than twice

Impeachment (Art 61)

- Impeachment for 'violation of the constitution'.
- Charges can be initiated by either House of Parliament.
- Signed by 1/4th member of house.
- 14 days notices given to president
- Bill after passed by 2/3 majority of total membership of the house and passed to another house where 2/3 majority should be passed and the president is removed.
- President has right to appear and to be represented at such investigation
- If other House also passes impeachment resolution, then President is removed.
- No president removed so far.
- Nominated members of either houses of parliament participate in impeachment.
- Elected members of legislative assemblies of states and union territories of Delhi & Pondichery do not participate.

Vacancy

- On expiry of his tenure of five years
- By resignation
- By process of impeachment
- By death
- When he becomes disqualified to hold office or his election is declared void
- Election to fill vacancy must be held before the expiration of the term.
- If any delay in conducting election, the outgoing president continues to hold office. (Vice President does not get opportunity as President) - Art 62

Vice President as President - Art 63

- If vacancy occurs due to resignation, removal or death, Vice President acts as the President & election should be held within six months.
- In the absence of President due to illness or any other cause, Vice President discharges the functions of President.
- If office of Vice President is vacant, Chief Justice of India (if his office is vacant) Senior Most Judge

of Supreme Court) acts as President

POWERS & FUNCTIONS

Contents:

- Executive Powers
- Legislative Powers
- Financial Powers
- Judicial Powers
- Pardoning Power
- Military Powers
- Emergency Powers
- Veto Power
- Ordinance - Making Power

1. Executive powers

- All executive actions of Govt. of India are formally taken in his name.
- Appoints Prime Ministers & other ministers & they hold office during his pleasure
- Appoints Attorney - general of India, Comptroller & Auditor General, Chief-Election Commissioner & other commissioners, Chairman & members of UPSC, Governors of states, Chairman & members of Finance Commission.
- Can appoint commission to investigate into conditions of SC's ST's and OBC's.
- Can appoint Inter-State Council to promote Centre-State & Inter- State Co-operation.
- Directly administers union territories can declare any area as scheduled area & has powers to administer those areas.

2. Legislative powers

- Can summon or prorogue the parliament & dissolve the Lok Sabha.
- Can summon a joint sitting of both houses of parliament presided by Speaker of Lok Sabha.
- Addresses the parliament at the commencement of first session after each general election & first session of each year.
- Can appoint any member of Lok Sabha to preside when speaker & deputy speaker falls vacant.
- Can appoint any member of Rajya Sabha to preside when Chairman and deputy chairman falls vacant.
- Nominates 12 members to Rajyasabha
- Nominates 2 member to Lok Sabha from Anglo Indian Community.
- Required his recommendation to introduce certain bills in parliament. (Bills involving expenditure from consolidated fund of India, or bill for alteration of boundaries of states or creation of newstate).

3. Financial powers

- Money Bill can be introduced only with his recommendation.
- Lays Annual Financial Statement (Union Budget)
- No Demand for grant without his recommendation.
- Can make advances out of contingency fund of India to meet any unforeseen expenditure.
- Constitutes finance commission for every five years.

4. Judicial Powers

- Appoint Chief Justice and Judges of Supreme Court & High Court.
- Can seek advice from supreme court & the advice tendered by supreme court is not binding the president

5. Pardoning power

- Article 72
- Article 72 Empowers the President to grant

- Pardons to persons who have been tried and convicted of any offence in all cases where the
- Punishment or sentence is for an offence against a Union Law
- Punishment or sentence is by a court martial (military court)
- Sentence is a sentence of death
- Pardoning power of the President is independent of the Judiciary & is an executive power
- The object of conferring this power is to correct any judicial errors and relief from a sentence, which the President regards as unduly harsh
 - Pardon - removes sentence and Punishment
 - Commutation - substitution to one form of punishment
 - Remission - reducing the period of sentence
 - Respite - awarding cause sentence in special fact
 - Reprieve - stay of execution
- Article 161: Governor of a State also possesses the pardoning power

Principles laid down by Supreme Court under different cases

- Petitioner for mercy has no right to an oral hearing by the President
- He can examine evidence afresh & take a view different from view taken by court
- Power is to be exercised by the President on the advice of the union cabinet
- President is not bound to give reasons for his order
- President afford relief not only from a sentence but also from an evident mistake
- No need for Supreme Court to tell specific guidelines for exercise of President's power
- Exercise of power is not subject to judicial review except its arbitrary, irrational, mala fide
- Once mercy petition rejected by the President, stay cannot be obtained by filing another
- 6. **Military Powers**
 - Supreme Commander of defence forces of India
 - Appoints chief's of Army, Navy & Airforce
 - Declare war or conclude peace
- 7. **Emergency powers**
 - National Emergency
 - President's rule

Financial Emergency

8. Veto power

- Veto is a Latin term for "forbid"
- Bill passed by the Parliament can become an act only if it receives the President's assent
- Three alternatives when bill presented to the President (under Article 111)
 - He may give his assent to the bill
 - He may withhold his assent to the bill
 - He may return the bill (not a Money bill) for reconsideration. If bill passed again, the President must give his assent to the bill
- Veto power can be classified into the following four types:
 1. Absolute veto
 2. Suspensive veto
 3. Pocket veto
 4. Qualified veto

1. Absolute veto

- withhold his assent

2. Suspensive veto

- Overridden by legislature by ordinary majority.

3. Pocket veto

- No action on bill
- 4. **Qualified veto**
 - Overridden by Legislature by higher majority.
 - **Indian President Has 3 Veto**
 - i) Absolute veto
 - ii) Suspensive veto
 - iii) Pocket Veto
- Qualified Veto is only for US President

Presidential Veto over State Legislation

- President has veto power with respect to State Legislation
- Bill passed by a State legislature can become an act only when it receives assent of Governor or the President (if reserved for the Consideration).
- He can give his assent
- He may withhold his assent
- He may return the bill
- He may reserve the bill for the consideration of the President (under Article 201, President not bound to give his assent to the bill)

9. Ordinance making power

- Article 123
- To deal with unforeseen or urgent matters
- Can promulgate only when both houses of parliament are not in session.
- Can make an ordinance only when President is satisfied that circumstances exist
- Ordinance can be issued only on subjects that Parliament can make laws & it cannot take away any of the fundamental rights
- Should be laid before both houses when it reassembles, if approved it becomes act.
- If parliament takes no action, ordinance ceases to operate on expiry of six weeks from reassembly of parliament.

Constitutional Position of President

- Nominal executive
- Real Executives Council of Ministers headed by Prime Ministers
- President Exercise his powers & function. with aid & advice of council of ministers headed by PM. (Acc. to 42nd Amendment Act)
- Article 53: Executive powers of the Union shall be vested in President, shall be exercised by him either

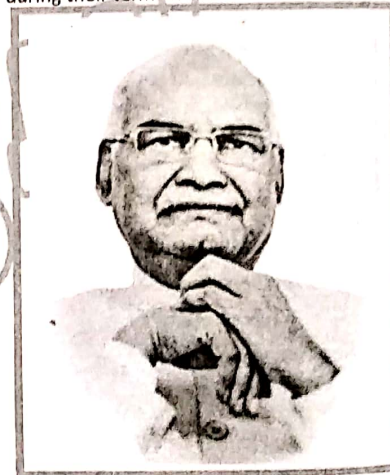
- directly or through officers subordinate to him
- Article 74: There shall be a Council of Ministers with PM at the head to aid and advise the President
- Article 75: Council of ministers shall be collectively responsible to the Lok Sabha
- 44th Amendment President may return a matter once for reconsideration for his minister, but reconsidered advice may be binding.
- 1997 Cabinet recommended president K.R.Narayanan to impose President's rule in U.P.
- President returned to cabinet for reconsideration which then decided not to move ahead in the matter.

Discretionary Powers

- Appointment of Prime Minister when no party has a clear majority in the Lok Sabha or when the Prime Minister in office dies suddenly & no obvious successor
- Dismissal of the council of ministers when it cannot prove the confidence of the Lok Sabha
- Dissolution of the Lok Sabha if the council of ministers has lost its majority

Notes

- President and Vice President election act 1952 amend in 1997.
- Rajendra Prasad has occupied the office for two firms
- Dr.Zakir Hussain, Fakhruddin Ali Ahmed have died during their term of office



List of Presidents in India

1. Dr. Rajendra Prasad	Jan 26, 1950- May 13, 1962	1st President longest tenure
2. Sarvepalli Radhakrishnan	May 13, 1962- May 13, 1967	1st Vice President to be President
3. Zakir Hussain	May 13, 1967-May 13, 1969	Shortest term (1st Muslim President) Died in office
4. V.V.Giri	May 3, 1969- July 20, 1969	1st Interim president
M.Hidayatullah	July 20, 1969-August 24, 1969	1st Chief Justice of India to be President
V.V.Giri	August 24, 1969- August 24, 1974	Two times President (Independent candidate)
5. Fahirudin Ali Ahmed	August 24, 1974- Feb 11, 1977	Died in office
B.T. Jatti	Feb 11, 1977- July 15, 1977	2nd Interim president
6. Neelam Sajeew Reddy	July 25, 1977- July 25, 1982	Youngest president (64yrs) 1st to select unopposed
7. Zail Singh	July 25, 1982-July 25, 1987	1st Sikh president
8. R. Venkatraman	July 25, 1987-July 25, 1992	Oldest President (76 yrs)
9. Dr. Sankar Dayal Sharma	July 25, 1992-July 25, 1997	
10. K.R. Narayan	July 25, 1997-July 25, 2002	1st Dalit President
11. Dr. A.P.J. Abdul Kalam	July 25, 2002-July 25, 2007	1st Scientist to be president
12. Pratibha Patil	July 25, 2007-July 25, 2012	1st Women president
13. Pranab Mukerjee	July 25, 2012-July 25, 2017	1st Bengali president
14. Ram Nath Kovind	July 25, 2017-till	2nd Dalit president

Vice - President (Art 63)

Contents

- Election and Qualifications
- Oath or Affirmation
- Conditions and Term of Office
- Vacancy in Office and Election Disputes
- Powers and Function
- Indian and American Vice - Presidents Compared
- Emoluments

Introduction

- Second Highest office in the country.
- American office model

Election

- Electoral college consisting of members of both houses of Parliament.

Electoral college (Art 66)

- This electoral college is different from the electoral college for the election of the President in the following two respects.
- Both elected and nominated members of parliament
- Does not include members of state legislative assemblies.
- Proportional representation (single transferable vote)

Qualifications

- Be a citizen of India.
- Completed 35 years of age.
- Qualified for election as a member of Rajya Sabha.
- Should not hold any office of profit.

Nomination

- Subscribed by at least 20 electors as proposers and 20 electors as seconders.
- Security deposit - Rs.15000 in RBI.

Oath or Affirmation (Art 69)

- Vice President swears
 - To bear true faith and allegiance to the Constitution of India and
 - To faithfully discharge the duties of his office
- Administered by president

Condition of office

- Should not be a member of either house of parliament or a House of state legislature.
- Should not hold any other office of profit.

Term of office (Art 67)

- Five years from date on which he enters his office.
- Can resign by addressing resignation letter to the president.
- Can be removed by resolution of Rajya Sabha passed by absolute majority and agreed by Lok Sabha. (14 days notice should be given)
- No procedure for his removal.
- Can hold office beyond his term of 5 years until his successor assumes charge

- Vice - President is eligible for re-election to that office.
- He may be elected for any number of terms

Vacancy

- On expiry of tenure of 5 years.
- Resignation
- Removal
- Death
- Election to be held before expiration term.
- If the election of a person as Vice - President is declared void by the Supreme Court, acts done by him before the date of such declaration of the Supreme Court are not invalidated (remain in force)

Notes

- When two presidents, Dr. Zakir Hussain and Fakruddin Ali Ahmed, died in office, the then respective Vice-Presidents V V Giri and B D Jatti acted as President.

Powers and Functions

- He act as the ex-officio Chairman of Rajya Sabha (Art 64)
- Similar to those of the Speaker of Lok Sabha
- He resembles the American Vice - President who act as Chairman of the Senate
- He act as President when vacancy occurs in the Office of the President due to his resignation, removal, death
- He can act as President only for a maximum period of 6 months within which a new President has to be elected (Art 65)
- While acting as President, the Vice - President does not perform the duties of the office of the chairman of Rajya Sabha. Duties performed by Deputy Chairman

Indian and American Vice - Presidents Compared

- American Vice - President succeeds to the Presidency when it falls vacant and remains President for the unexpired term of his predecessor.
- Indian Vice - President does not assume the office of the President for the unexpired term. Serves as an acting President until the new President assumes.

Emolument

- Constitution has not fixed any emoluments for the Vice - President. He draws regular salary as the Chairman of the Rajya Sabha.
- In 2008, Parliament increased the salary of the Chairman of the Rajya Sabha from 40,000 to 1.25 lakh / month.
- In addition, he is entitled to daily allowance, free furnished residence, medical, travel and other facilities.
- During any period when the Vice - President acts as President, he gets the salary and allowance of the President.



List of Vice Presidents of India

1.	Dr. S. Radha Krishnan	1952-1962	unopposed (2 terms) 1st Vice President longest tenure(12yrs)
2.	Dr. Zakir Hussain	1962-1967	-
3.	V.V. Giri	1967-1969	acted as president when Zakir Hussain died in office (shortest period) 2yrs
4.	G.S. Pathak	1969-1974	-
5.	B.D. Jatti	1974-1979	acted as president when Fakrudin Ali Ahmed died in office
6.	M. Hidayatullah	1979-1984	unopposed
7.	R. Venkataraman	1984-1987	-
8.	Dr. Sankar Dayal Sharma	1987-1992	unopposed
9.	K.R. Narayanan	1992-1997	-
10.	Krishna Kant	1997-2002	1st to died in office
11.	B.S. Shekhawat	2002-2007	-
12.	Mohd. Hamid Ansari	2007-2017	2terms
13.	Venkaiya Naidu	2017-till	-

Prime Minister

Introduction

- In Parliamentary system of Govt. provided by the Constitution, the President is the nominal executive authority & Prime Minister is the real executive authority.
- President is the head of the State while Prime Minister is the head of the Government.

Contents

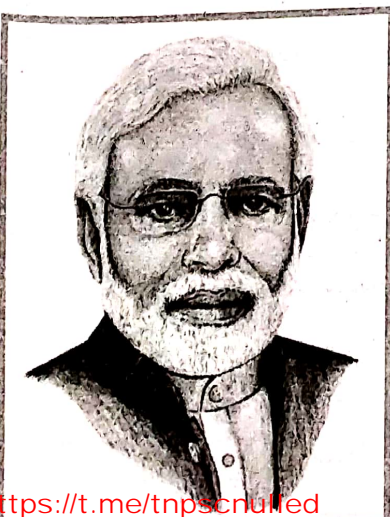
- Appointments of the Prime Minister
- Oath, Term and Salary
- Powers and Functions of the Prime Minister
- Role Descriptions
- Relationship with the President
- Chief Ministers who became Prime Ministers
- PMO Office

Appointment of the Prime Minister

- Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister.
- By President (Article 75)
- Has to appoint leader of majority party in Lok Sabha.
- When to party has clear majority. He usually appoints leader of largest party or coalition in Lok Sabha.
- He has no seek a vote of confidence in the house within a month.
- First time Neelam Sanjiva Reddy appointed Charan Singh in 1979.

Qualification

- Person who is not a member of either house can be appointed as PM for 6 months within which he should become a member of either house of parliament.



- PM may be a member of any of the two houses of parliament. (Indira Gandhi & Deva Gowda are members of Rajya sabha).

Oath

- by President
- The Prime Minister swears :
 - To bear true faith and allegiance to the Constitution of India
 - To uphold the sovereignty and integrity of India
 - To faithfully and conscientiously discharge the duties of his office
 - To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill will

Term

- Not fixed
- Holds office during the pleasure of president.
- Cannot be dismissed until he enjoys the majority support in Lok Sabha.

Salary

- Determined by Parliament.
- Gets the salary payable to Member of Parliament (MP).

Powers & functions

- In Relation to Council of Ministers
- In Relation to the President
- In Relation to Parliament
- Other Powers and Functions

In relation to Council of Ministers

- President can appoint only persons recommended by Prime Minister as ministers.
- Allocates and reshuffles various portfolios among ministers.
- Can ask a minister to resign or advice president to dismiss in case of difference of opinion.
- Presides over meeting of council of minister & influences its decisions.
- Prime Minister Head of council of Ministers. So Resignation or death automatically dissolves the council of ministers.

In relation to President

- Principal channel between the President and Council of Ministers.
- Advices President regarding appointment of Attorney - General of India, Comptroller & Auditor General, Chairman & members of UPSC,

Election commissioners, chairman & members of Finance Commission.

3. In relation to Parliament

- Advices president to summon & prorogue the sessions of parliament.
- can recommend dissolution of Lok Sabha to president
- Announces Government Policies

Other Powers and Functions

- Prime Minister is the chairman of Planning Commission (now NITI Aayog), National Development Council, National Integration Council, Inter - State Council and National Water Resources Council.
- He plays 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.
- He receives memoranda from people of different states regarding their problems
- He is leader of the party in power and political head of the services.

Role Descriptions

- Lord Morely : Described as 'primus inter pares' & 'key stone of the cabinet arch'

- Sir William Verner Harcourt : 'inter stellas luna minores'
- Jennings : "He is, rather, a sun around which planets revolve. He is the key - stone of the Constitution. All roads in the Constitution lead to the Prime Minister"
- H.J. Laski : "The Pivot around which the entire government machinery revolves"
- H.R.G. Greaves : "The Government is the master of the country and Prime Minister is the master of the Government"
- Munro : "the captain of the ship of the State"

Relationship with President**Article 74**

- Advices President with the help of council of ministers

Article 75

- PM appointed by President & other ministers are appointed by President on advice of Prime Minister.
- Council of Ministers collectively responsible to the Lok Sabha

Article 78

- Duty of the Prime Minister to communicate and furnish the information relating to administration of the affairs of the Union and proposals for legislation.

Chief Ministers who became Prime Ministers

- Morarji Desai : Chief Minister of erstwhile Bombay State during 1952 - 56. Became non-Congress Prime Minister in March 1977
- Charan Singh : Chief Minister of the Undivided Uttar Pradesh in 1967 - 68
- V.P. Singh : Chief Minister from U.P. Became Prime Minister in 1989
- P.V. Narasimha Rao : Chief Minister of Andhra Pradesh between 1971 - 73, the 1st Prime Minister from South India.
- H.D. Deve Gowda : Chief Minister of Karnataka
- Narendra Modi : Chief Minister of Gujarat during 2001 to 2014

Prime Minister's office (PMO)

- Assists Prime Minister.
- Provides secretariat assistance and crucial advice to PM.
- Plays important role in decision making at top level of Govt. of India.

- Extra Constitutional Body
- Has the status of a department of the Government of India.
- Came into existence in 1947.
- Till 1977 it was called Prime Minister's Secretariat (PMS).

Functions of PMO

- Assists the prime minister in his overall responsibilities as head of the government, in maintaining communication with the central ministries/departments and the state governments.
- Helps the prime minister in his responsibilities as chairman of the Niti Aayog and the National Development Council.
- Looks after the public relations of the prime minister like contact with the press and general public.
- Deals with all references, which under the Rules of Business have to come to the Prime Minister.
- Provides assistance to the Prime Minister in the examination of cases submitted to him for orders under prescribed rules.
- Maintains harmonious relationship with the President, Governors and foreign representatives in the country.
- Acts as the 'think- tank' of the Prime Minister. It deals with all such subjects that are not allotted to any department/ministry.
- It is not concerned with the responsibility of the Prime Minister as the chairman of the union cabinet. The cabinet cases are directly dealt by the cabinet secretariat, which also functions under the direction of the prime minister.
- Assists PM, in his overall responsibilities as head of government.
- Acts as 'think-tank' of Prime Minister.

Notes

- On the death of Jawaharlal Nehru and Lal Bahadur Shastri when the leadership was contested, the president made temporary arrangements by appointing the seniormost minister as the Prime Minister, until the formal election of the leader by the party. Both the times, it was Gulzari Lal Nanda who acted as the Prime Minister.
- For example, VP Singh in 1990 and Deve Gowda in 1997 resigned after defeat in the Lok Sabha.

List of Prime Ministers in India

1.	Pandit Jawaharlal Nehru	August 15, 1947-May27, 1964	1st Prime Minister, longest tenure (17yrs)
2.	Gulzari Lal Nandha	May 27, 1964-June9,1964	1 st Interim Prime minister
3.	Lal Bahadur Sastri	June 9, 1964-June 11, 1966	1 st PM to died in his official abroad trip (Russia)
4.	Gulzari Lal Nandha	June 11, 1966-June 24,1966	2 nd time interim Prime Minister
5.	Indira Gandhi	June 24, 1966-March24, 1977	1 st Woman PM, 1 st to failed in PM election
6.	Moraji Desai	March 24, 1977-July 28, 1979	Oldest PM, 1 st to resign his PM office
7.	Charan Singh	July 28,1979-Jan 14,1980	Not to attend Parliament
8.	Indira Gandhi	Jan14,1980-Oct 31, 1984	1 st PM to assassinate
9.	Rajiv Gandhi	Oct 31, 1984-Dec 2, 1989	Youngest PM
10.	V.P.Singh	Dec 2, 1989-Nov10, 1990	1 st to resign due to non confidence motion
11.	Chandrasekar	Nov 10, 1990-June 21, 1991	
12.	V.P. Narasimha Rao	June21, 1991-May 16,1996	1 st PM from South India
13.	A.B. Vajpayee	May 16,1996-June 1, 1996	Shortest tenure (13 days)
14.	H.D. Deva Gowda	June1, 1996-April 21, 1997	
15.	Inderkumar Gujral	April 21, 1997-March19,1998	
16.	A.B. Vajpayee	March19, 1998-Oct 13, 1999	
17.	A.B. Vajpayee	Oct 13, 1999-May 22, 2004	3 times Prime Minister
18.	Dr. ManMohan Singh	May 22, 2004-May 18, 2009	1 st Non Hindu Prime Minister
19.	Dr. ManMohan Singh	May 22, 2009- May 26, 2014	
20.	Narendra Modi	May 26, 2014-till date	1 st PM to born after independence

- By British pattern
- Council of ministers headed by Prime Ministers is the real executive authority.

Contents

- Constitutional Provisions
- Nature of advice by Ministers
- Appointment of Ministers
- Oath and Salary of Ministers
- Responsibility of Ministers
- Composition of the Council of Ministers
- Council of Ministers Vs Cabinet
- Role of Cabinet and Kitchen Cabinet

Constitutional Provisions

- Article 74 : Council of Ministers to aid and advice President
 - Advice tendered by Ministers to the President shall not be inquired into in any court
- Article 75 : Other Provisions as to Ministers
- Appointment, tenure, responsibility, qualification, oath, salaries and allowances of ministers.
 - 91st Amendment Act of 2003
- Article 77 : Conduct of Business of the Government of India
 - President shall make rules for convenient transaction & for the allocation among ministers
- Article 78 : Duties of Prime Minister
- Article 88 : Right of Ministers as Respects the Houses
- 42nd & 44th Constitutional Amendment Acts have made the advice binding
- Advice tendered by Ministers to the President cannot be enquired by any court
- In 1971, the Supreme Court held that 'even after the dissolution of the Lok Sabha, the council of ministers does not cease to hold office'
- Any exercise of executive power without the aid and advice of Council of Ministers will be unconstitutional as being violative of Article 74

Appointment

- Appointed by president on the advice of Prime Minister.
- Members of either Lok sabha or Rajya sabha are appointed as Ministers.
- Person who is not a member of either house can also become a minister, but within 6 months, he must become a member.
- A minister who is a member of one house has right to speak & take part in proceedings of other house.
- But can vote only in the house where he is a member.

Oaths

- Administered by president
- The Minister swears :
 - To bear true faith and allegiance to the Constitution of India
 - To uphold the sovereignty and integrity of India
 - To faithfully and conscientiously discharge the duties of his office
 - To do right to all manner of people in accordance with the Constitution and the Law, without fear or favour, affection or ill will

Salaries

- Determined by parliament from time to time.
- Minister gets the salary and allowances that are payable to a MP

- Additionally, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities, etc.

Responsibility of Ministers

- Collective Responsibility
- Individual Responsibility
- No Legal Responsibility

Collective Responsibility

- Fundamental Principle underlying the working of parliamentary system of government is the principle of collective responsibility
- Article 75 : Council of ministers is collectively responsible to the Lok Sabha
- All the ministers own joint responsibility to the Lok Sabha for their acts
- When Lok Sabha passes a no-confidence motion against the council of ministers, all the ministers have to resign including those ministers from the Rajya Sabha.
- Council of Ministers can advise the president to dissolve the Lok Sabha & call for fresh elections. If any minister disagrees with a cabinet decision, he must resign.

Individual Responsibility

- Article 75 also contains the principle of individual responsibility
- Ministers hold office during the pleasure of the president.
- President can remove a minister even at a time when the council of ministers enjoys confidence of the Lok Sabha. President removes only on the advice of PM
- Incase of a difference of opinion or dissatisfaction with the performance of a minister, Prime Minister can ask him to resign or advice President to dismiss him.

No Legal Responsibility

- In Britain, every order of the King for any public act is counter signed by a minister
- If the order is in violation of any law, the minister would be held responsible and would be liable in the court.
- "The King can do no wrong". Hence, he cannot be sued in any court
- In India, there is no provision in the Constitution for the system of legal responsibility of a minister. Not required that an order of the President for a public act should be counter signed by a minister.

Council of Ministers Vs Cabinet

S.No	Council of Ministers	Cabinet
1.	Wider body consisting of 60 to 70 ministers	Smaller body consisting of 15 to 20 ministers
2.	Includes 3 categories of ministers	Includes the cabinet ministers only
3.	It has no collective functions	Has collective functions
4.	Vested with all powers but in theory	Exercises the powers of the council of ministers
5.	Functions are determined by the cabinet	Directs council of ministers by taking policy decisions
6.	Implements the decisions taken by the cabinet	Supervises the implementation of its decisions
7.	Dealt in detail by Article 74 and 75	Inserted in Article 352 by 44 th Amendment act
8.	Collectively responsible to the Lower house	Enforces the collective responsibility of the council of ministers to the Lower House of Parliament

Composition

- Cabinet Ministers
- Ministers of state
- Deputy Ministers

Cabinet Ministers

- Head the Important ministries of central Govt. like Home, Defence, finance, external affairs and so on.

Ministers of state

- Can either be given independent charge of ministries /departments (or)
- Can be attached to cabinet ministers

Deputy Ministers

- Not given independent charge of ministries / departments
- Are attached to cabinet ministers or ministers of state & assist them.

PM	Deputy PM
Nehru	Sardar Patel
Indira Gandhi	Moraji Desai
Moraji Desai	Charan Singh
Charan Singh	Jagjivan Ram
VP Singh	Devi Lal
A.B.Vajpayee	L.K.Advani

Role of Cabinet

- Highest decision - making authority in out politico-administrative system
- Chief policy formulating body of Central Govt.
- Supreme executive authority of Central Govt.
- Chief coordinator of Central administration and Advisory body to the President
- Chief crisis manager and thus deals with all emergency situations

- Exercises control over higher appointments like constitutional authorities, etc.
- Deals with all major legislative, financial matters, foreign policies & foreign affairs

Shadow cabinet

- In England, opposition party in parliament constitutes, a group of its members to examine portfolio wise issue through they are not the real executive.
- This tradition keeps the opposition well informed and makes the government always on alert.

Kitchen cabinet

- Prime Minister is the head
- 15 to 20 ministers
- Highest decision making body.
- Also called inner cabinet
- Composed of not only cabinet ministers but also outsiders (friends & family members of PM)

Merits

- More efficient decision making body
- Helps to maintain secrecy
- Demerits : Reduces the authority and status of the cabinet and Circumvents legal process

Notes

- Art 74 was amended by the 42nd Constitutional Amendment Act of 1976 to the effect that the president shall, in the exercise of his functions, act in accordance with the advice rendered by the council of ministers.
- The 44th constitutional Amendment Act of 1978 further added a provision to this article to the effect that the president may require the council of ministers to reconsider such advice and the president shall act in accordance with the advice tendered after such reconsideration.

Attorney General of India

- Article 76
- He is the highest law officer in the country

Appointment and term

- Appointed by president
- Qualified to be appointed a judge of the supreme court.
- Term not fixed by constitution
- Constitution does not contain the procedure to remove.
- He hold the office during the pleasure of the president.
- He resign when the government resign
- The remuneration fixed by president.

Duties and functions

- To give advice to the india upon such legal matters. Which referred to him by the president

- To perform such other duties of a legal character that are assigned to him.

- by the president
- by the law
- The President has assigned the following duties to the AG
 - To appear on behalf of the government of india in all cases in the supreme court in which the Government of India is concerned.
 - Article 143
 - To appear in any high court

Right and limitation

- Right of audience in all courts within the territory of the India
- He has the right to speak and take part in both houses of the parliament & committees.
- He named as member of parliament without right to vote.

Limitation

- He should not advice
- He should not defend accused person in criminal prosecution without the permission of the government of india.
- He should not accept appoint as director in any company.

Solicitor General of India

- They assist the Attorney General in the fulfilment of his official responsibilities.
- It does not mention in the constitution.

Other Law Officers

- Solicitor general & Addition solicitor general of India.
- Assist Auditor general
- Article 76 Does not mention these law officers.

State Government

Introduction

- Legislative organ of the State Government
- Occupies pre-eminent & central position in the State democratic political system
- Part VI – Article 168 to 212
- Deals with Organisation, composition, duration, officers, procedures, privileges, powers and so on.

Contents

- Organisation of State Legislature
- Composition of the Two Houses
- System of Elections
- Duration of Two Houses
- Membership of State Legislature

Organisation of State Legislature

- Unicameral (22 states)
- 7 States - Bicameral - U.P, Bihar, A.P, Maharashtra, Karnataka, J & K, Telangana.
- From October 31, 2019 - only 6 states are Bicameral as J & K will become U/T

Legislative Assembly (MLA)

- Legislative Assembly
- Lower house
- Vidhan Sabha
- First chamber
- Popular house

Composition

Strength

- Maximum strength - 500, Minimum - 60 (Exception Arunachalpradesh, Sikkim, Goa)

Elected by Directly elected by people.

- (* Some members of Legislative Assemblies in Sikkim and Nagaland are also elected indirectly)
- 1 member nominated by Governor (Anglo Indian Community)

System of Elections to SLA

- Territorial Constituencies
 - Ratio between no. of seats allotted and its population is the same for all states
- Readjustment after each Census
 - Delimitation Commission Acts in 1952, 1962, 1972 and 2002. Ban extended upto year 2026
- Reservation of Seats for SCs and STs
 - Under 95th Amendment Act of 2009, reservation last until 2020
- Proportional Representation not adopted
 - Difficulty for the voters to understand the system; Unsuitability to the parliamentary Govt.

Duration

- Not a continuing chamber
- Normal term is 5 years from date of its first meeting after general elections.
- President can dissolve any time.
- Term can be extended during national emergency by a law for 1 year at a time for any length of time.
- Cannot continue beyond 6 months after emergency ceased to operate.

Reservation

- Reservation of seats for SCs & STs
- Reservation operates for 10 years & continuously extended for 10 years.
- Elected by all voters in a constituency, without any separate electorate.

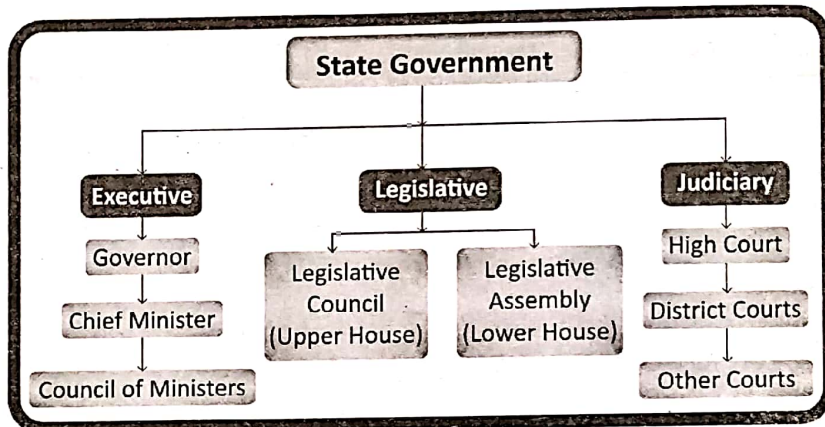
Legislative Council (MLC)

- Abolition or creation of legislative councils in states decided by legislative assembly by passing a resolution with special majority. (Art 169)
 - Legislative Council
 - Upper House
 - Vidhan Parishad
 - Second chamber
 - House of elders

Composition

Strength

- Maximum strength - 1/3rd of total strength of assembly, Minimum - 40.
- 1/3rd are elected by members of local bodies in state like municipalities, district boards etc.
- 1/12th by graduates of 3 years standing & residing within the state.
- 1/12th by teachers of 3 years standing in state not lower than standard than secondary school.



- 1/3rd by members of leg. assembly from persons who are not members of assembly.

- 1/6th - Nominated by governor.

Elected by

Of the total numbers,

Reservation

- No reservation

Qualification

- Must be a citizen of India
- Must make & subscribe an oath of affirmation according to form prescribed in third schedule.
- Age not less than 25 years for SLA
- Age not less than 30 years for SLC
- Representation of People Act (1951) added some qualifications,
 - He must be registered as an elector for a parliamentary constituency.
 - He must be a member of SC or ST in any state / U.T if he want to contest a seat reserved for them.

Disqualification

- Decided by Speaker
- Hold and office of profit
- Unsound mind
- Not a citizen of India

Representation of People Act (1951).

- Election offences or corrupt practices
- Imprisonment for two or more years
- Failed to lodge an account of his election expenses within the time
- Any interest in government contracts, works or services.
- Director or managing agent nor hold an office of profit in a corporation in which the government has at least 25 per cent share

- Dismissed from government service for corruption or disloyalty to the state.
- Bribery
- Practicing social crimes such as untouchability, dowry and sati.
- Ground of Defection.

Anti - Defection

- 10th Schedule
- If he has voluntarily given up his membership
- If he votes or abstains from voting in such house contrary to any direction issued by the political party.
- Members independent of any political parties will lose the membership, if they join one after their election to legislature.
- Nominated members will lose their membership, if they join a party within 6 months of their nomination.

Vacating of seats

1. Double Membership

- A sitting member of one house when elected to other house, his seat in first house becomes vacant.

2. Disqualification

- On grounds of defection under the provisions of 10th schedule.

3. Resignation

- By writing to chairman of Rajya Sabha (or) Speaker of Lok Sabha
- May or may not be accepted by Chairman of SC Speaker of CA if he fails it involuntary or genuine.

4. Absence

- Declare the seat vacant when he is absent from all its meetings for a period of 60 days without permission.

5. Other cases

- if his election is declared void by court.
- if he is expelled by the house
- if he is elected to the office of president or Vice President.
- if he is appointed to office of governor of a state.

6. Oath or Affirmation

- Before the president or some person appointed by him for this purpose (Speaker/Protem)
- Without taking Oath, he cannot vote or participate in the proceedings of house.

7. Salaries & Allowances

- Determined by SL.
- Both speaker & Chairman receive equal salary

Presiding Officers of State Legislature

Contents

- Speaker for the legislative assembly
- Deputy Speaker for the legislative assembly
- Chairman for the legislative council
- Deputy Chairman for the legislative council
- A panel of chairmen for the assembly
- Panel of vice-chairmen for the council
- Position of Legislative Council
- Privileges of State Legislature

Speaker of Assembly

Election

- Elected by the assembly itself from amongst its members.
- The Speaker remains in office during the life of the assembly.
- He vacates, if he
 - Ceases to be a member of the assembly
 - Resigns by writing to the deputy speaker
 - Removed by a resolution passed by a majority of all the then members of the assembly (14 days advance notice).

Power and Duties:

- Maintains order and decorum in the assembly
- Regulating its proceedings
- The final interpreter of the provisions of (a) the Constitution of India, (b) the rules of procedure and conduct of business of assembly, and (c) the legislative precedents, within the assembly.
- Adjourns the assembly or suspends the meeting in the absence of a quorum.
- Does not vote in the first instance.
- Casting vote in the case of a tie.
- Allow a 'secret' sitting of the House at the request of the leader of the House.
- Decides whether a bill is a money Bill or not
- Decides the questions of disqualification of a member of the assembly, arising on the ground of defection.
- Appoints the chairmen of all the committees of the assembly and supervises their functioning
- Chairman of the Business Advisory Committee, the Rules Committee and the General Purpose Committee.

Deputy Speaker of Assembly

Election

- The Deputy Speaker is also elected by the assembly itself from amongst its members.
- Elected after the election of the Speaker has taken place.
- Deputy Speaker remains in office usually during the life of the assembly.
- Vacates his office, if he
 - Ceases to be a member of the assembly.
 - Resigns by writing to the speaker.
 - Removed by a resolution passed by a majority of all the then members of the assembly (14 days' advance notice).

Powers & Duties

- Deputy Speaker performs the duties of the Speaker's office when it is vacant.
- Acts as the Speaker when the latter is absent from the sitting of assembly.
- In both the cases, he has all the powers of the Speaker.

A panel of chairmen.

- Any one of them can preside over the assembly in the absence of the Speaker or the Deputy Speaker.
- Same powers as the speaker when so presiding.

Chairman of Council

Election

- Elected by the council itself from amongst its members.
- Vacates his office, if he
 - ceases to be a member of the council.
 - Resigns by writing to the deputy chairman.
 - Removed by a resolution passed by a majority of all the then members of the council (14 days advance notice).

Powers & Duties

- The powers and functions of the Chairman in the council are similar to those of the Speaker in the assembly.
- The salaries and allowances of the Chairman are also fixed by the state legislature.
- Charged on the Consolidated Fund of the State.
- Not subject to the annual vote of the state legislature.

Deputy Chairman of Council

Election

- Elected by the council itself from amongst its members.

Vacates his office, if he

- Ceases to be a member of the council;
- Resigns by writing to the Chairman
- He is removed by a resolution passed by a majority of all the then members of the council (14 days advance notice).

Powers & Duties

- Deputy Chairman performs the duties of the Chairman's office when it is vacant.
- Acts as the Chairman when the latter is absent from the sitting of the council.
- In both the cases, he has all the powers of the Chairman.

- Chairman nominates from amongst the members

A panel of vice-chairmen

- Any one of them can preside over the council in the absence of the Chairman or the Deputy Chairman.
- Same powers as the chairman when so presiding.

Position of Legislative Council

- A. Council is equal to assembly.
- B. Council is unequal to assembly.

Equal with Assembly

- Introduction and passage ordinary bills.
- In case of disagreement between the two House, the will of the assembly prevails over that of the council.
- Approval of ordinances issued by the governor.
- Selection of Ministers including the chief minister.
- Consideration of the reports of the constitutional bodies like State Finance Commission, state public service commission and Comptroller and Auditor General of India.
- Enlargement of the jurisdiction of the state public service commission.

Unequal with Assembly

- A money Bill can be introduced only in the assembly and not in the council.
- The council cannot amend or reject a money bill. It should return the bill to the assembly within 14 days, either with recommendations or without recommendations.
- The assembly can either accept or reject all or any of the recommendation of the council. In both the cases, the money bill is deemed to have been passed by the two Houses.
- The final power to decide whether a particular bill is a money bill or not is vested in the Speaker of the assembly.
- The final power of passing an ordinary bill also lies with the assembly. At the most, the council can detain or delay the bill for the period of four months-three months in the first instance and one month in the second instance.
- The council can only discuss the budget but cannot vote on the demands for grants
- The council cannot remove the council of ministers by passing a no-confidence motion.
- When an ordinary bill, which has originated in the council and was sent to the assembly, is rejected by the assembly, the bill ends and becomes dead.
- The council does not participate in the election of the president of India and representative of the state in the Rajya Sabha.
- The council has no effective say in the ratification of a constitutional amendment bill.
- The Council can be abolished by the Parliament on the recommendation of the assembly.

Privileges of State Legislature

Collective Privileges

- Right to public its reports, debates and proceedings

- Right to prohibit others from publishing the same.
- Exclude strangers from its proceedings and hold secret sittings to discuss some important matters.
- Make rules to regulate its own procedure and the conduct of its business
- Punish members as well as outsiders for breach of its privileges or its contempt by reprimand, admonition or imprisonment (also suspension or expulsion, in case of members).
- Right to receive immediate information of the arrest, detention, conviction, imprisonment and release of a member.
- The courts are prohibited to inquire into the proceedings of a House or its Committees.
- No person (either a member or outsider) can be arrested, and no legal process (civil or criminal) can be served within the precincts of the House without the permission of the presiding officer.

Individual Privileges

- They cannot be arrested during the session of the state legislature and 40 days before the beginning and 40 days after the end of such session.
- This privilege is available only in civil cases and not in criminal cases or preventive detention cases.
- Freedom of speech in the state legislature.
- They are exempted from jury service.
- They can refuse to give evidence and appear as a witness in a case pending in a court when the state legislature is in session.

Comparing Pardoning Powers of President and Governor

- | | |
|--|--|
| <p>President</p> <ul style="list-style-type: none"> • He can pardon • Sentence of any person convicted of any offence against a Central law. • He can pardon, reprieve, respite, remit, suspend or commute a death sentence. • He is the only authority to pardon a death sentence. | <p>Governor</p> <ul style="list-style-type: none"> • He can pardon. Sentence of any person convicted of any offence against a state law. • He cannot pardon a death sentence. • The governor can suspend, remit or commute a death sentence. |
|--|--|

Comparing Veto Powers of President and Governor	
President	Governor
<p>With regard to Ordinary Bills</p> <ul style="list-style-type: none"> • Every ordinary bill, after it is passed by both the Houses of the Parliament either singly or at a joint sitting, is presented to the President for his assent. He has three alternatives: <ol style="list-style-type: none"> 1. Give his assent 2. Withhold his assent 3. Return the bill for reconsideration of the Houses. If the bill is passed by both the Houses again with or without amendments and presented to the President for his assent, the president must give his assent to the bill. Thus the president enjoys only a 'suspensive veto'. • When a state bill is reserved by the governor for the consideration of the President, the President has three alternatives: <ol style="list-style-type: none"> a) give his assent to the bill b) withhold his assent c) return the bill for reconsideration of the House or Houses of the state legislature. <ul style="list-style-type: none"> • Houses have to reconsider it within six months. • The president is not bound to give his assent to the bill. • He may give his assent to such a bill or withhold his assent. 	<p>With Regard to Ordinary Bills</p> <ul style="list-style-type: none"> • Every ordinary bill, after it is passed by the legislative assembly. Is presented to the governor for his assent. He has four alternatives: <ol style="list-style-type: none"> 1. Give his assent 2. Withhold his assent 3. Return the bill for reconsideration of the House or Houses. If the bill is passed by the House or Houses again with or without amendments and presented to the governor for his assent, the governor must give his assent to the bill. Thus, the governor enjoys only a 'suspensive veto'. 4. May reserve the bill for the consideration of the President. • If the bill is returned by the President for the reconsideration of the House or Houses and is passed again, • The bill must be presented again for the presidential assent only. • The assent of the Governor is no longer required.
<p>With Regard to Money Bills</p> <ul style="list-style-type: none"> • Every money bill after it is passed by the Parliament, is presented to the President for his assent. He has two alternatives. <ol style="list-style-type: none"> 1. give his assent 2. withhold his assent • Thus, the President cannot return a money bill for the reconsideration of the Parliament. • When a Money Bill is reserved by the Governor for the consideration of the President, the President has two alternatives. <ol style="list-style-type: none"> a) Give his assent b) Withhold his assent • Thus, the President cannot return a money bill for the reconsideration of the state legislature (as in the case of the Parliament). 	<p>With Regard to Money Bills</p> <ul style="list-style-type: none"> • Every money bill, after it is passed by the state legislature (unicameral or bicameral), is presented to the governor for his assent. • He has three alternatives: <ol style="list-style-type: none"> 1. Give his assent 2. Withhold his assent 3. May reserve the bill for the consideration of the president. The governor cannot return a money bill for the reconsideration of the state legislature. If the President gives his assent to the bill, it becomes an Act. This means that the assent of the governor is no longer required.

Comparing Ordinance - Making Power of President and Governor

President	Governor
<ul style="list-style-type: none"> • He can promulgate an ordinance <ol style="list-style-type: none"> 1. When both the Houses of Parliament are not in session 2. When either of the two Houses of Parliament is not in session. • When he is satisfied that circumstances exist. • Issue ordinances only on those subjects on which the Parliament can make laws. • It has the same force and effect as an act of the Parliament. • Subject to the same limitations as an act of Parliament. • Can withdraw an ordinance at any time. • Not a discretionary power. • This means that he can promulgate or withdraw an ordinance only on the advice of the council of ministers headed by the prime minister. • Ceases to operate on the expiry of six weeks from the reassembly of Parliament. • He needs no instruction for making an ordinance. 	<ul style="list-style-type: none"> • He can promulgate an ordinance <ol style="list-style-type: none"> 1. When the legislative assembly (in case of a unicameral legislature) is not in session. (In case of a bi - cameral legislature) 2. When both the Houses of the state legislature are not in session. 3. When either of the two Houses of the state legislature is not in session. • When he is satisfied that circumstances exist. • Issue ordinances only on those subjects on which the state legislature can make laws. • It has the same force and effect as an act of the state legislature. • Can withdraw an ordinance at any time. • Not a discretionary power. • This means that he can promulgate or withdraw an ordinance only on the advice of the council of ministers headed by the chief minister. • Laid before the legislative assembly or both the Houses of the state legislature (in case of a bicameral legislature) when it reassembles. • Ceases to operate on the expiry of six weeks from the reassembly of the state legislature. • Cannot make an ordinance without the instructions from the President in three cases: <ol style="list-style-type: none"> a) If a bill required the previous sanction of the President for its introduction into the state legislature b) It necessary to reserve a bill for the consideration of the President. c) If an act of the state legislature containing the same provisions would have been invalid without the President's assent.

State Executive

Governor

Introduction

- Part VI
- Articles 153 to 167
- The state executive consists of
 1. The governor
 2. The chief minister
 3. The council of minister
 4. The advocate general of the state.

Governor

- Governor is the chief executive head of the state.
- Acts as an agent of the central government

Content

- Election of the Governor
- Qualifications, Oath and Conditions
- Term, Impeachment and Vacancy
- Powers and Functions of the Governor
- Constitutional Position of the Governor
- The governor is neither directly elected by the people nor indirectly elected by a specially constituted electoral college.

Appointment of Governor

- Appointed by the president
- He is a nominee of the Central government.
- The Supreme Court in 1979, the office of governor of a state is not an employment under the Central government.
- It is an independent constitutional office.
- Not under the control of or subordinate to the Central government.

Election of the governor

- Present system of appointment of governor
- Because of the following reasons.
 1. The direct election of the governor is incompatible with the parliamentary system established in the states.
 2. The mode of direct election is more likely to create conflicts between the governor and the chief minister
 3. The governor being only a constitutional (nominal) head, there is no point in making elaborate arrangements for his election and spending huge amount of money.
 4. The election of a governor would be entirely on personal issues. Hence, it is not in the national interest to involve a large number of voters in such an election.
 5. An elected governor would naturally belong to a party and would not be a neutral person and an impartial head.
 6. The election of governor would create separatist tendencies and thus affect the political stability and unity of the country.
 7. The system of presidential nomination enables the Centre to maintain its control over the states.
 8. The direct election of the governor creates a serious problem of leadership at the time of a general election in the state.
 9. The chief minister would like his nominee to contest for governorship. Hence, a second rate man of the ruling party is elected as governor.
- Canadian model
- Qualifications
- Should be a citizen of India
- Completed the age of 35 years.
- He should be an outsider, not belong to the state where he is appointed,
- While appointing the governor, the president is required to consult the chief minister of the state concerned.

Conditions of Governor's Office

- Should not be a member of either House of Parliament or a House of the state legislature.

- If appointed he is deemed to have vacated his seat.
- Should not hold any other office of profit.
- Without payment of rent to the use of his official residence (the Raj Bhavan)
- Entitled to such emoluments, allowances and privileges as may be determined by Parliament.
- When the same person is appointed as the governor of two or more states, the emoluments and allowances payable to him are shared by the states.
- His emoluments and allowances cannot be diminished during his term of office.
- He enjoys personal immunity from legal liability for his official acts.
- He is immune from any criminal proceedings, even in respect of his personal acts. He cannot be arrested or imprisoned.
- After giving two months notice, civil proceedings can be instituted against him.

An oath or affirmation

- The governors wears:
 - a) to faithfully execute the office;
 - b) to preserve, protect and defend the Constitution and the law; and
 - c) to devote himself to the service and well-being of the people of the state
- By the chief justice of the concerned state high court in his absence, the senior - most judge of that court available.

Term of governor's Office

- Five years
- Resignation letter to the President
- No security of tenure
- No fixed term of office
- He may be removed by the President at any time
- The Constitution does not lay down any grounds upon
 - The National Front Government headed by V P Singh (1989) asked all the governors to resign as they were appointed by the Congress Government.
 - The same thing was repeated in 1991.
 - The Congress Government headed by P V Narasimha Rao changed fourteen governors appointed by the V P Singh and Chandra Sekhar governments.
- The President may transfer a Governor appointed to one state to another state for the rest of the term.
- A Governor whose term has expired may be reappointed in the same state or any other state.
- Hold office beyond his term of five years until his successor assumed charge.
- The death of a sitting governor. Then the chief justice of the concerned state high court may be appointed temporarily.

Powers and Functions of Governor

1. Executive powers
2. Legislative powers
3. Financial powers
4. Judicial powers

Executive powers

- Executive actions formally taken in his name
- Appoints CM and other ministers
- Tribal minister for Jharkand, M.P and Orissa.
- Appoints Advocate General, State Election Commissioner, Chairman and members of State Public Service Commission.
- Can recommend imposition of constitutional emergency in a state to President
- Acts as chancellor of universities in state.

Financial powers

- Sees state budget laid before legislature
- Money bills introduced in state legislature only with his prior recommendation.

- Make advances out of contingency fund of state.
- Appoint state finance commission

Legislative Powers

- Can summon or prorogue state legislature
- Can dissolve state legislative assembly.
- Address the state legislature during commencement of first session after each general election.
- Can appoint any member of state legislative assembly or state legislature council to preside over its proceedings.
- Nominates 1/6th of the members of legislative council.
- Can nominate one member to state legislative assembly from Anglo Indian Community.
- When bill sent to Governor, he can assent, withhold, return or reserve the bill for reconsideration of president.
- In addition, the governor can also reserve the bill if it is of the following nature:
 - i) Ultra - vires, that is, against the provisions of the Constitution.
 - ii) Opposed to the Directive Principles of State Policy.
 - iii) Against the larger interest of the country.
 - iv) Of grave national importance.
 - v) Dealing with compulsory acquisition of property under Article 31A of the Constitution.
- Can promulgate ordinances when state legislature is not in session but approved by state legislature within 6 weeks from its reassembly.
- Lays report of state finance commission, State public service Commission etc.

Judicial Powers

- Can grant pardons, reprieves, remissions of punishment against state law.
- He cannot pardon a death sentence & a sentence by military court.
- Consulted by President while appointing Judge of State High Court.
- Appoints persons to Judicial Service of the state (other than district Judges)

Constitutional Position of Governor

- The executive power of the state shall be vested in the governor and shall be exercised by him either directly or through officers subordinate to him.
- There shall be a council of ministers with the chief minister as the head to aid and advise the governor.
- Article 163.
- The council of ministers shall be collectively responsible to the legislative assembly of the state
- Article 164
- Constitutional position of the governor differs from that of the president in the following two respects:
 1. While the Constitution envisages the possibility of the governor acting at times in his discretion, no such possibility has been envisaged for the President.
 2. After the 42nd Constitutional Amendment (1976), ministerial advice has been made binding on the President, but no such provision has been made with respect to the governor.
- If any question arises whether a matter falls within the governor's discretion or not, the decision of the governor is final
- The validity of anything done by him cannot be called in question.
- The governor has constitutional discretion in the following cases:
 1. Reservation of a bill for the consideration of the President.
 2. Recommendation for the imposition of the President's Rule in the state.
 3. While exercising his functions as the administrator of an adjoining union territory (in case of additional charge).

4. Determining the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration.
5. Seeking information from the chief minister.

Situational Discretion

- Appointment of CM when no party has clear cut majority in state legislative assembly or when CM dies suddenly.
- Dismissal of council of ministers when it cannot prove confidence of state legislative assembly.

- Dissolution of state legislative assembly if council of ministers loses its majority.

Special re-sponsibilities

- According to the directions issued by the President.
- They are as follows:
 1. Maharashtra - Establishment of separate development boards for Vidarbha and Marathwada.
 2. Gujarat - Establishment of separate development boards for Saurashtra and Kutch.
 3. Nagaland - With respect to law and order in the state for so long as the internal disturbance

4. Assam - With respect to the administration of tribal areas.
5. Manipur - Regarding the administration of the hill areas in the state.
6. Sikkim - For peace and for ensuring social and economic advancement of the different sections of the population.
7. Arunachal Pradesh - With respect to law and order in the state.
8. Karnataka - Establishment of a separate development board for Hyderabad - Karnataka region.

Chief Minister**Contents**

- Appointments of the Chief Minister
- Oath, Term and Salary
- Powers and Functions of the Chief Minister

Appointment of the Chief Minister

- Constitution does not contain any specific procedure for the selection and appointment of the Chief Minister.
- By Governor (Article 164)
- The Governor has to appoint the leader of the majority party in the state legislature.
- When no party has a clear majority, the governor may exercise his personal discretion.
- The Governor usually appoints the leader of the largest party as CM and ask him to seek a vote of confidence in the house within a month.
- The Governor may have to exercise his individual judgement in the selection and appointment of the Chief Minister when the Chief Minister in office dies suddenly and there is no obvious successor.
- However, on the death of a Chief Minister, the ruling party usually elects a new leader and the governor has no choice but to appoint him as Chief Minister.
- A person who is not a member of the state legislature can be appointed as Chief Minister for 6 months, within which time, he should be elected to the state legislature.
- The CM may be a member of any of two houses (Usually Legislative Assembly)

Oath

- by Governor
- The Chief Minister swears :
 - To bear true faith and allegiance to the Constitution of India
 - To uphold the sovereignty and integrity of India
 - To faithfully and conscientiously discharge the duties of his office
 - To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill will

Term

- Not fixed
- Holds office during the pleasure of Governor.
- Cannot be dismissed until he enjoys the majority support in Legislative Assembly.

Salary

- Determined by State Legislative.
- Gets the salary payable to Member of State Legislative (MLA).

Powers & functions

- In Relation to Council of Ministers
- In Relation to the Governor
- In Relation to SL
- Other Powers and Functions

In relation to Council of Ministers

- Governor can appoint only persons recommended by Chief Minister as ministers.

- Allocates and reshuffles various portfolios among ministers.
- Can ask a minister to resign or advise president to dismiss in case of difference of opinion.
- Presides over meeting of council of minister & influences its decisions.
- Chief Minister is the Head of council of Ministers. So Resignation or death automatically dissolves the council of ministers.

In relation to Governor

- Principal channel between the Governor and Council of Ministers.
- Advises President regarding appointment of Advocate - General of India, Chairman & members of SPSC, State Election commissioners, chairman.
- 3. In relation to State Legislative
 - Advises Governor to summon & prorogue the sessions of State Legislative.
 - can recommend dissolution of Legislative Assembly to president

Announces Government Policies**Other Power and Functions**

- Chairman of the State Planning Board
- Vice - chairman of the concerned zonal council by rotation, holding office for a period of one year at a time.
- Member of the Inter - State Council and the National Development Council, both headed by the Prime Minister
- Chief spokesman of the state government.

- Crisis manager-in-chief at the political level during emergencies.
- As a leader of the state, he meets various sections of the people and received memoranda from them regarding their problems.
- Political head of the services.

Relationship with the Governor

- Article 163: Council of ministers with the Chief Minister as the head to aid and advise the governor
- Article 164: The Chief Minister shall be appointed by the governor and other ministers shall be appointed by the governor on the advice of the Chief Minister.
- Council of ministers shall be collectively responsible to the legislative assembly.
- Article 167: Duty of the Chief Minister
 - a) To communicate to the governor of the state
 - b) To furnish such information relating to the administration of the affairs of the state.

Tamil Nadu Legislative Assembly

- It consists of 234 elected members (189 - General, 45 - Depressed Class)
- First Session held on May 3, 1952
- Governor can nominate one Anglo - Indian to legislature (Art 333)
- In 1937 C. Rajaji presented a 1st Budget has a head of chennai presidency.
- In that time chennai presidency legislature was located at Madras University Sennott House, Cheppakam.

Chief Ministers of Tamil Nadu from 1947

Thiru.O. P. Ramaswamy	1947-1949
Thiru.P. S. Kumaraswamy Raja	1949 - 1952
Thiru.C. Rajagopalachari	1952 - 1954
Thiru.K. Kamaraj	1954 - 1963
Thiru.M. Bakthavatsalam	1963 - 1967
Thiru.C. N. Annadurai	1967 - 1969
Thiru.M. Karunanidhi	1969 - 1976
Thiru.M. G. Ramachandran	1977 - 1987
Tmt. Janaki Ramachandran	1988
Thiru.M. Karunanidhi	1989 - 1991
Selvi.J. Jayalalitha	1991 - 1996
Thiru.M. Karunanidhi	1996 - 2001
Selvi.J. Jayalalitha	2001
Thiru.O.Panneerselvam	2001 - 2002
Selvi.J. Jayalalitha	2002 - 2006
Thiru.M. Karunanidhi	2006 - 2011
Selvi. J. Jayalalitha	2011 - 2014
Thiru.O.Panneerselvam	2014 - 2015
Selvi.J. Jayalalitha	2015 - 2016
Thiru.O.Panneerselvam	2016 - 2017
Thiru.Edappadi K. Palaniswami	2017 -

- By British pattern
- Council of ministers headed by Chief Ministers is the real executive authority.

Contents

- Constitutional Provisions
- Nature of advice by Ministers
- Appointment of Ministers
- Oath and Salary of Ministers
- Responsibility of Ministers
- Composition of the Council of Ministers
- Council of Ministers Vs Cabinet
- Role of Cabinet and Kitchen Cabinet

Constitutional Provisions

- Article 163 : Council of Ministers to aid and advice Governor
 - Advice tendered by Ministers to the Governor shall not be inquired into in any court
- Article 164 : Other Provisions as to Ministers
- Appointment, tenure, responsibility, qualification, oath, salaries and allowances of ministers.
 - 91st Amendment Act of 2003
- Article 166 : Conduct of Business of the Government of India
 - Governor shall make rules for convenient transaction & for the allocation among ministers
- Article 167 : Duties of Chief Minister
- Article 177 : Right of Ministers as Respects the Houses
- Article 163 : Provides for a council of ministers with the CM at the head to aid and advice the Governor in the exercise of his functions.
- 42nd & 44th Constitutional Amendment Acts have made the advice binding
- Advice tendered by Ministers to the Governor cannot be enquired by any court
- In 1971, the Supreme Court held that 'even after the dissolution of the State Legislative Assembly, the council of ministers does not cease to hold office'
- Any exercise of executive power without the aid and advice of Council of Ministers will be unconstitutional as being violative of Article 163

Appointment

- Appointed by Governor on the advice of Chief Minister.
- Members of either Legislative Assembly or Legislative Council are appointed as Ministers.
- Person who is not a member of either house can also become a minister, but within 6 months, he must become a member.
- A minister who is a member of one house has right to speak & take part in proceedings of other house.
- But can vote only in the house where he is a member.

Oaths

- Administered by Governor
- The Minister swears :
 - To bear true faith and allegiance to the Constitution of India
 - To uphold the sovereignty and integrity of India
 - To faithfully and conscientiously discharge the duties of his office

- To do right to all manner of people in accordance with the Constitution and the Law, without fear or favour, affection or ill will

Salaries

- Determined by State Legislative Assembly from time to time.
- Minister gets the salary and allowances that are payable to a MLA
- Additionally, he gets a sumptuary allowance, free accommodation, travelling allowance, medical facilities, etc.

Responsibility of Ministers

- Collective Responsibility
- Individual Responsibility
- No Legal Responsibility

Collective Responsibility

- Fundamental Principle underlying the working of parliamentary system of government is the principle of collective responsibility
- Article 164 : Council of ministers is collectively responsible to the Legislative Assembly
- All the ministers own joint responsibility to the Legislative Assembly for their acts
- When Legislative Assembly passes a no-confidence motion against the council of ministers, all the ministers have to resign including those ministers from the Legislative Council.
- Council of Ministers can advise the Governor to dissolve the Legislative Assembly & call for fresh elections. If any minister disagrees with a cabinet decision, he must resign.

Individual Responsibility

- Article 164 also contains the principle of individual responsibility
- Ministers hold office during the pleasure of the Governor.
- Governor can remove a minister even at a time when the council of ministers enjoys confidence of the Legislative Assembly. Governor removes only on the advice of CM.
- In case of a difference of opinion or dissatisfaction with the performance of a minister, Chief Minister can ask him to resign or advise Governor to dismiss him.

No Legal Responsibility

- In Britain, every order of the King for any public act is counter signed by a minister
- If the order is in violation of any law, the minister would be held responsible and would be liable in the court.

- "The King can do no wrong". Hence, he cannot be sued in any court
- In India, there is no provision in the Constitution for the system of legal responsibility of a minister.
- Not required that an order of the Governor for a public act should be counter signed by a minister.

Composition

- Cabinet Ministers
- Ministers of state
- Deputy Ministers

Cabinet

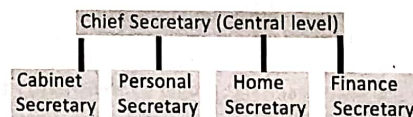
- Highest decision making authority
- Chief policy formulating body of state govt.
- Supreme executive authority of state govt.
- Advisory body to governor

Chief Secretary

- Had its origin in Central government during British rule.
- Created by Lord Wellesley in 1799.
- Executive head of state Secretariat.
- Apex of state administrative hierarchy.

Powers & functions

- Acts as principal advisor to Chief Minister
- Head of state civil service
- Chief co-ordinator of state administration.
- Principal channel of communication between his Govt. & Central govt.
- Chief Advisor to governor when presidents rule is imposed in state.



	Chief Secretary	Cabinet Secretary
1.	In state level, he performs the entire function	In Central level, Chief Secretary is assisted by him
2.	Functions are much more than cabinet Secretary.	Functions are shared
3.	Administrative head of state secretariat	Not the administrative head

Advocate General of State

- Article 165
- He is the highest law officer in the state

Appointment and term

- Appointed by Governor
- Qualified to be appointed as judge of the high court.
- Term not fixed by constitution
- Constitution does not contain the procedure to remove.
- He hold the office during the pleasure of the Governor
- He resign when the government resign
- The remuneration fixed by Governor

Duties and functions

- To give advice to the State upon such legal matters. Which referred to him by the Governor
- To perform such other duties of a legal character

that are assigned to him.

- by the Governor
- by the law/ constitution

Right and limitation

- Right of audience in all courts in the territory of the state
- He has the right to speak and take part in both houses of the state & committees of legislative assembly
- He named member without right to vote.
- Enjoys all privileges and immunities of MLA.

Limitation

- He should not advice
- He should not defend accused person in criminal prosecution without the permission of the state government.
- He should not accept appointment as director in any company

Jammu & Kashmir**Contents:**

- J & K Reorganisation act 2019
- J & K before & Now
- Art 370 (Sofar) XXI (so far)
- History of J & K

Jammu & Kashmir Reorganisation Act 2019

- Passed by both houses of Parliament
- On 5th Aug. 2019
- President Ram Nath Kovind - issued the order
- Home minister Amit Shah - Introduced a Reorganisation Bill
- Jammu - Hindu Majority
- Kashmir - Muslim Majority
- Ladakh - Buddhist Majority
- Came into effect 31 Oct. 2019
- Resolution to repeal Article 370
- Reconstitution of J&K into 2 union territories
 - 1) J&K (with Legislative Assembly)
 - 2) Ladakh (without Legislative Assembly)

Jammu & Kashmir

- Administered under Art 239
- Lieutenant Governor-Girish Chandra Murmu
- Chief minister - Vacant
- Parliamentary constituency - Rajyasabha (4 members)
- Lok sabha (5 members)
- High court - J & K High court
- Legislative assembly - 5 yrs tenure
- State list applicable to state Government except public order & Police
- Unicameral (114 seats)
 - Jammu - 10 districts
 - Srinagar - 10 districts

Ladakh

- Under Jammu & Kashmir Reorganisation act 2019
- Union territory without Legislative Assembly
- Head of Government - Lieutenant Governor
- Lieutenant Governor - Radha Krishna Mathur
- High court - J & K High court
- Ladakh - 2 districts (Kargil, Leh)
- Each district - administered by Autonomous
- Parliamentary constituency - Loksabha (1)
- MP - Jamyang Tsering Namgyal (BJP) - Ladakh constituency.

Article 370 Part XXI (So far)

- Kashmiri Leader - Sheikh Abdullah.
- Gopalaswami Ayyangar drafted Art 370.
- All the provisions of Indian constitution do not apply to it
- Has own separate state constitution.
- The state surrendered 3 subjects (Defence, External affairs & Communication)

Relationship between J&K and India

- Right to property is still guaranteed in J & K.
- Part IV (Directive Principles of state policy) & Part IV A (Fundamental Duties) are not applicable to the state
- National Emergency due to internal disturbance will not have effect in state.
- President has no power to declare financial emergency.
- President has no power to suspend the constitution to state on grounds of failure to comply with direction given to him.
- State Emergency (President's rule) is applicable.
- 1986 President's rule imposed first time
- Autonomy Resolution J&K, 26/01/2000
- Fifth schedule (scheduled areas & scheduled tribes) & sixth schedule (tribal areas) do not apply.

Features

- Constitution adopted - 17 Nov, 1956
- Came into force - 26 Jan, 1957
- Official Language - Urdu
- Legislative period - 6 years

Before	Now
• Special powers exercised by J&K	No Special Powers now
• Dual citizenship	Single citizenship
• Separate flag for Jammu & Kashmir	Tricolour will be the only flag
• Article 356 not applicable	Article 356 applicable
• Article 360 (Financial Emergency) not applicable	Article 360 will be applicable
• No reservation for minorities	Minorities will be eligible for reservation
• Indian citizens from other states cannot buy land or property in J&K	People from other states will now be able to purchase land or property in J&K
• RTI not applicable	RTI will be applicable
• Duration of Legislative Assembly for 6 years	Assembly duration in Union Territory of J&K will be for 5 years
• If a woman from J&K marries out of state, she would lose the citizenship of the state	If a woman marries out of state or country, she will still retain all her rights and Indian citizenship
• Panchayats did not have any rights	Panchayats will have the same rights as in other states
• Right to Education (RTE) was not applicable	Children in the state will benefit from RTE

- Anti defection Law first Initiated in 1979.
- J & K Autonomy Resolution Rejected
- The word 'temporary' in Article 370 to be substituted with 'special'
- Only defence, foreign affairs, communications and ancillary subjects to be with the centre.
- Article 356 not to apply to J&K.
- Election commission of India to have the role.
- J&K Assembly to have final say on Central role in case of external aggression / internal emergency.
- No room for All India Services (IAS, IPS and IFS) in J&K
- Governor and Chief Minister to be called Sadar-e-Riyasat and Wazir-e-Azam.
- Separate Character of fundamental rights for J&K.
- Parliament's and President's role over J&K to be sharply curtailed.
- No special leave to appeal by the Supreme Court.

- No special provisions for scheduled castes/tribes and backward classes.
- Centre to lose adjudication rights relating to inter-state rivers or river valleys.
- No jurisdiction of the Supreme Court in appeals from the High Court in civil and criminal matters.
- Parliament not to be empowered to amend the constitution and procedure with respect to J&K.

**History of J&K beyond India - Pakistan Partition :**

- 1846 • Treaty of Amritsar
- Maharaja Gulab singh of Dhokra Dynasty bought J&K from English East India Company
- 1930 • J&K ruled by Raja Hari Singh
- Muslims thought that they were depressed during his rule
- Sheikh Muhammad Abdullah started National Conference party.
- 1947 • India got Independence
- Separate Pakistan had formed
- J&K decided to remain separate state
- Oct 1947 • 20-11-1947 - Pashtun tribes of Pakistan attacked Kashmir
- 26.11.1947 - Agreement signed between Jawaharlal Nehru and Maharaja Harisingh (1/3rd of Kashmir presented in Pakistan)
- Jan 1948 • India gone to UN
- March 1948 • Interim government formed in J&K 1948 with Prime Minister Sheikh Abdullah
- Jan 1949 • Karachi Agreement between India - Pakistan by UN
- July 1949 • Started drafting Art 370
- 1950 • Special status to J&K under Art. 370
- 1951 • Constituent Assembly for J&K Constituted with only member of National Conference party as its members.
- 1953 • New - Prime Minister - Bakshi Ghulam Mohamad
- 1956 • J&K Constitution Act Passed. J&K became the part of India
- 1957 • First General Election of J&K tookplace and taken Charge

Panchayati Raj: Gandhi Vs Ambedkar:

- Gandhi wanted the central government to have minimal power, and he wanted the villages to rule themselves traditionally with village chiefs and councilors.
- According to Ambedkar, village possessed a cruel reality of communalism and caste system; thus it will lead to the cornering of minorities.
- Gandhi through his social and political initiatives facilitated the country to realize that the power of people which could be facilitated only through effective local self-government. "I shall work for an India in which the poorest shall feel that it is their country, in whose making they have an effective voice."

- Gandhi again and again emphasized need for power in the hands of the people in India through the Panchayat Raj model. Gandhi said, "The greater the power of the people, the better for the people."
- For Ambedkar, those villages were nothing "but a sink of localism, a den of ignorance and communalism." The dominant and influential communities would make villages their monopoly and that would render other communities voiceless.
- The result was that the Constitution that was drafted under his Chairmanship did not mention a word about Panchayati Raj.
- Many Gandhians persuaded the committee to have a provision for the village panchayats in Part IV of the Indian Constitution titled Directive Principle of State Policy vesting the responsibility in State legislatures.

- Article 40 states that the State shall take steps to organize village panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.



My idea of Gram Swaraj is that it is a complete republic, independent of its neighbours for its own vital wants and yet interdependent for many others in which dependence is necessary. - Mahatma Gandhi



Ambedkar

Local Self Government

- Lowest unit of administration
- The local governments formed in rural and urban areas are called rural local governments and urban local governments respectively.
- Article 40 : Village Panchayat (DPSP)
- System of Rural Local self government
- Established in all the states of India by the Act of the states legislature
- To build democracy at the grass root level
- Lord Rippon - Father of Local Self Government
- 1909 - INC - Lahore (M.M. Malaviya) adopted - Resolution of Panchayat Raj.

Contents:

- Evolution of Panchayat Raj
- Origin & Development of Local Government in India
- Panchayat
- PESA Act
- Municipality
- Tamil Nadu Panchayat Act

Evolution of Panchayati Raj

- The Community Development Programme (1952) and National Extension Service (1953) became a basis for 'The Great Charter on Panchayat Raj' in 1957.

- April 24 is National Panchayat Raj Day.

Balwant Rai Mehta Committee

- January - 1957
- Committee to examine the working of the community development programme (1952) and the National Extension Service (1953)
- Submitted report in Nov - 1957
- Recommended the establishment of "Scheme of democratic decentralisation".
- It known as Panjayat Raj - Recommendations
- 3 - Tier System
- Election of Members and Chairperson
- Smooth Planning, Transfer of power
- Panchayat samiti should be executive and zilla advisory

Three - tier Panchayat Raj System

- Gram Panjayat - Village Level
- Panjayat Samiti - Block Level
- Zila Parishad - District Level
- Recommendation accepted by the National Development council in January 1958

- Rajasthan - 1st State to established - Inaugurated by J.Nehru on Oct - 2.1959 - Nagaur District
- Andra Pradesh accepted the system in 1959.
- Some States Established - Nyaya Panjayats (Judicial Panchayats to try petty civil and criminal cases)
- TamilNadu - 2, Rajasthan - 3, West Bengal - 4

Ashok metha committee

- December - 1977 - Janatha Government
- Committee to review Panchayat raj institutions
- Chairmanship - Ashok Mehta
- Submitted report - August - 1978.
- Made 132 Recommendations to receive and strengthen

Origin and development of Local Governments in India.

- Existence of local governments even before the times of Christ (BCE).
- Villages were classified according to size and mode of habitation in Jain and Buddhists literature.
- Kautilya's Arthshastra (Treatise) gives a comprehensive account of the system of village administration prevailing in his time in the days of Maurya the village and the district were units of administration.
- The inscriptions of Paranthaka Chola - I(919.C.E. - 922.C.E) from Utthiramerur in Kanchipuram district of Tamilnadu state, give detailed account of local self government.
- They inform that each village had an assembly consisting of all adult males and their involvement in general matters. These assemblies are of two types, the "Ur" and the Mahasabha". The third kind was the nagaram (town) confined to mercantile towns(trading centers) and the fourth was the "nadu".
- Raja Raja Chola, the First, ordered the "mahasabha" of the Viranarayana Chaturvedi Mangalam to confiscate the property of traitors.
- Many historians such as Sir Charles Metcalfe, Sir George Bird wood and Eliphinstone opined that a strong system of local government existed in Ancient and medieval South India.
- During the Moghul period A.D. (C.E.)1500 to A.D. (C.E.)1777, the fundamental principles of central local relationships hardly changed with change of kingdoms.
- When the Mughal Empire was at its zenith of glory, it was divided into provinces (Subhas), and Provinces into sub divisions (Sarkars), and Sarkars into union of villages (Paraganas).
- The District administration under the charge of the district collector was the king pin in the British control over vast rural areas.
- The important mile stone during the company rule was the establishment of the Municipal Corporations, as mentioned earlier at Calcutta (Kolkata), Bombay (Mumbai) and Madras (Chennai):
- Viceroy Lord Rippon in 1882 brought out a resolution, proposing a smaller unit for constituting rural local boards, a sub division, tehsil (taluk) and district boards to supervise.
- Nearly 500 rural boards were created with a two third majority of non officials who depended upon the district magistrate (district collector)
- The main activities of the district boards till 1909 were police, public works, education and village sanitation.
- Government of India Act, 1919, the local governments were entrusted with the elected elements of the provincial government under the diarchy system of government.
- The number of the village bodies in Tamilnadu increased from 1417 in 1926 to 6250 in 1937.
- There are three tier system of rural local bodies viz; District Boards, Taluk Boards, and Village Boards.
- In Tamilnadu, most of the District Boards came to be dominated by Justice Party members, which stood at 545 in 1927.
- After Indian Independence in 1947, Mahatma Gandhi argued for the decentralized administrative system in India (self sufficient Gram Swaraj).
- Shrima Naryan with blessings of Gandhiji published a blue print of the Gandhian Constitution for Free India.
- Article 40 came to be incorporated in the Constitution, as part of the Directive Principles of the State policy (Part -IV)

- Three-tier system replaced by two-tier system
 1. Zila parishad - District level
 2. Mandal Panchayat - Group of villages with a total population 15000 to 20000
- Zila parishad - executive body and responsible for planning at the district level and etc.,
- Official participation of political parties in election
- Taxation, Audit Nayya - Qualified judge
- Chief electoral officer of state conduct election
- Constitutional recognition of panchayat raj
- Reservation for SC / ST
- Due to the collapse of the Janata Government - No action could be taken on the recommendation of the committee.
- Since Karnataka, West Bengal, Andra Pradesh taken many steps

G.V.K. Rao Committee

- On Administration Arrangement of Rural

- <https://t.me/tnpscfree>
- development and poverty alleviation programme.
 - Appointed by - Planning commission - 1985 (Report - 1986)
 - Recommendation to strengthen and revitalise the Panchyati Raj.
 - Zilla should be principal body
 - Some planning of state level is transfer to district level
 - Election of Panchayat should be held regularly since 11 states become overdue
 - Its different from Dantwala committee on Block level planning (1978) and Hanumantha Rao Committee - District planning (1984)

L.M. Singhvi committee

- 1986 Rajiv Gandhi Government appointed
- Committee on Revitalisation of panchayat Raj institutions for Democracy and Development
- Chairmanship LM Singhvi

- <https://t.me/tnpscfree>
- Recommendations:**
- i) Panchayati Raj institutions should be constitutionally recognised and new chapter should be added in constitution of India.
 - To ensure regular, Free and Fair elections.

Constitutionalisation

Rajiv Govt

- Introduction of 64th and 65th Constitutional Amendment Bills, in July 1989 by Rajiv Gandhi government, which could not be passed in the Council of States (Rajya Sabha).

VP Singh Govt

- All CM conference held in June 1990

Narasimha Rao Government

- Introduced the 73rd and 74th Constitutional Amendment bills in Parliament in 1992 which was passed by the Indian Parliament in 1993.
- came in to force on 24 April - 1993 (President assent - 20 April - 1993)

Panchayats

Introduction

- 73rd Amendment Act 1992.
- Gram Sabha, 3 - tier system
- Added - Part IX - The panchayats - Article - 243 to 243-O
- Came into force - 24th April 1993
- New 11th schedule - Panchayats (29 functions) - Article 243G

Part 9 and 11th Schedule

- Schedule List - Agri, land, minor irrigation, animal husbandry, dairying, fisheries, social forest, farm forest minor forest produce, library, drinking water, road, family welfare, health hospital, PDS, small scale industries community assert
- Act Provides for a three tier system
- Panchayat at village level. Intermediate and district level.
- Duration - 5yrs term at every level
- Election - before expiry of 5 years.
- before expiry of 6 months - from its dissolution.
- Qualification - 21 years completed.
- Act provides Reservation of seats of for SC's and ST's
- Reservation for women not less than one third of total number of seats.
- **State election commission** - conduct all election of Panjayats
- State election commissioner appointed by governor
- He removed by manner like removal of High court Judges.
- **Finance** : Authorise a panchayats to levy, collect and appropriate taxes, duties, tolls and fees.

- **Finance commission** : Governor appoints - every five year.
- **State Legislature** Make provisions for auditing of panchayats
- **Exempted states and Areas**: Does not apply states of Jammu and Kashmir, Nagaland, Meghalaya and Mizoram
 - a) Scheduled area and tribal areas
 - b) Hill area of Manipur
 - c) Darjeeling district of west bengal

Note : Parliament enacted Panchayats (Extension to the scheduled Areas) Act - 1996 (PESA)

- 3 tier-system of panchayats for all the states having 20 lakhs population.
- Reservation of seats for SC's, ST's and women 33%

The Three-tier Panchyati Raj

1) Gram Sabha and Gram Panchayat

- Village level
- Watch dog of Gram Panchayat is Gram Sabha atleast meets twice a year.
- Members - Gram Panchayati - Panchs
- President - Sarpanch

2) Panchayat Samiti

- Block level - "Kingpin" of panchayat Raj system
- Link between - village and District
- Chairman - "Pradhan" (or) Pramuth

3) Zila Parishad:

- District Level

Compulsory and Voluntary Provisious

Compulsory

- Gram Sabha
- 3 - tier

- Direct election, indirect election
- 21 years
- Reservation
- Tenure
- State election commission
- State finance commission

Voluntary

- Political parties on election
- Reservation for BC
- Power and authority
- 29 list
- Financial power to collect tax

Pesa Act 1996

- Part IX provisions does not applies to schedule V
- PESA Act was enacted to implement panchayat raj in scheduled Areas.
- At present there are 10 states has scheduled areas.
- They are Andhra, Telungana, Chattisgarh, Gujarat, Himachal Pradesh, Maharastra, Odisha, Rajasthan, Jharkhand and Madhya Pradesh.

Special

- Half seats for tribal,
- Chairperson tribal
- Consultation for acquisition of land, mining minerals
- Restrict of intoxicants
- President determine the tenure and service of the election commission and the regional officers
- Majority determines in case of difference of opinion
- 6 years and 65 years

Municipalities

- 74th amendment act 1992
- Part - IX-B, Article - 243- P to 243 - ZG
- Urban local Government in India signifies the government of an urban area by the people through their elected representatives.

Contents:

- Historical Perspective
- Three tiers of Municipalities

Types of Urban government

Historical Perspective

- 1687-88- first Municipal Corporation in India setup in Madras
- 1786 - Bombay - Calcutta
- Lord Rippons Resolution of 1882 - "Magnacarta of Local Self Government".
- Royal Commission - 1907 - reported - 1909 (Chairman - Hobhouse)
- 1924 - Cantonments Act.

Three types of Municipalities

1. Town Panchayats
2. Municipal Council
3. Municipal Corporation

Municipality Grade	Population
Class A	1 Lakh or more
Class-B	50,000 - less than one lakh
Class-C	Less than 50,000

- A Municipal Council or Municipality for example in Class-A, not less than 20 and not more than 50 elected members; Class-B 15-30, and Class-C, 10-15.
- The members of State Legislative Assembly representing the constituencies lying within the municipal area are "Ex-Officio" members of the Municipal Council.
- Elected by directly by the people for 5 years
- Act provides Reservation of seats for SC's and ST's
- Reservation for women not less than one third of total number of seats.
- Term - 5 yrs
- Election - before the expiry of Five years
- before 6 months from its dissolution.
- State election commission - all election to the Municipalities
 - State election commissioner appointed by Governor

- **Finances** - authorise a Municipalities levy, collect and appropriate taxes, duties, tolls and fees.
- **Finance Commission** : Constituted for the panchayats and Municipalities
- **Audit of accounts** : State legislature may make provisions for maintenance and auditing of accounts.
- Application Union Territories: President may direct the provisions
- **Exempted Areas** : Not apply for some scheduled Areas and tribal
- Not affect Darjeeling Gorkha hill Council (west Bengal)
- The act bars the interference by courts in the electoral matters of Municipalities (allotment of seats)

District Planning Committee

- Art 243 ZD
- At district Level
- To consolidate plans prepared by panchayats & Municipalities in the district

- To prepare draft development plan for district as a whole

Metropolitan Planning Committee

- Art 243 ZE
- At metropolitan area
- To prepare draft development plan

Types of Urban Government:

- Eight types of urban local Govt. In India
- 1. Municipal Corporation
- 2. Municipality
- 3. Notified area committee
- 4. Town area Committee
- 5. Cantonment board
- 6. Town ship
- 7. Port trust
- 8. Special purpose agency.

1) Municipal Corporation:

- Administration of Big Cities like - Chennai, Delhi
- Three authorities:
 - a) Council - Legislative wing
 - b) Standing Committee - Facilitate the working for council
 - c) Commissioner - Implementation of decisions by like IAS officers.
- Council headed by Mayor and deputy Mayor
- In Tamilnadu Mayor elected directly by people (2011 act)
- In 2016 - TN Govt. going to change as Indirect election.

2. Municipality

- Administration of towns and small cities
- Setup by state legislature for state
- Setup by Parliament for Union Territories
- 3 types -
 1. Council (President Chairman),
 2. Standing Committee
 3. CEO for day -to-day administration.
- Council directly elected by people

3. Notified Area Committee

- For fast developing town
- By Government Gazelte notification

4. Town Area Committee

- For Small towns
- By State legislature act

5. Cantonment Board

- For cantonment area
- Cantonment act 1924
- Amended in 2006
- Total 62 Cantonment Boards
- By central Government Control

Category	Civil Population
I	above 50000
II	10000 to 50000
III	2500 to 10000
IV	below 2500

- Term 5 years
- Military officer - Exofficio chairman
- Appointed by President
- 6. **Township**
 - For Large Public Enterprises
 - To provide civic amenities to their staff
- 7. **Port trust**
 - In port are as like Mumbai, Kolkata, Chennai.
 - By parliament act
- 8. **Special Purpose agency**
 - Housing Boards
 - Pollution control Boards

Note :

- India became first country to reserve 50% seats for women in local Government
- Bihar - 1st State to 50% reservation of women in Panchayats - 2005
- 2006 - Uttarakhand etc.,

Tamil Nadu Panchayati Raj Act, 1994

Tamil Nadu Panchayati Raj Act, 1994

- The salient features of the new Act are as follows:
 - a) A three-tier system
 - b) Gram Sabha
 - c) Establishment of Election Commission
 - d) Constitution of Finance Commission
 - e) Reservation of seats for SC/ST's proportionate to their population One third reservation of seats for women and
 - g) Constitution of District Planning Committees.

Rural Local Government

- Village Panchayat
- Panchayat Union
- District Panchayat

Village Panchayat

- Local governments which are function in villages are called Village Panchayats.
- The President and ward members are directly elected by the people.
- Their term of office is five years.

- District Collector act as the Inspector of Village Panchayat.

- Village Panchayats are constituted in each and every village wherever the population is above 500.

The Elected Representatives

1. Panchayat President
2. Ward members
3. Councillor
4. District Panchayat Ward Councillor

Functions of the Village Panchayat

- Supply of drinking water
- Maintenance of street lights
- Maintenance of roads
- Maintenance of village libraries
- Maintenance of small bridges
- Granting permission to the housing plots
- Maintenance of drainage
- Construction of group houses
- Cleaning of streets
- Maintenance of burial grounds

- Maintenance of common lavatory facilities

Revenue of the Village Panchayat

- Specific fees for property tax
- Specific fees for transfer of immovable property
- Funds from Central and State Governments, etc.

Voluntary Functions

- According to the Tamil Nadu Local Government Act passed in 1994,
- Maintenance of street lights in the villages
- Maintenance of markets and fairs
- Implantation of trees
- Maintenance of play grounds
- Maintenance of parking vehicles, slaughter houses and cattle sheds
- Control over places of exhibition
- Water supply
- Cleaning roads & laying roads
- Drainage & sewage pipes system
- Activation of central & state Govt Schemes

Revenue

- Village Panchayat was the only local government which was empowered to levy taxes in the three-

Taxes

- House tax
- Property Tax
- Professional Tax
- Taxes for connection of drinking water
- Land Tax
- Taxes levied on shops

Meeting of Gram Sabha

- In each and every village, the people living within its jurisdiction will be the members of Panchayat.
- The President of the Panchayat will preside over its meetings.
- In the meeting of the Grama Sabha, the income and expenditure and the beneficiary of the schemes in the village are discussed
- Meetings of the Grama Sabha are conducted four times a year
 - January 26 - Republic Day
 - May 1 - Labourer Day
 - August 15 - Independent Day
 - October 2 - Gandhi Jayanthi

Panchayat Union

- Panchayat Union is formed by grouping of villages.
- Members of the Panchayat Union are directly elected by the people.
- The Chairman of the Panchayat Union is chosen from among the members
- A Councillor is elected from each Panchayat, Those councillors will elect a Panchayat Union Chairperson among themselves.
- A Vice Chairperson is also elected.
- A Block Development Officer (BDO) is the administrative head, of a Panchayat Union.
- Villupuram District has the highest number of Panchayat Unions (22).
- The Nilgiris and Perambalur Districts have the lowest number (4).

Functions of the Panchayat Union

- Supply of drinking water
- Maintenance of Village Health Centres
- Maintenance of roads
- Establishment of Maternity Homes
- Establishment of Public fairs
- Establishment of Veterinary hospitals
- Maintenance of Social forests
- Repairing of Primary School buildings
- The district collector, Planning officer, concerned Block Development Officer are empowered to supervise the developmental functions of the Panchayat Union.

TN Corporation (5th Amendment) Ordinance 2019

- Tamilnadu Ordinance for indirect election of Mayors of Municipal corporations and chairperson of municipalities
- By TN Governor - Banwarilal Purohit
- Nov 20, 2019
- Sofar - Direct elections -elected by people
- Now - Indirect elections - elected by members (councillors) itself
- Mayors get selected on first day of meeting
- Term - 5 years
- He doesnot cease to be a councillor during that period

District Panchayat

- A District Panchayat is constituted in each district.
- One district Panchayat is constituted for every 50,000 people and the ward members are directly elected by the people.
- The Chairman is elected from one among its members and their term is 5 years.
- The members of the District Panchayat elect the District Panchayat Committee Chairperson.
- They provide essential services and facilities to the rural population and the planning and execution of development programmes for the district.
- The local bodies are governed by the representatives elected by the people. The constituencies are called wards. People elect their ward members.
- The Mayor of the City Municipal Corporation and the Municipal Chairperson are the elected representatives of the people. The people elect them.
- The Corporation Deputy Mayor and the Municipal Vice Chairperson are elected by the ward councillors"

Functions of District Panchayat

- Advising the government about the developmental schemes of the Village Panchayat and Panchayat Union.
- Supervising the functions of District Planning Commission.

Urban Local Government

- Town Panchayat
- Municipality
- Corporation

Town Panchayat

- "A Town Panchayat has about 10,000 population. A Town Panchayat is between a village and a city.
- Tamil Nadu was the first state to introduce a town Panchayat in the whole of India".
- Members and President of the town Panchayat are directly elected by the people.
- There is an Executive Officer to look after the administration of the Town Panchayat and their term of office is 5 years.

Municipality

- A Municipal Commissioner is appointed by the government to administer the Municipality.
- The Members and the Chairman of the Municipalities are directly elected by the people and their term of office is five years.
- Areas which have a population of more than one lakh and a high amount of revenue and is found in the level below the City Municipal Corporation is called a Municipality.
- Walajahpet Municipality (Vellore District) is the first Municipality in Tamil Nadu.
- Kanchipuram District has the most number of municipalities.

Corporation

- Municipal corporations are established in big cities where the city has many lakhs of population.
- The Municipal Commissioner is the Administrative Officer.
- The Mayor is the Chairman of the corporation.
- The term of office of the Mayor and other members is five years.

Functions of the City Municipal Corporation

- Drinking water supply

Street Lighting

- Maintenance of Clean Environment
- Primary Health Facilities
- Laying of Roads
- Building flyovers
- Space for markets
- Drainage System
- Solid waste management
- Corporation schools
- Parks
- Play grounds
- Birth and Death registration, etc.

Revenue of the City Municipal Corporation

- House Tax
- Water Tax
- Tax on shopping complexes
- Professional Tax
- Entertainment Tax
- Vehicle Charges
- Funds by Central and State Government, etc.

The List of corporations in Tamil Nadu

1. Chennai
2. Madurai
3. Coimbatore
4. Tiruchirapalli
5. Salem
6. Tirunelveli
7. Erode
8. Thoothukudi
9. Tiruppur
10. Vellore
11. Dindigul
12. Thanjavur
13. Nagarcoil
14. Hosur
15. Avadi

- The Chennai Corporation which was founded 1688. The oldest local body in India.

Important functions of the Mayor

- He acts as a bridge between the members of the corporation and the government
- He presides over the meetings of the Corporation Council
- He receives the dignitaries from foreign countries

Types of other Urban Panchayats

- Notified Area Committee
- Town Area Committee
- Cantonment Board
- Township
- Port Trust
- Special Purpose Agency

Gandhi's Concept of Gram Swaraj

- Gandhi really wanted 'Swaraj', the self rule of the people of India who represent the rural mass.

to the residents.

- Odanthurai's Self-help ventures is its experiments with renewable energy sources.
- The village panchayat installed a small wind tarn at the cost of Rs.23 Cr which generates around 7.5 lakh units of electricity in a year.
- While the Panchayat's need is only 2.5 lakh units, the remaining power is sold to TANGEDCO, fetching an annual income of around Rs. 20 lakh.
- Panchayat had installed a 9kw biomass gasifier Power generation system to substitute the grid electricity for pumping drinking water.

Panchayat Raj (1959 – 2009)

- Golden Jubilee Year – on 2nd October 1959, Pt. Jawaharlal Nehru laid the foundation of Panchayat Raj in Nagaur, Rajasthan;
- There are around 2,50,000 village panchayats in India as per 2011 Census
- The State of Tamilnadu has 12,564 village panchayats, 388 panchayat unions and 31 district panchayats.
- In Tamilnadu - 15 Municipal corporations, 125 Municipalities, 529 Town Panchayats
- The Tamilnadu Municipal Laws (Fourth Amendment) Bill, 2018 and the Tamilnadu Panchayats (Second Amendment) Bill, 2018 – for extending the tenure of the special officers of the urban and rural local bodies for a period of six more months.

He observed that people live in the village'. He dreamt of village republics in terms of Panchayat in free India.

- Mahatma Gandhi advocated Panchayat Raj, a decentralized form of government, where each village is responsible for its own affairs, as the foundation of India's political system.
- In simpler words, Gandhi's ideal village should be basically self-reliant, making provision for all necessities of life-food clothing, clean water, sanitation, housing, education, and other requirements, including government and self-defense.

Historical Origin and Development of Local Self Government in Tamil Nadu

- Uthiramerur stone inscriptions in Kancheepuram District
- "Kuda Olai Murai" was the name of the secret ballot method exercised to elect members to the Village Councils
- The first enactment in democratic decentralization in the state was the Madras Village Panchayats Act, 1950.
- Pursuant to the White Paper on the 'Reform of Local Administration' in 1957
- The Madras Panchayats Act, 1958 and Madras District Development Council Act were enacted.

Role of women in the Local Self Government

- All local bodies have a reservation of 33% for women.
- In the 2011 Local Bodies election, 38% seats were won by women.
- As per the Tamil Nadu Panchayats (Amendment)

Act, 2016, 50% reservation for women is being fixed in Panchayat Raj institutions.

- The Tamil Nadu State Election Commission is situated in Koyambedu, Chennai.

Problems and Challenges facing the Local Self Government

- Lack of clear demarcation of powers and functions of local bodies.
- Allocation of funds and needs assessment are not matched.
- Role of caste, class and religion in decision - making at the local of government.
- Poor accountability of elected members and officials at the grassroot levels of democracy.

Piped water supply scheme in Erode Municipality

- Periyar E.V.Ramasamy became the Chairman of Erode Municipality in 1917.
- During his tenure in Erode, Municipality, Periyar worked effectively for Providing piped drinking water supply and health facilities to the people.
- Piped water supply scheme was implemented in 1919 by Periyar.
- This scheme was said to be first kind in the history of Indian Municipal administration.

Odanthurai Panchayat

- With permanent concrete houses.
- The village now has been declared as hut less village.
- Continuous water supply, quality road networks

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Indian Federalism

Contents

- Federation
- Unitary features of the Constitution
- Federal features of the Constitution
- Comparing features of Federal and Unitary Governments
- Critical evaluation of the Federal System

Meaning of Federalism

- Federalism refers to a political system that possess constitutionally provided and guaranteed distribution of powers between a national government and several regional governments.
- The mere existence of regional governments does not mean that the system follows federalism. The fundamental attribute of a federal constitution is the constitutionally created and protected state or regional governments.
- If regions in a country are distinct in terms of ethnicity, language, religion etc the ideal form of government will be the federal system.

Evolution of Federalism

The thirteen British colonies in America revolted and liberated themselves from the British yoke.

- In the modern world, the United States of America became the first federal state.
- Thereafter British colonies in Australia and Canada were also granted self governments and they too adopted federal forms of government.
- The European Union today another example of federal formation on a voluntary basis.

Rise of Federalism in India

- The beginnings of federalism in modern India could be traced in the Regulating Act of 1773
- Which brought the three regions in India under East India Company's authority (Madras, Calcutta and Bombay) under the supervisory control of the governor general at Calcutta.
- The Indian National Movement recognized the plural character of colonial India
- The Government of India Act 1919, introduced partial autonomy (Dyarchy) in the Presidencies, while the Government of India Act 1935, granted provincial autonomy at the presidencies and proposed a Dyarchical form of government at the centre.
- The Nehru Committee Report in 1928 and Pandit Jawaharlal Nehru's first proposals of a constitution favoured a federal structure with more powers for the constituent states.
- However the creation of Pakistan and consequent human tragedies changed the views of the constituent Assembly resulting in weak state governments and an over centralized union government.

FORMS OF GOVERNMENT

- 'Government' refers to the executive functions of the state. It denotes a body having authority to make and enforce laws
- Political scientists classified government. into Unitary and Federal
- Based on nature of relations between national and regional government.

Unitary Government:

- All powers vested in the national govt.
- Example : Britain, France, Japan, China, Italy, Belgium, Norway, Sweden, Spain etc.

Federal Government:

- Powers divided b/w national & regional govt. by the Constitution. Both operate independently
- Example : US, Switzerland, Australia, Canada, Russia, Brazil, Argentina etc.

UNITARY FORM OF GOVERNMENT

- Unitary state, is a sovereign state governed as a single entity.
- The central government is supreme.
- England, France, Japan and Srilanka are examples of Unitary Form of governments.
- The term Government is derived from Old French, governor, derived from Latin 'gubernare' to direct, rule, guide, govern.

Unitary features of the indian constitution

- Strong Centre
- Central Government's control over state territory
- Single Constitution
- Flexibility of the Constitution
- Unequal representation of states
- Emergency Provisions
- Single Citizenship
- Integrated Judiciary
- All-India Services
- Integrated Audit Machinery
- Parliament's Authority Over State List
- Appointment of Governor
- Integrated Election Machinery
- Veto Over State Bills

Strong Centre

- Division of powers is in favour of the centre
- Union List contains more subjects than State List
- More important subjects have been included in the Union List
- Centre has overriding authority over the Concurrent List
- Residuary powers left with Centre

States Not Indestructible

- States in India have no right to territorial integrity
- Parliament can change the area, boundaries or name of any state using simple majority.
- Indian Federation is "an indestructible Union of destructible states"
- American Federation "an indestructible Union of indestructible states"

Flexibility of the Constitution

- A constitution is called a flexible one if it prescribes ordinary legislative process not only for making laws but also for amending the constitution.
- Process of the Constitutional amendment is less rigid than other federation

- Bulk of the Constitution can be amended by the unilateral action of the Parliament either simple or special majority.
- Power to initiate amendment to the Constitution lies only with the Centre
- In US, the states can also propose an amendment to the Constitution.
- The constitution of United Kingdom is a flexible constitution.
- Indian Constitution is partially flexible. Some of the provisions of the constitution can be carried out by a simple majority in the Parliament, and such amendment are not referred to approval of States legislatures

Single Constitution

- Constitution of India embodies not only the Constitution of the Centre but also those of the states.
- Both the Centre and the States must operate within this single frame
- Exception is Jammu and Kashmir has its own state Constitution.

No equality of State Representation

- States are given representation in the Rajya Sabha on the basis of population
- Membership varies from 1 to 31
- In US, American Senate has 100 members, two from each state
- Regarded as a safeguard for smaller states.

Emergency Provisions

- Constitution stipulates 3 types of emergencies
 - National
 - State
 - Financial
- The articles 352 to 360 in Part XIII of our constitution provide for three kinds of emergencies in India. The President of India under articles 352 of the constitution can proclaim National Emergency on grounds of War, External Aggression and Armed Rebellion if the security and unity of India as a whole or any of its parts is endangered.
- Under articles 356 of the constitution the President can impose emergency in any state on the grounds of the breakdown of constitutional machinery in the state.
- Under article 360 of the constitution the President can declare Financial Emergency in India if the financial stability or credit of India is endangered.
- During emergency, the Central govt. becomes all powerful
- Converts federal structure into a unitary.
- Whenever the emergencies are in operation the federal framework of the constitution will be suspended or modified and state rights will be undermined.

Single Citizenship

- There is only Indian Citizenship and no separate state Citizenship

- All citizens irrespective of the state in which they are born or reside enjoy same rights all over the country.
- Other federal states like US, Switzerland and Australia has dual citizenship.

Integrated Judiciary

- Indian Constitution has established integrated judiciary system with Supreme court at the top and state high court below.
- Single system of courts enforces both the Central laws as well as the State laws.
- In US, there is double system of courts.
- There is no federalism in judiciary in India.

All-India Services

- Centre and the States have their separate public services.
- There are All-India Services (IAS, IPS, IFS) which are common to both the Centre and States
- Members of these services are recruited and trained by the Centre

Integrated Audit Machinery

- Comptroller and Auditor-General of India audits the accounts of not only the Central Government, but also those of the states.
- Appointment and removal is done by the President without consulting the states.
- In US, Comptroller-General has no role with respect to the accounts of the states.

Parliament's Authority Over State List

- States do not have exclusive control
- Parliament is empowered to legislate on any subject of the State List
- Legislative competence of the Parliament can be extended without amending the Constitution.

Anti-Federal nature of Rajyasabha

- There are three reasons and areas where critics have criticized it as being against the state rights and federal spirit of the constitution
- There is no equality principle followed in the distribution of seats in the Council of States. The seats are distributed on the basis of population of the individual states. The most populous state of Uttar Pradesh has 31 seats whereas the smaller states like Nagaland have only one seat. But in any ideal federalism there should be equality of seat distribution in the upper house as seen in the United States where all the fifty state have two seats each in the upper House the Senate of the Congress(Parliament)
- Article 249 of the constitution enables the Rajya Sabha to transfer a subject from the State List to Union list for the purpose of legislation by parliament on grounds of national interest. It says that the Council of States can pass a resolution for the transfer of power from state to centre supported by a special majority, that is two third majority of members present and voting and a simple majority of the total membership of the House. The transfer is valid for only one year. The Rajya Sabha can again pass the resolution if the same circumstances continue. Many critics and states have criticized this article as violative of state rights.
- Article 312 of the constitution provides power to Rajya Sabha to create new All India Services by passing a resolution supported by a two third majority of the members present and voting and a simple majority of the total membership of the House. All India Services are recruited by the union government but deployed in the states. The ulti-

mate control over the officers of the All India Service rests with the union government. Many state governments resent the All India services as infringing upon the rights of the states. The Council of States is criticized to be against state rights on the basis of the aforementioned factors. The important All India Services are the Indian Administrative Service (IAS), Indian Police Service (IPS), Indian Forests Service (IFS).

Tamil Nadu has 18 Seats in the Rajyasabha

Appointment of Governor

- Governor - head of the state, appointed by the President
- Acts as an agent of the Centre
- Through him, the Centre exercises control over the states

- American Constitution - elected head of the state

Integrated Election Machinery

- Election commission conducts elections not only to the Central but also to the State legislatures
- Constituted by the President and states have no power.
- Position is same with regards to the removal of its members
- US has separate machineries for the conduct of elections at the federal and state levels.

State Election Commission

- State Election Commission is not part of the federal system in India. It conducts elections to Panchayat Bodies and Urban Local Bodies in accordance with 73rd and 74th Constitutional Amendments

Veto Over State Bills

- Governor is empowered to reserve bills passed by the state legislature for the President's consideration
- President can withhold bills not only for 1st instance but also in 2nd instance
- President enjoys absolute veto over state bills
- But in US and Australia, states are autonomous; no provision for reservation.

No Right to existence for States

- The union parliament can change the nomenclature and territorial identity of the states through an ordinary law. The articles 3 and 4 of the constitution provide the procedure for the creation of new states and abolition of the existing states. The President of India refers to the concerned state legislature the proposal to change the name or territory of the states for eliciting its opinion. But it is not mandatory for him to implement the opinion of the legislature.

Merits of unitary form of government

- Suitable for small countries.
- There is no conflict of authority and responsibility.
- A unitary government will make prompt decisions and take speedy action.
- A unitary government is less expensive.
- Amendments to the constitution are easy.
- There is unity, uniformity of law, policy and administration.

De-merits of unitary form of government

- It is not suitable for big countries.
- The central government will have to tackle so many complex problems that lead to administrative delay
- The central government will not concentrate on local problems, local interest and initiative.
- The concentration of powers may pave way for the despotism of the central government.

FEDERAL FORM OF GOVERNMENT

- 'Federation' derived from Latin word 'foedus' means 'treaty' or 'agreement'
- Federation is a new state formed through a treaty or an agreement between units
- Federation formed in 2 ways,
 - Way of integration - Example : US
 - Way of disintegration - Example : Canada
- US - 1st and oldest federation in the world; formed in 1787; 50 states
- Canadian Federation - 10 provinces (originally 4) formed in 1867.
- U.S.A, Switzerland, Australia, Canada, Russia, Brazil, Argentina have federal form of governments.

Indian Federal System

- Constitution framers adopted federal system for 2 reasons,
 - Larger size of the country
 - Socio-cultural diversity
- Term 'federation' has nowhere used in the Constitution
- Article 1 : India as a 'Union of States'
- Indian federal system is based on 'Canadian model'
- Indian federation resembles the Canadian federation
 - In its formation; Preference to the term 'Union'; Centralizing tendency.

Federal features of the Indian constitution

- Dual Government
- Written Constitution
- Division of Powers
- Supremacy of the Constitution
- Rigid Constitution
- Independent Judiciary
- Bicameralism

Dual Polity

- Union at the Centre and the States at the periphery.
- Sovereign powers assigned to them by the Constitution
- **Union Govt.:**
 - Deals with matters of national importance
 - Like defense, foreign affairs, currency, communication
- **State Govt.:**
 - Deals with matters of regional and local importance
 - Like agriculture, public health centers, police.

Written Constitution

- Not only written constitution but also lengthiest Constitution of the world
- Originally contained a Preamble, 395 Articles (22 parts) and 8 Schedules
- At Present (2019) : Preamble, 465 Articles (25 parts) and 12 Schedules.
- Specifies structure, organisation, powers and functions of two Govt.
- It avoids misunderstanding and disagreements.

Division of Powers

- Constitution divides the powers between the Centre and the States into 3 terms.
 - Union List - 100 Subjects
 - State List - 61 Subjects
 - Concurrent List - 52 Subjects

- Both Centre and state can make law on subjects of the Concurrent List

- Residuary subjects are given to the Centre.

Supremacy of the Constitution

- Constitution is the Supreme law of the land
- Laws enacted by the Centre and state must conform to its provision
- Else declared invalid by the Supreme Court / High court through Judicial review
- Organs of constitution must operate within the jurisdiction prescribed by the Constitution

Rigid Constitution

- Supremacy of the Constitution can be maintained only if amendment is rigid
- Federal structure can be amended only by Joint action
- Require special majority of the Parliament and approval of $\frac{2}{3}$ of the state legislatures.

Independent Judiciary

- Constitution establishes an Independent Judiciary headed by the Supreme Court for 2 purposes.
 - Protect the Supremacy of the constituent by judicial review.
 - Settle disputes between Centre and States
- Constitution contains measures like
 - Security of tenure to judges, Fixed service conditions and so on.

Bicameralism

- Upper House (Rajya Sabha) and Lower House (Lok Sabha)

Rajya Sabha :

- Represents the states of Indian Federation

Lok Sabha

- Represents people of India as a whole

Merits of federal form of government

- Reconciliation of local autonomy with national unity

- Division of power between centre and states leads to administrative efficiency
- It gives rise to big states
- Distribution of powers check the despotism of central government
- More suitable for bigger countries
- It is good for economic and cultural progress

De-merits of federal form of government

- Federal government is weaker when compared to the unitary government.
- Federal government is more expensive
- Provincial tendencies are very common
- Lack of uniformity in Administration
- Threat to national unity
- Distribution of powers between centre and states lead to conflicts
- Double Citizenship
- Rigid constitution cannot be mended easily for changing needs
- The state governments sometimes place hindrances in the foreign policy

Comparing features of Federal and Unitary Governments

S.No.	Federal Government	Unitary Government
1.	Dual Government	Single Government
2.	Written Constitution	May be written or unwritten
3.	Division of powers between National and regional government	No Division of powers
4.	Supremacy of the Constitution	May be Supreme (Japan) or may not be (Britain)
5.	Rigid Constitution	May be rigid (France) or flexible (Britain)

6.	Independent Judiciary	May be independent or may not
7.	Bicameral legislature (Britain) or unicameral (China)	May be bicameral (China)
8.	Two Levels of Government or Sub units	Only one Level of Government
9.	Dual Citizenship	Mostly Single Citizenship
10.	Federal Units are answerable to Central Government	Sub Units cannot operate independently
11.	Decentralisation of Power	Centralisation of Power

Critical evaluation of the Federal System

- Constitution of India has balance of powers in favour of the Centre
- Political and Constitutional experts views, K C Wheare, K Santhanam, Paul Appleby, Morris Jones, Ivor Jennings
- Bommai case (1994)
- "The Indian Federation, though a dual polity, has no dual judiciary at all. The High Courts and The Supreme Court constitute one single integrated judiciary having jurisdiction and providing remedies in all cases under the constitutional law, The Civil law or the criminal law. This is done to eliminate all diversities in a remedial procedure" -Dr. B. R. Ambedkar
- Prof. Wheare had described Indian Federalism as "a system of Government which is quasi federal... a unitary state with subsidiary Federal Features rather than a federal state with subsidiary unitary features."
- The Russian expert on constitutionalism Prof. Auzandrowicz described that "India is a cause sui generis" meaning Indian Federalism is unique one.

Centre State Relationship

Introduction

- Division of powers (legislative, executive and financial) between the Centre and the States
- No division of judicial power - integrated judicial system
- Constitution contains elaborate provisions for the Centre - State relations

Content

- Legislative relations
- Administrative relations
- Financial relations

LEGISLATIVE RELATIONS

- Article 245 to 255 in Part XI
- Legislative powers based on both territory and the subjects of legislation
- Four aspects in the Centre state legislative relations
 - Terminal extent of Central and State legislation
 - Distribution of legislative subjects
 - Parliamentary legislation in the state field
 - Centre's control over state legislation

Territorial extent of Central and State Legislation

- Parliament make laws for the whole or any part of the territory of India
- State legislature can make laws for the whole or any part of the state
- Parliament alone can make 'extra-territorial legislation'. Laws applicable to the Indian citizens and their property in any part of the world

- Not applicable in following areas,

- President can make regulations for 4 UT's that can repeal or amend any act of Parliament
- Governor empowered to direct Parliament's act does not apply to State's Scheduled areas
- President enjoys same power to Tribal areas in Meghalaya, Tripura and Mizoram

Distribution of Legislative Subjects

- Three fold distribution of legislative subjects between the Centre and the States
- Union List:
 - Only Parliament can make law on this subjects. Originally 97 Subjects, at present 100 subjects.
 - Examples: Defence, Banking, Currency, Census
- State List:
 - State legislature can make law on state List Originally 66 subjects, at present 61 subjects.
 - Examples : Police, Public health Centre, Agriculture, Prisons
- Concurrent List:
 - Both Parliament and State Legislature can make laws Originally 47, at present 52 subjects.
 - Example: Marriage & Divorce, Population control, Electricity

Distribution of Legislative Subjects

- 42nd Amendment Act, 1976
- 5 Subjects transferred from State List to Concurrent List

- Education, Forests, Weights and Measures, Protection of wild animals & birds, administration of justice
- Power to make laws with respect to residuary subjects is vested in the Parliament
- National importance and uniformity matters are included in Union List
- Regional and local importance are included in State List
- Present constitution follows same as Government of India Act of 1935.

Parliamentary Legislation in the State Field

- Under 5 extraordinary circumstances, Constitution empowers the Parliament to make law on state list.
 - Article 249: When Rajya Sabha Passes a resolution for National interest ($\frac{2}{3}$ member voting) only for a year (further extend)
 - During a national emergency (Article -250) only for 6 months.
 - When states make request - (Art-252) - two or more states request the parliament to enact law in state list (eg-Wild life Act - 1972, Water Act -1974, Transplantation of Human organs Act 1994)
 - To implement international agreements (EG UN Act 1947: Genva Convention Act - 1960, Anti Hijacking Act 1982).
 - During President Rule

Centre's control over State Legislation

- Governor can reserve certain types of bills passed by the state legislature for President's consideration
- Bills on certain matters enumerated in the State List can be introduced in the State Legislature only with the previous sanction of the President
- President can direct the states to reserve money bills and other financial bills passed by the state legislature for his consideration during a financial emergency.

Article related to Legislative Relation

- Article 245 - Extent of Laws made by parliament and by the legislatures of states.
- Article 246 - Subject - matter of laws made by parliament and state legislatures.
- Article 247 - Power of parliament to provide for the establishment of certain additional courts.
- Article 248 - Residuary powers of legislation.
- Article 249 - Power of parliament to legislate with respect to a matter in the state list in the national importance.
- Article 250 - Power of parliament to legislate with respect to any matter in the state list if a proclamation of Emergency is in operation.
- Article 251 - Inconsistency between laws made by Parliament under article 249 and 250 and laws made by the legislative of states
- Article 252 - Power of Parliament to legislate for two or more states by consent and adoption of such legislation by any other state
- Article 253 - Legislation for giving effect to international statements
- Article 254 - Inconsistency between laws made by Parliament and laws made by the legislatures of states
- Article 255 - Requirements as to recommendations and previous sanctions to be regarded as matters of procedure only.

ADMINISTRATIVE RELATIONS

- Article 156 to 263 in Part XI
- Distributions of Executive Powers
- Obligation of states and the Centre
- Centre's Directions to the States and National Delegation of Functions
- Cooperation between the Centre and states
- All-India Services and Public Service Commissions
- Integrated Judicial System
- Relations during Emergencies and other Provisions
- Extra-Constitutional Devices

Distribution of Executive Powers

- Executive powers of the Centre extends to the whole of India. Subjects enumerated in the Union List
- Executive powers of a state extends to its territory in respect of matters on which the state legislature has exclusive power of legislation Subjects enumerated in the state List
- Subjects enumerated in the Concurrent List, executive powers rests with the states. Except law specifically confers it on the Centre

Obligation of states and the Centre

- Constitution has placed 2 restrictions on the State's executive power to give ample scope to the Centre's executive power in an unrestricted manner.
- Executive power of every state is to be exercised in such a way.

- Ensure compliance with laws made by the Parliament & any existing law which apply in the State
- Not to impede or prejudice the exercise of executive power of the Centre in the state
- Article 365 & 356
- Any state failed to comply with any direction given by the Centre, it will be lawful for the President to hold that Situation (President's rule can be imposed in the State)

Centre's Directions to the State

- Construction and maintenance of means of communication by the state (declared to be of national or military importance)
- Measures to be taken for the protection of the railways within the state
- Provision of adequate facilities for instruction in the mother-tongue at primary stage of education to children belonging to linguistic minority groups in the state
- Drawing up and execution of the specified schemes for the welfare of the Scheduled Tribes in the State.

Mutual Delegation of Functions

- Constitution provides for inter-government delegation of executive in order to mitigate rigidity and avoid a situation of deadlock.
- President, with the consent of the State Government, entrust to that government any of the executive functions of the Centre.
- Governor of a State, with the consent of the Central Government, entrust to that government any of the executive functions of the state.
- Constitution makes provision for the entrustment of the executive functions of the Centre to a State without consent of that state. Delegation is by Parliament.
- Parliament conditionally impose duties on a State & same thing cannot be done by State legislature to the Centre.

Cooperation between the Centre and States

- Parliament can provide adjudication of any dispute or compliant w. r. t the use, distribution & control of waters of any inter-state river & river valley (Art 262).
- President can establish (under 263) an Inter-State Council to investigate & discuss subject of common interest between the Centre & the States (setup in 1990)
- Full faith and credit given throughout the territory of India to public acts, records & judicial proceedings (Art 261).
- Parliament can appoint an appropriate authority to carry out purposes of the constitutional provisions to the interstate freedom of trade, commerce & intercourse.

All India Services

- IAS, IPS and IFS - occupy under both the Centre and the States
- Recruited and trained by the Centre
- Ultimate control lies with Central Govt. & immediate control vest with State Govt.
- Article 312 authorises the Parliament to create new All India Services based on Rajya Sabha resolution.
- All India Services
- Help in maintaining high standard of administration in the Centre and States
- Help to ensure uniformity of the administrative throughout the country

Public Service Commissions

- Chairman and members of a state Public Service Commission appointed by Governor of the state, can be removed only by the President
- Parliament can establish a Joint state Public Service Commission (JSPSC) for 2 or more states on the request of the State legislatures, Chairman and members are the approval by the President.
- UPSC can serve the needs of a state on the request of the state governor with the approval of the President
- UPSC assists the states in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications

Integrated Judicial System

- Though India has a dual polity, there is no dual system of justice administration
- Constitution established an integrated judicial system with supreme court at the top and state high court below it
- Single system of courts enforces both the Central and State laws
- Judges of a state high court are appointed by the President in consultation with the Chief Justice of India and the Governor of the State. Transferred, & removed by the President
- Parliament can establish a common high court for two or more states Example: Maharashtra and Goa: Punjab and Haryana

Relations During Emergencies

- During National Emergencies (under Article 352), Centre entitled to give executive directions to a state. State Govt. are brought the complete control of the Centre, but not suspended.
- When President's rule imposed in a State (under Article 356), President can assume himself the function of the state Govt. & powers vested in the Governor
- During Financial Emergency (under Article 360), Centre can direct the States to observe canons of financial propriety
- President can give necessary directions including the reduction of salaries of persons serving in the State and the High court judges.

Other Provisions

- Article 355 imposes 2 duties on the Centre
- Protect every state against external aggression and internal disturbance
- Ensure that Govt. of every state carried on in accordance with provision of the Constitution.
- Governor of a state is appointed by the President Governor acts as an agent of the Centre in the state and submits periodical reports to the Centre.
- State election commissioner appointed by the Governor of state but can be removed only by the Parliament.

Extra - Constitutional Devices

- To promote cooperation and coordination between Centre and States, we have number of advisory bodies and conferences held at the Central level

Non-constitutional advisory bodies

- Planning commission (now NITI Aayog), National Development Council, National Integration council, Central Council of Health, Central Council of Local Govt. and Urban Development, Zonal Councils, North-Eastern Council, Central Council of Indian Medicine, Central Council of

Homeopathy, Central Family Welfare Council, Transport Development Council, University Grants Commission etc.

Important Conferences

- Governor's Conference (Presided over by the President)
- Chief Minister's Conference (Presided over by the Prime Minister)
- Chief Secretaries' Conference (Presided over by the cabinet secretary)
- Conference of Inspector – General of Police
- Chief Justices' conference (Presided over by the Chief Justice of India)
- Home ministers' Conference (Presided over by the Central Home Minister)
- Law Minister's Conference (Presided over by the Central Law Minister)

Article related to Administrative Relations

- Article 256 – Obligation of states and the Union
- Article 257 – Control of the Union over states in certain cases
- Article 258 – Power of the Union to confer powers etc., on states in certain cases
- Article 258A – Power of the States to entrust functions to the Union
- Article 260 – Jurisdiction of the Union in relations to territories outside India
- Article 261 – Public acts, records and judicial proceedings
- Article 262 – Adjudication of disputes relating to waters of inter-state rivers
- Article 263 – Provisions with respect to an inter-State council

FINANCIAL RELATIONS

- Article 268 to 293 in Part XII
- Allocation of Taxing Powers
- Distribution of Tax Revenues: Distribution of Non Tax Revenues
- Grants – in-Aid to the States: Finance Commission
- Protection of the state's Interest
- Borrowing by the Centre and the States
- Inter-Governmental Tax Immunities
- Effects of Emergencies

Allocation of Taxing Powers

- Parliament levy taxes on Union list subjects (15)
- State legislature has power to levy taxes on State list subjects (20)
- Both Parliament and State legislature can levy taxes on Concurrent list subjects (3)
- Residuary power of taxation is vested in the Parliament (gift tax, wealth tax etc)
- Constitution draws a distinction between the power to levy and collect a tax and power to appropriate the proceeds of the tax (Example : Income tax)

Restrictions on the taxing powers of the states

- State legislature can impose taxes on professions, traders, callings & employments (not > 2500 per minute)
- State legislature can impose taxes on the sale or purchase of goods (not newspapers). Four restrictions:
- No tax can be imposed on the sale or purchase taking place outside the states, import or export, inter state trade and commerce, tax declared by Parliament.
- State legislature can impose tax on the consumption or sale of electricity

- Impose a tax on water or electricity stored, generated, consumed, distributed or sold by any authority established by Parliament (reserved for the Presidents' constitution)

Distribution of Tax Revenues

- 80th Amendment of 2000
- Give effect to the recommendations of the 10th Finance Commission
- Out of the total income from Central taxes and duties – 29% should go to the States
- Known as 'Alternative Scheme of Devolution' effective from April 1, 1996
- Corporation Tax and Custom Duties at par with Income Tax
- 88th Amendment of 2003
- Added new Article 268 – A dealing with service tax
- Added new subject in the Union List

After two Amendments, the present position

- A) Article 268 : Taxes levied by the Centre but collected & appropriated by the states
- B) Article 268-A: Service Tax levied by the Centre but collected and appropriated by the Centre and the states
- C) Article 269: Taxes levied and collected by the Centre but assigned to the States
- D) Article 270 : Taxes levied and collected by the Centre but distributed between the Centre and the states
- E) Article 271: Surcharge on certain taxes and duties for purposes of the Centre
- F) Taxes levied and collected and retained by the states

Distribution of Non-Tax Revenues

The Centre

- Posts and telegraphs; Railways
- Banking, Broadcasting, Coinage and Currency; Central public sector enterprises;
- Escheat and lapse

The States

- Irrigation; Forces, Fisheries
- State public sector enterprise; escheat and lapse

Grants – in – Aid to the states

Statutory grants:

- Article 275 empowers Parliament to make grants to the States in need of financial assistance
- Different sums may be fixed for different states; charged on Consolidated Fund of India

Discretionary grants:

- Article 282 empowers Centre and State to make grants for any public purpose
- Have two-fold purpose, to help the State financially to fulfil plan targets and to give leverage to the Centre to influence & coordinate state action to effectuate national plan.

Other grants

- Temporary period, For export duties on jute and jute products to Assam, Bihar, Orissa, WB.

Finance Commission

- Article 280 provides for a Finance Commission as a quasi-judicial body
- Constituted by the President every 5th year or earlier
- Following matters are required to make recommendations to the President,
 1. Distribution of the net proceeds of taxes shared b/w the Centre and the States
 2. Principles which should govern the grants-in-aid to the states by the Centre.

3. Measures needed to augment the Consolidated fund of a state to supplement the resources of the Panchayats and the municipalities
4. Any other matter referred to it by the President in the interests of sound finance.

Protection of the states' Interest

- Following bills introduced in the Parliament only on Presidents' recommendation.
- Bill which imposes or varies any tax or duty in which states are interested .
- Bill which varies the meaning of the expression 'agricultural income' for the purpose of the enactments relating to Indian income tax.
- Bill which affects the principles on which moneys are or may be distributable to States
- Bill which any surcharge on any specified tax or duty for the purpose of the Centre.

Borrowing by the Centre and the States

- Following provisions made by the constitution are,
 - Central Govt. can borrow either within India or Outside upon the security of the Consolidated Fund of India or can give guarantees. Limits fixed by the Parliament.
 - State Govt. can borrow within India upon the security of the consolidated Fund of the State or can give guarantees, but within limits fixed by the legislature that state.
 - Central Govt. can make loans to any State or give guarantees. Sums are to be charged on Consolidated Fund of India
 - State cannot raise any loan without the consent of the Centre.

Inter-governmental Tax Immunities

Exemption of Central Property from State Taxation:

1. Property of Centre is exempted from all taxes imposed by a state
2. Property includes lands, buildings, chattels, shares, debts
3. Corporations or companies created by the Central Govt. are not immune from state taxation.

Exemption of state Property or Income from Central Taxation:

1. Property and income of a State is exempted from Central taxation.
2. Centre can tax the commercial operations of a state if Parliament so provides
3. Property and income of local authorities within State are not exempted from Central taxation.

Effects of Emergencies

- National Emergency (under Article 352):
 1. President can modify distribution of revenues (either reduce or cancel the finances – both tax sharing and grants – in-aid)
 2. Modification continues till the end of the financial year
- Financial Emergency (under Article 360)
- Centre can give directions to the States
 1. Observe the specified canons of financial propriety
 2. Reduce the salaries and allowances of all class of persons serving in the state
 3. Reserve all money bills and other financial bills for Presidents' considerations.

Issues and Demands in Indian Federalism

- There are many issues in Indian federalism that create disturbances in the centre state relations. We will focus on the major problems in this section

Appointment and Role of the Governor

- The very office of the Governor as an agent of the central government
- The Raja Mannar Committee Report was highly critical of the office and role of governor.
- The regional parties have deprecated the practice of appointing politically active and partisan persons as governors.
- They have frequently demanded that the governor should be appointed in consultation with the state government.
- Whenever there is a split in a ruling state party or hung assembly, the role of the Governor becomes very crucial and in many instances the regional and opposition parties have agitated against the decisions of the incumbents in gubernatorial office.

Education

- There is a popular demand that the subject of education must be restored to the List II or State List in which originally it was located.
- The Parliament in 1976 enacted the Forty Second Constitutional Amendment Act that transferred the subject of education to the List III or Concurrent List.
- When a contradiction arises between the states and the central government in the Concurrent List the authority of the central government or Parliament will prevail.

State Autonomy Issues	Transfer of Education
	Appointment of Governors
	Article 356
	Reservation of Bills
	All India Services

Reservation of State Bills for Presidential Consideration

- But many state governments have criticized the Governors for reserving the duly passed state bills for the consideration of the President as there were alleged to have been motivated by political considerations to suppress the state governments and to further the interests of the ruling party or coalition at the centre.

Improper use of Article 356

- The article emphasizes on the supremacy of the constitution and national unity and integrity.
- The state governments ruled by the opposition parties have complained against the frequent and improper use of this article by the ruling party or coalition at the centre.
- All India Services are created under article 312 of the constitution.
- The officers to these services are recruited by the union government and posted in the states.
- The state governments have powers of posting, transfer while the central government alone has powers to dismiss them.

- As the ultimate control over the All India Services are with the central government the state governments have sought changes in the system
- The Rajamannar Commission of Tamil Nadu government suggested a complete revamping in the structure and position of All India Services

Various Committees have so far made recommendations on Centre State Relations

Commissions on Centre-State Relations	1. Administration Reforms Commission
	2. Rajamannar Commission
	3. Sarkaria Commission
	4. Punchhi Commission
	5. Venkatachaliah Commission

ADMINISTRATIVE REFORMS COMMISSION

- The Central government appointed a six-member Administrative Reforms Commission (ARC) in 1966 under the chairmanship of Moraji Desai (followed by K Hanumanthayya).
- submitted report in 1969.
- 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.

Rajamannar committee

- 1969, the Tamil Nadu Government (DMK) appointed a three-member committee under the chairmanship of Dr P V Rajamannar
- An Inter-State Council should be set up immediately;
- Planning Commission should be disbanded.
- All-India services (IAS, IPS and IFS) should be abolished.

Recommendations

- The article 263 of the constitution should be implemented and Inter-State Commission should be formed to promote cooperation among central and state governments.
- Recommended the elimination of articles 256, 257, 339(2) from our constitution.
- As article 356 in Part XVIII of the constitution should be diligently used by the union government
- The committee wanted to introduce far reaching changes in All India Services.

Anandpur Sahib Resolution

- 1973, the Akali Dal adopted a resolution containing both political and religious demands in a meeting held at Anandpur Sahib in Punjab.

West Bengal Memorandum

- In 1977, the West Bengal Government (led by the communists) published a memorandum on Centre-State relations.
- The word union in the constitution should be replaced by the word federal

- Articles 356 and 357 (Presidents Rule) and 360 (financial emergency) should be repealed.
- Of the total revenue raised by the Centre from all sources, 75 per cent should be allocated to the states.
- Rajya Sabha should have equal powers with that of the Lok Sabha;

Sarkaria Commission

- In 1983, three member Commission.
- Chairman - R S Sarkaria.
- Other Members - B.Sivaraman & Dr. R.S. Sen
- Final report in October 1987.
- The Commission made 247 recommendations to improve Centre-state relations.
- The Central government has implemented 180 (out of 247) recommendations of the Sarkaria Commission. The most important is the establishment of the Inter-State Council in 1990.

Recommendations

- It recommended that the Interstate Council must have the functions laid down in article 263 (b) and (c)
- It suggested that the article 356 must be imposed only sparingly
- The office of governor must be abolished
- It recommended the strict adherence to the tri language formula to strengthen the unity and integrity of the country

Punchhi Commission

- The Second 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.
- Submit its Reports on 2010
- In all, the Commission made over 310 recommendations, touching upon several significant areas in the working of Centre-state relations.

Recommendations

- It recommended that the governors of the states must have fixed tenure and they should be removed only through impeachment process akin to the President of India.
- It wanted to introduce changes in articles 355 and 356
- The commission also suggested that the union government must have power and authority for the suo motu deployment of central forces without the consent of the concerned states in areas affected by communal violence.

Venkatachaliah Commission

- To review the working of the Constitution (NCRWC)
- By a resolution of the NDA Government of India led by Atal Bihari Vajpayee on 22 February 2000
- Dr. Ambedkar called this article as a dead letter to the Constitution as it neglects the federal characters of the Indian Political System and the popular sovereignty of an elected government.

Inter-State Relations

Introduction

- Successful functioning of the Indian federal system depends not only on relations and cooperation between the Centre and the State but also between the States

Contents:

- Inter - State Water Disputes
- Inter - State Councils

- Public Act, records and Judicial Proceedings
- Inter -State Trade and Commerce
- Zonal Councils

Public Acts, Records and Judicial Proceedings

- Full faith and credit is to be given throughout the territory of India.
- The manner provided by the laws of Parliament.

- Final judgements and orders of civil courts in any part of India are capable of execution anywhere within India.
- Applies only to civil judgements and not to criminal judgements.

Inter-State Trade and Commerce

- Article 301 to 307
- Part XIII

- Article 301- Trade, Commerce and Intercourse throughout the territory of India shall be free.
- Freedom guaranteed by Article 301 is a freedom from all restrictions, except those which are provided for in the order provisions (Article 302 to 305) of part XII
- Exception from Article 301
- Parliament can impose restrictions on the freedom of trade, commerce and intercourse between the states or within a state.
- The legislature of a state can impose reasonable restrictions on the freedom of trade, commerce and intercourse with that state or within that state.
- The legislature of a state can impose on goods imported from other states or the union territories any tax to which similar goods manufactured in that state are subject.
- The freedom (under Article 301) is subject to the nationalisation laws.

Inter-State Water Disputes

- Article 262
- For the adjudication of inter-state water disputes.
- Two provisions
 - Parliament may by law - With respect to the use, distribution and control of water of any inter-state river and river valley.
 - Neither the Supreme Court nor any other court to deal with it.
- The Parliament has enacted two laws.
 - The River Boards Act (1956)
 - The Inter-State Water Disputes Act (1956).

Inter - State River Water Dispute

- The Cauvery dispute involving Tamil Nadu, Karnataka, Kerala and Puducherry Union Territory,
- Vamsadara River dispute involving Andhra Pradesh and Odisha,
- Sutlej dispute involving Punjab, Haryana,
- Mahadayl river dispute involving Goa, Maharashtra and Karnataka are the major ones.

Cauvery management Board

- The Cauvery Water Management Authority and the Cauvery Water Regulation Committee were established in 2018 to implement the Award of the Tribunal as modified by the Supreme Court. At present Tamil Nadu is entitled to get 177.25 tmcft of water from Karnataka as measured in Biligundlu border. The total share for Cauvery water allotted to Tamilnadu is 404.25 tmcft. Karnataka is entitled to get 284.25 tmcft. Kerala's share is 30 tmcft and the fourth disputant Puducherry will get 7 tmcft.

The River Boards Act

- Establishment of river boards
- For the regulation and development of inter-state river and river valleys.

- By the Central government on the request of the state.

The Inter-State Water Disputes Act (1956)

- To set up a tribunal for the adjudication of a dispute between two or more states in relation to the waters of an inter-state river or river valley.
- Decision be final and binding on the parties.
- So far (2016) eight inter-state water dispute tribunals.

NITI Aayog

- Created on 2015
- National Institution for Transforming India
- Replaced planning Commission
- PM is a Ex-Officio Chairman
- Permanent members of the governing council are all the Chief Ministers of all the states, Chief Ministers of the Union Territories of Delhi and Puducherry and the Lieutenant Governor of Andaman and Nicobar Islands.
- Objective : "foster cooperative federalism through structured support initiatives and mechanisms with the states on a continuous basis".
- It recognizes that strong states will make strong nation.

Inter-State Councils

- Article 263
- To effect coordination between the states and between Centre and states.

Duties of an Inter-state council.

- Enquiring into and advising upon disputes.
- Investigating and discussing subjects.
- Making recommendations upon any such subject.

Councils established by President

- Central Council of Health
- Central Council of Local Govt. and Urban Development
- Four Regional Councils for Sales Tax for the Northern, Eastern, Western and Southern Zones
- Following were set up under the Acts of Parliament,
 - Central Council of Indian Medicine
 - Central Council of Homoeopathy

Establishment of Inter-State Council

- Sarkaria Commission 1983-87
- Establishment of a permanent Inter - State Council under Article 263
- To differentiate the Inter - State Council from other bodies established under Article 263, it must be called as Inter - Governmental Council
- Janata Dal Government headed by V. P. Singh established the Inter-State Council in 1990.

Composition :

- Prime minister as the Chairman

- Chief ministers of all the states
- Chief ministers of union territories having legislative assemblies.
- Administrators of union territories not having legislative assemblies.
- Governors of States under President's rule.
- Six Central cabinet ministers, including the home minister, to be nominated by the Prime Minister,

Inter State council

- The council is a recommendatory body on issues relating to inter-state, Centre-state and Centre-union territories relations.
- It aims at promoting coordination between them by examining, discussing and deliberating on such issues.
- Meet at least thrice in a year.
- Meetings are held in camera
- All questions are decided by consensus.

Duties

- Investigating and discussing such subjects in which the states or the centre have a common interest;
- Making recommendations upon any such subject for the better coordination of policy and action on it; and
- Deliberating upon such other matters of general interest to the states as may be referred to it by the chairman.

Standing Committee of the Council

- Set up in 1996.

Composition :

- Union Home Minister as the Chairman
- Five Union Cabinet Ministers
- Nine Chief Ministers

Inter-State Council Secretariat

- Council is assisted by a secretariat
- Set-up in 1991
- Headed by a secretary to the Govt. of India.
- Since 2011, it is also functioning as the secretariat of the Zonal Councils.

Zonal Councils

- Statutory body
- Under not the constitutional bodies
- States Reorganisation Act of 1956.

Composition

- Home minister of Central government.
- Chief ministers of all the States in the zone.
- Two other ministers from each state in the zone.
- Administrator of each union territory in the zone.
- Advisors (without the right to vote in the meetings):

(i) A person nominated by the Planning Commission;

(ii) Chief secretary of the government of each state in the zone; and

(iii) Development commissioner of each state in the zone.

- Each chief minister acts as a Vice-chairman of the council by rotation.

- Tenure - 1 year

Alm

- At promoting cooperation and coordination between states, union territories and the Centre.

Objectives

- To achieve an emotional integration of the country.
- To help in arresting the growth of acute state consciousness, regionalism, linguism and particularistic trends.

Sl. No.	Name	Set-up	States Involved
1.	Krishna Water Disputes Tribunal	1969	Maharashtra, Karnataka and Andhra Pradesh
2.	Godavari Water Disputes Tribunal	1969	Maharashtra, Karnataka, Andhra Pradesh, Madhya Pradesh and Odisha
3.	Narmada Water Disputes Tribunal	1969	Rajasthan, Gujarat, Madhya Pradesh and Maharashtra
4.	Ravi and Beas Water Disputes Tribunal	1986	Punjab, Haryana and Rajasthan
5.	Cauvery Water Disputes Tribunal	1990	Karnataka, Kerala, Tamil Nadu and Puducherry
6.	Second Krishna Water Disputes Tribunal	2004	Maharashtra, Karnataka and Andhra Pradesh
7.	Vansadhara Water Disputes Tribunal	2010	Odisha and Andhra Pradesh
8.	Mahadayl Water Disputes Tribunal	2010	Goa, Karnataka and Maharashtra

- To help in removing the after-effects of separation in some cases so that the process of reorganisation, integration and economic advancement may synchronise.
- To enable the Centre and states to cooperate with each other in social and economic matters and exchange ideas and experience in order to evolve uniform policies.
- To cooperate with each other in the successful and speedy execution of major development projects.
- To secure some kind of political equilibrium between different regions of the country.
- Five Zones (Northern, Central, Eastern, Western and Southern)
- Factors taken while forming zones,
 - Natural division of the Country
 - River systems and means of communication
 - Cultural and linguistic affinity
 - Requirement of economic development, security and law & order

North-Eastern Council

- The North Eastern Council Act of 1971.
- Assam, Manipur, Mizoram, Arunachal Pradesh, Nagaland, Meghalaya, Tripura and Sikkim.
- Functions similar to other zonal councils with few

additions

- Has to formulate a unified and coordinated regional plan
- Has to review maintenance of security and public order in the region from time to time

Name	Members	Headquarters
Northern Zonal Council	Jammu and Kashmir, Himachal Pradesh, Haryana, Punjab, Rajasthan, Delhi and Chandigarh	New Delhi
Central Zonal Council	Uttar Pradesh, Uttarakhand, Chhattisgarh & Madhya Pradesh	Allahabad
Eastern Zonal Council	Bihar, Jharkhand, West Bengal and Odisha	Kolkata
Western Zonal Council	Gujarat, Maharashtra, Goa, Dadra & Nagar Haveli and Daman & Diu	Mumbai
Southern Zonal Council	Tamil nadu, Pudhucherry, Andhra Pradesh, Telangana, Karnataka and Kerala	Chennai

Emergency Provisions

Introduction

- Part XVIII - Article 352 to 360
- Enable the Central Govt. to meet any abnormal situation effectively
- To safeguard the sovereignty, unity, integrity and security of the country
- During emergency, the Central Govt. becomes all powerful and the States go into the total control of the Centre
- Converts the federal structure to unitary one without a formal amendment
- This kind of transformation is a unique feature of the Indian Constitution

Content

- National Emergency
- President's Rule
- Financial Emergency

National Emergency (Article 352)

- ("Proclamation of Emergency")
- Due to war, external aggression or armed rebellion

Constitutional Emergency (Article 356)

- President's Rule or State Emergency
- Due to failure of constitutional machinery in the states.

Financial Emergency (Article 360)

- Due to threat in financial stability

NATIONAL EMERGENCY

- Grounds of Declaration
- Parliamentary Approval and Duration
- Revocation of Proclamation
- Effects of National Emergency
- Distinction between Article 358 and 359
- Declarations made so far

National Emergency

Internal Emergency (due to armed rebellion)	External Emergency (due to war or external aggression)
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Grounds of Declaration

- Article 352: President can declare a national emergency when war, external aggression or armed rebellion

- External Emergency: On the ground of war or external aggression
- Internal Emergency: On the ground of armed rebellion
- 44th Amendment Act of 1978:
 - President can proclaim a national emergency after receiving a written recommendation from the cabinet to eliminate PM alone taking a decision.
 - Deleted provision which says National emergency immune from Judicial review

Parliamentary Approval and Duration

- Must be approved by both the houses of Parliament within 1 month from the date of its issue
- Originally 2 months but reduced by 44th Amendment Act of 1978
- When Lok Sabha dissolved / dissolution takes place during that 1 month then the proclamation survives until 30 days from 1st sitting of Lok Sabha reconstituted. Meanwhile Rajya Sabha has approved it.
- Emergency can be extended to an indefinite period with Parliament's approval for every 6 months
- Resolution passed by a Special majority

Revocation of Proclamation

- Revoked by the President at any time and the Lok Sabha had no control
- President must revoke if Lok Sabha pass resolution disapproving its continuation
- One - tenth of total members of Lok Sabha give a written notice to the Speaker, special sitting of house held within 14 days for the purpose of considering a resolution disapproving the continuation of the proclamation.
- Resolution disapproval & continuation of a proclamation takes place in 2 respects:
 - 1st one required to be passed by Lok Sabha only, 2nd one needs to be passed by both houses
 - 1st one is to be adopted by a simple majority, 2nd one needs to be adopted by a special majority

Effects

1. Effects on the centre - State relation
 - Executive
 - Legislative
 - Financial
2. Effect on life of Lok Sabha & State Assembly
 - Life of Lok Sabha may be extended for one year at (by law of parliament a time)
 - Fifth Lok Sabha - extended 2 times by one year (1971-1977)
 - State legislature Assembly - extended by one year.

Effect on Fundamental Rights

Art 358 : Deals with suspension of fundamental rights guaranteed by Article -19.

Art 359 : Deals with suspension of other fundamental rights. (except Article 20 & 21)

Suspension of Fundamental Rights under

Art 19 : Automatically suspended during national emergency.

Scope of Article 358

- Six fundamental rights gets suspended when national emergency is declared on war or external aggression & not of armed rebellion (External Emergency only)
- Only laws relating emergency are protected & not other laws.

Declarations made so far

- 3 times - 1962, 1971 and 1975
 - First Proclamation:
 - October 1962, on account of Chinese aggression in the NEFA (North - East Frontier Agency)
 - Was in force till January 1968
 - Second Proclamation:
 - December 1971, in the wake of attack by Pakistan
 - Third Proclamation:
 - June 1975, misuse of emergency powers by Indira Gandhi
1. 1962 - Chinese aggression (National Emergency)
 2. 1971 - Attack of Pakistan (National Emergency)

PRESIDENT'S RULE**Content**

- Grounds of Imposition
- Parliamentary Approval and Duration
- Consequences of President's Rule
- Use of Article 356

Grounds of Imposition

- Article 355: Imposes a duty on the Centre to ensure that Govt. of every State is carried on in accordance with the provisions of the Constitution
- Duty of centre to take over the government of state under Article 356 in case of failure of constitutional machinery in state.
- Also called state emergency or constitutional emergency.

Art 356 : Empowers president to issue a proclamation if the govt. of a state cannot be carried according to provisions of the constitution.

Art 365 : When a state fails to comply with or to give effect to any direction from centre president holds the state.

Parliamentary Approval

- Must be approved by both house of parliament within 2 months from the date of its issue

Duration

- Continues for 6 months
- can be extended for a maximum period of 3 years with approval every 6 months.
- Simple majority
- President's rule can be extended by 6 months when 2 conditions fulfilled,
 - Proclamation of National Emergency should be in operation in whole India or in the whole or any part of the State
 - Election Commission must certify that the general election to state's legislative assembly cannot be held on account of difficulties

Consequences of President's Rule

- President take up the functions of State Govt. & powers vested in the governor
- President can declare that the powers of the State legislature are to be exercised by the Parliament
- President can take all other necessary steps including the suspension of the Constitutional provisions relating to any body or authority in the State
- President dismisses the State council of ministers headed by the Chief Minister. State Governor on behalf of the President, carries on State Administration
- President either suspends or dissolves the State Legislative assembly. Parliament passes the State legislative bills and the State budget

President's rule

- First time imposed in Punjab in 1951
- Tamilnadu 4 times imposed (1976, 1980, 1988, 1991)
- More times imposed - Manipur

Scope of Judicial Review

- 38th Amendment Act of 1975 - President in invoking Article 356 - Not be challenged in any court
- 44th Amendment Act of 1978 - Apply judicial review

- Provisions for imposition of President's Rule in a state under Article 356:

1. The presidential proclamation imposing President's Rule is subject to judicial review.
2. The satisfaction of the President must be based on relevant material.
3. To prove that relevant material exist to justify vested with centre
4. Court cannot go into the correctness of the material or its adequacy.
5. If the court holds the presidential proclamation to be unconstitutional and invalid, it has power to restore the dismissed state government and revive the state legislative assembly if it was suspended or dissolved.
6. The state legislative assembly should be dissolved only after the Parliament has approved the presidential proclamation. Until such approval can only suspend the assembly.
7. A state government pursuing anti-secular politics is liable to action under Article 356.
8. Losing the confidence of the legislative assembly should be decided on the floor of the House.
9. Where a new political party assumes power at the Centre, it will not have the authority to dismiss ministries formed by other parties in the states.
10. Article 356 used only occasionally to meet the requirements of special situations.

Cases of Proper and Improper Use

Imposition of President's Rule in a state would be proper in the following situations:

- No party secures a majority, 'Hung Assembly'
- Where the party having a majority in the assembly declines to form a ministry and the governor cannot find a coalition ministry commanding a majority in the assembly.
- Where a constitutional direction of the Central government is disregarded by the state government.
- Internal subversion government is deliberately acting against the Constitution and the law.

S.No National Emergency (Article 352)

1. Proclaimed when Security of India threatened by War, External aggression or armed rebellion
2. State executive & legislative continue to function
3. Parliament can make law on State List only by itself. Cannot delegate powers
4. No maximum period.
5. All the States with Centre undergoes modification
6. Special majority. Lok Sabha can pass a resolution for its revocation
7. Affects Fundamental rights

- Physical breakdown government willfully refuses to discharge its constitutional obligations.

The imposition of President's Rule in a state would be improper under the following situations: •

1. Where a ministry resigns or is dismissed on losing majority support in the assembly and the governor recommends imposition of President's Rule without probing the possibility of forming an alternative ministry.
2. Where the governor recommends imposition of President's Rule without allowing the ministry to prove its majority on the floor of the Assembly.
3. Where the ruling party defeat in the general election to the Lok Sabha such as in 1977 and 1980.
4. Internal disturbances not amounting to internal subversion or physical breakdown.
5. Maladministration in the state or allegations of corruption against the ministry
6. Where the state government is not given prior warning to rectify itself.
7. Where the power is used to sort out intra-party problems of the ruling party.

FINANCIAL EMERGENCY - ART 360**Contents:**

- Grounds of Declaration
- Parliamentary Approval and Duration
- Effects of Financial Emergency

Grounds of Declaration

- Article 360: Empowers the President to proclaim a Financial Emergency if India's financial stability is threatened
- 38th Amendment Act of 1975:
- President declaring Financial Emergency is final and not questionable in any court on any ground
- Deleted by 44th Amendment Act of 1978

Parliamentary Approval & Duration (simple majority)

- Approval by both houses of parliament within 2 months from the date of its issue.
- Contains for indefinite period (not yet implemented)

S.No	National Emergency (Article 352)	President's Rule (Article 356)
1.	Proclaimed when Security of India threatened by War, External aggression or armed rebellion	Proclaimed when State Govt. cannot be carried on in accordance with provision of Constitution
2.	State executive & legislative continue to function	Either suspended or dissolved
3.	Parliament can make law on State List only by itself. Cannot delegate powers	Parliament can delegate power to make laws
4.	No maximum period.	Maximum period is 3 years
5.	All the States with Centre undergoes modification	Only State under emergency undergoes modification
6.	Special majority. Lok Sabha can pass a resolution for its revocation	Simple majority. Only President can revoke.
7.	Affects Fundamental rights	No effect on Fundamental rights

Article 358

1. Confined to FR under Article 19 only
2. Automatically suspend FR under Article 19 as soon as emergency is declared. specified FR.
3. Operates only in case of external emergency
4. FR suspended for the entire duration of emergency
5. Extends to entire country.
6. Suspends Article 19 completely

Article 359

- Confined to all FR
- Does not suspends automatically & empowers only president to suspend the enforcement of
- Operate in both external & internal emergency
- Suspends for a period specified by the president
- May extend to entire country or part of it.
- Does not suspends completely (except Article 20 & 21)

- Repeated parliament approval is not required for its continuation

Effects

- Centre occupies full control over the states in financial matters.
- a) the reduction of salaries and allowances of all or any class of persons serving in the state; and
- b) the reservation of all money bills or other

financial bills for the consideration of the President after they are passed by the legislature of the state

- c) The President may issue directions for the reduction of salaries and allowances of persons serving union and judges of the Supreme Court and the high court.

Criticism of Emergency provisions

- Federal character of constitution will be destroyed & union becomes powerful.
- Powers of state & UT entirely be concentrated in the hands of the Union Executive
- President becomes dictator
- Financial Autonomy of state will be nullified
- Fundamental rights become meaningless.

Judicial System

Introduction

- "The excellence of the judiciary is a measure of the excellence of the government."
- Judiciary plays an important role as an organ of the government. It administers justice, settles disputes, interprets laws, protects fundamental rights.
- Acts as guardian of the Constitution.
- **Law:** It is a system of rules imposed through a government or institution to govern people.
- **Judiciary:** In law, the Judiciary or Judicial system is the system of courts which administers Justice in the name of the State.
- The Calcutta High Court is the oldest High court in the country, established in 1862, where as
- The Allahabad High Court is the largest Court.
- Supreme Court Rules, 1966 are framed under Article 145 of the Constitution to regulate the practice and procedure of the Supreme Court.
- The first political philosopher, who propounded the idea of an independent judiciary, was Montesquieu, the famous French philosopher.
- He believed in the theory of separation of powers of the three branches of the Government - Legislature, Executive and Judiciary.
- The Jurisdiction of the Supreme Court is greater than the former Federal Court of India
- The Supreme Court has replaced the British Privy Council as the highest court of appeal.

Contents:

- Evolution of Indian Judiciary
- Structure of Indian Judiciary
- Types of Indian Judiciary
- Litigation Process

EVOLUTION OF INDIAN JUDICIARY

In ancient India

- King - Highest Judicial authority
- Many disputes by caste bodies or local administrative bodies.
- Treason cases - tried by King's court
- Smritis - Manusmritis, Narada Smritis & Yagnavalkya Smritis
- Smritis upheld Varna - Jati social order.
- No "equality before law" concept
- Brahmins enjoys Less punishments
- Varna Sangraha - Changing of caste based occupation
- Ashoka removed cruel punishments

In Medieval India

- Sultan - Sultana - Supreme authority of Justice
- Diwan - e - Qaza : Arbitrator.
- Diwan - e - Mazalim : Head of bureaucracy
- Diwan - e - Riyasat : Commander - in - chief
- Inchange of prosecutions - Mufti, Pandit, Mohtasib
- Administrative Officer - Dadbak

Totally 6 courts

1. Kings courts - presided by Sultan

2. Diwan - Al - Mazalim - highest court of criminal appeal
3. Diwan - e - Rissalat = highest court of civil appeal
4. Diwan of Riyasat
5. Sadre Jahan's court
6. Chief Justice's court
 - Qazi - ul - Quzat - highest Judicial officer of state
 - Sadre Jahan: Defacto head of Judiciary
 - Sadre Jahan's court & Chief Justice's court was amalgamated by Alauddin Khilji.
 - Deyan - e - siyasat : Court deals with high treason

In Modern India

Madras Presidency

Charter of 1661 -

1. Appointment of Governor & council

1665

1. 1st trial by jury in Madras
2. Case by Mrs Ascentia Dawas
3. During governorship of Fox craft.

1678 - Madras Governor - Streynsham Master

1. Court of Governor & council came to known as High court of Judicature
2. English as court language

Charter of 1863

1. established courts of Admiralty
2. to trial case on high seas (trade).

Charter of 1687

1. Creation of Madras Corporation
2. Mayor's court

Bombay Presidency

- Charter of 1668 - company got judicial authority over Bombay
- 1672 proclamation - New central court established
- Justices of peace - to administer criminal law
- Dissolution of courts - 1690 by Sidi Yakub (Mughals)
- 1718 - The court was revived.

Calcutta Presidency

- Judicial powers - governor & council
- Mughal system of Judicial Administration
- Faujdari Court - presided by English Collector

After 1700

- Charter of 1726 - Mayor's court in each 3 presidencies
- Charter of 1753 - 5 courts (court of Requests, Mayor's court, Courts of President and the council, King - in - council)
- 1772 - Warren Hastings entry
- 1780 - reorganised Provincial Adalats
- Codified Hindu Law & Islamic law
- 1773 - Supreme court in Calcutta
- 1801 - Supreme court in Madras
- 1824 - Supreme court in Bombay
- 1793 - Lord Cornwallis - Cornwallis code
- Reorganised civil courts
- abolished court fees

- reformed criminal courts
- 1807 - Lord Minto - increased the powers of courts
- 1813 - Lord Hastings - reforms to curb red - tapism
- Lord Bentick - consolidated whole system of judicial administration in India
- He abolished provincial court of appeal
- Indian Highcourts Act 1861 - Bombay, Madras, Calcutta.
- Later 7 High Courts established
- Punjab, Assam, Orissa, Rajsthan, Travancore, Mysore & Jammu and Kashmir
- Federal court established in 1937 - Chief Justice + Six Judges
- 1950 - Federal court succeeded by Supreme court of India.
- Person to realise the necessity of All India Court of final Appeal in place of Privy Council is Sir Hari Singh Gour - 1921
- Abolition of Privy Council Jurisdiction Act 1949.
- Art 124 - 26 Jan 1950 - Supreme Court of India
- States with highest number of decade old court cases
 - 1. Uttar Pradesh
 - 2. Bihar
 - 3. Maharashtra
- States at bottom with no pending cases
 - 1. Sikkim
 - 2. Andaman & Nicobar

Notes:

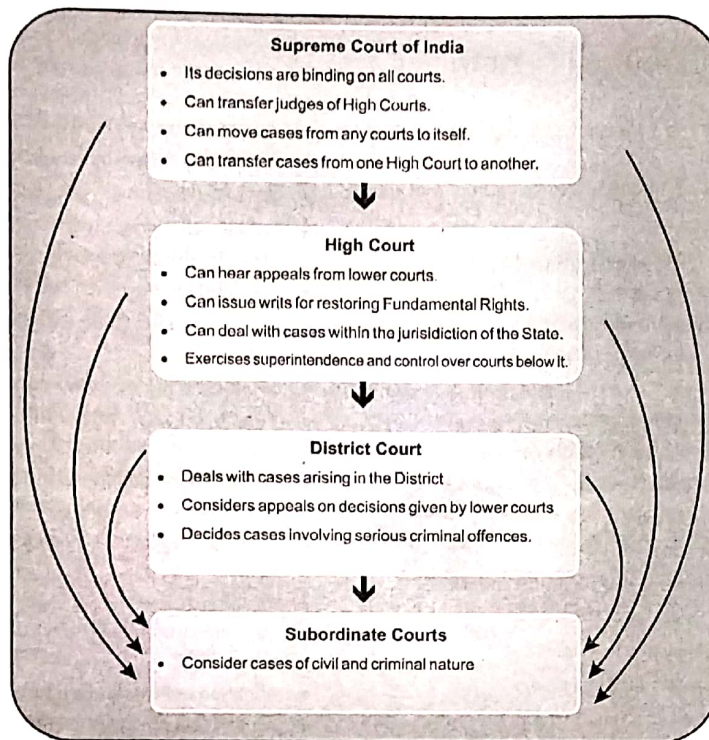
- First Judge from depressed class - in 2000 - Justice K.G. Balakrishnan
- In 2007, Justice K.G. Balakrishnan became the first Dalit Chief Justice of Supreme Court.
- Supreme Court old building - Chamber of Princes in the Parliament.
- Present bilding in 1958.
- First Chief Justice of Supreme Court - Harilal J. Kania
- The term Judicial Activism - Arthur Schlesinger Jr. - 1947 - America - article titled "The Supreme Court : 1947"
- Ivor Jennings - the administrative Law is the law relating to administration.
 - The first chief Justice of supreme court - H.J. Ghanaiya
 - First Female Judge of the Supreme Court of India - M. Fathima Beevi
 - The first women advocate in India - Carnaliya chorabji
 - First Female to become Chief Justice of High Court (Delhi) - Leila Seth
 - First Female to become a High Court Judge - Anna Chandy
 - India's First e-court (paperless court) opened at - Hyderabad
 - India's First Commercial court inaugurated in - Raipur
 - Madras High court Chief Justice (current 2020) - Amreshwar Pratap Sahi

- Chief Justice of India (current 2020) - Sharad Arvind Bobde (47th)
- First Female Lawyer to Directly become Supreme Court Judge - Indu Malhotra (Bangalore) (2018)
- First case against CJI Supreme court V.Ramasamy (1991-93) But impeachment motion was defeated in L/S

- Recently, CJI Deepak Misra Faces his Impeachment motion in R/S and get defeated there itself
- Organisation of Supreme Court
Originally - 8 (one CJI + 7 other Judges)
At present-34 (one CJI+33 other Judges)

Structure of courts in India

- There are three different levels of courts in our country



- **The Panchayat Courts:** The Panchayat Courts deal with Civil and Criminal cases at the village level.
- **The Revenue courts:** The Revenue courts deal with the cases of land records. It also assesses and collects land revenue from the land holders.
- **Lok Adalat:** Lok Adalat was set up to provide speedy justice. It hears and settles the disputes in the language of the people in the public presence.
- A Lok Adalat is presided over by a retired judge along with a lawyer and a social worker. Cases are put forward without advocates. These cases are solved through mutual consent. The first Lok Adalat was held on 1982 at Junagadh of Gujarat.
- **Fast Track courts:** These courts were established in the year 2000 with an aim to clear the long pending Sessions and other lower judicial cases.
- **Tele Law Initiative:** To provide legal aid and service to the people in rural areas, the Tele Law Initiative was launched by the Ministry of Law and Justice in collaboration with the Ministry of Electronics and Information Technology.
- People can seek legal advice from the lawyers through video conferencing available at the common service centre on the 'Tele Law' Portal – a technology enabled platform.
- **Family Courts:** Family courts specifically handle family law matters. They are civil courts and are utilised for various family related claims such as Child custody, Divorce, Adoption, Juvenile issues etc.,
- **Mobile courts:** Mobile courts will be of great relief to the rural people. It would create greater awareness about the judicial system among the rural masses, cut costs for them and render justice as their doorstep.
- **E-Courts:** The E-Courts project was established in 2005. According to the project all the courts will

get computerised. Judicial service centre is the part of e-court. The public as well as the advocates can ask directly the case status and next hearing dates with free of cost.

NALSA

- The National Legal Service Authority has been con-

The Litigation Process

- There are two different types of legal sections in India: Civil and Criminal

Civil Law	Criminal Law
<ul style="list-style-type: none"> It deals with disputes over money social matters. <p>Eg. Disputes relating to land, rent, marriage dispute etc.,</p> <ul style="list-style-type: none"> A petition has to be filed before the relevant court by the affected parties. Sentences awarded in the form of money remuneration and as per the petitioner's claim. 	<ul style="list-style-type: none"> It deals with conducts or acts that property and the law defines as offences. <p>Eg. Theft, murder, women harassment etc.,</p> <ul style="list-style-type: none"> It usually begins with lodging of an FIR (First Information Report) with police investigation after which a case is filed in the court. Punishment is awarded if proven guilty, the accused is sent to jail.

Ordeals

Trail by Balance : A palm leaf chit, with the alleged crime inscribed on it was placed on one side of the balance, and the accused was to sit on the other side of the balance. If the plate of the balance on while the accused came down, the accused was declared guilty

Ordeal of Fire :
The accused was made to walk through fire and was deemed innocent only if the person suffered no injury.

Ordeal of water :
The accused was made to drink the water used to clean the idol. He was deemed innocent if it had no harmful effects on him within the next 14 days.

Ordeal By Poison :
The accused was made to consume poison and was deemed innocent only if did not have any effect on the person

Ordeal of Let :
The accused was asked draw from the lot and was deemed innocent if he chose the lot of dharma.

Ordeal of Rice Grains :
The accused was made to chew rice without the husk being removed and the presence of blood stains in his mouth resulted in the person being declared guilty.

Ordeal of Fountain - Cheese :

The accused was compelled to drink a potion that could make him / her delirious and was deemed guilty if the person confessed the crime.

- stituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society and to organise Lok Adalats for amicable settlement of disputes.

Role of the Judiciary

- Role of Judiciary can be classified as,

Dispute Resolution

- The Judicial system provides a mechanism for solving disputes between
 - Citizen
 - Citizens and the government
 - Two State governments
 - The centre and the State governments

Judicial Review

- The Judicial has the power to declare a law constitutional if it believes that the law passed the Parliament is violating the basic structure the Constitution.

Upholding the Law and Enforcing Fundamental Rights

- Every citizen of India can approach the Supreme Court or High Court if they believe that their fundamental rights have been violated.

Dr. B.R. Ambedkar

- "There can be no difference of opinion in the House that our judiciary must be both independent of the executive and must also be competent in it. And the question is how these two objects can be secured."

Public Interest Litigation (PIL):

- PIL is a litigation filed in a court of law for the protection of "public interest". The Supreme Court introduced this system which allows a person to approach the court with his case.
- PIL can be filed for the following reasons such as violation of basic human rights, religious rights, pollution, and road safety. This could be done by a written letter stating the case. This concept is unique to the Indian Judiciary.

Supreme Court	High Court	Supreme Court	High Court
<ul style="list-style-type: none"> Supreme court of India was inaugurated on 28, Jan 1950 It succeeded Federal Court of India established under Part V Articles 124 to 147 The apex of the "Judicial System of India". In 1950 → 1 + 7 Judges By 2019 → 1 + 33 Judges 	<ul style="list-style-type: none"> Institution of High court originated in India in 1862 at Calcutta, Bombay, Madras 7th amendment Act, 1956, Common High Government of India Act, 1935 court for 2 or more states Part VI Article 214 - 231 "High court is the Apex of state Judicial System" At present → 25 High court in India 	<ul style="list-style-type: none"> The President can appoint a Judge of Supreme court as an acting Chief Justice of India, when Office of CJI is vacant (or) CJI is temporarily absent (or) CJI is unable to perform the duties of his office 	<ul style="list-style-type: none"> The President can appoint a Judge of High court as an acting Chief Justice of High Court, when Office of CJ of High Court is vacant (or) CJ of High court temporarily absent (or) CJ of High is unable to perform the duties of his office
Appointment		Acting Chief Justice	
<ul style="list-style-type: none"> Chief Justice of India appointed by President Other judges was also appointed by President (Consult with Chief Justice) 	<ul style="list-style-type: none"> Chief Justice of High court appointed by President (consult with CJI & State Governor) Other Judges was also appointed by President [Consult with CJI & two senior most Judges of Supreme court] 	Retired Judge	
Qualification		Jurisdiction & powers	
<ul style="list-style-type: none"> Should be a citizen of India High court Judge for 5 years (or) Advocate of High court for 10 years (or) Eminent Jurist in the opinion of President No minimum age 	<ul style="list-style-type: none"> Should be a citizen of India Have held a Judicial office in territory of India for 10 years (or) Advocate of High court for 10 years No minimum age 	i) Original Jurisdiction <ul style="list-style-type: none"> Supreme Court decides the disputes between in the different units of the Indian Federation first instance Disputes Between <ol style="list-style-type: none"> Centre and one (or) more states Between two (or) more states Centre and any state (or) states 	i) Original Jurisdiction <ul style="list-style-type: none"> Power of High court to hear Disputes in the first instance <ol style="list-style-type: none"> Matters of admiralty, will, marriage, divorce, company law & contempt of the court Enforcement of Fundamental Right of citizens Four High Court [Calcutta, Bombay, Delhi, Madras] original civil Jurisdiction in case of Higher value
Oath or Affirmation		ii) Writ Jurisdiction	ii) Writ Jurisdiction
<ul style="list-style-type: none"> Before the President 	<ul style="list-style-type: none"> Before the Governor of the state 	<ul style="list-style-type: none"> Article 32 Habeas Corpus, Mandamus, certiorari, Prohibition and Quo warranto 	<ul style="list-style-type: none"> Article 226 Habeas Corpus, Mandamus, Certiorari, Prohibition, Quo warranto and for an ordinary legal right.
Tenure		iii) Appellate Jurisdiction	iii) Appellate Jurisdiction
<ul style="list-style-type: none"> Not fixed in the constitution Retirement age → 65 Resignation to President 	<ul style="list-style-type: none"> Not fixed in the constitution Retirement age → 62 Resignation to President 	<ol style="list-style-type: none"> Appeals in constitutional matters Appeals in civil matters Appeals in criminal matters Appeals by special leave 	<ol style="list-style-type: none"> Civil matters Criminal matters
Impeachment [Judges Enquiry Act, 1968]		iv) Advisory Jurisdiction	iv) Supervisory Jurisdiction
<ul style="list-style-type: none"> Removed from his office by the President on the recommendation of the Parliament Removal motion <ul style="list-style-type: none"> 100 members signed [L/S] (or) 50 members signed [R/S] (must submit to chairman / speaker) Speaker / chairman may admit (or) refuse it If admitted, 3 member committee to investigate into the charge <ol style="list-style-type: none"> CJ (or) Judge of Supreme Court CJ of High court Distinguished Jurist Special majority [L/S & R/S] & then to President First time notice given by the opposition party against Justice Deepak Misra but rejected by Rajya Sabha. 	<ul style="list-style-type: none"> Removed from his office by the President on the recommendation of the Parliament Removal motion <ul style="list-style-type: none"> 100 members [L/S] (or) 50 members [R/S] (must submit to chairman / speaker) Speaker/chairman may accept (or) refuse it If admitted, 3 member committee to investigate into the charge <ol style="list-style-type: none"> CJ (or) Judge of Supreme Court CJ of High court Distinguished Jurist Special majority [L/S & R/S] & then to President No Judge of High Court has been impeached so far 	<ul style="list-style-type: none"> Article 143, President to seek a opinion of Supreme court in two categories: <ol style="list-style-type: none"> Law (or) fact of public importance Any dispute arising act of any pre-constitution treaty, agreement, engagement etc. 	<ul style="list-style-type: none"> High Court has the power of superintendence over all courts & tribunals functioning in its territorial Jurisdiction (except military courts)
Salaries & allowances		v) Court of Record	v) Court of Record
<ul style="list-style-type: none"> Chief Justice → 2.8 Lakh Judge → 2.5 lakh Retired C/J & Judges → 50% of their last salaries 	<ul style="list-style-type: none"> Chief Justice → 2.5 lakh Judge → 2.25 lakh Retired C/J & Judges → 50% of their last salaries 	<ul style="list-style-type: none"> Supreme court has two powers <ol style="list-style-type: none"> Judgements, proceeding and acts of Supreme Court are recorded for perpetual memory & testimony. These records are admitted to be of evidentiary value & can't be questioned when produced before any court. It has power to punish for contempt of court either with simple imprisonment (6 months) or fine upto Rs.2000 or with Both 	<ul style="list-style-type: none"> High court has two powers <ol style="list-style-type: none"> Judgements, proceedings and acts of High Courts are recorded for perpetual memory & testimony. These records are admitted to be of evidentiary value & can't be questioned when produced before any Subordinate court It has power to punish for contempt of court either with simple imprisonment (or) with fine (or) with Both

High Courts in India

S. No	Name of the Court	Act	Jurisdiction	Seat	Benches
1	Allahabad High Court	High Courts Act, 1861	Uttar Pradesh	Allahabad	Lucknow
2	Bombay High Court	High Courts Act, 1861	Maharashtra, Goa, Daman and Diu, Dadra and Nagar Haveli	Mumbai	Nagpur, Panaji, Aurangabad
3	Calcutta High Court	High Courts Act, 1861	West Bengal, Andaman and Nicobar Islands	Kolkata	Port Blair
4	Chattisgarh High Court	Madhya Pradesh Reorganization Act, 2000	Chhattisgarh	Bilaspur	
5	Delhi High Court	Delhi High Court Act, 1966	National Capital Territory of Delhi	New Delhi	
6	Guwahati High Court	Government of India Act, 1935	Arunachal Pradesh, Nagaland, Assam, Mizoram	Guwahati	Aizwal, Itanagar, Kohima
7	Gujarat High Court	Bombay Reorganization Act, 1960	Gujarat	Ahmedabad	
8	Himachal Pradesh High Court	State of Himachal Pradesh Act, 1970	Himachal Pradesh	Shimla	
9	Hyderabad High Court	Andhra State Act, 1953	Telangana	Hyderabad	
10	Jammu and Kashmir High Court	Letters Patent issued by the Maharaja of Kashmir	Jammu and Kashmir & Ladak	Srinagar and Jammu	
11	Jharkhand High Court	Bihar Reorganization Act, 2000	Jharkhand	Ranchi	
12	Karnataka High Court	Mysore High Court Act, 1884	Karnataka	Bengaluru	Dharwad, Kalburgi
13	Kerala High Court	States Reorganization Act, 1956	Kerala, Lakshadweep	Kochi	
14	Madhya Pradesh High Court	Government of India Act, 1935	Madhya Pradesh	Jabalpur	Gwalior, Indore
15	Madras High Court	High Courts Act, 1861	Tamil Nadu, Puducherry	Chennai	Madurai
16	Manipur High Court	North-Eastern Areas and Other Related Laws Act, 2012	Manipur	Imphal	
17	Meghalaya High Court	North-Eastern Areas and Other Related Laws Act, 2012	Meghalaya	Shillong	
18	Orissa High Court	Orissa High Court Order, 1948	Odisha	Cuttack	
19	Patna High Court	Government of India Act, 1915	Bihar	Patna	
20	Punjab and Haryana High Court	High Court (Punjab) Order, 1947	Punjab and Haryana	Chandigarh	
21	Rajasthan High Court	Rajasthan High Court Ordinance, 1949	Rajasthan	Jodhpur	Jaipur
22	Sikkim High Court	36th Constitutional Amendment Act, 1975	Sikkim	Gangtok	
23	Tripura High Court	North-Eastern Areas and Other Related Laws Act, 2012	Tripura	Agartala	
24	Uttarakhand High Court	Uttar Pradesh Reorganization Act, 2000	Uttarakhand	Nainital	
25	Amaravathi High Court	Telangana Reorganization Act, 2019	Andhra Pradesh	Amaravathi	

- Function below and under the high court at district and lower levels.
- Article 233 to 237
- Part VI

Appointment of District Judges

- By the governor of the state.
- In consultation with the high court

Qualifications

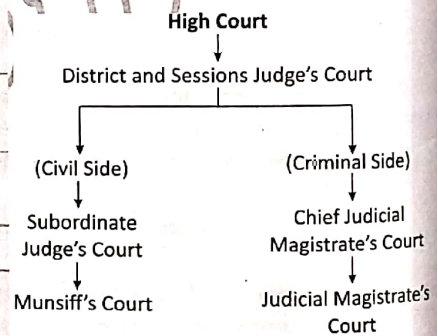
- Not already be in the service of the Central or the state government
- An advocate or a pleader for seven years
- recommended by the high court for appointment.

Appointment of other Judges

- By the governor of the state
- After consultation with the State Public Service Commission and the high court².
- Control over Subordinate Courts with High Court
- The expression 'district judge' includes judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge.

Structure and Jurisdiction

- There are three tiers of civil and criminal courts below the High Court.



District judge

- Highest judicial authority in the district.
- He possesses original and appellate jurisdiction in both civil as well as criminal matters.
- With civil cases, he is known as the district judge
- With criminal cases, he is called as the sessions judge
- Exercises both judicial and administrative powers.
- Appeals lie to the High Court.
- Life imprisonment and capital punishment (death sentence).
- A capital punishment passed by him is subject to confirmation by the High court.

Court of Subordinate Judge - civil side

Court of Chief Judicial Magistrate - criminal side.

- Unlimited pecuniary jurisdiction.
- Imprisonment for a term up to seven years.

Civil side- Court of Munsiff

Criminal side- Court of Judicial Magistrate

- Limited jurisdiction
- Imprisonment for a term up to three years.

Tribunals

Introduction

- Constitution did not contain these provisions.
- 42nd Amendment Act of 1976.
- Part XIV-A
- Article 323 A - Administrative tribunals.
- Article 323 B - Tribunals for other matters.

Contents:

- Administrative Tribunals
- Central Administrative Tribunal (CAT)
- State Administrative Tribunals
- Joint Administrative Tribunals (JAT)
- Tribunals For Other Matters

Administrative Tribunals

- Article 323 A
- For the adjudication of disputes relating to recruitment and conditions of service of persons appointed to public services of the Centre, the states, local bodies, public corporations and other public authorities.
- Administrative Tribunals Act in 1985.

Central Administrative Tribunal (CAT)

- Set up in 1985
- Principal bench at Delhi
- 17 regular benches, 15 of which operate at the principal seats of high courts and the remaining two at Jaipur and Lucknow.
- Original jurisdiction in relation to recruitment and all service matters of public servant.
- Its jurisdiction extends to the all-India services, the Central civil services, civil posts under the Centre

and civilian employees of defence services.

- The members of the defence forces, officers and servants of the Supreme Court and the secretarial staff of the Parliament are not covered by it.

Composition

- Multi member body
- Chairman and 65 members
- Status of judges of High Courts
- (1 Chairman + 65 members) present
- Appointed by president
- 5 years / 65 years in case of chairman
- 5 years / 62 years in case of members
- Recommendation of a high powered selection committee chaired by a Sitting Judge of Supreme Court who is nominated by the Chief Justice of India.
- Appointments are made with the approval of Appointments Committee of the Cabinet (ACC).
- CAT is not bound by Civil Procedure Code of 1908.
- Guided by the principles of natural justice.
- Nominal fee of Rs.50.
- The applicant may appear either in person or through a lawyer.
- Appeals against the orders of the CAT**
- In the Chandra Kumar case (1997)
- First high court, then to Supreme court.

State Administrative Tribunals

- Administrative Tribunals Act of 1985.
- The chairman and members of the SATs
- Appointed by the president

- After consultation with the governor.
- So far (2016), the SATs have been set up in the nine states of Andhra Pradesh, Himachal Pradesh, Odisha, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, West Bengal and Kerala.
- The Madhya Pradesh, Tamil Nadu and Himachal Pradesh Tribunals have since been abolished.
- The Kerala Administrative Tribunal was set up with effect from 26th August, 2010.

Joint Administrative Tribunals (JAT)

for two or more states.

- Chairman and members
- Appointment by president after consultation with governors of concerned states.

Tribunals For Other Matters

Article 323 B

- Taxation
- Foreign exchange, import and export
- Industrial and Labour
- Land reforms
- Ceiling on urban property
- Elections to Parliament and state legislatures
- Food stuffs
- Rent and tenancy rights
- Tribunals under Article 323 A can be established only by Parliament.
- Tribunals under Article 323 B can be established both by Parliament and state legislatures.
- Under Article 323 B a hierarchy of tribunals may be created.

Judicial Review

Contents:

- Judicial Review
- Judicial Activism
- Public Interest Litigation

Judicial Review

- Developed in the USA
- First time in the famous case of Marbury V. Madison (1803) by John Marshall, the then chief Justice of the American Supreme Court.

In India

- Phrase 'Judicial Review' has nowhere been used in the Constitution.
- The provisions of several Articles explicitly confer the power of judicial review on the Supreme Court and the High Courts.
- Judicial review as a basic feature of the Constitution.
- Supreme Court has declared the power of judicial review as a basic feature of the Constitution.
- Power of judicial review cannot be curtailed or excluded even by a Constitutional amendment.

Meaning of Judicial Review

- Judicial review is the power of the judiciary to examine the constitutionality of legislative enactments and executive orders of both the Central and State governments.
- If they are found to be violative of the Constitution (*ultra vires*), they can be declared as illegal, unconstitutional and invalid (null and void) by the Judiciary)

Justice Syed Shah Mohamed Quadri has classified the judicial review into the following three categories:

- Judicial review of constitutional amendments.
- Judicial review of legislation of the Parliament and State Legislatures and subordinate legislations.
- Judicial review of administrative action of the Union and State and authorities under the state.

- For example, the Golaknath case (1970), the Privy Purses Abolition case (1971), the Kesavananda Bharati case (1973), the Minerva Mills case (1980).
- In 2015, the Supreme Court declared both the 99th Constitutional Amendments Commission (NJAC) Act, 2014 as unconstitutional and null and void.

Importance of Judicial Review

- To uphold the principle of the supremacy of the Constitution.
- To maintain federal equilibrium (balance between the Centre and the states).
- To protect the Fundamental Rights of the citizens.

Constitutional Provisions for Judicial Review

- Article 13 : All laws that are inconsistent with or in derogation of the Fundamental Rights shall be null and void
- Article 32 : Right to move the Supreme Court for the enforcement of the Fundamental Rights & empowers the Supreme Court to issue directions or orders or writs.
- Article 131 : Provides for the original jurisdiction of the Supreme Court in centre-state and inter-state disputes.
- Article 132 : Provides for the appellate jurisdiction of the Supreme Court in constitutional cases.

Constitutional Provisions for Judicial Review

- Article 133 : Provides for the appellate jurisdiction of the Supreme Court in civil cases.
- Article 134 : Provides for the appellate jurisdiction of the Supreme Court in criminal cases.
- Article 134 A : Deals with the certificate for appeal to the Supreme Court from the High Courts.
- Article 135 : Empowers the Supreme Court to exercise the Jurisdiction and powers of the Federal Court under any pre-constitution law.

Constitutional Provisions for Judicial Review

- Article 136 : Authorises the Supreme Court to grant

special leave to appeal from any court or tribunal

- Article 143 : Authorises the President to seek the opinion of the Supreme Court on any question of law or fact and on any pre-constitution legal matters.
- Article 226 : Empowers the High Courts to issue directions or orders or writs for the enforcement of the Fundamental Rights and for any other purposes.
- Article 227 : Vests in the High Courts the power of superintendence over all courts and tribunals within their respective territorial jurisdictions.

Constitutional Provisions for Judicial Review

- Article 245 : Deals with the territorial extent of laws made by Parliament and by the Legislatures of States
- Article 246 : Deals with the Subject matter of laws made by Parliament and by the Legislature of States.
- Article 251 and 254 : Provide that in case of a conflict between the central law & state law, the central law prevails over the state law & the state law shall be void.
- Article 372 : Deals with the continuance in force of the pre-constitution laws.

Scope of Judicial Review

- Constitutional validity of a legislative enactment or an executive order can be challenged in the Supreme Court or in the High Courts on the following three grounds.
 - It infringes the Fundamental Rights (Part III),
 - It is outside the competence of the authority which has framed it, and
 - It is repugnant to the constitutional provisions.
- The scope of judicial review in India is narrower than what exists in the USA.
- American Constitution provides for 'due process of law'

- 'Procedure established by law' in the Indian Constitution.

Judicial Review of The Ninth Schedule

- Article 31B along with the Ninth Schedule added by the 1st Constitutional Amendment Act of 1951.
- Originally (in 1951), the Ninth Schedule contained only 13 acts and regulations.
- At present (in 2020) their number is 284.
- Deal with land reforms and abolition of the zamindari system.
- Judgment delivered in I.R. Coelho case (2007).
- The laws placed under the Ninth Schedule after April 24, 1973, are open to challenge in court
- Applying the "rights test" and the "essence of the rights" test to the 9th Schedule laws, if infraction affects the basic structure, then such laws will not get the protection of the 9th Schedule
- If the validity of any 9th Schedule law has already been upheld by the Court, it would not be open to challenge.
- Actions taken and transactions finalized as a result of the impugned Acts shall not be open to challenge.

Judicial Activism

- Concept of judicial activism
- Judicial activism denotes the proactive role played by the judiciary in the protection of the rights of citizens and in the promotion of justice in the society.
- Developed in the USA
- Term was first coined in 1947
- By Arthur Schlesinger Jr., an American historian and educator.
- In America in an article titled 'The Supreme court; 1947'.
- According to Black's law dictionary judicial activism is a judicial philosophy which motivates judges to depart from the traditional precedents in favour of new progressive social policies.
- Justice V.R. Krishna Iyer, Justice P.N. Bhagwati, Justice O. Chinnappa Reddy and Justice D.A. Desai laid the foundations of judicial activism in India.
- Also known as "judicial dynamism"
- It is the antithesis of "judicial restraint" which

means the self-control exercised by the judiciary.

- PIL is an outcome of judicial activism.
- In recent years law making has assumed new dimensions through judicial activism of the courts. The judiciary has adopted a healthy trend of interpreting law in social context. Judicial activism describes judicial rulings suspected of being based on personal or political considerations rather than on existing law. The question of judicial activism is closely related to constitutional interpretation, statutory constructions and separation of powers.
- The Indian constitution, promulgated in 1950.
- Parliamentary democracy and an independent judiciary from England, the fundamental rights from the bill of rights and federalism from the federal structure in the US constitution, and the directive principles of state policy from the Irish constitution.
- Article 21 of the constitution has been called up frequently in the Supreme court. Judgments upon this article suggest the trends of judicial activism.
- In the A.K. Gopalan vs. State of Madras case, the supreme court rejected the argument that to deprive a person of his life or liberty, not only the procedure prescribed by law for doing so must be fair, but reasonable and just. However, subsequently in Menaka Gandhi vs. Union of India case this requirement of substantive due process was introduced into article 21 by judicial interpretation. Thus the due process clause, A.K. Gopalan which was consciously and deliberately avoided by the constitution makers, was introduced by judicial activism of the supreme court.

Justification of Judicial Activism

According to Dr. B.L. Wadehra, the reasons for judicial activism are as follows:

1. There is near collapse of the responsible government, when the Legislature and Executive fail to discharge their respective functions.
 2. The citizens of the country look up to the judiciary for the protection of their rights and freedoms.
 3. Judicial Enthusiasm.
 4. Legislative Vacuum
- The Constitution of India has itself adopted certain provisions.

- Concept of Public Interest Litigation (PIL).
- Originated and developed in the USA.
- 1960s
- In India,
- Justice V.R. Krishna Iyer and Justice P.N. Bhagwati were the pioneers of the concept of PIL.
- Also known variously as Social Action Litigation (SAL), Social Interest Litigation (SIL) and Class Action Litigation (CAL).
- In a PIL, any member of the public having 'sufficient interest' can approach the court for enforcing the rights of other persons and redressal of a common grievance.

In other words, the real purposes of PIL are:

- Vindication of the rule of law.
 - Facilitating effective access to justice to the socially and economically weaker sections of the society
 - Meaningful realisation of the fundamental rights.
- The cases falling under the following categories will not be entertained as PIL.

The cases falling under the following categories will not be entertained as PIL:

- Landlord-tenant matters
- Service matter and those pertaining to pension and gratuity
- Complaints against Central/State Government departments and Local Bodies except those relating to item numbers. (1)-(10) above
- Admission to medical and other educational institution
- Petitions for early hearing of cases pending in High Courts and Subordinate Courts.
- The court must encourage genuine and bonafide PIL.
- Discourage and curb the PIL field for extraneous considerations.
- PIL is aimed at redressal of genuine public harm and public injury.
- Court should also ensure that there is no personal gain, private motive or oblique motive behind filing PIL..

Rule of Law / Due Process of Law

Contents:

- Rule of Law
- Due process of law
- Administrative Law
- Indian Penal Code

Introduction

- The theory of rule of law was given by British Jurist and professor A.V. Dicey.
- According to this theory in a democratic state each and everyone are same before law.
- Violating Government law by person or an organisation will be restrained by law.
- Simultaneously one can have freedom to express their grief against government in care of exploitation of rights.
- A.V. Dicey concept on Rule of law has three elements or concepts
 - i) Supremes of law
 - ii) Equality before law
 - iii) Predominance of legal spirit.

Rule of law in India.

- The phrase "Rule of law" is nowhere used in the constitution of India. But the synthesis of Rule of law is used in all parts of constitution.
- The colonial regime introduced the English concept of 'Rule of Law' in India. The three major features of the Rule of law are

1. All are equal before law
2. Nobody is above law and
3. The same law is applicable to all.

Due process of law

- Due process is the legal requirement that the state must respect all legal rights but procedure established by law is widely used
- Procedure established is a law that is duly enacted by legislature or concurred body which acts according to law only
- Article 21 states that "No person shall be deprived of his life or personal liberty except according to a procedure established by law"
- By looking into the Article 21 clearly explains that law made by government can violate individual rights.

Verdict of Supreme court

- According to the Judgement of Menaka Gandhi case 1978 states that "the expression" personal liberty in Article 21 embodies a constitutional value of supreme importance in democratic society".
- Procedure established by law which resembles American constitution.

Administrative Law

- Firstly, India is a 'Welfare State'. Government activities have increased and thus the need to regulate the same. Therefore, this branch of administrative law was developed

- Secondly, there is the inadequacy of the legislatures.
- Thirdly, there is judicial delay in India.
- Fourthly, as administrative law is not a codified law there is a scope of modifying it as per the requirement of the State machinery. Hence, it is more flexible. The rigid legislating procedures need not be followed again and again. There is a basic difference between constitutional law and administrative law.
- Administrative law is therefore subordinate to constitutional law.
- Administrative laws deal only with the administration. Administrative authorities should first follow the constitutional laws and then work as per administrative law.

Indian Penal Code

- Criminal code of India.
- The code was drafted in 1860 on the recommendation of the first law commission of India
- Established in 1834. It came into force in 1862.
- It covers any person of Indian citizenship. The exceptions are the military and other armed forces, they cannot be charged based on the Indian Penal Code. They have a different set of laws under the Indian Penal Code as well.
- Thus, the code stands alike for government employees, as for common man, and even for a judicial officer.

IV

Election

Introduction

- The word "Franchise" Franc, meaning FREE.
- Part XV, Articles 324-329
- Chief Electoral Officer(CEO) - State level
- District Election Officer(DEO) - District level
- Returning Officer (RO) - Constituency level
- Electoral Registration Officer(ERO) - The preparation of electoral rolls.
- Presiding Officer (PO) - To conducts the poll at a polling station.
- District election officer appoints the Presiding officers and the Polling officers.
- Election Observers (EO)- They report directly to the commission.

Contents:

- Types of Elections in India
- VVPAT
- NOTA
- Delimitation Acts
- Electoral Process in India
- First General Elections In India
- Electoral Reforms
- Anti-Defection Law
- State Funding of Elections
- Political Parties

Types of Elections in India

The following are examples of direct elections in which people over the age of 18 years participate in the electoral process by casting their votes.

- i) Lok Sabha elections, in which the Members of Parliament are elected.
- ii) Elections to the State Legislative Assemblies, in which the Members of Legislative Assemblies are elected.
- iii) Elections to the local governing bodies, in which members of the local governing bodies like the Municipal Corporation or the Panchayat are elected.

VVPAT

- Voters Verified Paper Audit Trail (VVPAT) is the way forward to enhance credibility and transparency of the election process.
- This system was first introduced in the 2014 General Election.

NOTA

- If the people in a democratic country are not willing to elect any candidate, they can vote for the option called NOTA (None Of The Above).
- Rule 49-O in the Conduct of Elections Rules, 1961, of India describes this procedure.
- NOTA was first introduced in the General Elections held in 2014.
- India is the 14th country in the world to introduce NOTA.

What is NOTA?

- None Of The Above - A voter's right to reject a step towards electoral reforms.
- Under Section 49(O) of the conduct of election rules, 1961, a voter could enter his electoral serial number in the form 17A and cast negative vote

Countries which allow NOTA are...

- Columbia, Ukraine, Brazil, Bangladesh, Finland, Spain, Sweden, Chile, France, Belgium and Greece. USA also allows it in few cases. The state of Texas permits the provision since 1975.

Types of Representation/ Reservation of Constituencies Election Systems-Plurality/Majority Systems

- Five types of plurality/majority systems
 - A. First Past The Post (FPTP)
 - B. Block Vote(BV)
 - C. Party Block Vote(PBV)
 - D. Alternative Vote(AV)
 - E. Two-Round Systems(TRS)

Delimitation Acts

- First Delimitation Commission Act, 1952
- Second Delimitation Commission Act, 1963
- Third Delimitation Act, 1973
- Fourth Delimitation Act, 2002.
- A new system of Electoral Photo Identity Card (EPIC) has been introduced.

Electoral Process in India

- Delimitation of Constituencies Notification of the Election

S.No	Committee	Year	Objective
1.	Tarkunde Committee (appointed by Jayaprakash Narayanan)	1974-75	Three member Election Commission, Voting age 21 to 18
2.	Dinesh Goswami Committee	1990	Electoral reforms
3.	Vohra Committee	1993	Find political offenders
4.	Indrajit Gupta Committee	1998	Government spend election expenditure
5.	Law Commission of India Report	1999	Election act reforms
6.	Venkatachaliah National Commission	2000-2002	Working of the Constitution
7.	Election Commission of India Report	2004	Electoral reforms
8.	Veerappa Moily Commission	2007	Ethics in Governance
9.	Tanka Committee	2010	Electoral reforms
10.	Justice Jeevan Reddy Committee	1993	Electoral reforms

J.P. Narayanan Committee or Tarkunde committee 1971 recommendations

- Changes in procedure of appointment of chief election commissioner.
- Three member body
- Voting age reduce from 21 to 18.
- Should be independent body.

Dinesh Goswami Committee 1990

- The ordering of re-poll should be not only be on the RO. also give the election commission the requisite powers to appoint investigating agencies.
- There is a need for an amendment to the anti defection law. the question of disqualification of members should not be decided by speaker.
- No candidates should be allowed to contest an election from more than two constituencies.

Electoral Reforms

- Lowering the voting age from 21 to 18 through the 61st amendment act of 1988.
- Officers, and staff engaged in preparation, revision and correction of electoral rolls for elections to be on deputation to the Election commission.

- Notification by Election Commission regarding
- Nomination and withdrawal
- Filing of nomination papers by the intending candidates.
- Verification and the acceptance or rejection of the nomination papers
- Election campaign
- Polling process
- Counting of votes and announcement of Election results.

First General Elections In India:

- The first general election of 1951-1952 elected the first Lok sabha since India became independent.
- The Congress had won 364 out of 489 Lok sabha seats. Its vote share was 45 percent.
- The CPI was the second party with just 16 seats.
- Jawaharlal Nehru became the Prime Minister, the first of independent India.
- The voters' turnout was 67.6 percent.
- 54 parties had contested this election.
- Elections took around four months; October 25, 1951 to February 21, 1952. Election was held in 26 Indian states and 401 constituencies.

- Increase of number of proposers to 10% of the electors of the constituency or 10 electors, whichever is less.
- In 1989, a provision was made to facilitate the use of electronic voting machines in elections.
- In 1989, a provision was made for adjournment of poll in case of booth capturing.
- Listing the name of candidates as candidates of recognised political parties, candidates of registered-unrecognized political parties and other (independent) candidates.
- Prohibition on the sale of liquor within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll.
- On the death of a contesting candidate, the party concerned would be given an option to propose another candidate within 7 days.
- The registered voters are entitled for a paid holiday on the polling day.
- Prohibition of arms.
- In 1998 a provision was made whereby the employees of local authorities, nationalized banks, universities, LIC, government undertakings and

other government aided institutions can be requisitioned for deployment on election day.

- In 1999, a provision was made for voting by certain classes of persons through postal ballot.
- In 2003, the facility to opt for voting through proxy was provided to the service voters belonging to the armed forces and members belonging to a force to which provisions of the Army Act apply.
- In 2003, the Election commission issued an order for the declaration of criminal antecedents, assets etc.
- In 2003, Rajya Sabha elections were reformed by removing the domicile of the contesting candidate and further introduction of open ballot system was introduced.
- In 2003, an exemption of travelling expenditure from being included in the election expenses of the candidate was made.
- Free supply of electoral rolls by the government.
- In 2009, restrictions were imposed on conducting exit polls and publishing the results of exit polls.
- In 2009, a provision was made for the disqualification of a person found guilty of corrupt practices which provided for a three month time limit within which the specified authority will have to submit the case of the person found to be guilty.
- All officials have to be included in corrupt practice. Increased in security deposit.
- Appointment of appellate authorities within the district.
- Voting rights to citizens of India living abroad were provided in 2010.
- Ceiling on election expenditure was increased in 2011.

Ceiling on election expenditure increased in 2014

A Lok Sabha (candidate)

- Bigger States - 70 lakhs (earlier 40 lakhs)
- Other States & Union Territories - 54 lakhs (earlier 16 to 40 lakhs)

State Legislature (Candidate)

- Bigger States - 28 lakhs (earlier 16 lakhs)
- Other States & Union Territories - 20 lakhs (earlier 8 to 16 lakhs)

Photos of Candidates on EVMs & Ballot Papers

- After may 1, 2015 the ballot papers and EVMs will carry the picture of the candidate with his or her name and party symbol.
- The June 2015 by polls to 6 seats in five states were the first elections where photograph of candidates were used on ballot papers.

Ceiling on cash, donations, lowered

- In 2017 budget, limit for anonymous cash donations to a political party lowered from ₹ 20000 to ₹ 2000.
- These means a individual can donate only ₹ 2000 as cash donations.
- However, They are not required to inform the election commission the details of person who donate under ₹ 2000.
- They must keep records of person making above ₹ 2000 donations.

Cap on corporate contributions lifted

- In 2017 budget
- Earlier, 7.5 % of the net profit of a past 3 financial years.
- Now, No Ceiling

Introduction of Electoral Bonds

- 2018 - Central Government introduced.
- As an alternative to cash donations made to political parties.
- Aimed at bringing clean money and substantial transparency.

Foreign funding allowed

- Allowed after amending Foreign contribution (regulation) act 2010.

Anti-Defection Law

- The 52nd Amendment Act of 1985
- Provided for the disqualification of the members of Parliament and the State legislatures on the ground of defection from one political party to another.
- It added the Tenth Schedule to the Constitution.
- Later the 91st Amendment Act of 2003 made one change in the provision i.e., disqualification on ground of defection not to apply in case of split.

Provisions of the Act

A. Disqualification:

- A member of a house belonging to any political party becomes disqualified if he voluntarily gives up his membership or if he votes or abstains from voting contrary to any direction issued by his political party without obtaining prior permission of the party.
- An independent member of the house becomes disqualified to remain a member of the house if he joins any political party after such election.
- A nominated member of the house gets disqualified if he joins any political party after the expiry of six months from the date on which he takes his seat in the house.

B. Exceptions:

- Disqualifications on the ground of defection does not apply, if a member goes out of his party as a result of a merger of the party with another party;

<https://t.me/tnpscruled>
if a member, after being elected as the Presiding officer of the house, voluntarily gives up the membership of his party or rejoins after he ceases to hold that office.

C. Deciding Authority:

- Any question regarding disqualification arising out of defection is to be decided by the Presiding officer of the house.

Tarkunde Committee 1974

Dinesh Goswami Committee 1990

Vohra Committee 1993

Indrajit Gupta Committee 1998

**Law Commission of India
Report 1999**

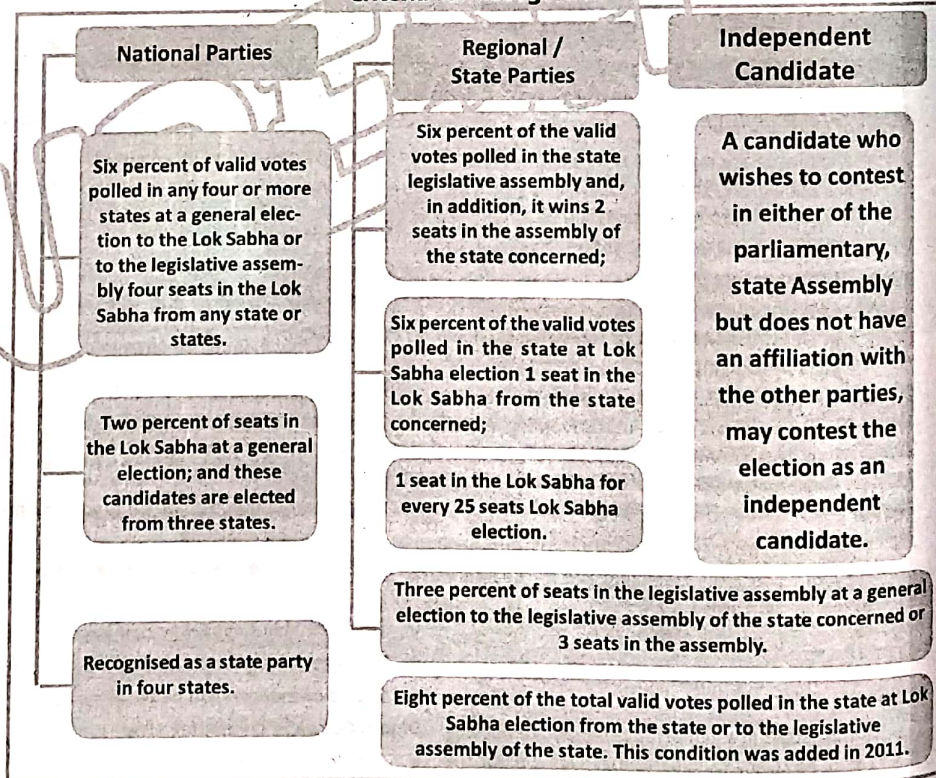
**Venkatachaliah National
Commission 2002**

**Election Commission of India
Report 2004**

Veerappa Moily Commission 2007

Tanka Committee 2010

Criteria for Recognition



State Funding of Elections

- A concept designed to reduce corruption by funding elections with government money as opposed to individual campaign contributions
- To achieve transparency in political funding
- It brings new and growing parties, thus ensuring fair elections

Indrajit Gupta Committee, 1998

- The idea of state funding of elections.

It added two limitations

- A. Such funds could not be soled out to independent candidates, and only to national and state parties having granted a symbol and proven the popularity

among the electorate

- B. In the short-term, state funding may be given only in kind, in the form of certain facilities to the recognized political parties and their candidates.
- "He alone, who owns the youth gains the future" - Adolf Hitler

Political Parties

- Political parties are the backbone of democracy

A party is recognized if

- It has been engaged in political activity for five years.
- Its candidates secure at least six percent of total votes in the last general election.

Types of Party System

- There are three major types of party system.

Single Party System

- A single political party has the right to form the government.
- China, North Korea and Cuba.

Bi-Party System

- The power is usually shared between two parties.
- One becomes the ruling party and the other becomes opposition.
- U.K. (the Labour Party and the Conservative Party) and in U.S.A (the Republican Party and the Democratic Party)

Multi-Party System

- Power is among three or more parties
- India, France, Sweden and Norway etc.

Free symbols 'Poll panel'

- As per the Election Symbols order 1968, symbols are either reserved or free.

- A reserved symbol is meant for a recognized political party.
- A free symbol is reserved for unrecognized party.

Opposition Party

- The party which gets second largest number of seats next to the majority party in the election is

called the Opposition party.

- The leader of the opposition party enjoys the rank of Cabinet Minister

Electoral Symbols

- The Election commission has stopped allotting animals as symbols. The only exceptions are the lion and the elephant.

National Party	Regional /State Party
1. National parties are political parties which participate in different elections all over India.	1. Regional parties are political parties which participate in different elections but only within one state.
2. It should be strong enough in at least four states.	2. It should be strong enough in at least one or two states.
3. It has an exclusive symbol throughout the country.	3. A symbol is reserved for it in the state in which it is recognized. But the same symbol can be allotted to different parties in different states.
4. It resolves State, National and International issues.	4. It promotes regional and state interest.

Election Commission of India - Art 324 to 329 A Part - XV

Introduction

- Part XV, Article 324 - 329A
- Quasi Judicial Body
- Permanent and independent body
- Functions on 25 Jan 1950
- Power of super intendence, direction & control of elections to parliament, state legislatures, office of President & Vice president of India.

Contents:

- Composition
- Appointment & Term
- Removal
- Salary
- Powers & Functions
- Chief Election Commissioner & other Election Commissioners appointed by President
- Tenure determined by President.
- First election commission : Sukumar Sen
- 1950 Single member body
- 1989 Three member body
- 1990 Three member Abolished
- 1993 Again three member body from 1989
- Two more election commissioners to cope up with increased work due to lowering of voting age to 18 years.
- 61st Amendment 1988 - voting age reduced to 18 from 21 years
- It came into force on march 28, 1989.

Composition

- Chief Election Commissioner + 2 Election Commissioners
- All the three have equal powers
- In case of difference of opinion decided by commission by majority.
- Salary and allowances equal to supreme court judge
- 6 years or until 65 years.
- Security of tenure since removal is same as the supreme court judge
- Recommendation of the chief election commissioner for the removal of the other election commissioners
- Qualities were not prescribed for the election commissioners
- Since not debarred from further posting
- Powers and functions
- Preparation of the electoral rolls
- Revision of electoral rolls
- Allotment of seats
- Conduct of elections

- Superintendence, direction and control of all matters pertaining to the elections
- Granting of recognition of political parties
- Allotment of symbols
- Ensuring fair and free elections
- The Election Commission of India advises the President of India or the Governor of the concerned state regarding all electoral matters including questions relating to disqualifications of members.
- Settles disputes and petitions referred to it by the President of India or the Governor of a state.
- Decides disputes pertaining to election symbol in the event of a split in the political party.
- Has power to impose ceiling on the election expenses of the contestants.
- Entrusted with the task of collecting affidavits from the contestants to the elections regarding their assets.
- Has the power and duty to disqualify a candidate if he/she fails to submit election returns within the prescribed period.
- It issues a notification after the election is over, that the house is duly constituted.
- At state level, chief election commissioner in consult with state govt, district collector, returning officer, presiding officer is appointed.

State level

- Assisted by Chief Electoral Officer appointed by chief Election Commissioner in consultation with state government.

District Level

- Collector acts as District returning Officer
- Appoints returning officer for every constituency
- Presiding officer for every booth in constituency.
- The electoral roll is normally revised every year to add the names of those who attain the age of 18.

S. No.	Name	From	To
1	Sukumar Sen	21 March 1950	19 December 1958
2.	Kalyan 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
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	12 December 1990	11 December 1996
11.	M.S. Gill	12 December 1996	13 June 2001
12.	James Michael Lyngdoh	14 June 2001	7 February 2004
13.	T.S. Krishnamurthy	8 February 2004	15 May 2005
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	11 June 2012	15 January 2015
19.	Harishankar Brahma	16 January 2015	18 April 2015
20.	Nasim Zaidi	19 April 2015	5 July 2017
21.	Achal Kumar Jyoti	6 July 2017	22 January 2018.
22.	Om Prakash Rawat	23 January 2018	1 December 2018
23.	Sunil Arora	2 December 2018	Incumbent

Central Vigilance Commission (CVC) - 1964

Introduction

- Agency for preventing corruption
- Established on recommendation of Santhanam Committee - 1964
- The Central Vigilance Commission will have been received the assent of the president on 11 september 2003.
- Neither constitutional nor statutory body.
- In 2003 - Statutory status
- CVC is not Investigating Agency
- CVC is a Advisory body
- CVC is a Autonomous body

Contents:

- Composition
- Appointment & Term
- Removal
- Salary
- Powers & Functions
- Administrative Vigilance Division
- Whistle Blowers Act (2011)

Composition

- Multimember body (Chairman not more than 2 members.

Chairman

- Central Vigilance Commissioner
- All appointed by presided under the recommendation of 3 member committee. (PM, Union minister of home affairs & leader of opposition in Lok sabha)
- First CVC Commission of India - Nittoor Sripivasa Rau
- Now (2020) - Shri Sharad Kumar.

Term

- 4 years or 65 years
- Not eligible for further employment in Govt.

Removal - By President

Misbehaviour - Can refer Supreme Court.

Salary

- Similar to Chairman of UPSC other vigilance commissioner - As member of UPSC
- Headquarters - Delhi

Organisation

1. Secretariat.
2. Chief Technical Examiners' Wing (CTE).
3. A wing of Commissioners for Departmental Inquires (CDIs).

Functions

- To inquire or cause an inquiry or investigation of Public servant. Committed an offence under the Prevention of Corruption Act, 1988.
- To superintendence over the functioning of the Delhi Special Police Establishment.
- To give directions to the Delhi Special Police Establishment (CBI).
- To tender advice to the Central government.
- To superintendence over the vigilance administration in the ministries.
- Central Government is required to consult the CVC in making rules and regulations governing the vigilance and disciplinary matters relating to the members of Ventr Services and All-India Services.

Working

- Power to regulate its own procedure.
- Have All the powers of a civil court and its proceedings have a judicial character.
- May call for information or report from the Central government or its authorities.
- Submits reports to President

Administrative Vigilance Division

- Set up in the Ministry of Home affairs in 1955
- Central agency & Anti-corruption Measures
- Now AVD is Under CVC

Chief Vigilance Officers

- Duties:
 1. Preventive Vigilance,
 2. Punitive Vigilance,
 3. Surveillance
 4. detection

Code & Criminal Procedure act, 1973

- Public Interest Disclosure and Protection & Informer Resolution

Vigilance Units in the Ministries

- All ministries/departments in the Union Government have a Chief Vigilance Officer (CVO).

Vigilance Functions

- Collecting intelligence about corrupt practices of the employees of his organisation.
- Investigating verifiable allegations reported to him.
- Processing investigation reports for further consideration of the disciplinary authority concerned.
- Referring matters to the Central Vigilance Commission for advice wherever necessary.

Whistle Blowers Act (2011)

- Government introduced "The Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010" in the Lok Sabha on 26.08.2010.
- Renaming it as "The Whistle Blowers Protection Bill, 2011".
- Received the assent of the President on 9th May, 2014.

Features

- To protect the identify of whistle blowers.
- Whistle blowers (a term given to people who expose corruption).
- To encourage people to disclose information about corruption or the wilful misuse of power by public servants, including ministers.
- A person can make a public interest disclosure on corruption before a competent authority which is at present the Central Vigilance Commission (CVC).
- For false or frivolous complaints. Two years / Rs 30,000
- Disclosures can be made in writing or by email.
- No action shall be taken on a disclosure if it does not indicate the identity of the complaint or public servant or if "the identity of the complaint or public servant is found to be incorrect."
- Information related to national security has been kept out of the purview of the Act.

Central Bureau of Investigation

Moto :

- Industry, impartiality and integrity

Introduction

- Set up in 01.04.1963.
- The special police establishment is the forefather of CBI
- Originally under Ministry of Home Affairs.
- Now Ministry of Personnel.
- Delhi special Police Establishment setup in 1941 was also merged with the CBI.
- Santhanam Committee recommendations not a statutory body.
- It derives its powers from the Delhi Special Police Establishment Act, 1946.
- CBI is the main investigating agency of the Central Government.
- CBI act as the "National central Bureau" of Interpol in India.
- Important role in the prevention of corruption.
- Provides assistance to the Central Vigilance Commission and Lokpal.
- Motto: Industry, Impartiality and Integrity.

Contents:

- Organisation of CBI
- Composition
- Appointment & Term
- Powers & Functions
- CBI Academy

Organisation of CBI

At present (2019), the CBI has the following divisions:

- Anti-Corruption Division.
- Economic Offences Division.
- Special Crimes Division.
- Policy and International Police Cooperation Division.
- Administration Division.
- Directorate of Prosecution.
- Central Forensic Science Laboratory.

Composition of CBI

- Headed by a Director.
- Assisted by a special director or an additional director.
- Director of CBI as Inspector-General of Police, Delhi Special Police Establishment.

- Two-year tenure.
- As per The Lokpal and Lokayuktas Act (2013)
- Appointment of director of - Central Government.
- Recommendation of a three-member committee.
 1. Prime Minister as Chairperson,
 2. The Leader of Opposition in the Lok Sabha
 3. The Chief Justice of India or Judge of the Supreme Court.

Directorate of prosecution

- headed by a Director
- At present (2020) CBI director : Rishi Kumar Shukla
- For conducting the prosecution of cases under the Lokpal and Lokayuktas Act, 2013.
- Officer not below the rank of Joint Secretary.
- Under the overall supervision and control of the Director of CBI.
- Appointed by the Central Government in consultation with CVC
- Two years. - Tenure

Officers of the rank of SP and above in the CBI

- Recommendation of a committee.

1. Central Vigilance Commissioner as Chairperson,
2. Vigilance Commissioner
3. The secretary of Home Ministry
4. Secretary of the Department of Personnel.
- The Delhi Special Police Establishment (Amendment) Act, 2014.
- A change in the composition of the committee related to the appointment of the Director of C.B.I.
- Where there is no recognized leader of opposition in the Lok Sabha, then the leader of the single largest opposition party in the Lok Sabha would be a member of that committee.

Functions of CBI

- Investigating cases of corruption, bribery and misconduct of Central government employees.
- Investigating serious crimes.

- Coordinating the activities of the anti-corruption agencies and the various state police forces.
- Taking up, on the request of a state government, any case.
- Maintaining crime statistics and disseminating criminal information.

Provision of Prior Permission

- CBI is required to obtain the prior approval of the Central Government.
- Before conducting any inquiry or investigation.
- By officers of the rank of joint secretary and above.
- However, on May 6, 2014, the Supreme Court held as invalid.
- Section 6A of the Delhi Special Police Establishment Act, was violative of Article 14.

CBI Academy

- At Ghaziabad, Uttar Pradesh.
- Started in 1996
- Vision "Excellence in Training in the Fields of Crime Investigation, Prosecution and Vigilance Functioning".
- Three regional training centres.
- At Kolkata, Mumbai and Chennai.
- Two kinds of training courses.
- 1. **Short Term In-service Courses:** For officers of the CBI, state police, central para-military forces and central government undertakings.
- 2. **Long Term Basic Courses:** For directly recruited deputy superintendents of police, sub-inspectors and constables of CBI.

Comptroller and Auditor General of India

Introduction

- Part-V
- Article 148-151
- Head of the Indian Audit and Accounts Department.
- Guardian of the public purse.
- Controls the entire financial system of the country at both the levels the Centre and the state
- To uphold the Constitution in the field of financial administration.
- Dr B R Ambedkar said "one of the bulwarks of the democratic system of government in India".
- Others being the Supreme Court, the Election Commission and the UPSC

Contents:

- Appointment & Term
- Removal & Salary
- Powers & Functions
- Role of CAG
- CAG and Corporations
- Audit Board
- Appointment of Terms
- Appleby's Criticism
- First CAG : V. Nara Hari Rao
- Appointed by the president (art : 148)
- Six years or upto the age of 65 years.
- Resignation letter to the president.
- Removed by the president
- Same manner as a judge of the Supreme Court.
- His salary and other service conditions are determined by the Parliament.
- Salary is equal to that of a judge of the Supreme Court. (Salary of Supreme Court Judges - 2.50 lakhs/ monthly(2018))
- No minister can represent the CAG in Parliament (both Houses)
- No minister can be called upon to take any responsibility for any actions done by him.

Duties and powers of the CAG.

- Article 149

- The CAGs (Duties, Powers and Conditions of Service) act, 1971.
- He audits the receipts and expenditure of the following:
 1. All bodies and authorities substantially financed from the Central or state revenues;
 2. Government companies; and
 3. Other corporations and bodies, when so required by related laws.
- He submits his audit reports of the Centre to President. He submits his audit reports of a state to governor. Article 151
- He ascertains and certifies the net proceeds of any tax or duty (Article 279).
- The 'net proceeds' means the proceeds of a tax or a duty minus the cost of collection.
- Acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.
- The CAG submits three audit reports to the President
 1. Audit report on appropriation accounts
 2. Audit report on finance accounts
 3. Audit report on public undertaking.
- The appropriation accounts compare the actual expenditure with the expenditure sanctioned by the Parliament through the Appropriation Act.
- The Finance accounts show the annual receipts and disbursements of the Union Government.

Role of CAG

- Agent of the Parliament
- Conducts audit of expenditure on behalf of the Parliament.
- He is responsible only to the Parliament.
- The CAG is fulfilling the role of an Auditor-General only and not that of a Comptroller.
- **1976-** Accounts separated from Audit (Departmentalisation of accounts)
- **Controller** - General of Accounts - Established as a part of Ministry of Finance.
- Agent of parliament & conducts audit of expenditure on behalf of parliament.

(Responsible only to parliament)

IAAS (Indian audits and Account service)

- Under the CAG

PAC (Public Accounts Committee)

- 15 member from Lokhsabha
- 7 member from Rajya Sabha
- Chairman of PAC is opposite leader
- CAG report submitted to PAC
- Art 148 : CAG of India
- Art 149 : Duties & power of CAG
- Art 150 : Form of Accounts of the union & states
- Art 151 : Central government audit report to president state government audit report to Governor.

CAG and Corporations

- The role of CAG in the auditing of public corporations is limited
- Some corporations are audited totally and directly by the CAG.
- Some other corporations are audited by private professional auditors who are appointed by the Central Government in consultation with the CAG.
- If necessary, the CAG can conduct supplementary audit.

Audit Board

- In 1968, an Audit Board was established.
- To associate outside specialists and experts to handle the technical aspects of audit of specialised enterprises like engineering, iron and steel, chemicals and so on.
- Recommendations of the Administrative Reforms Commission of India.
- Chairman and two members
- Appointed by the CAG.

Appleby's Criticism

- Paul H Appleby
- Recommended the abolition of the office of CAG.

Lok Adalat (1987)

Contents:

- National Legal Services Authority(NALSA)
- Free legal services
- The persons eligible for getting free legal services
- Lok Adalats
- Matters taken up in Lok Adalats
- Permanent Lok Adalats
- Family Courts
- Gram Nyayalayas

National Legal Services Authority(NALSA)

- Article 39 A
- For free legal aid to the poor and weaker sections of the society
- Ensures justice for all
- Legal Services Authorities Act, 1987
- Came into force on 9th November, 1995.
- In every State a State Legal Services Authority

- In Every High Court - a High Court Legal Services Committee
- In every districts - District Legal Services Authorities, Taluk Legal Services Committees

Main functions

- To provide free and competent legal services to the eligible persons.
- To organize Lok Adalats for amicable settlement of disputes.

Free legal services

- To organize legal awareness camps in the rural areas.
- Payment of court fee, process fees
- All other charges payable or incurred in connection with any legal proceedings.
- Providing service of lawyers
- Obtaining and supply of certified copies of orders and other documents
- Preparation of appeal, paper book including printing and translation of documents

The persons eligible for getting free legal services

- Women and children
- Members of SC/ST
- Industrial workmen
- Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster
- Disabled persons
- Persons in custody
- Persons whose annual income does not exceed Rs. 1 lakh (in the Supreme Court Legal Services Committee the limit is Rs.1,25,000/-).
- Victims of trafficking in human beings or begar.

Lok Adalats

- Lok Adalat is a forum where the cases (or disputes) which are pending in a court or which are at prelitigation stage (not yet brought before a court) are compromised or settled in an amicable manner.
- Lok Adalat's means 'People's Court'
- Based on Gandhian principles.
- ADR (Alternative Dispute Resolution) system
- Provides alternative resolution or devise for expeditious and in expensive justice.
- The idea of Lok Adalat was mainly advocated by Justice P.N. Bhagwati, a former Chief Justice of India.
- First Lok Adalat camp in Gujarat in March 12, 1982.
- Given statutory status under the Legal Services Authorities Act, 1987.

Composition

- A judicial officer as the chairman
- a lawyer (advocate) and a social worker as members.

Matters taken up in Lok Adalats

- Matrimonial / Family Disputes, Criminal (Compoundable Offences) cases, Land Acquisition cases,

Labour disputes, Workmen's compensation cases, bank Recovery cases, Pension cases, Housing Board and Slum Clearance cases, Housing Finance cases, Consumer Grievance cases, Electricity matters, Disputes relating to Telephone Bills, Municipal matters including House Tax cases, Disputes with Cellular Companies etc.

- Same powers as Civil Court
- Under
 1. Code of Civil Procedure (1908).
 2. Indian Penal Code (1860)
 3. Code of Criminal Procedure (1973).
- Judgement Final and binding to all
- No appeal shall lie to any court

Benefits

- No court fee
- If court fee is already paid the amount will be refunded if the dispute is settled at Lok Adalat.
- Procedural flexibility
- Speedy trial of the disputes.
- The focus in Lok Adalats is on compromise
- No advocate or pleader is allowed, even witnesses are not examined.
- No strict application of procedural laws like the Civil Procedure Code and the Evidence Act
- The parties to the dispute can directly interact with the judge.

Permanent Lok Adalats

- Legal Services Authorities Act, 1987
- Was amended in 2002.
- To provide for the establishment of the Permanent Lok Adalats
- To deal with cases pertaining to the public utility services.

Composition

- Chairman and two other persons having adequate experience in public utility services.
- The Permanent Lok Adalat shall exercise jurisdiction in respect of one or more public utility services such as transport services of passengers or goods by air, road and water; postal, telegraph or telephone services; supply of power, light or water to the public by any establishment; public conservancy or sanitation; services in hospitals or dispensaries; and insurance services.
- Jurisdiction shall be up to rupees ten lakhs.
- Judgement final and binding on all the parties thereto.

Family Courts

- The Family Courts Act. 1984
- To promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs.

Features

- To set up a Family Court in every city or town with a population exceeding one million

Jurisdiction of the Family Courts.

- matrimonial relief, including nullity of marriage, judicial separation, divorce, restitution of conjugal rights, or declaration as to the validity of marriage or as to the matrimonial status of any person;
- the property of the spouses or of either of them;
- declaration as to the legitimacy of any person;
- guardianship of a person or the custody of any minor; and
- maintenance of wife, children and parents.
- Only one right of appeal To the High Court.
- At present (2016), a total of 438 Family Courts

Gram Nyayalayas

- Gram Nyayalayas Act, 2008.
- Court of Judicial Magistrate of the first class.
- Its presiding officer (Nyayadhikari)
- Appointed by the State Government
- In consultation with the High Court.
- Established for every Panchayat.
- Shall be a mobile court
- Shall exercise the powers of both Criminal and Civil Courts.
- Seat of the Gram Nyayalaya will be located at the headquarters of the intermediate Panchayat.
- They will go to villages, work there and dispose of the cases.
- Not bound by the rules of evidence provided in the Indian Evidence Act, 1872
- Guided by the principles of natural justice
- Appeal in criminal cases shall lie to the Court of Session, which shall be heard and disposed of within a period of six months from the date of filing of such appeal.
- Appeal in civil cases shall lie to the District Court, which shall be heard and disposed of within a period of six months from the date of filing of the appeal.

Lokpal and Lokayuktas

Tagline

- Do not be greedy for anyone's wealth
- Emblem of Lokpal created by Prashanth Mishra (prakyaraj - Uttar Pradesh)

Introduction

- Earliest democratic institution created in the world
- Lokpal - Sanskrit word, meaning : caretaker of People.
- For the redressal of citizens grievance.
- Scandinavian institution of Ombudsman.
- Ombudsman was adopted from freedom.
- First created in Sweden in 1809.
- Finland (1919),
- Denmark (1955) and
- Norway (1962).
- 'Ombud' is a Swedish term.
- Refer to a person who acts as the representative or spokesman of another person.
- New Zealand is the first Commonwealth country in the world.



- Donald C. Rowat, Ombudsman refers to "an officer appointed by the legislature to handle complaints against administrative and judicial action."
- Donald. C. Rowat. "Bulwark of democratic government against the tyranny of officialdom".
- Gerald E. Caiden described the Ombudsman as "institutionalised public conscience".

Contents:

- Lokpal
- History of Lokpal
- Lokpal and Lokayukta act 2013

- Lokayuktas
- TN Lokayukta Act, 2018

Lokpal

- Administrative Reforms Commission (ARC) of India (1966-1970) recommendations.
- 'Lokpal' abd 'lokeyukta' for the redressal of citizens' grievances.
- Pattern of Ombudsman in Scandinavian countries.
- Lokpal would deal with complaints against ministers and secretaries at Central and State levels.
- The lokayukta (one at the Centre and one in every state) would deal with complaints against other specified higher officials.

History of Lokpal

- The term lokpal was coined by Dr.L.M.Singhvi in 1963
- Concept of ombudsman introduced in parliament Ashok kumar sen.
- First Jan lokpal bill was proposed by Shanti Bhushan in 1968 passed in L/S but failed in R/S.

- Bills were introduced in the Parliament in the following years: 1968, 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005, 2008, passed in 2013.

Jan Lokpal movement

- Anna Hazare (2011)

Lokpal and Lokayukta act 2013

- 116th Amendment Bill, 2011
- Lokpal and Lokayuktas Bill, 2011
- The Bill as passed by both Houses
- Received assent of president on 01.01.2014.
- Effect from 16th January, 2014.

Salient features of the Lokpal and Lokayuktas Act (2013)

- To establish the institution of the Lokpal at the Centre and the Lokayukta at the level of the State.
- To provide a uniform vigilance and anti-corruption road map for the nation both at the Centre and at the States.

Composition

- Chairperson with a maximum of 8 members 50% shall be judicial members.
- At present Chairman of Lokpal - Pinaki Chandra Bose
- 50% of the members SCs, the STs, the OBCs, minorities and women.
- Selection Committee -
 - The Prime Minister,
 - The Speaker of the Lok Sabha,
 - The Chief Justice of India or a sitting Supreme Court Judge nominated by the Chief Justice of India and an eminent jurist.
- 50% of Search Committee - SCs, the STs, the OBCs, minorities and women.
- Prime Minister has been brought under the purview of the Lokpal.
- Lokpal's jurisdiction will cover all categories of public servants, including Group A, Group B, Group C, and Group D officers and employees of Government.
- Power of superintendence and direction over any investigating agency, including the CBI.
- It incorporates provisions for attachment and confiscation of property of public servants.

It lays down clear timelines

- For preliminary enquiry, it is three months extendable by three months.
- For investigation, it is six months which may be extended by six months at a time.
- For trial, it is one year extendable by one year.
- Special courts to be set up.

Punishment

- Maximum punishment under the Prevention of Corruption Act from seven years to ten years.
- The minimum punishment under sections 7, 8, 9 and 12 of the Prevention of Corruption Act will now be three years.
- The minimum punishment under section 15 (punishment for attempt) will now be two years.
- Institutions which are financed fully or partly by Government.
- It provides adequate protection for honest and upright public servants.

- Donations from foreign source in the context of the Foreign Contribution Regulation Act (FCRA) in excess of Rs.10 lakhs per year are brought under the jurisdiction of Lokpal.
- A mandate for setting up of the institution of Lokayukta through enactment of a law by the State Legislature within a period of 365 days from the date of commencement of this Act.

Drawbacks

- Lokpal cannot suo motu.
- Emphasis on form of complaint rather than substance.
- Heavy punishment for false and frivolous complaints.
- Anonymous complaints not allowed.
- Legal assistance to public servant against whom complaint is filed.
- Limitation period of 7 years to file complaints.
- Very non-transparent procedure for dealing with complaints against the PM.

Formed	19 March 2019
Headquarters	New Delhi, India
Motto	Ma Gridhah Kasyasvidhanam (Sanskrit) Do not be greedy for anyone's wealth

- The current Chairperson of Lokpal is Pinaki Chandra Ghose.

Lokayuktas

- First in Maharashtra in 1971.
- Although Odisha had passed the Act in this regard in 1970,
- It came into force only in 1983.
- There are no Lokayuktas in Jammu and Kashmir, Puducherry and Telangana.
- Lokayukta was established in Tamil Nadu.
- On 9 July 2018, the Arunachal Pradesh assembly passed a Lokayukta bill.
- On 28 February 2019, the Mizoram assembly passed a Lokayukta Bill
- Tamil Nadu Legislative Assembly finally passed the Tamil Nadu Lokayukta act 2018 through voice vote.

Structural Variations

- Not same in all the states.
- Rajasthan, Karnataka, Andhra Pradesh and Maharashtra have created the lokayukta as well as upalokayukta.
- Bihar, Uttar Pradesh and Himachal Pradesh have created only the lokayukta.
- Punjab and Orissa that have designated officials as Lokpal.

Appointment

- By the governor of the state.
- No specific qualifications.

Tenure

- 5 year duration or 65 year of age.
- Not eligible for reappointment for a second term.

TN Lokayukta Act, 2018

- on 9 July, 2018
- Introduced by The minister for personnel and administrative reforms D. Jayakumar

- The Tamil Nadu Governments move came ahead of the Supreme Court's deadline to establish a Lokayukta by July 10.
- At Present Chairman of TamilNadu Lokayukta P.Devadass (2020)
- The Act would look into graft charges against government Servants including current and former elected representatives (including Chief Ministers and Cabinet Ministers).

Features of Act:

- Lokayukta consists of Chairperson and four members.
- Chairperson would be current or former Judge of High Court or person with 25 years of experience in any field in anti-corruption policy, public administration, vigilance, finance and law.
- Appointments by the Governor
- Select committee
 - Chief Minister, the
 - The leader of the Assembly and the
 - The leader of the opposition in the Assembly.
- False complaints- Rs 1 lakh and an imprisonment of upto one year.
- Chief Minister and his Cabinet comes under the purview of the Act,
- Local administration and government contracts do not.
- Retirement age is 5 years or 70 years.
- Removed by order of Governor.
- Should not be an elected Member of Parliament (MP) or a Member of Legislative Assembly (MLA)
- Should not have been convicted by a court of law.
- Should not be a member of the local administration or corporation
- Should not have been removed from a state or central government service.
- Should not hold an office of profit
- Should not have any relationship with political parties.
- The Lokayukta complaint can be filed on corruption which has taken place within four years' period.

Lokayukta's powers

- The Lokayukta's powers include summoning and examining any person and receiving evidence of affidavits.
- The investigation wing of the body shall have all the powers of a civil court under the CrPC, 1908,
- Section 63 of the Lokpal and Lokayuktas Act, 2013 states that every state shall establish a body to be known as the Lokayukta.
- Tamil Nadu Lokayukta - P.Devadass



PRESENTED BY
Kaleeswaran S
Master of business administration
Sona School of management
Salem, Tamilnadu



SURESH'
IAS ACADEMY

TUTICORIN | TIRUNELVELI
RAMANATHAPURAM | MADURAI

Make Progress..
Not Excuses..!

Right to Information Act 2005

Introduction

- RTI act 2005 was replaced secret protection act 1923.
- In 2002, The freedom of information act was introduced.
- India, one of largest republic countries in Asia, have enacted Right to Information Act
- President gave assent on 15 June, 2005.
- Came into force on 12 Oct, 2005
- Independent autonomous body.
- RTI was enacted for whole of India
- RTI Act is a Fundamental Right.
- RTI comes under Fundamental Right Article 19(A)
- India is the 55th country to enact RTI

Contents:

- Objectives
- Procedure for Seeking Information
- Right to Information Act (RTI)
- First Application
- RTI Exemptions

Objectives

- To ensure transparency in all govt sectors
- To increase responsibility of all government employees in Govt Sectors and Govt aided agencies.
- A information is
 - Records
 - e-mails
 - Datas
 - Files
 - Aggrements

Procedure for Informed

- Addressing to General Information officer or Assistant General Information officer to be

submitted in written statement written in either English or Tamil.

- With this attachment of 10 Rs economy or draft or Govt. treasury bill should be produced.

Right to Information Act (RTI)

- To promote transparency in the government institutions in India.
- A common man can demand any government organization to provide information.
- The information must be provided within thirty days.
- If not, a fee will be collected as penalty from the concerned official.
- People friendly; even an illiterate person can ask any Public Information Officer to write it down for him.
- All government agencies like Municipal Corporations, Government departments, Governments Schools, Road Authorities etc., come under this Act.

RTI Activities

- Through RTI one can get even copies of government documents such as records, reports, papers etc.,
- Personal information of individuals and organizations related to the country's defence and intelligence such as BSF, CRPF, Intelligence Bureau are exempted from the RTI.
- Sign the Application form with your full name and address along with the date and send it through a registered post to the office of the concerned authority.
- Information has to given within 30 days.
- Life related, Personal liberty information must be provided within 48 hours.
- If a reply is not received within 30 days, an appeal can be filed with the Appellate Authority.
- An appeal to the right to information must be filled with in 30 days to the information commission.

- An appeal must be made within 90 days to the state information commission or central information commission against the authorities.
- The commission can impose a penalty on the Public Information Officer at the rate of ₹ 250 per day upto a maximum of ₹25,000.

First Application

- Pune Police Station, Shahid Raza Burney
- Official Secrets Act 1904

RTI Exemptions

Central Information Commissioner road not dispose the following information.

- Information relating to countrys security cannot be claimed
- Information disturbing country security and unity cannot be spaced
- Information regarding International treaties and relationship among them
- Decision regarding cabinet minister and relationship between govt sectors
- Information regarding discussion between ministers and State Governors cannot be claimed.
- Information interrupting Govt day to day business cannot be claimed.
- Information should be replied by Govt officials in 30 days.

Amendment

- The Right to Information Act 2019 passed on July 25 2019 modified the terms and conditions of service of the CIC and Information Commissioners at the centre and in states.

Supreme Court judgement

- Supreme Court of India on 13 November 2019, upheld the decision of Delhi High Court bringing the office of Chief Justice of India under the purview of Right to Information (RTI) Act.

Central and State Information Commission

Centre Information Commission	State Information commission
Origin	
• RTI Act sec 12	• RTI Act sec 15
Equallent to	
• Civil Court	• Civil Court
Composition	
• Chief Information Commissioner + not more than ten information commissioners Before (1 + 4) At Present (1 + 6)	• Chief Information Commissioner + not more than ten information commissioners
Appointment	
• By President	• By Governor
Recommending Committee	
• PM (Chairperson)	• CM
• Opposition Leader of Lok Sabha	• Opposition leader of State Legislative
• Cabinet Minister nominated by PM	• Cabinet Minister nominated by CM
Tenure	
• 5 yrs / 65	• 5 yrs / 65
• Before : 5 yrs fixed	• Before : Fixed 5 yrs
• Now : Prescribed by Central Government (RTT (Amendment) Act, 2019)	• Now : Prescribed by Central Government (RTI (Amendment) Act, 2019)
• Chief Information Commissioner not eligible for reappointment	• Chief Information Commissioner not eligible for reappointment
• suspended by President	• suspended by President
• Misbehaviour or insolvent	• Misbehaviour or insolvent
Removal	
• By President	• By Governor
Salaries	
• Prescribed by Centre	• Prescribed by Centre
Before :	
• Chief Information Commissioner - Chief Election Commissioner	• State Information Commissioner - The Election Commissioners
• Information Commissioners - Election Commissioners	• Information Commissioners - State Secretary
• Chief Information Commissioner - Suthir Bhargava (11th January 2020 term Completed) There has been no appointment made	• TN State Chief Information Commissioner- R. Rajagopalan.

Introduction

- Through an Official Gazette Notification.
- Under the provisions of the Right to Information Act (2005).
- Not a constitutional body.
- First CIC is Vajahath Habibulla P

Powers and Functions

- To receive and inquire into a complaint from any person.
- Who has not been able to submit an information request because of non-appointment of a Public Information Officer.
- Who has been refused information that was requested;
- Who has not received response to his information request within the specified time limits.
- who thinks the fees charged are unreasonable.
- Who thinks information given is incomplete, misleadin or false ; and
- any other matter relating to obtaining information.

- Suomoto power
- Has the powers of a civil court.
- Summoning and enforcing attendance of persons.
- Compelling them to give oral or written evidence on oath and to produce documents or things.
- Requiring the discovery and inspection of documents.
- Receiving evidence on affidavit.
- Requisitionin any public record from any court or office.
- All public records must be given to the Commission during inquiry for examination.
- Submits report to the Central Government.
- The Central Government places this report before each House of Parliament.

State Information Commission

Powers and Functions

- To receive and inquire into a complaint from any person.
- Who has not been able to submit an information request because of non-appointment of a Public Information Officer.

- Who has been refused information that was requested;
- Who has not received response to his information request within the specified time limits.
- who thinks the fees charged are unreasonable.
- Who thinks information given is incomplete, misleadin or false ; and
- any other matter relating to obtaining information.
- Suomoto power
- Has the powers of a civil court.
- Summoning and enforcing attendance of persons.
- Compelling them to give oral or written evidence on oath and to produce documents or things.
- Requiring the discovery and inspection of documents.
- Receiving evidence on affidavit.
- Requisitionin any public record from any court or office.
- All public records must be given to the Commission during inquiry for examination.
- Submits report to the State Government.
- The State Government places this report before each legislative assembly.

Centre - State Commission

Union Public Service Commission

Contents:

- Evolution
- Composition
- Appointment & Term
- Removal
- Salary
- Powers & Functions

Evolution

- Royal Commission on the Superior Civil Services in India
- Also known as Lee Commission
- Report submitted in 1924
- By the Government of India Act, 1919
- On October 1, 1926, Public Service Commission was set up for the first time.
- Sir Ross Barker, the first Chairman of the Commission.
- By Government of India Act, 1935
- On 1st April, 1937 - Federal Public Service Commission.
- In January 26, 1950, the Federal Public Service Commission came to be known as the Union Public Service Commission.
- Methods of Recruitment is made by one of the following four methods:

- Direct Recruitment
 - Promotion
 - Deputation/absorption; and
 - Composite Method (Deputation + Promotion)
- Chairman & other members - By President (9 to 11 members)

Qualification

- 1/2 of members should be government servants for atleast 10 years.

Tenure

- Six years or 65 years
- resign by addressing to president

Removal - By president

Misbehaviour

- President refers to Supreme Court (Binding on president)

Chairman

- Cannot hold Governments office after his tenure

Functions

- The functions of the Commission under Article 320 of the Constitution are:
- Conduct examinations for appointment to the services of the Union.
- Direct recruitment by selection through interviews.
- Appointment of officers on promotion / deputation / absorption.

tion / absorption.

- Framing and amendment of Recruitment Rules for various services and posts under the Government.
- Disciplinary cases relating to different Civil Services.

These include:

- Censure (severe disapproval)
- Withholding of increments
- Withholding of promotions
- Recovery of pecuniary loss
- Reduction to lower service or rank (demotion)
- Compulsory retirement
- Removal from service
- Dismissal from service
- Advising the Government on any matter referred to the Commission by the President of India.

UPSC

- Selection of Group 'A' & 'B' civil posts under cenral government.

SSC

- Group 'B' & all Group 'C' posts
- Established in 1975

Tenure

- Five years

State Public Service Commission

Contents:

- Composition
- Appointment & Term
- Removal & Salary
- Powers & Functions
- Limitations
- Joint state Public Service Commission (JSPSC)

Composition

A Chairman & other members

- By Governor of state
- No specified strength

- 1/2 of members should in Govt-service for 10 years.

Tenure

- Six years or 62 years
- Resignation addressed to Governor.

Removal

- By President (similar to UPSC)

Functions

The functions of the Commission under Article 320 of the Constitution are:

Introduction

- "Watch dog of Merit System" in the state
- SPSC is a constitutional body
- Art 315 - 323 Part XIV.
- Concerned with the recruitment to the state services
- State Public Service Commission is only a central recruiting agency in the state while the Department of Personnel or the General Administration Department is the central personnel agency in the state

- Conduct examinations for appointment to the services of the state.
- Direct recruitment by selection through interviews at state level.
- Appointment of officers on promotion / deputation / absorption at state level.
- Framing and amendment of Recruitment Rules for various services and posts under the State Government.
- Disciplinary cases relating to different Civil Services.

These Include:

- Censure (severe disapproval)

- <https://t.me/tnpscfree>
- Withholding of increments
 - Withholding of promotions
 - Recovery of pecuniary loss
 - Reduction to lower service or rank (demotion)
 - Compulsory retirement
 - Removal from service
 - Dismissal from service
 - Advising the Government on any matter referred to the Commission.
- Limitations**
- While making reservations of appointments or posts in favour of any backward class of citizens.

- <https://t.me/tnpscruled>
- While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts.
- Joint state Public Service Commission (JSPSC)**
- Statutory & non constitutional body
- Chairman & members**
- By president
- Tenure**
- Six years or 62 years
 - Suspended or removed by President
 - Resignation addressed to President

National Commission for SC's

Introduction

- 65th Constitutional Amendment Act of 1990.
- National Commission for SCs and STs.
- By 89th Constitutional Amendment Act of 2003 bifurcated into two separate bodies.
- National Commission for Scheduled Castes (under Article 338) and National Commission for Scheduled Tribes (under Article 338 - A)
- Came into existence in 2004.

Contents:

- Composition
- Appointment & Term
- Removal & Salary
- Powers & Functions

Composition

- Chairperson, a vice-chairperson and three other members.
- Appointed by the President.
- Conditions of service and tenure of office by the president.

Functions of National Commission for SCs

- Safeguarding Scheduled Castes
- Inquiring Complaints
- Socio-Economic development of the Schedules Castes
- Annual Reports
- Recommendations to the Central Government

Powers of National Commission for SCs

- Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- Requiring the discovery and production of any document;
- Receiving evidence on affidavits;
- Requisitioning any public record from any court or office;
- Issuing summons for the examination of witnesses and documents;
- any other matter which the President may determine.

National Commission for ST's

Introduction

- Article 338 - A
- Part XV
- By the 89th Constitutional Amendment Act of 2003
- Came into existence in 2004.

Contents:

- Composition
- Appointment & Term
- Removal & Salary
- Powers & Functions

Composition

- Chairperson, a vice-chairperson and three other members.
- Appointed by the President.
- Conditions of service and tenure of office by the president.

Functions of National Commission for STs

- Safeguarding Scheduled Tribes
- Inquiring Complaints
- Socio-economic development of the Schedules Tribes
- Annual Reports
- Recommendations to the Central Government.

Powers of National Commission for STs

- Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- Requiring the discovery and production of any document;
- Receiving evidence on affidavits;
- Requisitioning any public record from any court or office;
- Issuing summons for the examination of witnesses and documents; and

- Any other matter which the President may determine.
- Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.
- Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- Measures to be taken to ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996.
- Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribals that lead to their continuous disempowerment and degradation of land and the environment.

National Commission for Backward Classes

Contents:

- What is NCBC?
- Background
- Structure of NCBC
- Constitutional Provisions
- Powers & Functions

What is NCBC?

- 102nd Constitution Amendment Act, 2018
- 123rd Constitution Amendment bill of 2017
- National Commission for Backward Classes
- Dated 11.08.2018
- Repealed The National Commission for Backward Classes Act, 1993
- Constitutional body
- Statutory body
- Under the Ministry of Social Justice and Empowerment.

Background

- Two Backward Class Commissions were Kaka

Kalelkar and B.P. Mandal

- In Indra Sawhney case of 1992,
- Supreme Court had directed the government to create a permanent body to entertain, examine and recommend the inclusion and exclusion of various Backward Classes for the purpose of benefits and protection.
- National Commission for Backward Classes Act in 1993
- To safeguard the interests of backward classes

Structure of NCBC

- Chairperson,
- Vice-Chairperson
- Three other Members
- Appointed by the President

Constitutional Provisions

- Article 340 - socially and educationally backward classes
- 101st Constitution Amendment Act inserted new

Articles 338 B and 342 A and Changes in Article 366.

- Article 338B - NCBC
- Article 342 A - President to specify List of backward classes in consultation with Governor of concerned State.

Powers and Functions

- It investigates and monitors all matters relating to the safeguards provided for the socially and educationally backward classes.
- It participates and advises on the socio-economic development
- To evaluate the progress of their development under the Union and any State.
- Annual Reports presents to the President
- It has all the powers of a civil court while trying a suit.
- Not binding on the government.
- The number of backward castes in Central list of OBCs has now increased to 5,013+ (without the figures for most of the Union Territories) in 2006
- Chairperson - Mr Bhagwan Lal Sahni

Official Language

Introduction

Part XVII

Articles 343 to 351.

Chapter I (343 - 344) - language of union

Chapter II (345 - 347) - Regional languages

Chapter III (348 - 349) - Court Act, Bill languages

Chapter IV (350 - 351) - Special Directives

Contents:

Language of the Union (Art 343)

Commission & Committee (Art 344)

Regional Languages (Art 345-347)

Language of the Judiciary and Texts of Laws (Art 348-349)

Production of Linguistic Minorities

Development of Hindi Language (Art 351)

Committee of Parliament on Official Language

Classical Language Status

Special Officer for Linguistic Minorities

Language of the Union (Art 343)

Hindi written in Devanagari script

The International form of Indian numerals.

Commission & Committee (Art 344)

However, for a period of fifteen years from the commencement of the Constitution (i.e. from 1950 to 1965), the English language would continue to be used for all the official purposes of the Union.

The president should appoint a commission. In 1955.

Official Language Commission under B G Kher

Report to the President in 1956.

The Report was examined by Gobind Ballabh Pant.

Official Language Act in 1963.

This act enables the use of English indefinitely (without any time-limit)

Regional Languages (Art 345-347)

The legislature of a state may adopt any one or more of the languages in use in the state or Hindi as the official language of that state.

Andhra Pradesh - Telugu,

Kerala - Malayalam,

Assam - Assamese,

West Bengal - Bengali,

Odisha - Odia.

The nine northern states of Himachal Pradesh, Uttar Pradesh, Uttarakhand, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana and Rajasthan have adopted Hindi.

Gujarath - Hindi in addition to Gujarati.

Goa - Marathi in addition to Konkani.

Jammu and Kashmir has adopted Urdu

Meghalaya, Arunachal Pradesh and Nagaland - English.

Choice of the state is not limited to the languages enumerated in the Eighth Schedule.

English would remain the link language.

Between the Union and the states or between various states.

English should be used for purposes of communication between the Union and the non-Hindi states.

Hindi is used for communication between a Hindi and a non-Hindi should state.

Companied by an English translation.

The President has right to recognise any language
Language of the Judiciary and Texts of Laws (Art 348-349)

Use English language only in

1. All proceedings in the Supreme Court and in every high court.

2. The authoritative texts of all bills, acts, ordinances, orders, rules, regulations and by-laws at the Central and state levels.

The governor of a state, with the previous consent of the president, can authorise the use of Hindi or any other official language of the state, in the proceedings in the high court of the state.

The judgements, decrees and orders of the high court must continue to be in English only (until Parliament otherwise provides).

A state legislature can prescribe the use of any language (other than English) with respect to bills,

acts, ordinances, orders, rules, regulations or by-laws, but a translation of the same in the English language is to be published.

Production of Linguistic Minorities

Every aggrieved person has the right to submit a representation for the redress of any grievance.

In any of the languages used in the Union or in the state.

Every state provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority group.

The president should appoint a special officer for linguistic minorities to investigate all matters relating to the constitutional safeguards for linguistic minorities and to report to him.

Development of Hindi Language (Art 351)

At present (2016), the Eighth Schedule of the Constitution specifies 22 languages (originally 14 languages).

These are Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu.

Sindhi was added by the 21st Amendment Act of 1967;

Konkani, Manipuri and Nepali were added by the 71st Amendment Act of 1992;

Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003.

Two objectives behind the specification of regional languages in the Eighth Schedule:

1. The members of these languages are to be given representation in the Official Language Commission and

2. The forms, style and expression of these languages are to be used for the enrichment of Hindi language.

Committee of Parliament on Official Language

The Official Language Act (1963)

Setting up of a Committee

To review the progress made. Hindi for the official purpose of the Union set up in 1976.

Comprises of 30 members of Parliament,

20 from Lok Sabha and 10 from Rajya Sabha.

Classical Language Status

In 2004 - Classical languages

In 2006, it laid down the criteria.

So far (2016), the six languages

Languages conferred with Classical languages Status

Sl.No.	Languages	Year of Declaration
1.	Tamil	2004
2.	Sanskrit	2005
3.	Telugu	2008
4.	Kannada	2008
5.	Malayalam	2013
6.	Odia	2014

Benefits

It gets financial assistance for setting up a centre of excellence for the study of that language.

Opens up an avenue for two major awards for scholars of eminence.

In Central Universities a certain number of professional chairs for classical languages.

Criteria

High antiquity of its early texts/recrided history over a period of 1,500-2,000 years.

A body of ancient literature/texts which is considered a valuable heritage by generations of speakers.

A literary tradition that is original and not borrowed from another speech community.

The 96th Amendment Act of 2011 substituted "Odia" for "oriya".

"Odia gets classical languages status", February 20, 2014.

Special Officer for Linguistic Minorities

States Reorganisation Commission (1953-55)

Seventh Constitutional Amendment Act of 1956.

Article 350-B in Part XVII.

Appointed by the President

To investigate all matters relating to the safeguards provided for linguistic minorities.

Report to the President.

Commissioner For Linguistic Minorities

Created in 1957.

Headquarters at Allahabad (Uttar Pradesh)

Three regional offices at Belgaum (Karnataka), Chennai (Tamil Nadu) and Kolkata (West Bengal).

Each is headed by an Assistant Commissioner.

Under the Ministry of Minority Affairs.



Problem Opportunity

SURESH' IAS ACADEMY

TUTICORIN | TIRUNELVELI
RAMANATHAPURAM | MADURAI

0461 - 4000970 | 0462 - 2560123
75503 52916 | 98431 10566

Contents:

- What are human Rights?
- Social, Economic and Cultural Rights
- Civil and Political Rights
- Protection of Human Rights

What are human Rights?

- The U.N.O defines Human rights as "The right inherent to all human beings, regardless of race, gender, nationality, ethnicity, language, religion or any other status. Every one is entitled to these rights without discrimination".
- The United Nations Organization was established on 24th October 1945.
- On 10 December 1984, the United Nations General Assembly adopted the Universal Declaration of Human Rights.
- General Assembly resolution 217 A
- Every year on 10 December, Human Rights Day marks the adoption of the Universal Declaration.
- UDHR has been translated into many languages.

- 10th December is observed as Human Rights Day.
- In this declaration, there are 30 Articles.
- It guarantees freedom of expression as well as civil, political, social, economic and cultural rights.

Social, Economic and Cultural Rights

- Social rights are necessary for full participation in the society
- Economic rights guarantee every person to have conditions under which they are able to have conditions under which they are able to meet their needs.
- Cultural rights are human rights that aim at assuring the enjoyment of culture and its components in conditions of equality, human dignity and non-discrimination

Civil and Political Rights

- The term 'Civil rights' refers to the basic rights afforded by laws of the government, to every person regardless of race, nationality, colour, gender, age, religion etc.,
- Political rights are given to the citizens by law. These rights give power to the citizens to partici-

pate either directly or indirectly in the administration.

Protection of Human Rights

- The Universal Declaration of Human Rights is applicable to all countries.
- The U.N.O. adopted two covenants on 16th December 1966 to protect Human Rights;
- They are,
 - i) The International Covenant on Economic, Social and Cultural Rights. (ICESCR)
 - ii) The International Covenant on Civil and Political Rights (ICCPR)
- The World Conference on Human Rights held at Vienna in 1993 adopted the Vienna declaration and programme of action.
- It stated that the "promotion and protection of all Human Rights is a legitimate concern of the international community.
- In 1993, the Government of India passed an Act.
- According to it, the National Human Rights Commission was set up in 1993 at New Delhi.

National Human Rights Commission (NHRC)

Introduction

- Statutory & non constitutional body
- Under protection of Human Rights Act, 1993
- Watch dog of Human rights in the country.

Contents:

- Composition
- Appointment & Term
- Removal & Salary
- Powers & Functions

Composition

- Chairman : retired CJI
- 4 members : 1 Judge of S.C + 1 CJ of H.C + 2 having knowledge or exp. in Human Rights.
- 4 ex-officio Member :
 - Chairman National Commission for minorities
 - National Commission for SCs
 - National Commission for STs
 - National Commission for Women

Appointment / Tenure

- All appointed by President
- Recommended by 6 members Committee.

1. P.M is head
 2. Speaker of Lok Sabha
 3. Deputy Chairman of Rajya Sabha
 4. Leaders of opposition in both houses
 5. Home minister
- 5 years or 70 yrs age
 - Not eligible for further employment.

Removal

- President can remove if;
 1. Adjudged insolvent
 2. Paid employment outside his office
 3. Unfit to continue
 4. Unsound mind (declared by court)
 5. Convicted and imprisoned
- + proved misbehaviour (needs to refer to S.C.)

Functions

- Inquire into violation (suo motu + on petition + order of court)
- Intervene in proceedings of pending cases involving Human rights
- Visit jails, study living conditions & make

recommendations.

- Review constitutional safeguards + recommends for better implementation
- Study intl. Instruments on Human Rights and recommend measures
- Research
- Spread literacy / awareness



State Human Rights Commission (SHRC)

Contents:

- Composition
- Appointment & Term
- Removal & Salary
- Powers & Functions
- Human Rights Courts at District level

Composition

- As per Protection of Human Rights Act 1993
- 25 states via Official Gazette Notifi.
- Enquire only in respect of State list and concurrent list (not if NHRC already enquiring)
- Constituted on 17 April, 1997
- Chairman : retired CJ of HC
- 2 Members : 1 Judge of H.C / District judge with 7 yrs exp. + 1 having knowledge or exp. in Human Rights.

Appointment / Tenure

- All appointed by Governor
- Recommended by Committee :
 1. C.M is head
 2. Speaker of L.A
 3. State home minister
 4. Leader of opposition
- 5 years or 70 yrs age
- Not eligible for further employment

Removal

- President can remove if;
 1. Adjudged Insolvent
 2. Paid employment outside his office.
 3. Unfit to continue
 4. Unsound mind (declared by court)
 5. Convicted and imprisoned

- + proved misbehavior (needs to refer to S.C.)
- Salaries etc. : by SG

Functions

- Inquire into violation (suo motu + on petition + order of court)
- Intervene in proceedings of pending cases involving Human rights.
- Visit jails, study 'living' conditions & make recommendations.
- Review constitutional safeguards + recommends for better implementation
- Research
- Spread literacy / awareness
- Human Rights Courts at District level
 - Violation of Human Rights has led to the establishment of Human Rights Courts at the district level.
 - A public prosecutor or an advocate having an experience of at least 7 years is appointed as Judge in the district court.

NITI Aayog

Full-time Organisational Framework

- Prime Minister as the Chairperson.
- Vice-Chairperson
 - He is appointed by the Prime Minister
 - He enjoys the rank of a Cabinet Minister
- Full time Members
 - They enjoy the rank of a Minister of State
- Part-time Members:
 - Maximum of 2
 - From leading universities, research organisations and other relevant institutions in an ex-officio capacity.
 - Part-time members would be on a rotation.
- Ex-Officio Members
 - Maximum of 4 members of the Union Council of Ministers
 - Nominated by the Prime Minister
- Chief Executive Officer
 - He is appointed by the Prime Minister
 - In the rank of Secretary
- Secretariat: As deemed necessary.

Specialised Wings

- Research Wing
- Consultancy Wing
- Team India Wing

Objectives

- Provide a framework 'national agenda' for the Prime Minister and the Chief Ministers
- To foster cooperative federalism
- To formulate credible plans at the village level
- To ensure interests of national security are incorporated in economic strategy and policy.
- To maintain a state-of-the-art Resource Centre
- To actively monitor and evaluate the implementation of programmes and initiatives

- To focus on technology upgradation
- Capacity building for implementation of programmes and initiatives.

Guiding Principles

- Pandit Deendayal Upadhyay's Idea of 'Antyodaya'.
- Inclusion
- Village
- Demographic dividend
- People Participation
- Governance
- Sustainability

The NITI Aayog is based on the following seven pillars of effective governance:

- Pro-people agenda that fulfils the aspirations of the society as well as individuals.
- Pro-active in anticipating and responding to citizen needs.
- Participative, by involvement of citizens.
- Empowering women in all aspects.
- Inclusion of all groups with special attention to the SCs, STs, OBCs and minorities.
- Equality of opportunity for the youth.
- Transparency through the use of technology to make government visible and responsive.

Subordinate Office

- National Institute of Labour Economics Research and Development NILERD
- Formerly Institute of Applied Manpower Research
- Established in 1962
- Under the Societies Registration Act of 1860
- Renamed on 9th June 2014.
- Own campus at Narela in 2002.

Co-operative Federalism

- Granville Austin described Indian federal system as Cooperative Federalism
- Jawaharlal Nehru described their objective as to "develop the habit of co-operative working"

Consumer Protection

- Purchases any goods or avails any service free of charge;
- Purchases a good or hires a service for commercial purpose;
- Avails any service under contract of service.

What Is Unfair Trade Practice?

- False representation
- When goods and services are not of stated standard, quality or grade;
- When second hand, renovated goods are sold as new ones;
- When goods and services do not have the claimed use, usefulness or benefit;
- When products / services do not have the claimed warranty / guarantee;
- When the price of product or service is misleading.
- False and misleading advertisement of selling at bargain price.
- Offering gifts, prizes, etc. to lure customers with no intention of providing them.
- Selling goods which do not fall within the safety standards set up by competent authority.
- Hoardings or destroying goods with the intention of raising the cost of these or similar goods manufactured in greater number so as to manipulate higher prices.

- Manufacturing or offering spurious goods or adopting deceptive practices in the provision of services.
- "Goods once sold will not be taken back" or "No exchange", or "No refund under any circumstances" It amounts to Unfair Trade Practice and does not carry any legal weight.

Consumer protection

- Consumer protection is linked to the ideas of consumer rights and to the formation of consumer organisations, which helps consumers make better choices in the marketplace and get help with consumer complaints. Other organisations that promote consumer protection include government organisations and self-regulating business organisations.

The Consumer Protection Act, 1986 (COPRA)

- This Act enacted in 1986 in the Parliament of India to protect the interests of consumers.
- The act was passed in Assembly in October 1986 and came into force on December 24, 1986.
- COPRA is regarded as the 'Magna Carta' in the field of consumer protection
- Consumer Protection Councils are established at the national, state and district level to increase consumer awareness.

The Eight Basic Consumer Rights

1. The Right to Basic Needs

Introduction

- On the 13th of August, 2014
- Scrapped the 65-year-old Planning Commission
- On January 1, 2015
- The NITI Aayog, (National Institution for Transforming India)
- Successor to the planning commission
- Neither a constitutional body nor a statutory body.
- NITI Aayog is the 'Think Tank' of the Government of India.
- 'bottom-up' approach.

Contents:

- Composition
- Appointment & Term
- Removal & Salary
- Powers & Functions
- Specialised Wings
- Guiding Principles
- Subordinate Office

Composition :

Chairperson - Prime Minister

Governing Council:

- Chief Ministers of all the States
- Chief Ministers of Union Territories with Legislatures (i.e., Delhi and Puducherry) and
- Lt. Governors of other Union Territories

Regional Councils:

- Prime Minister and comprises of the
- Chief Ministers of States and
- Lt. Governors of Union Territories in the region.
- Chaired by the Chairperson of the NITI Aayog
- Special Invitees: Experts, specialists and practitioners with relevant domain knowledge as special invitees nominated by the Prime Minister.

Contents:

- Who Is a Consumer?
- The consideration may be
- Who is not a Consumer ?
- What Is Unfair Trade Practice?
- Consumer protection
- The Eight Basic Consumer Rights
- Consumer Disputes Redressal Agencies
- Consumer protection Act of 2019
- Highlights of the New Act:
- Consumer courts in India
- Important Acts

Who Is a Consumer?

- A Consumer is a person who purchases a product or avails a service for a consideration, either for his personal use or to earn his livelihood by means of self employment.

The consideration may be:

- Paid
- Promised
- Partly paid and partly promised.
- It also includes a beneficiary of such goods/services when such use is made with the approval of such person;

Who is not a Consumer?

- A person who purchases a product or avails a service for a consideration, either for his personal use or to earn his livelihood by means of self employment.

2. The Right to Safety.
3. The Right to Information.
4. The Right to Choose.
5. The Right to Representation.
6. The Right to Redress.
7. The Right to Consumer Education.
8. The Right to a Healthy Environment.

Important Acts

- The Consumer Protection Act, 1986
- The Legal Metrology Act, 2009
- The Bureau of Indian Standards Act, 1986
- The Essential Commodities Act, 1955
- The prevention of Black Marketing and maintenance of supplies of essential
- Commodities Act, 1980

Consumer Disputes Redressal Agencies

- **National Consumer Disputes Redressal Commission (NCDRC):** Established by the Central Government. It deals with matters of more than 10 million.
- **State Consumer Disputes Redressal Commission (SCDR):** Also known as the "State Commission" established by the State Government in the State. It is a state level court that takes up cases valuing less than ₹ 10 million.
- **District Consumer Disputes Redressal Forum (DCDRF):** Also known as the "District Forum" established by the State Government in each district of the State. The State Governments may establish more than one District Forum in a district. It is a district level court that deals with cases valuing up to ₹ 2 million.

Consumer protection Act of 2019

- Indian Parliament, in August 2019, passed the landmark Consumer Protection Bill, 2019 which aims to provide the timely and effective administration and settlement of consumer disputes in this Digital Age.

Highlights of the New Act:

1. **E-Commerce Transactions:** The New Act has widened the definition of 'consumer'. The definition now includes any person who buys any goods, whether through offline or online transactions, electronic means, teleshopping, direct selling or multi-level marketing.
2. **Enhancement of Pecuniary Jurisdiction:** Revised pecuniary limits have been fixed under the New Act. Accordingly, the district forum can now entertain consumer complaints where the value of goods or services paid does not exceed INR 10,00,000 (Indian Rupees Ten Million). The State Commission can entertain disputes where such value exceeds INR 10,00,000 (Indian Rupees Ten Million) but does not exceed INR 100,00,000 (Indian Rupees One Hundred Million), and the National Commission can exercise jurisdiction where such value exceeds INR 100,00,000 (INR One Hundred Million).
3. **E-Filing of complaints:** The New Act contains enabling provisions for consumers to file complaints electronically and for hearing and/or examining parties through video-conferencing.
4. **Establishment of Central Consumer Protection Authority:** The New Act proposes the establishment of a regulatory authority known as the Central Consumer Protection Authority (CCPA), with wide powers of enforcement. The CCPA will have an investigation wing, headed by a Director-General, which may conduct inquiry or investigation into consumer law violations.
5. **Unfair Trade Practices:** The New Act introduces a specific broad definition of Unfair Trade Practices, which also includes sharing of personal information given by the consumer in confidence, unless such disclosure is made in accordance with the provisions of any other law.
6. **Penalties for Misleading Advertisement:** The CCPA may impose a penalty of up to INR 1,00,00,000 on a manufacturer or an endorser, for a false or misleading advertisement. The CCPA may also sen-

ter them to imprisonment for up to two years for the same. In case of a subsequent offence, the fine may extend to INR 5,00,000 and imprisonment of up to five years. The CCPA can also prohibit the endorser of a misleading advertisement from endorsing that particular product or service for a period of up to one year. For every subsequent offence, the period of prohibition may extend to three years.

Consumer courts in India

- **National Consumer Disputes Redressal Commission (NCDRC):** A national level court works for the whole country and deals compensation claimed exceeds rupees one crore. The National Commission is the Apex body of Consumer Courts; it is also the highest appellate court in the hierarchy. The National Consumer Disputes redressal Commission (NCDRC), is a quasi-judicial commission in India which was set up in 1988 under the Consumer Protection Act of 1986. Its head office is in New Delhi. The commission is headed by a sitting or retired judge of the Supreme Court of India. State Consumer Disputes Redressal
- **Commission (SCDR):** A state level court works at the state level with cases where compensation claimed is above 20 lakhs but up to one crore. The State Commission also has the appellate jurisdiction over the District Forum.
- **District Consumer Disputes Redressal Forum (DCDRF):** A district level court works at the district level with cases where the compensation claimed is up to 20 lakhs.

Important Acts

- The Consumer Protection Act, 1986
- The Legal Metrology Act, 2009
- The Bureau of Indian Standards Act, 1986
- The Essential Commodities Act, 1955
- The prevention of Black Marketing and maintenance of supplies of essential
- Commodities Act, 1980

Empowerment of Women**Introduction**

- "Feminism is not about making women stronger. Women are already strong. It's about changing the way the world perceives that strength".
- "You educate a man; you educate a man. You educate a woman; you educate a generation".
- To call woman the weaker sex is a libel; it is man's injustice to woman—Mahatma Gandhi.

Contents:

- Essential factors for empowerment are
- Woman's Education
- The Unmatched Importance of Female Education
- Increased Literacy
- Human Trafficking
- Political Representation
- Thriving Babies
- Later Marriage
- Income Potential
- Prospering GDP
- Poverty Reduction
- First in India - Woman

- Factors Responsible for Poor Female Literacy Rate
- Role of woman in the economic development
- Benefits of Economic Empowerment of Woman
- The need for Economic Empowerment of Woman

Essential factors for empowerment are :

1. **Education:** Education gives one the ability to think wisely and take thoughtful decisions.
2. **Gender Discrimination:** A Society which discriminates between the two genders can never be empowered.
3. **Discrimination based on caste, creed, religion etc.**

Woman's Education

- The Universal Declaration of Human Rights asserted that "everyone has the right to education"
- The former President Barack Obama said while addressing the United Nations General Assembly in 2012, "the future must not belong to those who bully women. It must be shaped by girls who go to school and those who stand for a world where our daughters can live their dreams just like our sons."

The Unmatched Importance of Female Education**Increased Literacy:**

- Of the illiterate youth across the globe, nearly 63 percent are female. Offering all children education will prop up literacy rates, pushing forward development in struggling regions.

Human Trafficking:

- Women are most vulnerable to trafficking when they are undereducated and poor, according to the United Nations Inter-Agency Project on Human Trafficking. Through providing young girls with opportunities and fundamental skills, Human Traf-

ficking can be significantly undermined.

Political Representation:

- Across the globe, women are under represented as voters and restricted from political involvement. The United Nations Women's Programmes on Leadership and Participation suggest that civic education, training and all around empowerment will reduce this gap.

Thriving Babies:

- According to the United Nations Girls' Education Initiative, children of educated mothers are twice as likely to survive past the age of five.

Later Marriage:

- As suggested by the United Nations Population Fund, in underdeveloped countries, one in every three girls is married before reaching the age of 18. In a region where a girl receives seven or more years of education, the wedding date is delayed by four years.

Income Potential:

- Education also increases a woman's earning capabilities. According to the United Nations Educational, Scientific and Cultural Organisation, (UNESCO) a single year of primary education has shown to increase a girl's wages later in life by 20 percent.

Prospering GDP:

- Gross Domestic Product also rises when both girls

and boys are being offered educational opportunities. When 10 percent more women attend school, GDP increases by three percent on average.

Poverty Reduction:

- When women are provided with equal rights and equal access to education, they go on to participate in economic activity. Increased earning power leads to reduction in poverty level.
- Savitribai Phule as a tradition breaker, the first female teacher at the first girls' school. when we talk about the girls' education only Jyotirao Phule is remembered as the champion of women's education in India. He, along with his wife Savitribai Phule, opened the first school for girls in 1848.

First in India - Woman

- First Women's University Maharshi Karve starts SNDT University in Pune with five students in 1916.
- First Women to hold a Union Cabinet post Vijaya Lakshmi Pandit
- First Women to hold a Union Foreign Minister's post Sushma Swaraj (2014)
- First Women youngest minister of a state Sushma Swaraj (She became the cabinet minister of Haryana when she was only 25 yrs old)
- First Women governor of Independent India Sarojini Naidu, in charge of United Provinces
- First Women president of UN General Assembly Vijaya Lakshmi Pandit (1953)
- First Women Prime Minister of India Indira Gandhi (1966)
- First Women IPS Officer of India Kiran Bedi (1972)
- First Women to win Nobel Peace Prize Mother Teresa (1979)
- First Indian Women to climb Mount Everest Bachendri Pal (1984)
- First Indian Women to win Booker Prize Arundhati Roy (1997)

- First Women President Pratibha Patil (2007)
- First Women Speaker of Lok Sabha Meira Kumar (2009)
- First Women judge in Supreme Court Meera Sahib Fatima Bibi
- First Women President of the Indian National Congress Annie Besant
- First Women Chief Minister of an Indian State Sucheta Kripalani
- First Women Director General of Police (DGP) Kanchan Chaudhary Bhattacharya
- First women defence Minister of India Nirmala Sitharaman
- First woman Finance Minister of India Nirmala Sitharaman

Factors Responsible for Poor Female Literacy Rate

- Gender based inequality.
- Social discrimination and economic exploitation.
- Occupation of girl child in domestic chores.
- Low enrolment of girls in schools.
- Low retention rate and high dropout rate.

Role of woman in the economic development

- Women's empowerment and achieving gender equality is essential for our society to ensure the sustainable development of the country.

Benefits of Economic Empowerment of Woman

- Women's economic empowerment is central to realising women's rights and gender equality.
- Empowering women in the economy and bridging gender gaps in the world of work are key to achieving the agenda for Sustainable Development
- When more women work, economies grow.
- Increasing women's and girls' educational attainment contributes to women's economic empowerment and more inclusive economic growth.
- It is estimated that companies with three or more women in senior management functions score

higher in all dimensions of organisational performance.

The need for Economic Empowerment of Woman.

- Gender differences in laws affect both developing and developed economies, and women in all regions.
- Women remain less likely to participate in the labour market than men around the world.
- Women are more likely to be unemployed than men.
- Women are over-represented in informal and vulnerable employment.
- Globally, women are paid less than men.
- Women bear disproportionate responsibility for unpaid care and domestic work.
- Unpaid care work is essential to the functioning of the economy, but often goes uncounted and unrecognised
- Women are less likely to be entrepreneurs and face more disadvantages starting businesses.
- Women are less likely than men to have access to financial institutions or have a bank account.
- Women are still less likely to have access to social protection.
- Violence and harassment in the world of work affects women regardless of age, location, income or social status.

National Commission for Women

- The national commission for women was set up in January 1992 under the National commission for women Act, 1990.

Structure

- One Chairperson and 5 members.
- For a term of 3 years
- It reports the protection and status of the women's welfare.
- 'Rashtra Mahila' - Monthly magazine in Hindi and English.

First in the World - Woman

First woman	Name	Country
Prime Minister	Sirimavo Bandaranaike	Sri Lanka
In space	Valentina Tereshkova	USSR
To scale Mt Everest	Junko Tabei	Japan
To win the Olympic gold	Charlotte Cooper	England

1.	Ms. Jayanti Patnaik	1992 - 1995
2.	Dr. V. Mohini Giri	1995 - 1998
3.	Ms. Vibha parthasarathi	1999 - 2002
4.	Dr. Poornima Advani	2002 - 2005
5.	Dr. Girija Vyas	2005 - 2008
6.	Dr. Girija Vyas	2008 - 2011
7.	Ms. Mamta Sharma	2011 - 2014
8.	Ms. Lalitha Kumaramangalam	2014 - 2017
9.	Mrs. Rekha Sharma	from 2018

TNPSC

SSC

UPSC

ALP

BANKING

POSTAL

FCI

SI



SURESH'
IAS ACADEMY

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TRB

TANCET

POLICE

JAILOR

INSURANCE

TET

FORESTER

RAILWAYS

V

Annexure

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Powers and Functions of the President

Executive	Legislative	Financial	Judicial	Emergency	Miscellaneous
<ol style="list-style-type: none"> Running of all administration in his name, making of rules for the conduct of government business and allocation of work among the ministers. Having information of all important decisions of the Cabinet, referring any matter for the consideration of the Cabinet. Making important appointments and removals. Maintaining foreign relations. Holding supreme command of the Defence Forces. Approving rules and regulations for the working of the Supreme Court and other independent agencies. Sending directions and instructions to state governments and invoking Art. 356 in case of breakdown of Constitutional machinery in a State. Running of the administration of Union Territories and Scheduled and Tribal Areas. 	<ol style="list-style-type: none"> Summoning and proroguing sessions of Parliament and dissolving Lok Sabha. Making nomination of 12 members to the Rajya Sabha and 2 to the Lok Sabha. Delivering inaugural addresses and sending messages to the Parliament. Exercising veto power over non-money bills absolute as well as suspensive. Giving prior permission for introducing certain kinds of bills in Parliament. Promulgating an ordinance if the Parliament is not in session. Causing presentation in the Parliament of reports and recommendations of various commissions. Making appointment of presiding officer protem of the Lok Sabha. Allowing extension, modification, or abrogation of law in cases of ports and aerodromes. Exercising absolute veto power over State Legislation in certain cases. 	<ol style="list-style-type: none"> Introduction of money bill in Lok Sabha with his prior recommendation. Keeping control over Contingency Fund of India Causing presentation of budget in the Parliament. Making appointment of Finance Commission. Allowing determination of the shares of States in proceeds of income tax and of the amounts of grants-in-aid in lieu of jute export duty to the States of Assam, Bihar, Odisha and West Bengal 	<ol style="list-style-type: none"> Granting commutation of sentence, reprieve of pardon, respites or remissions or suspension of punishments by virtue of holding prerogative of mercy. He appoints the Chief Justice of India and other judges of Supreme Court and High Courts. He can seek advice from the Supreme Court on any question of law or fact. 	<ol style="list-style-type: none"> The constitution confers extraordinary powers on the President to deal with three types of emergencies. <ul style="list-style-type: none"> National Emergency (Art. 352) President's rule (Art. 356) Financial Emergency (Art. 360) Art. 352 President declares national emergency when security is threatened due to war, external aggression and internal rebellion. Provision of emergency in a State (Art 356) in the event if breakdown of constitutional machinery. Art 365 - enforcement of President's rule when a State does not obey the union government direction or the Indian Constitution. The President under Art 360 has the power to declare financial emergency if he is satisfied that financial stability or the credit of India is threatened. 	<ol style="list-style-type: none"> Reference of any matter of public importance involving a question of law or fact to the advisory opinion of the Supreme Court. Determining the strength of Judges in the High Court. Making rules for the composition and working of the Union Public Service Commission. Setting up official Languages Commission and taking steps for the progressive use of Hindi for official purposes on the basis of its recommendations. Making special regulations for the administration of the State of Jammu Kashmir. Making special rules and regulations for the administration of Scheduled and Tribal Areas.

First	1. Names of the States and their territorial Jurisdiction 2. Names of the Union Territories and their extent	59,65,75,97, 125,148,158, 221
Second	Provisions relating to the emoluments allowances, privileges and so on of: The President of India, The Governors of States, The Speaker and the Deputy Speaker of the Lok Sabha, The Chairman and the Deputy Chairman of the Rajya Sabha, The Speaker and the Deputy Speaker of the Legislative Assembly in the states, The Chairman and the Deputy Chairman of the Legislative Council in the States, The Judges of the Supreme Court, The Judges of the High Courts, The Comptroller and Auditor - General of India	75, 84, 99, 124, 146, 173, 188 and 219
Third	Forms of Oaths or Affirmations for : The Union ministers, The candidates for election to the Parliament, The members of Parliament, The judges of the Supreme Court, The Comptroller and Auditor - General of India, The State ministers, The candidates for election to the State legislature, The members of the state legislature, The judges of the High Courts	4 and 80
Fourth	Allocation of seats in the Rajya Sabha to the States and the union territories	244
Fifth	Provisions relating to the administration and control of scheduled areas and scheduled tribes	244 and 275
Sixth	Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram	246
Seventh	Division of powers between the Union and the States in terms of List I (Union List), List II (State List) and List III (Concurrent List), Presently, the Union List contains 100 subjects (originally 97), the state list contains 61 subjects (Originally 66) and the concurrent list contains 52 subjects (originally 47).	
Eighth	Languages recognized by the Constitution, Originally, it had 14 languages but presently there are 22 languages. They are : Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Odiya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21 st Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71 st Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92 nd Amendment Act of 2003. Oriya was renamed as 'Odia' by the 96 th Amendment Act of 2011.	344 and 351
Ninth	Acts and Regulations (originally 13 but presently 284) of the state legislatures dealing with land reforms and abolition of the zamindari system and of the Parliament dealing with other matters. This schedule was added by the 1 st Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to Judicial review	31-B
Tenth	Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection. This schedule was added by the 52 nd Amendment Act of 1985, also known as Antidefection Law	102 and 191
Eleventh	Specifies the powers, authority and responsibilities of Panchayats, It has 29 matters. This schedule was added by the 73 rd Amendment Act of 1992.	
Twelfth	Specifies the powers, authority and responsibilities of Municipalities. It has 18 matters. This schedule was added by the 74 th Amendment Act of 1992.	243-W

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1. Name and territory of the union
2. Admission or establishment of new states
- 2A. Sikkim to be associated with the Union (Repealed)
3. Formation of new states and alteration of areas, boundaries or names of existing states.
4. Laws made under Articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

Part - II

Citizenship

5. Citizenship at the commencement of the Constitution
6. Rights of citizenship of certain persons who have migrated to India from Pakistan
7. Rights of citizenship of certain migrants to Pakistan
8. Rights of citizenship of certain persons of Indian origin residing outside India.
9. Persons voluntarily acquiring citizenship of a foreign state not to be citizens
10. Continuance of the rights of citizenship
11. Parliament to regulate the right of citizenship by law

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12. Definition of state
13. Laws inconsistent with or in derogation of the fundamental rights
14. Equality before law
15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
16. Equality of opportunity in matters of public employment
17. Abolition of untouchability
18. Abolition of titles
19. Protection of certain rights regarding freedom of speech, etc.
20. Protection in respect of conviction for offences
21. Protection of life and personal liberty
- 21A. Right to elementary education
22. Protection against arrest and detention in certain cases
23. Prohibition of traffic in human beings and forced labour
24. Prohibition of employment of children in factories, etc

25. Freedom of conscience and free profession, practice and propagation of religion
26. Freedom to manage religious affairs
27. Freedom as to payment of taxes for promotion of any particular religion
28. Freedom as to attendance at religious instruction or religious worship in certain educational institutions
29. Protection of interests of minorities
30. Right of minorities to establish and administer educational institutions
31. Compulsory acquisition of property (Repeated)
- 31A. Saving of laws providing for acquisition of estates, etc.
- 31B. Validation of certain acts and regulations
- 31C. Saving of laws giving effect to certain directive principles
- 31D. Saving of laws in respect of anti-national activities (Repeated)
32. Remedies for enforcement of fundamental rights including writs
- 32A. Constitutional validity of State laws not to be considered in proceedings under article 32 (Repeated)
33. Power of Parliament to modify the fundamental rights in their application to forces, etc
34. Restriction on fundamental rights while martial law is in force in any area
35. Legislation to give effect to some of the provisions of fundamental rights

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36. Definition of State
37. Application of the directive principles
38. State to secure a social order for the promotion of welfare of the people
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- 43A. Participation of workers in management of industries

- 43B. Promotion of co-operative societies
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45. Provision for early childhood care and education to children below the age of six years
46. Promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections
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48. Organisation of agriculture and animal husbandary
- 48A. Protection and improvement of environment and safeguarding of forests and wild life
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53. Executive power of the Union
54. Election of President
55. Manner of election of President
56. Term of office of President
57. Eligibility of re-election
58. Qualifications for election as President
59. Conditions of President's office
60. Oath or affirmation by the President
61. Procedure for impeachment of the President
62. Time of holding election to fill vacancy in the office of President and the term of office of person elected to fill casual vacancy
63. The Vice-President of India
64. The Vice-President to be ex-officio chairman of the council of states
65. The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President
66. Election of Vice-President
67. Term of office of Vice-President

- Time for holding election to fill vacancy in the office of Vice-President and the term of office of person elected to fill casual vacancy.
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- Discharge of President's functions in other contingencies
- Matters relating to, or connected with, the election of a President or Vice-President
- Power of president to grant pardons, etc., and to suspend, remit or commute sentences in certain cases
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Union Ministers and Attorney General

- Council of ministers to aid and advise President
- Other provisions as to ministers
- Attorney-General for India
- Conduct of business of the Government of India
- Duties of Prime Minister as respects the furnishing of information to the President, etc.

Parliament

- Constitution of Parliament
- Composition of the council of states
- Composition of the House of the People
- Readjustment after each census
- Duration of Houses of Parliament
- Qualification for membership of Parliament
- Sessions of Parliament, prorogation and dissolution
- Right of President to address and send messages to Houses
- Special address by the President
- Rights of ministers and Attorney General as respects Houses
- The chairman and deputy chairman of the council of states
- Vacation and resignation of, and removal from, the office of deputy chairman
- Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman
- The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration
- The Speaker and Deputy Speaker of the House of the people
- Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker
- Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker
- The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration
- Salaries and allowances of the Chairman and Deputy Chairman and the Speaker and Deputy Speaker
- Secretariat of Parliament
- Oath or affirmation by members
- Voting in Houses, power of Houses to act not withstanding vacancies and quorum
- Vacation of seats
- Disqualifications for membership
- Decision on questions as to disqualifications of members
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- Salaries and allowances of members
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- Joint sitting of both Houses in certain cases.
- Special procedure in respect of money bills
- Definition of money bills
- Assent to bills
- Annual financial statement (budget)
- Procedure in Parliament with respect to estimates
- Appropriation bills
- Supplementary, additional or excess grants
- Votes on account, votes of credit and exceptional grants
- Special provisions as to financial bills
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- 124 A. National Judicial Appointments Commission
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- 124 C. Power of Parliament to make law.
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- Appointment of acting chief justice
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- Attendance of retired judges at sittings of the Supreme Court
- Supreme Court to be a court of record
- Seat of Supreme Court
- Original jurisdiction of the Supreme Court
- 131A. Exclusive jurisdiction of the Supreme Court in regard to questions as to the constitutional validity of Central Laws (Repealed)
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- 134A. Certificate for appeal to the Supreme Court
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- Special leave to appeal by the Supreme Court
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- 139A. Transfer of certain cases
- Ancillary powers of Supreme Court
- Law declared by Supreme Court to be binding on all courts
- Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.
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- Civil and judicial authorities to act in aid of the Supreme Court
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- Comptroller and Auditor General of India
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Governor

- Definition of state
- Governors of states
- Executive power of state
- Appointment of governor
- Term of office of governor
- Qualifications for appointment as governor
- Conditions of governors office
- Oath or affirmation by the governor
- Discharge of the functions of the governor in certain contingencies
- Power of governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases
- Extent of executive power of state

State Ministers and Advocate General

- Council of ministers to aid and advise governor
- Other provisions as to ministers
- Advocate General for the state

- Conduct of business of the government of a state
- Duties of chief minister as respects the furnishing of information to Governor, etc.

State Legislature

- Constitution of legislatures in states
- Abolition or creation of legislative councils in states
- Composition of the legislative assemblies
- Composition of the legislative councils
- Duration of state legislatures
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- Sessions of the state legislature, prorogation and dissolution
- Right of governor to address and send messages to the House of Houses
- Special address by the governor
- Rights of ministers and Advocate General as respects the Houses
- The Speaker and Deputy Speaker of the legislative assembly
- Vacation and resignation of and removal from, the offices of Speaker and Deputy Speaker
- Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, speaker
- The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration
- The chairman and Deputy Chairman of the legislative council
- Vacation and resignation of, and removal from, the offices of Chairman and Deputy Chairman
- Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman
- The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration
- Salaries and allowances of the Speaker and Deputy Speaker and the Chairman and Deputy Chairman
- Secretariat of state legislature
- Oath or affirmation by members
- Voting in Houses, power of Houses to act not withstanding vacancies and quorum
- Vacation of seats
- Disqualifications for membership
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- Salaries and allowances of members
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- Supplementary, additional or excess grants
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226. Power of high courts to issue certain writs
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- 233A. Validation of appointments of, and judgements, etc., delivered by, certain district judges
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- 239A. Creation of local legislatures or council of ministers or both for certain union territories
- 239AA. Special provisions with respect to Delhi
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- 243A. Gram sabha
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382. Provisions as to provisional Legislatures for States in Part A of the First Schedule (Repealed)
383. Provisions as to Governors of Provinces (Repealed)
384. Council of Ministers of Governors (Repealed)
385. Provisions as to provisional Legislatures in States in Part B of the First Schedule (Repealed)
386. Council of Ministers for states in Part B of the First Schedule (Repealed)
387. Special provision as to determination of population for the purposes of certain elections (Repealed)
388. Provisions as to the filling of casual vacancies in the provisional Parliament and provisional Legislature of the States (Repealed)
389. Provisions as to Bills pending in the Dominion Legislature and in the Legislatures of Provinces and Indian States (Repealed)
390. Moneys received or raised or expenditure incurred between the commencement of the Constitution and the 31st day of March, 1950 (Repealed)
391. Power of the President to amend the First and Fourth Schedules in certain contingencies (Repealed)
392. Power of the President to remove difficulties

Part - XXII

Short Title, Commencement, etc.

393. Short title
394. Commencement
- 394A. Authoritative text in the hindi language
395. Repealed

Amendment Number and Year	Amended Provisions of the Constitution
	<ol style="list-style-type: none"> Empowered the state to make special provision for the advancement of socially and economically backward classes. Provided for the saving of laws providing for acquisition of estates, etc. Added Ninth Schedule to protect the land reform and other laws included in it from the judicial review.
First Amendment Act, 1951	<ol style="list-style-type: none"> 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.
Second Amendment Act, 1952	Provided that state trading and Nationalisation of any trade or business by the state is not to be invalid on the ground of violation of the right to trade or business.
Third Amendment Act, 1954	Readjusted the scale of representation in the Lok Sabha by providing that one member could represent even more than 7,50,000 persons
Fourth Amendment Act, 1955	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
	<ol style="list-style-type: none"> Made the scale of compensation given in Lieu of compulsory acquisition of private property beyond the scrutiny of courts Authorised the state to nationalise any trade. Included some more Acts in the Ninth Schedule Extended the scope of Article 31 A (Savings of laws)
Fifth 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.
Sixth 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 interstate trade and commerce and restricted the state's power in this regard
Seventh Amendment Act, 1956	<ol style="list-style-type: none"> 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 establishment of a common high court for two or more states. Provided for the appointment of additional and acting judges of the high court.
Eighth 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., upto 1970)
Ninth 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)
Tenth Amendment Act, 1961	Incorporated Dadra and Nagar Haveli in the Indian Union.
Eleventh Amendment Act, 1961	<ol 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.
Twelfth Amendment Act, 1962	Incorporated Goa, Daman and Diu in the Indian Union
Thirteenth Amendment Act, 1962	Gave the status of a state to Nagaland and made special provisions for it.
Fourteenth Amendment Act, 1962	<ol style="list-style-type: none"> Incorporated Puducherry in the Indian Union. Provided for the creation of legislatures and council of ministers for the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Puducherry.
	<ol style="list-style-type: none"> Enabled the high courts to issue writs to any person or authority even outside its territorial jurisdiction if the cause of action arises within its territorial limits. Increased the retirement age of high court judges from 60 to 62 years. Provided for appointment of retired judges of the high courts as acting judges of the same court. Provided for compensatory allowance to judges who are transferred from one high court to another. Enabled the retired judge of a high court to act as ad hoc judge of the Supreme Court. Provided for the procedure for determining the age of the Supreme Court and high court judges:
Fifteenth Amendment Act, 1963	<ol style="list-style-type: none"> Empowered the state to impose further restriction on the rights to freedom of speech and expression, to assemble peaceably and to form associations in the interests of sovereignty and integrity of India. 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.
Sixteenth Amendment Act, 1964	<ol style="list-style-type: none"> Prohibited the acquisition of land under personal cultivation unless the market value of the land is paid as compensation Included 44 more Acts in the Ninth Schedule
Seventeenth Amendment Act, 1964	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 union territory.
Eighteenth Amendment Act, 1966	Abolished the system of Election Tribunals and vested the power to hear election petitions in the High Courts.
Nineteenth Amendment Act, 1966	Validated certain appointments of district judges in the UP which were declared void by the Supreme Court.
Twentieth Amendment Act, 1966	Included Sindhi as the 15th language in the Eighth Schedule.
Twenty-First Amendment Act, 1967	Facilitated the creation of new autonomous State of Meghalaya within the State of Assam.
Twenty-Second 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., upto 1980)
Twenty-Third Amendment Act, 1969	
Twenty-Fourth Amendment Act, 1971	<ol 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.
Twenty-Fifth Amendment Act, 1971	<ol 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.
Twenty-Sixth Amendment Act, 1971	Abolished the privy purses and privileges of the former rulers of princely states.
Twenty-Seventh Amendment Act, 1971	<ol style="list-style-type: none"> Empowered the administrators of certain Union Territories to promulgate ordinances. Made certain special provisions for new Union Territories of Arunachal Pradesh and Mizoram Authorised the Parliament to create the legislative assembly and the council of ministers for the new state of Manipur.
Twenty-Eighth Amendment Act, 1972	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.
Thirtieth Amendment Act, 1972	Did away with the provision which allowed 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.
Thirty-First Amendment Act, 1972	Increased the number of Lok Sabha Seats from 525 to 545
Thirty-Second Amendment Act, 1973	Made special provisions to satisfy the aspirations of the people of the Telangana region in Andhra Pradesh.
Thirty-Third 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.
Thirty-Fourth Amendment Act, 1974	Included twenty more land tenure and land reforms acts of various states in the Ninth Schedule.
Thirty-Fifth 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.
Thirty-Sixth Amendment Act, 1975	Made Sikkim a full-fledged State of the Indian Union and omitted the Tenth Schedule.
Thirty-Seventh Amendment Act, 1975	Provided legislative assembly and council of ministers for the Union Territory of Arunachal Pradesh
Thirty-Eighth Amendment Act, 1975	<ol style="list-style-type: none"> Made the declaration of emergency by the president non-justiciable Made the promulgation of ordinances by the president, governors and administrators of union territories non-justiciable Empowered the president to declare different proclamations of national emergency on different grounds simultaneously
Thirty-Ninth Amendment Act, 1975	<ol style="list-style-type: none"> 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 Parliament. Included certain Central acts in the Ninth Schedule
Fortieth 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.

1. Added three new words (i.e., socialist, secular and integrity) in the Preamble
2. Added Fundamental Duties by the Citizens (new Part IV A)
3. Made the president bound by the advice of the cabinet
4. Provided for administrative tribunals and tribunals for other matters (Added Part XIV A)
5. Froze the seats in the Lok Sabha and State Legislative assemblies on the basis of 1971 census till 2001.
6. Made the constitutional amendments beyond judicial scrutiny.
7. Curtailed the power of judicial review and writ jurisdiction of the Supreme Court and High Courts.
8. Raised the tenure of Lok Sabha and state legislative assemblies from 5 to 6 years.
9. Provided that the laws made for the implementation of Directive Principles cannot be declared invalid by the courts on the ground of violation of some Fundamental Rights.
10. Empowered the Parliament to make laws to deal with anti-national activities and such laws are to take precedence over Fundamental Rights.
11. Added three new Directive Principles viz., equal justice and free - legal aid, participation of workers in the management of industries and protection of environment, forests and wild life.
12. Facilitated the proclamation of National Emergency in a part of territory of India
13. Extended the one-time duration of the President's rule in a state from 6 months to one year
14. Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.
15. 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.
16. Did away with the requirement of quorum in the Parliament and the State legislatures.
17. Empowered the Parliament to decide from time to time the rights and Privileges of its members and committees.
18. Provided for the creation of the All-India Judicial Service
19. Shortened the procedure for disciplinary action by taking away the right of a civil servant to make representation at the second state after the inquiry (i.e., on the penalty proposed).

1. Restored the jurisdiction of the Supreme Court and the High courts in respect of judicial review and issue of writs
2. Deprived the Parliament of its special powers to make laws to deal with anti-national activities.
1. Restored the original term of the Lok Sabha and the State Legislative assemblies (i.e., 5 years).
2. Restored the provisions with regard to quorum in the Parliament and state Legislatures.

3. Omitted the reference to the British House of Commons in the Provisions pertaining to the Parliamentary privileges.
4. Gave constitutional protection to publication in newspaper of true reports of the proceedings of the Parliament and the state Legislatures
5. Empowered the president to send back once the advice of cabinet for reconsideration. But, the reconsidered advice is to be binding on the president.
6. Deleted the provision which made the satisfaction of the president, governor and administrators final in issuing ordinances.
7. Restored some of the powers of the Supreme Court and High Courts.
8. Replaced the term 'Internal disturbance' by 'armed rebellion' in respect of national emergency.
9. Made the President to declare a national emergency only on the written recommendation of the cabinet.
10. Made certain procedural safeguards with respect to national emergency and president's rule.
10. Made certain Procedural safeguards with respect to national emergency and President's rule
11. Deleted the right to property from the list of Fundamental Rights and made it only a legal right.
12. Provided that the fundamental rights guaranteed by Articles 20 and 21 cannot be suspended during a national emergency
13. Omitted the provisions which took away the power of the court to decide the election disputes of the president, the vice-president, the prime minister and the Speaker of the Lok Sabha.

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 1990).

1. Enabled the states to plug loopholes in the laws and realise sales tax dues
2. Brought about some uniformity in tax rates on certain items.

Included 14 land reforms Acts of various states in the Ninth Schedule

Facilitated the extension of President's rule in Punjab beyond one year without meeting the two special conditions for such extension.

Gave a constitutional sanctity to the Autonomous District Council in Tripura

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.

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

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

Made special provisions in respect of Mizoram and fixed the strength of its Assembly at a minimum of 40 members.

Increased the salaries of the Supreme Court and High Court Judges and Enabled the Parliament to change them in future by an ordinary law.

Made a special provisions in respect of Arunachal Pradesh and fixed the strength of its Assembly at a minimum of

Fixed the strength of the Goa Legislative Assembly at a minimum of 30 members

Reserved seats for the STs in the legislative assemblies of the states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland.

Provided for an authoritative text of the Constitution in Hindi Language and gave the same legal sanctity to the Hindi version of the Constitution.

1. Facilitated the extension of President's Rule in Punjab up to three years.
2. Provided for the declaration of National Emergency in Punjab on the ground of internal disturbance.

Increased the ceiling of taxes on professions, trades, callings and employments from ₹ 250 per annum to ₹ 2,500 per annum

Reduced the voting age from 21 years to 18 years for the Lok Sabha and State Legislative assembly elections

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 the further period of ten years (i.e., up to 2000)

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.

Facilitated the extension of the President's rule in Punjab upto a total period of three years and six months

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

Included 55 more land reforms Acts of various states in the Ninth Schedule

Facilitated the extension of the President's rule in Punjab up to a total period of four years

Facilitated the extension of the President's rule in Punjab up to a total period of five years

Accorded a special status to the Union Territory of Delhi by designing it as National Capital Territory of Delhi. The amendment also provided for the creation of a 70 - member Legislative assembly and a 7 member council of ministers for Delhi

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

Included Konkani, Manipuri and Nepali Languages in the Eighth Schedule, with this, the total number of Scheduled languages increased to 18.

Seventy-Second Amendment Act, 1992	Provided for reservation of seats for the STs in the Legislative Assembly of Tripura.
Seventy-Third Amendment Act, 1992	Granted Constitutional status and protection to the Panchayati Raj institutions. 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.
Seventy-Fourth Amendment Act, 1992	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 new a Twelfth Schedule containing 18 functional items of the municipalities.
Seventy-Fifth 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.
Seventy-Sixth 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 per cent.
Seventy-Seventh 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.
Seventy-Eighth 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.
Seventy-Ninth 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 the state Legislative assemblies for a further period of ten years (i.e., upto 2010)
Eightieth 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.
Eighty-First 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 percent reservation on total number of vacancies of that year. In brief, this amendment ended the 50 per cent ceiling on reservation in backlog vacancies.
Eighty-Second 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.
Eighty-Third 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
Eighty-fourth Amendment Act, 2001	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 objective of encouraging population limiting measures. 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
Eighty-Fifth Amendment Act, 2001	Provided for 'Consequential seniority' in the case of promotion by virtue of rule for reservation for the government servants belonging to the SCs and STs with retrospective effect from June 1995.
Eighty-Sixth Amendment Act, 2002	<ol style="list-style-type: none"> Made elementary education a fundamental right. The newly-added Article 21 - A declared 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".
Eighty-Seventh 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.
Eighty-Eighth 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.
Eighty-Ninth 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.
Ninetieth 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)) Made the following provisions to limit the size of Council of Ministers, to debar defectors from holding public offices, and to strengthen the anti-defection law: <ol 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)) 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 (Article 75 (1B)) 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 less than 12 (Article 164 (1A))
Ninety-First Amendment Act, 2003	<ol style="list-style-type: none"> A member of either House of a State Legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister (Article 164 (1B)) A member of either House of Parliament or either House of a State Legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to hold any remunerative political post. The expression "remunerative political post" means (i) any office under the central government or a state government where the salary or remuneration for such office is paid out of the public revenue of the concerned government; or (ii) any office under a body, whether incorporated or not, which is wholly or partially owned by the Central Government or a state government and the salary or remuneration for such office is paid by such body, except where such salary or remuneration paid is compensatory in nature (Article 361 - B) 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
Ninety-Second Amendment 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.
Ninety-Third Amendment 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.
Ninety-Fourth 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 Odisha, where it has already been in force (Article 164 (1)).
Ninety-Fifth 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)
Ninety-Sixth Amendment Act, 2011	Substituted "Odia" for "Oriya". Consequently, the "Oriya" language in the Eighth Schedule shall be pronounced as "Odia".
Ninety-Seventh Amendment Act, 2011	Gave a constitutional status and protection to co-operative societies. In this context, it made the following three changes in the constitution: <ol style="list-style-type: none"> It made the right to form co-operative societies a fundamental right (Article 19) It included a new Directive Principle of State Policy on 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)
Ninety-Eighth Amendment Act, 2012	Provided for special provisions for the Hyderabad - Karnataka region of the State of Karnataka. The Special provisions aim to establish an institutional mechanism for equitable allocation of funds to meet the development needs over the region, as well as to enhance human resources and promote employment from the region by providing for local cadres in service and reservation in educational and vocational training institutions (Articles 371 - J)
Ninety-Ninth Amendment Act, 2014	Replaced the collegium system of appointing judges to the Supreme Court and High Courts with a new body called the National Judicial Appointments Commission (NJAC). However, in 2015, the Supreme Court has declared this amendment act as unconstitutional and void. Consequently the earlier collegium system became operative again (amended Articles 124, 127, 128, 217, 222, 224, 224A, 231 and inserted Articles 124A, 124B, 124C)
One Hundredth Amendment Act, 2015	Gave effect to the acquiring of certain territories by India and transfer of certain of the territories to Bangladesh (through exchange of enclaves and retention of adverse possessions) in pursuance of the Land Boundary Agreement of 1974 and its Protocol of 2011. For this purpose, this amended the provisions relating to the territories of four states (Assam, West Bengal, Meghalaya and Tripura) in the first Schedule of the Constitution.
One Hundredth and One Ame., Act, 2017	Goods and Service tax Amendment of Articles - 248, 249, 250, 268, 269, 270, 271, 286, 366, 368. Sixth Schedule, Seventh Schedule, Deletion of Article 268 A.
One Hundredth and Two Ame., Act, 2018	Constitutional status to National Commission of Backward Classes.
One Hundredth and Third Ame., Act, 2019	10% Reservation for Economically Weaker Section.
One Hundredth and Four Ame., Act, 2019	Extend reservation of seats for SC & ST in Lok Sabha & State Assemblies from 70 to 80 yrs