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## CHAPTER- 1 - HISTORICAL BACKGROUND

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Britishers came to India in 1600 , by Queen Elizabeth I (1765) , ‘diwani’ rights (rights over revenue and civil justice)- Bengal, Bihar , Orissa</li> <li>• 1858 -‘Sepoy mutiny’, the British Crown assumed direct responsibility for the governance of India.</li> <li>• MN Roy thought for a need of constitution ( in 1934) for the purpose of which, a Constituent Assembly was formed in 1946, gave Constitution on January 26, 1950.</li> </ul>
<b>THE COMPANY RULE (1773–1858)</b>	<p><b>1. Regulating Act of 1773 –</b></p> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> step taken by the British Government to Control and regulate the affairs of the EIC in India.</li> <li>• Recognised political and administrative function of the Company;</li> <li>• Laid the foundation of Central Administration in India.</li> </ul> <p><b>Features–</b></p> <ul style="list-style-type: none"> <li>• Designated the Governor of Bengal as the ‘Governor-General of Bengal’ first Governor-General was Lord Warren Hastings.</li> <li>• Assisted by 4 member Executive Council. <u>Fixed tenure – 5 years</u></li> <li>• Governors of Bombay and Madras are under governor-general of Bengal, i.e., subordinate.</li> <li>• Provided for establishment of SC at Calcutta 1774 (1 Chief justice + three otherjudges)</li> <li>• No Private trade allowed to the servants of the Company.</li> <li>• British Government control over Company strengthened by requiring Court of Directors to report revenue, civil and military affairs in India.</li> </ul> <p><b><u>Amending Act, 1781 [Act of Settlement]:</u></b></p> <ul style="list-style-type: none"> <li>• Amendment to Regulating Act, 1773</li> <li>• Exempted Governor General and Council, and servants of Company from jurisdiction of SC</li> <li>• Revenue matters exempted from SC jurisdiction</li> <li>• SC enforce personal laws of residents of Calcutta</li> <li>• Appeal from Provincial Court to Governor-General-in-Council not SC</li> </ul> <p><b>2. Pits India Act, 1784 –</b></p> <ul style="list-style-type: none"> <li>• Companies Territories in India called “British possessions in India”</li> <li>• British Government supreme control over Company’s affairs and administration of India</li> </ul> <p><b><u>Features–</u></b></p> <ul style="list-style-type: none"> <li>• Distinguished b/w Commercial &amp; and political functions of the Company.</li> <li>• Allowed, the Court of Directors to manage- Commercial affairs but Created- new body-called Board of Control to manage political affairs. Thus, Established- system of – double government.</li> <li>• Empowered the Board of Control to supervise and operations- of civil and military government or revenues of the British possessions inIndia.</li> </ul> <p><b>3. Act of 1786 –</b></p> <ul style="list-style-type: none"> <li>• In 1786, <b>Lord Cornwallis</b> was appointed as the Governor-General of Bengal:             <ol style="list-style-type: none"> <li>a) Given power to override the decision of council in special cases.</li> <li>b) He would be the Commander-in-Chief.</li> </ol> </li> </ul>

	<p><b>4. Charter Act of 1793 –</b></p> <ul style="list-style-type: none"> <li>• Extended overriding power to all future Governor-Generals and Governors of Presidencies.</li> <li>• Further extended the trade monopoly of the Company to 20 years</li> </ul> <p><b>5. Charter Act of 1813 –</b></p> <ul style="list-style-type: none"> <li>• Abolished trade monopoly except for tea trade and trade with China.</li> <li>• Asserted sovereignty of Crown to territories of Company in India.</li> <li>• Power to impose taxes with local government and punish for non-payment.</li> </ul> <p><b>6. Charter Act 1833 –</b> Final steps towards centralization in British India <b>Features –</b></p> <ul style="list-style-type: none"> <li>• Made Governor-General of Bengal as Governor-General of India (William Bentick-1<sup>st</sup>)</li> <li>• Power- Civil &amp; Military</li> <li>• Deprived the Governor of Bombay and Madras &amp; Governor-General (G.G) of India was given exclusive legislative powers for the entire British India.</li> <li>• Ended- activities of East India Company- as a commercial body became a purely administrative body.</li> <li>• Introduced open system competition – for selection of Civil Servants – negated by Court of Directors</li> </ul> <p><b>7. Charter Act of 1853 – Last Charter from 1793 to 1853</b> <b>Features –</b></p> <ul style="list-style-type: none"> <li>• Introduced open competition system of selection and recruitment of civil servants [Macaulay Committee 1854]</li> <li>• 1<sup>st</sup> time – separated – Legislative &amp; Executive function of G. General’s Council.</li> <li>• Introduced 1st time – local representation in the Indian Legislative Council (out of the 6, 4 members were appointed by local (provincial) governments of Madras, Bombay, Bengal and Agra.</li> </ul>
<p><b>THE CROWN RULE (1858–1947)</b></p>	<p><b>1. Government of India Act, 1858 –</b></p> <ul style="list-style-type: none"> <li>• Known as: ‘Act for the Good Govt. of India’</li> <li>• Abolished the East India Company (EIC) &amp; transferred the powers of Govt, territories and revenues to the British Crown.</li> </ul> <p><b>Features –</b></p> <ol style="list-style-type: none"> <li>1. Change – designation – G.G of India to Viceroy of India. (Lord Canning -1<sup>st</sup>)</li> <li>2. Ended – double govt. system – by – abolishing the Board of Control and Court of Director.</li> <li>3. Created new office, Secretary of State for India, vested – complete authority</li> <li>4. Control over Indian Administration.</li> <li>5. Established a 15-member Council of India (advisory body) to assist Secretary for India – who acted as chairman of the council.</li> <li>6. Largely confined– administrative machinery by which Indian Govt. to be supervised and controlled in England</li> <li>7. No Government system altered in substantial manner</li> </ol> <p><b>2. Indian Councils Act, 1861 –</b></p> <ul style="list-style-type: none"> <li>• Goal of including Indians in law-making.</li> </ul>



**Features –**

1. Viceroy to nominate some Indians as non-members to the Council (1862 – Lord Canning appointed – Raja of Benaras, Maharaja of Patiala and Sir Dinkar Rao)
2. Legislative powers devolved to Bombay and Madras Presidencies.
3. New Legislative Councils for Bengal (1862), NW Provinces (1886) and Punjab (1897).
4. Ordinance making power to Viceroy without concurrence of Legislative Council, during emergency.

**3. Indian Councils Act, 1892 –**

- Made limited and indirect provisions for nomination for filling up seats in Central and Provincial Legislative Councils.

**Features –**

1. Increased number of additional (non-official) members in Central and provincial legislative councils.
2. Legislative Councils – power to discuss budget and address questions to executives.
3. Nomination on recommendation of Viceroy (Central LC) and Governor (provincial LC)

**4. Indian Councils Act, 1909 –**

- Known as “**Morley-Minto Reforms**” [Morley – Secretary of State; Minto – Viceroy]

**Features:**

1. Number of members in both Central and provincial Legislative Councils – increased.
2. Enlarged functions of members – allowed to ask supplementary questions, move resolutions on budget.
3. Association of Indians with Viceroy – Satyendra Prasad Sinha – 1<sup>st</sup> Indian to join Viceroy’s Executive Council – also appointed Law Member.
4. Communal representation system introduced for Muslims – separate electorate – elected by Muslim voters.
5. Lord Minto known as Father of Communal Electorate.
6. Separate representation for presidency corporations, chambers of commerce, universities and zamindars.

**5. Government of India Act, 1919 –**

- August 20, 1917 British Government formally announced – objective to gradually introduce responsible government in India.
- Known as “**Montagu-Chelmsford Reforms**”

**Features:**

1. Centre and provincial lists created for specific law making. Structure of government was Unitary.
2. Introduced dyarchy – dividing provincial subjects in transferred and reserved.
3. Introduced Bicameralism and direct elections.
4. 3 of 6 members of Viceroy’s Council – Indians.
5. Communal representation extended to include Sikhs, Indian Christians, Anglo-Indian and Europeans.
6. New office of High-Commissioner for India in London
7. Establishment of **Central Public Services Commission, 1926** for recruiting civil

- servants.  
8. Separated provincial budget and Central budget.

***Simon Commission, 1927 –***

- 7-member statutory commission under Sir John Simon– to check the progress of Reforms.
- Recommended the abolition of dyarchy, extension of responsible Government in the provinces, establishment of a federation of British India and princely states, continuation of communal electorate.
- Based on recommendations - White Paper on Constitutional Reforms

***Communal Award, 1932 –***

- Ramsay MacDonald, the British Prime Minister, announced a scheme of representation of the minorities.
- Extended separate electorate to the depressed classes (Scheduled Castes)
- Gandhiji protest in Yerawada Jail – Poona – agreement with INC and depressed classes – Hindu joint electorate – **Poona Pact.**

**6. Government of India Act, 1935 –**

- **321 Sections and 10 Schedules.**

**Features:**

1. Establishment of All-India Federation consisting of provinces and princely states as units
2. 3 lists - Federal List (for Centre, with 59 items), Provincial List (for provinces, with 54 items) and the Concurrent List (for both, with 36 items).
3. Residuary power to Viceroy
4. Abolished dyarchy and introduced 'provincial autonomy'
5. Adoption of dyarchy at the Centre – federal subjects were divided into reserved subjects and transferred subjects.
6. Bicameralism in six out of eleven provinces (Bengal, Bombay, Madras, Bihar, Assam and the United Provinces)
7. Separate electorates extended for depressed classes (Scheduled Castes), women and labour (workers).
8. **Provided for establishment of Reserve Bank of India (control currency and credit of country)**
9. Establishment of Federal Court set up in 1937.

**7. Indian Independence Act, 1947 –**

- British Prime Minister Clement Atlee declared that the British rule in India would end by June 30, 1948
- Applicable to those provinces that wanted to accept the Constitution of India framed by the Constituent Assembly.

- Muslim League demanding partition

**Causes:**

- World War- 2
- Weakened British economically
- Role of TNA outside India as well as in India.
- Cripps proposal, 1942
- Suit India Movement Launched by Gandhi in 1942.
- Cabinet Mission Plan, which provide for making Constituent Assembly.
- Revolt of Indian Navy & Indian Army against Britishers

**Features:**

1. Ended British rule and declared India – independent and sovereign from August 5, 1947
2. Partition of India and creation of 2 States – India and Pakistan
3. Empowered the Constituent Assemblies of both States to frame Constitutions to govern the States.
4. Abolished offices of Viceroy and Secretary of State
5. Freedom to princely states to join either India or Pakistan.
6. Dropped title “Emperor of India” for the British monarch
7. Discontinued the appointment to civil services and reservation of posts by the Secretary of State for India (those appointed prior – continued)

*Lord Mountbatten put forth partition plan “**Mountbatten Plan**” - Also became first Governor-General of the new Dominion of India.*

*Subsequently, The Constituent Assembly of India formed in 1946 became the Parliament of the Indian Dominion with Pandit Jawaharlal Nehru as the Prime Minister and Dr. Rajendra Prasad becoming the President of India.*

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**CHAPTER- 2 - MAKING OF THE CONSTITUTION**

<p><b>DEMAND FOR CONSTITUENT ASSEMBLY</b></p>	<p><b>In 1934</b> – MN Roy – 1<sup>st</sup> time put the Idea of constituent Assembly.</p> <p><b>In 1935</b> – INC – demanded a CA to frame the const. of India.</p> <p><b>In 1938</b> – J.L Nehru on the behalf of INC declare.</p> <p>Finally, demand was accepted in principle by British Govt, known as “August Offer” of 1940.</p> <p>In 1942, Sir Stafford Cripps – came to India – Framing of an independent Constitution to be adopted after the World War II. {Cripps Proposals rejected by Muslim}</p>
<p><b>COMPOSITION OF THE CONSTITUENT ASSEMBLY</b></p>	<ul style="list-style-type: none"> <li>• Constituent Assembly (CA) was constituted – In Nov 1946 – under the scheme formulated by the Cabinet Mission Plan.</li> </ul> <p>Total Strength (Members) 389 – 296, British Indian – 292 from 11 governor &amp; 4 Chief Commission Provinces and, 93, Princely states (nominated by head)</p> <ul style="list-style-type: none"> <li>• Seat allocation on principle of Community based on population.</li> <li>• Roughly, 1 seat = 10, 00,000 people.</li> <li>• Method of election – proportional representation by means of single transferable votes.</li> <li>• Provinces members – elected – by members of L. Assembly.</li> <li>• Princely states – selection – on basis of nomination/consultation.</li> <li>• Election – July – August 1946 – for 296 seats.</li> <li>• 208 – Indian National Congress, 73 – Muslim League, 15 – others, 93 seats vacant – No Nomination</li> </ul>
<p><b>Criticism of Constituent Assembly</b></p>	<ul style="list-style-type: none"> <li>• Not a Representative Body – members were not directly elected by the people of India on the basis of universal adult franchise.</li> <li>• Not a Sovereign Body - created by the proposals of the British Government.</li> <li>• Time Consuming</li> <li>• Dominated by Congress - dominated by lawyers and politicians - other sections of the society were not sufficiently represented.</li> <li>• Dominated by Hindus</li> </ul>
<p><b>Important Facts</b></p>	<ul style="list-style-type: none"> <li>• Elephant was adopted as the symbol (seal) of the Constituent Assembly.</li> <li>• Sir B.N. Rau was appointed as the constitutional advisor (Legal advisor) to the Constituent Assembly.</li> <li>• H.V.R. Iyengar was the Secretary to the Constituent Assembly.</li> <li>• S.N. Mukerjee was the chief draftsman of the constitution in the Constituent Assembly.</li> <li>• Prem Behari NarainRaizada was the calligrapher of the Indian Constitution. The original constitution was handwritten by him in a flowing italic style.</li> <li>• The original version was beautified and decorated by artists from Shantiniketan</li> </ul>

	<p>including Nand Lal Bose and Beohar Rammanohar Sinha.</p> <ul style="list-style-type: none"> <li>• Beohar Rammanohar Sinha illuminated, beautified and ornamented the original Preamble calligraphed by Prem Behari Narain Raizada.</li> <li>• The calligraphy of the Hindi version of the original constitution was done by Vasant Krishan Vaidya and elegantly decorated and illuminated by Nand Lal Bose.</li> </ul>
<b>Synthesis of Parliament Sovereignty &amp; Judicial Supremacy</b>	<ul style="list-style-type: none"> <li>• Sovereignty of Parliament : British Principle</li> <li>• Supremacy of Judiciary: American principle</li> <li>• The India system combines these principles to establish a system that suits our needs.</li> <li>➤ SC can declare any Parliamentary law as a unconstitutional (Article 13s power of judicial review)</li> <li>➤ Parliament can amend large parts of the Constitution.</li> </ul>
<b>Scope of Judicial Review</b>	<ul style="list-style-type: none"> <li>• In India, Judicial Review Power of SC is narrower than scope in USA (due process of law)</li> <li>• India follows principle of ‘procedure established by law’</li> </ul> <p>(Article 21): No person shall be deprived of his life or personal liberty except according to procedure established by Law.</p>
<b>Procedure established by Law</b>	<ul style="list-style-type: none"> <li>• A law established by the legislature, following correct protocols and procedures</li> <li>• <b>Problem in it:</b> - may not be fair, may not uphold principles of justice and equity.</li> </ul>
<b>Due process of Law:-</b>	<ul style="list-style-type: none"> <li>• Checks if the law is fair and just.</li> <li>• American theory contains many implied rights.</li> <li>• Due process balances the power of the law of the land and protects the individual person from it.</li> <li>• The state must respect all rights that are <u>granted</u> to a person and laws that the state exacts must conform to the laws of the land.</li> <li>• The DPL clause developed from the Magna carta of England ( 1215CE)</li> <li>• In India, the SC interrupted the principle of DPL into the PEC close in the Monika Gandhi case (1978).</li> <li>• Justice P.N. Bhagmati: the Constitution mandates “fair” procedure when the rights are deprived.</li> </ul>

**CHAPTER- 3 - SALIENT FEATURES OF THE CONSTITUTION**

<b>FEATURES OF THE CONSTITUTION</b>	<p><b>1. Longiest written Constitution</b></p> <p>As of 2020 it has a preamble, 470 Articles, 25 Parts &amp; 12 Schedules</p> <p>- Why is it so lengthy?</p> <ul style="list-style-type: none"> <li>• It's for a very vastness and diverse country.</li> <li>• Single constitution for the whole country</li> <li>• Influenced by the very length GOI Act 1935.</li> <li>• Has administrative provisions in addition to principles of governance</li> <li>• Many factors that are often covered in ordinary legislation by other modern democracies are incorporated in the constitution.</li> </ul> <p><b>2. Drawn from various sources</b></p> <ul style="list-style-type: none"> <li>• Borrowed most of its provisions from the Constitutions of various other countries</li> <li>• Dr. B.R. Ambedkar – framed after ‘ransacking all the known Constitutions of the World’</li> </ul> <p><b>3. Rigidity and Flexible Constitution</b></p> <p><b>Rigid:</b> Special procedure for amendment-</p> <ul style="list-style-type: none"> <li>• Article 368</li> <li>• Either by special majority</li> <li>• Or special majority &amp; rectification by at least half of the States.</li> <li>• Special majority: - 2/3 majority of members of each house present and voting &amp; majority (50%) of the total membership of each house.</li> </ul> <p><b>Flexible:</b> Some provision of the constitution can be amended with ordinary legislative process.</p> <ul style="list-style-type: none"> <li>• Not amendments under Article 368</li> <li>• Eg: Altering boundaries of states</li> </ul> <p><b>4. Federal System with Unitary Bias</b></p> <p><b>Federal Features:</b> Two governments, written constitution, independent judiciary, bicameralism, division of powers, supremacy and rigidity of constitution.</p> <p><b>Unitary Features:</b> Strong Centre, Single constitution, Single citizenship, flexibility of the constitution, integrated judiciary, centre appointing the state governor, All- India services, emergency provision</p> <ul style="list-style-type: none"> <li>• Term ‘federation’ not used anywhere in the constitution.</li> <li>• India is a ‘Union of States’(Article1)</li> </ul>
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	<ul style="list-style-type: none"> <li>• Indestructible.</li> <li>• No right to secede from the union.</li> <li>• Not the result of an Agreement b/w states.</li> </ul> <p><b>5. Parliamentary govt/West Minister Model</b> – Based on coordination &amp; cooperation b/w Legislative &amp; executive organ.</p> <p><b>Features:</b></p> <ul style="list-style-type: none"> <li>• Presence of nominal and real executives</li> <li>• Majority party rule</li> <li>• Collective responsibility of the executive to the legislature</li> <li>• Membership of the minister in the legislature</li> <li>• Leadership of the PM/CM</li> <li>• Dissolution of the Lower house (LS/LA)</li> </ul> <p><b>6. Parliamentary Sovereignty and Judicial Supremacy</b></p> <ul style="list-style-type: none"> <li>• Parliamentary sovereignty – British</li> <li>• Judicial supremacy – US</li> <li>• US Constitution “due process of law” – British “procedure established by law” – Art 21</li> <li>• Parliament - can amend the major portion of the Constitution through its constituent power.</li> <li>• SC can declare the parliamentary laws as unconstitutional through its power of judicial review.</li> </ul> <p><b>7. Integrated and Independent Judiciary:</b></p> <ul style="list-style-type: none"> <li>• Supreme Court is a federal court - the highest court of appeal - the guarantor of the fundamental rights of the citizens and the guardian of the Constitution.</li> <li>• Security of tenure of the judges, fixed service conditions for the judges, all the expenses of the Supreme Court charged on the Consolidated Fund of India,</li> <li>• Prohibition on discussion on the conduct of judges in the legislatures,</li> <li>• Power to punish for its contempt vested in the Supreme Court, etc</li> </ul> <p><b>8. Co-operative Societies:</b></p> <ul style="list-style-type: none"> <li>• 97<sup>th</sup> CAA 2011 – constitutional status</li> <li>• Right to form co-operative societies a fundamental right - Article 19</li> <li>• DPSP on promotion of co-operative societies (Article 43-B).</li> <li>• Part IX-B “The Co-operative Societies” (Articles 243-ZH to 243-ZT).</li> </ul>
<p><b>Other Features</b></p>	<ul style="list-style-type: none"> <li>• Fundamental Rights</li> <li>• DPSP</li> <li>• Fundamental Duties</li> <li>• Secular State</li> <li>• Universal Adult Franchise, 21 years – 18 year 61<sup>st</sup>C.A , 1988</li> <li>• Single Citizenship</li> <li>• Independent bodies viz CAG</li> </ul>



	<ul style="list-style-type: none"> <li>• Election Commission, UPSC, SPSC etc.</li> <li>• Emergency Provision</li> <li>• Three-tier Government</li> </ul>
<b>Sources of Indian Constitution</b>	<p><b>Important Sources of Indian Constitution</b></p> <p><b>Govt. of India Act</b> – Federal structure, Centre – state Relation, Administrative setup (office of Governor, Public service commission.</p> <p><b>British Constitution</b> – Parliamentary Model, Cabinet system, Writ Jurisdiction</p> <p><b>US Constitution</b> – FR, Judicial Review, Preamble, Impeachment of President, removal of SC &amp; HC Judge.</p> <p><b>Ireland</b> – DPSP, Elected President</p> <p><b>Canada</b> – Residuary Power, MP &amp; MLA Privileges Concurrent List</p> <p><b>Australia</b> – Joint sitting of Parliament</p> <p><b>Germany</b> – Emergency Provision.</p> <p><b>South Africa</b> – Procedure of Constitution Amendment</p> <p><b>Japan</b> – Procedure established by Law</p> <p><b>French</b> – Republic &amp; the Ideals of Liberty, equality &amp; Fraternity in the Preamble.</p>
<b>Criticism</b>	<ul style="list-style-type: none"> <li>• Borrowed Constitution</li> <li>• Carbon copy of GOI Act 1935</li> <li>• Un-Indian or Anti Indian</li> <li>• An – Un-Gandhian Constitution</li> <li>• Elephantine size</li> <li>• Paradise of Lawyers (legalistic or Complicated)</li> </ul>

**CHAPTER 4- PREAMBLE OF THE CONSTITUTION**

<p><b>Preamble of the Constitution</b></p>	<p><b>What is a Preamble?</b></p> <ul style="list-style-type: none"> <li>• American concept</li> <li>• An Introduction/Preface to the constitution.</li> <li>• Holds the essence of the Constitution.</li> </ul> <p><b>Our Preamble</b></p> <ul style="list-style-type: none"> <li>• Based on the objectives Resolution of Pandit Nehru</li> <li>• Reveals that the constitution derives its authority from the People of India ( It starts from we the people of India)</li> <li>• It is given by the people of India to themselves – democratic right.</li> <li>• Outlines the objectives of constitution (justice, liberty, equality and fraternity)</li> <li>• Also tells on the day which it is adopted i.e. 26 Nov, 1949.</li> </ul> <p><b>We, THE PEOPLE OF INDIA</b>, having solemnly resolved to constitute India into a Sovereign, Socialist, Secular Democratic Republic and to secure all its citizens;</p> <ul style="list-style-type: none"> <li>• Justice, Social, Economic and Political;</li> <li>• Liberty of thought, expression, belief, faith and worship;</li> <li>• Equality of status and opportunity; and to promote among them all;</li> <li>• Fraternity assuring the dignity of the individual and the unity and integrity of the Nation;</li> <li>• In our Constituent Assembly this twenty –sixty day of November, 1949, do hereby adopt, Enact And Give to ourselves This Constitution.</li> <li>• 42<sup>nd</sup> C.A 1976. Added the term Socialist, Secular and Integrity in the Preamble.</li> </ul>
<p><b>Significance</b></p>	<ul style="list-style-type: none"> <li>• Part of the Constitution (Kesavananda Bharati case (1973), LIC of India case (1995)) - (Berubari Union Case, 1960: SC Said Preamble not a part)</li> <li>• But Non justiciable (not enforceable by law)</li> <li>• Not a source of legislative power.</li> <li>• Not a Limitation of powers.</li> <li>• Outlines the basic philosophy and Fundamental values of the constitution.</li> <li>• M Hidayatullah (former CJI):”the soul of the constitution”.</li> </ul>
<p><b>Amendability</b></p>	<p>Amended once 42<sup>nd</sup> C.A, 1976</p> <ul style="list-style-type: none"> <li>• Three new words added: Socialist, Secular &amp; Integrity.</li> <li>• Kesavananda Bharati case: SC used Preamble can be amended under Article 368, subject to basic features document. (Means Article 368 cannot be used to destroy or delete/damage the basic elements or the fundamental features of the Constitution, which are enshrined in the Preamble.</li> </ul>
<p><b>Terms used under</b></p>	<p><b>1. Sovereign:-</b></p>

**Preamble**

- India is an independent state.
- Not a dominion, nor dependent on any other state/nation etc.
- No authority above it.
- Conducts its own affairs.
- India's membership of the Commonwealth or the UNO does not limit her sovereignty.
- Can acquire foreign territory, or cede a part of its territory

**2. Socialist:-**

- Earlier an implicit principle expressed through DPSPs.
- Made explicit by the 42nd C.A 1976.
- INC Avadi Session (1955): Resolution to create a socialist pattern of Society.
- Democratic Socialism, not communist Socialism.
- Communist socialism: state socialism
  - Nationalisation of means of production
  - Abolition of private property.
- Democratic Socialism: mixed economy
  - SC: aims to end poverty, ignorance, disease and inequality of opportunity.
  - Mixed form of Gandhian Socialism with influences of Marxism socialism.
  - NEP 1991 diluted socialism principles

**3. Secular:-**

- Added with the 42<sup>nd</sup> CA 1976.
- But implicit through articles 25-28.
- Indian constitution embodies the positive concept of Secularism i.e. all religions in our country (irrespective of their strength) have the same status and support from state.

**4. Democratic:-**

- Power with the people.
- Popular sovereignty (Based on doctrine of popular sovereignty)
- India has representative parliamentary democracy with
  - UAF
  - Regular elections
  - Independent Judiciary
  - Rule of Law
- Preamble indicates existence of political and social and economic democracy.
- Democracy is of two types: direct & indirect
- Switzerland has direct democracy in which people exercise their supreme power directly.
- It has devices:
  - Referendum: a proposed legislation is referred to the electoral for settlement by direct vote.
  - Initiative: People can propose a bill
  - Recall: Voters can remove a representative
  - Plebiscite: mid of obtaining opinion of the people on any public issue. Usually used for territorial disputes.
- The Indian constitution provides for representative parliamentary democracy under the executive is responsible to the Legislative for the all its policies and actions.
- This dimension was stressed by Dr. Ambedkar in his concluding speech in the constituent Assembly on November 25, 1949, in the following way:
  - *“Political democracy cannot last unless there lies at the base of its social*

*democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity. The principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty, would kill individual initiative”.*

- SC in 1997 – “Constitution establish an egalitarian social order rendering to every citizen social, economic and political justice in a social and economic democracy of the Bharat Republic.”

#### 5. Republic:-

- Elected head of state and elected indirectly for fixed period of 5 years i.e, President
- Popular Sovereignty with the people, not in an individual like a queen.
- Absence of a privileged class
- Public office opens to all citizens without any discrimination.

#### 6. Justice:-

- Idea of Justice: From Russian Revolution
- Secured through FR and DPSP.
- Three aspects of justice in the preamble
- a) **Social**: equal treatment without any social distinctions (e.g. on basis of caste, sex, religion etc)
  - Absence of privileges for any section of the society.
  - Improvement of conditions of disadvantaged sections.
- b) **Economic**: Non- discrimination on basis of class.  
Removing wealth, income, property inequalities.
- c) **Political**: equal political rights, access to political offices and institutions etc.
- d) **Distributive justice**: Combination of economic and social justice

#### 7. Liberty:-

- Ideals of liberty, equality and fraternity in Preamble - French Revolution (1789–1799)
- Absence of restraints on the activities of individuals.
- Providing opportunities for the development of individual personalities.

#### 8. Equality:-

- Absence of special privileges to any section of the society
- Provision of adequate opportunities for all individuals without any discrimination.
- Preamble secures to all citizens of India equality of status and opportunity. Equality – civic, political and economic
- Civic equality assured through.
  - Article 14: equality before Law
  - Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
  - Article 16: equality of opportunity in public employment.
  - Article 17: Abolition of untouchability
  - Article 18: Abolition of titles.
- Political equality through:

- Article 325: no discrimination on inclusion in electoral rolls.
- Article 326: right to vote; UAF.
- Economic equality through:
  - Article 39 (DPSP): equal pay for equal work for men, women, right to an adequate livelihood.

**9. Fraternity:-**

- Sense of brotherhood (sorority: sisterhood)
- Expressed through system of single citizenship.
- FD: Article 51- A
  - Duty to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women.
- Fraternity has to secure dignity of the individual and the unity and integrity of the nation.
  - Individual dignity: Material betterment, democratic set up, personal development.
  - Unity and integrity of the nation: Psychological and territorial dimensions.
  - Article 1: India is a union of states.

**CHAPTER- 5 - UNION AND ITS TERRITORY**

<b>Articles 1 to 4</b>	<ul style="list-style-type: none"> <li>• Part 1 of the Constitution</li> <li>• “Union and its Territory”</li> </ul>
<b>Article 1</b>	<ul style="list-style-type: none"> <li>• Name and Territory of the union</li> <li>• India, that is, Bharat is a union of states</li> <li>• States are dividing only for administrative convenience not that states have any predetermined identity.</li> <li>• <b>First Schedule:</b> these talks about the Names and territorial extent of states.</li> <li>• 28 states and 9 union territories (as of May 2020)</li> <li>• <b>Territory of India:</b> States + UTs + territories that may be acquired by the Government of India.</li> <li>• <b>Union of India:</b> only states</li> <li>• India can acquire foreign territory as it is a sovereign state             <ul style="list-style-type: none"> <li>– Methods of acquisition: cession, occupation, conquest or subjugation (following treaty, purchase, gift, lease or plebiscite)</li> <li>– India acquired Goa, Daman and Diu, Sikkim etc.</li> </ul> </li> </ul>
<b>Article 2</b>	<ul style="list-style-type: none"> <li>• Admission or establishment of new states.</li> <li>• Parliament can admit into the Union of India, or establish new states on such terms and conditions as it thinks fit.</li> </ul>
<b>Article- 2 A</b>	<ul style="list-style-type: none"> <li>• Sikkim to be associated with the Union – <i>Repealed</i></li> </ul>
<b>Article 3</b>	<p>(Parliament’s Power to Recognise the States)</p> <ul style="list-style-type: none"> <li>• Formation of new states and alternation of areas, boundaries or name of existing states.</li> <li>• Parliament can increase or decrease the areas of any state.</li> <li>• Alter the boundary or name of any state.</li> <li>• Create new states by             <ul style="list-style-type: none"> <li>– Separating territory from any state.</li> <li>– Uniting states or parts of states</li> <li>– Uniting territory with states or part of states</li> </ul> </li> <li>• Parliament can redraw the political map of India according to its will”</li> <li>• To do this, President has to get the views of the state legislature (not binding).</li> <li>• Then, can recommend introduction of bill to the Parliament (not possible without Presidents recommendation)</li> <li>• President not bounded by the views of the state.</li> <li>• For UTs, Parliament can take decisions without reference of the President or opinion of the UT.</li> </ul>
<b>Article 4</b>	<p>Laws made under Article 2 and 3</p> <ul style="list-style-type: none"> <li>• Are not amendments under Article 368</li> <li>• Need simple majority (constitution is flexible)</li> <li>• Ordinary Legislative process.</li> </ul>
<b>Berubari Union Case</b>	<ol style="list-style-type: none"> <li>1. In 1960, SC examined if the power of the Parliament to diminish areas of states means that the Parliament can cede Indian Territory.</li> <li>2. The Central govt. had decided to cede the territory of Berubari Union in West Bengal to East Pakistan.</li> <li>3. SC said that the Parliament cannot cede Indian territory to a foreign country under Article 3</li> </ol>

	<ul style="list-style-type: none"> <li>- Can only cede by amendment under Article 368.</li> <li>- Thus, 9<sup>th</sup> CA 1960.</li> </ul> <p>4. But settlement of boundary dispute can be through execution action no need for CA.</p>
<b>100<sup>th</sup> CA, 2015</b>	<ul style="list-style-type: none"> <li>• For exchange of certain territories between India and Bangladesh</li> <li>• India to Bangladesh: 111 enclaves</li> <li>• Bangladesh to India: 51 enclaves</li> <li>• Demarcations of 6.1 km Border</li> <li>• Modified territories of Assam, West Bengal, Meghalaya and Tripura.</li> </ul> <p><b><u>India- Bangladesh Boundary</u></b></p> <ol style="list-style-type: none"> <li>1. 4096.7 km</li> <li>2. Determined by Radcliffe Line, 1947</li> <li>3. Bagge Award (1950) and Nehru-Noon Agreement (1958) tried to resolve some disputes.</li> <li>4. 1960: Berubari union case, 9<sup>th</sup> CA</li> <li>5. 1974: Land Boundary Agreement b/w India and Bangladesh</li> <li>6. To solve demarcation of boundary issue.</li> <li>7. Not ratified as it involved some exchange of territory which would need CA.</li> <li>8. 2011: Protocol to the 1974 Agreement             <ul style="list-style-type: none"> <li>- Governments of Assam, Meghalaya, West Bengal and Tripura coordinated.</li> </ul> </li> <li>9. 2015: Revised version of 1974 Agreement adopted, i.e. 100th CA.</li> </ol>
<b>Integration of Princely States</b>	<ol style="list-style-type: none"> <li>1. At the time of Independence, 552 princely states in the Indian Boundary.</li> <li>2. 549 joined India.</li> <li>3. Hyderabad, Kashmir and Junagarh refused to join.</li> <li>4. Integration of these 3 states took place as:             <ul style="list-style-type: none"> <li>- Hyderabad : police action</li> <li>- Junagarh: Referendum</li> <li>- Kashmir: Instrument of Accession.</li> </ul> </li> </ol>
<b>Reorganisation of States</b>	<ol style="list-style-type: none"> <li>1. Initially, ad hoc structuring on status in four parts.</li> <li>2. Demand for reorganisation on Linguistic basis.</li> <li>3. June 1948: JPV Committee             <ul style="list-style-type: none"> <li>- Chair: SK Dhar (Dhar Commission)</li> <li>- Suggested Administrative convenience over linguistic reorganisation.</li> </ul> </li> <li>4. December 1948: JPV Committee             <ul style="list-style-type: none"> <li>- Jawaharlal Nehru, Sardar Vallabhbhai PATEL and PattabhiSitaramayya</li> <li>- Rejected Language as basis for reorganisation.</li> </ul> </li> <li>5. October 1953: Government forced to create Andhra Pradesh out of Madras on Linguistic basis.             <ul style="list-style-type: none"> <li>- Extended agitation and death Gandhian activist and prominent congress Leader Potti Sriramulu after a 56-day hunger strike.</li> </ul> </li> <li>6. December 1953: 3 member states Reorganisation commission appointed under Fazl Ali (Fazl Ali Commission)             <ul style="list-style-type: none"> <li>- KM Panikkar and H N Kunzru</li> <li>- Rejected one Language one state theory.</li> <li>- 4 factors should be considered while states reorganisation</li> <li>- Unity and security of India</li> <li>- Linguistic and cultural homogeneity</li> <li>- Considerations of finance, the economy and administration</li> <li>- Welfare of people and nation.</li> <li>- Suggested 16 states and 3UTs over the existing 4 part division of states.</li> <li>- Recommendations accepted</li> <li>- States reorganisation Act 1956</li> </ul> </li> </ol>

– 7 <sup>th</sup> CA 1956			
<b>Territory of India in 1956</b>	14 States and 6 UTs created;  <b>States:</b> Andra Pradesh, Assam, Bihar, Bombay, Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh, West Bengal  <b>UTs:</b> Andaman and Nicobar Islands; Delhi; Himachal Pradesh; Laccadive, Minicoy and Amindivi Islands; Manipur; Tripura.		
<b>Evolution of States and UTs</b>	<b>Year</b>	<b>State/UT</b>	<b>Details</b>
	1953	Andhra Pradesh	Out of Madras; first linguistic state
	1954	Daman and Diu	Occupied from Portuguese, 10 <sup>th</sup> CA 1961: UT
	1954	Puducherry	Occupied from the French, 14 <sup>th</sup> CA 1962: UT, Name Change 2006
	1960	Maharashtra & Gujarat	Bombay divided
	1961	Goa, Daman & Diu	Acquired from Portuguese with police action.  12 <sup>th</sup> CA 1962: UTs  1987: Statehood to Goa
	1963	Nagaland	Naga Hills and Tuensang carried out of Assam.
	1966	Haryana & Chandigarh	Carried out of Punjab, on recommendation of the Shah Commission (1966); demand for Sikh homeland by Akali Dal, Led by Master Tara Singh
	1971	Himachal Pradesh	Statehood (18 <sup>th</sup> state of Indian union)
	1971	Meghalaya, Manipura & Tripura	Statehood
	1975	Sikkim	36 <sup>th</sup> CA 1975: Full statehood, Article 2A and Schedule 10 repealed, Article 371F added (after Referendum)  History: Till 1947, a princely state ruled by Chogyal Protectorate in 1947 35 <sup>th</sup> CA 1974 made Sikkim an Associate state, added Article 2A and Schedule 10 (terms of Association)



	1987	Mizoram & Arunachal Pradesh	From UT to state via 1986: Mizo Peace Accord and Mizo National Front
	2000	Chhattisgarh, Jharkhand & Uttarakhand	From MP, Bihar and UP respectively
	2014	Telangana	From Andhra Pradesh
	2019	Jammu Kashmir and Ladakh	Union Territories of Jammu Kashmir and Ladakh from State of Jammu Kashmir (Jammu Kashmir Reorganisation Act, 2019)
<b>Name Change</b>	<b>Year</b>	<b>State/UT</b>	<b>Name changed to</b>
	1950	United Provinces	Uttar Pradesh
	1969	Madras	Tamil Nadu
	1973	Laccadive, Minicoy and Amindivi Islands	Lakshadweep Islands
	1973	Mysore	Karnataka
	1992	Delhi	69 <sup>th</sup> CA 1991: National Capital Territory of Delhi (UPSC Mains Ques or 69 <sup>th</sup> CA)
	2006	Uttaranchal	Uttarakhand
	2006	Pondicherry	Puducherry
	2011	Orissa	Odisha
<b>Article Related to Union and its Territory</b>	<b>Article No.</b>	<b>Subject Matter</b>	
	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 alternation of areas, boundaries or names of existing states.	
	4	Laws made under Article 2 and 3 to provide for the amendment of the First and Fifth schedules and supplemental, incidental and	

		consequential matters.	
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<b>Article (1- 4)</b>	Union and its Territory
<b>Art- 1</b>	<p><b>Not a federation-</b></p> <ol style="list-style-type: none"> <li>1. Territory of state</li> <li>2. UT, that are acquired with time –             <ul style="list-style-type: none"> <li>➤ Purchase</li> <li>➤ 8UT lease</li> <li>➤ Occupation, conquest</li> <li>➤ subjugation</li> </ul> </li> </ol>
<b>Art- 2</b>	Empowers for admission of New state in Union of India or establish, new state on such condition he think fit.
<b>Art- 3</b>	<p><b>Authorises Parliament to-</b></p> <ol style="list-style-type: none"> <li>a) From a new state by separation of territory for any state by Uniting</li> <li>b) Increase the size (area)</li> <li>c) Dimish the size (area)</li> <li>d) Alter the boundaries of State</li> <li>e) Alter the name of any state</li> </ol> <p><b>Bill –</b></p> <ul style="list-style-type: none"> <li>• Introduced with prior recommendation of the President.</li> <li>• Before permission President can refer to state for <b>expressing its viewinspecified time not binding, president can reject: Parliamentary supremacy.</b></li> <li>• India is an Indestructible Union of destructible states.</li> </ul>
<b>Art- 4</b>	<ul style="list-style-type: none"> <li>• Acc. To Art 4, such a bill itself contains the provisions of amendment of schedule 1 &amp; 4 and for this no separate Constitutional Amendment under Art. 368 required.</li> <li>• First Linguistic state ‘Andhra State’</li> </ul> <p><b>Power to diminish under Article 3 –</b></p> <ul style="list-style-type: none"> <li>➤ 9<sup>th</sup> CA 1960 was done to transfer Region of Berubari.</li> <li>➤ 100<sup>th</sup> CA 2014, to transfer &amp; acquiring each other.</li> <li>➤ Territory, India – 111 B’desh (40967.7 KM) – 51 India.</li> </ul>
<b>Dhar Commission</b>	<ul style="list-style-type: none"> <li>• Need – Integration was purely on adhoc agreement.</li> <li>• Demand of state on Linguistic basis in South (inc.)</li> </ul>
<b>Fazal Ali Commission</b>	<p><b>Fazal Ali + KM Panikkar + HN KUNZRU</b></p> <ul style="list-style-type: none"> <li>• Rejected theory of one state one Language.</li> <li>• Linguistic &amp; Cultural homogeneity.</li> <li>• Financial &amp; Economic consideration.</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Pluming &amp; promotion of Welfare of people end the four fold classification of state.</li><li>• Preservation &amp; strengthening of the Unity &amp; securing of the country.</li><li>• As a result <b>14 states + 6 UT</b> on November 1, 1956.</li></ul> |
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**CHAPTER 6 - CITIZENSHIP**

<b>Meaning of Citizenship</b>	<p>India:</p> <ol style="list-style-type: none"> <li>1. Citizens</li> <li>2. Aliens             <ol style="list-style-type: none"> <li>a) Friendly: subjects of those countries that have cordial relations with India</li> <li>b) Enemy: subjects those countries which is at war with India</li> </ol> </li> </ol> <ul style="list-style-type: none"> <li>• Citizens: members of the state, owe allegiance, enjoy rights, shoulder responsibilities</li> <li>• Aliens do not enjoy all rights: they are members of another state.</li> <li>• Enemy aliens: Do not have fundamental rights under Article 22 (Arrest and Detention).</li> </ul>
<b>Privileges of citizenship</b>	<p><b>Article 15:</b> right against discrimination</p> <p><b>Article 16:</b> right to equality of opportunity in public employment</p> <p><b>Article 19:</b> freedom of speech and expression</p> <p><b>Articles 29 and 30:</b> Cultural and educational rights</p>
<b>Citizens Assigning Duties</b>	<p>Citizens are assigning duties –</p> <ul style="list-style-type: none"> <li>• Both naturalised citizen &amp; citizen by birth can hold office of President</li> <li>• In comparison, USA allows only a citizen by birth to hold the office of President.</li> </ul>

**PROVISIONS RELATED TO CITIZENSHIP**

<b>4 Types of Citizens at the Commencement of the Constitution</b>	
<b>Article-5</b>	<p>Person having domicile In India:</p> <ol style="list-style-type: none"> <li>1. Born in India</li> <li>2. Either parents or Both Born in India</li> <li>3. If he has been ordinary resident for 5 years before commencement of the Constitution.</li> </ol>
<b>Article-6</b>	<p>Person migrated from Pakistan:</p> <ol style="list-style-type: none"> <li>1. if he or either of his parents or any of his grandparents was born in undivided India</li> <li>2. If he migrated             <ol style="list-style-type: none"> <li>a) before 19/07/1948 &amp; he is ordinary resident OR</li> <li>b) on or after 19/07/1948, he can be registered – after 6 month being as resident.</li> </ol> </li> </ol>
<b>Article-7</b>	<p>Person who migrated to Pakistan from India after March 1, 1947 but later returned 6 month being as resident preceding date of application</p>

<b>Article-8</b>	<p>Persons of Indian origin residing outside India:</p> <ol style="list-style-type: none"> <li>1. A person who, or any of whose parents or grandparents, was born in undivided India</li> <li>2. Ordinarily residing outside India</li> <li>3. Registered as a citizen of India by the diplomatic or consular representative of India in the country of his residence.</li> </ol>
<b>Other provisions</b>	
<b>Article-9</b>	Citizenship will be taken if he acquires membership of foreign nation.
<b>Article-10</b>	Citizenship is – Parliamentary Law
<b>Article-11</b>	Parliament acquisition and termination of citizenship
<b>Citizenship Act</b>	<p>1955, 57, 60, 85, 86, 92, 03, 05, 015, 019</p> <p>Further amended in – (1986, 2003, 2005) –</p> <p><b>1. By Birth –</b></p> <ul style="list-style-type: none"> <li>➤ Born in India on or after 26/01/1950 but before 1/07/1987 in India irrespective of parents citizenship.</li> <li>➤ After 1/07/1987 – Citizen – if either his parents Indian.</li> <li>➤ After 3/12/2004 – Citizen – If both are Indian one is Indian &amp; other is not illegal immigrants.</li> <li>➤ Child of foreign diplomats and enemy aliens. (not citizens)</li> </ul> <p><b>2. By Descent –</b></p> <ul style="list-style-type: none"> <li>➤ Person born outside territory of Indian can apply if at the time of birth either of the parents is a citizen of India.</li> <li>➤ After 3/12/2004 born outside – should get registration with 1 Year or allotted by govt.</li> </ul> <p><b>3. By Registration –</b></p> <ul style="list-style-type: none"> <li>➤ 7 year Residence, minor, Children whose parents are Indian.</li> <li>➤ A person who is married to a citizen of India.</li> <li>➤ Indian origin who is ordinarily resident in any country.</li> </ul> <p>Ordinarily resident – Resided in India throughout the period of 12 months immediately before making application.</p> <p><b>4. By Naturalisation –</b></p> <ul style="list-style-type: none"> <li>➤ He/she must belong to country where similar provision is given for Indian citizen.</li> <li>➤ Either resided or been in service of GOI.</li> <li>➤ Can apply after 11 years of lawful residence in Indian preceding to 12 month of submitting application.</li> <li>➤ For persons migrated from Pakistan, Afghanistan and Bangladesh – before 31<sup>st</sup></li> </ul>

	<p>December 2015 – belonging to Hindu, Sikh, Parsi, Christian, Jain and Buddhist – Can acquire after 5 years of lawful residence proceeding 12 months of submitting application</p> <p><b>5. By incorporation of territory –</b></p> <p><b>Loss of citizenship –</b></p> <ol style="list-style-type: none"> <li>1. By Renunciation (Voluntary Surrender)</li> <li>2. By Termination (on getting other Countries citizenship)</li> <li>3. By Deprivation (Termination in case of fraud, misrepresent)</li> </ol> <p><b>Dual citizenship – two Limitations –</b></p> <ol style="list-style-type: none"> <li>1. No Right to Vote</li> <li>2. Cannot hold Constitutional post in India.</li> </ol>
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NRI, PIO, OCI Cardholders	Elements of Comparison	NRI	PIO	OCI Cardholder
	Who?	An Indian citizen who is ordinarily residing outside India and holds Indian Passport	A person who or whose any of ancestors was an Indian national and who is presently holding another country's citizenship / nationality i.e. he/she is holding foreign passport	A person registered as Overseas Citizen of India (OCI) Cardholder under the Citizenship Act, 1955
	Who is eligible?	•	•	<ol style="list-style-type: none"> <li>a. citizen of India - commencement of the Constitution</li> <li>b. who was eligible to become a citizen of India on 26.01.1950; or</li> <li>c. belonged to a territory that became part of India after 15.08.1947; or</li> <li>d. who is a child or a grandchild or a great</li> </ol>

				<p>grandchild of such a citizen; or                  e. who is a minor child of such persons                  f. who is a minor child and whose both parents are citizens of India or one of the parents is a citizen of India; or                  g. spouse of foreign origin of a citizen of India / OCI holder registered under the Citizenship Act, 1955 married – 2 years</p>
	Benefits?	All benefits as available to Indian citizens	No specific benefits	<p>a. multiple entry visa – lifelong                  b. treated at par with NRI and residents in many aspects such as airfare charges, etc.</p>

**CHAPTER – 7 FUNDAMENTAL RIGHTS**

<p><b>Part-3 of Constitution</b></p>	<p>“Magna Carta of India” Derived from the Constitution of USA [Bill of Rights]</p> <ul style="list-style-type: none"> <li>• Also “The Corner stone of the Constitution” &amp;</li> <li>• Together with DPSP (Part -4), called “The Conscience of the Constitution”.</li> <li>• Guaranteed – uphold equality of all – target larger public interest</li> <li>• <b>Aim</b> – establishing – ‘a government of laws and not of men’</li> <li>• They are Fundamental because – guaranteed &amp; protected by the Constitution, which is Fundamental law of land.</li> </ul>
<p><b>Features of Fundamental Rights</b></p>	<ul style="list-style-type: none"> <li>• Some of them are available only to the citizens while others are available to citizens, foreigners or legal persons</li> <li>• They are not absolute but qualified – subject to reasonable restrictions – strike a balance between the rights and society</li> <li>• Available against arbitrary action of state and private individuals</li> <li>• Some are negative while others are positive</li> <li>• Justiciable</li> <li>• Defended and guaranteed by Supreme Court</li> <li>• Not sacrosanct or permanent</li> <li>• Except Article 20 and 21 – can be suspended during national emergency – Article 19 cannot be suspended during armed rebellion</li> <li>• Most of them are directly in enforceable while a few can be enforced by Parliamentary laws</li> </ul>
<p><b>Article -12</b></p>	<p>Definition of ‘state’ state includes –</p> <ol style="list-style-type: none"> <li>a) Govt &amp; Parl. of India.</li> <li>b) Govt &amp; legislature of state</li> <li>c) All local &amp; other authority –             <ol style="list-style-type: none"> <li>1. Within the territory of India</li> <li>2. Under the Constitution of GOI</li> </ol> </li> </ol>
<p><b>Art -13</b></p>	<p>Law inconsistent with FRS</p> <ul style="list-style-type: none"> <li>• Declares, all laws, Inconsistent with or derogation of any FRS shall be void.</li> <li>• Declares, constitutional amendment is not a law and hence cannot be challenged</li> <li>• Keshwananda Bharti - Constitutional Amendment - can be challenged on the ground that it violates a fundamental right - part of the basic structure of the Constitution</li> <li>• Ambit of Law –             <ol style="list-style-type: none"> <li>1. Permanent laws enacted by the Parliament or the state legislatures</li> <li>2. Temporary laws like ordinances issued by the president or governors</li> <li>3. order, bye-law, rule, regulation or notification</li> <li>4. Non-legislative sources of law, i.e., customs &amp; its usage having the force of law.</li> </ol> </li> </ul>



**Right to Equality  
(art 14-18)**

**Art-14** – Equality before law and equal protection of law

- State shall not deny to any person equality before law and equal protection of law.
- Includes citizens & foreigners as well as legal person.

**Equality before law** – British origin, (-) concept, prohibits special treatment, ‘Rule of law’ by Prof. AV Dicey.

Equal protection of Law – US Origin, (+ive) concept, allow special treatment, equality of treatment, permit – ob& transaction by Law.

**Rule of Law** – Indian System, no person can be punished except for bench of law

- Everyone – Equal – before Law
- Cont. Result – right of individual rather than Constitution being the source of individual Rights.
- SC held ‘Rule of Law’ is basic features & cannot be amended.

**Art- 15** – Prohibition of Discrimination on certain grounds, only of religion, race, caste, sex or birth of place.

– Subject to Any disability, liability, restriction condition –

- Access shop, public, restaurants, hotels & place of public entertainment.
- Use of well, tanks, bathing ghats, road & place of public result maintained wholly or practically by **state funds**.

**Art- 16** – Equality of opportunity in public employment

No citizen can be discriminated against or be in eligible for any employment or office under state on grounds of only religion, race, caste, sex, decent. Place of birth or residence.

- Reservation can be provided for the upliftment of SC/ST/other backward class
- 2019– allow EWS reservation- maximum 10%
- Reservation can also be provided on the basis of consequential seniority in public employment to SC/ST

**Art-17** – Abolition of untouchability – “Self-operative Provision” untouchability offence act, 1955

- Protection of civil Right Act (1976)
- Sc/ST (Prevention of Atrocities Act) 1989
- 2015 SC/ST Act – New offence added
  - 6 month or 500 Rs fine or both
  - Disqualified for election of state legislature & parl.

**Art-18** – Abolition of titles, status privileges

- Prohibit the state from Conferring any titles – except Military & academics
- Prohibit citizen title Foreign Nation

	<ul style="list-style-type: none"> <li>• Foreign titles from foreign Nation -             <ul style="list-style-type: none"> <li>➤ They have to take permission from POI</li> </ul> </li> <li>• 1954 – Congress Nation Award   Janta Party against (X) – 1980</li> <li>• Balaji Raghvan Case             <ul style="list-style-type: none"> <li>➤ Title not allowed (X)</li> <li>➤ Award ( )</li> </ul> </li> </ul>
<p><b>Right to freedom (Articles 19–22)</b></p>	<p><b>Art -19</b> – Freedom acc. To evil but reasonable restriction</p> <p>Why freedom – 1. Demand (inc) by Active citizen</p> <p style="padding-left: 40px;">2. Innovative &amp; Dynamic society</p> <p style="padding-left: 40px;">3. Poor Democracy – Dynamic/ vibrant Democracy</p> <p><b>Art 19 (1) (a)</b> – Right of freedom of expression, speech etc.</p> <p><b>Art 19 (1) (b)</b> – Right to peace full assembly without Arms</p> <p><b>Art 19 (1) (c)</b> – Right to form union &amp; Cooperative society</p> <p><b>Art 19 (1) (d)</b> – Right to move freely throughout the territory</p> <p><b>Art 19 (1) (e)</b> – Right to reside &amp; settle in any part of territory</p> <p><b>Art 19 (1) (f)</b> – abolished by 44<sup>th</sup> CA, 1948</p> <p><b>Art 19 (1) (g)</b> – Right to practice any business &amp; profession.</p> <p><b>Art- 20</b> – protection in respect of conviction of offence</p> <ul style="list-style-type: none"> <li>➤ No exportfacto law</li> <li>➤ No double Jeopardy</li> <li>➤ No self-incrimination</li> </ul> <p><b>Art-21</b> – Protection of life &amp; personal liberty</p> <ul style="list-style-type: none"> <li>• No person shall be deprived of personal liberty except the authority established by the law –United Kingdom</li> <li>• In India – follow procedure established by law – reason behind passing law is not checked extensively as in USA – limiting power of judiciary</li> <li>• SC held - Menaka Gandhi – should follow–“Due to process of law” – USA             <ul style="list-style-type: none"> <li>➤ fair</li> <li>➤ Reasonable</li> <li>➤ Transparent (and not emphasised on only physical existence but also social existence.)</li> </ul> </li> </ul> <p><b>Art- 21 (A)</b> – state shall provide free &amp; compulsory education from 6-14 years, by 86<sup>th</sup> CA-2002. – also recognised as a fundamental duty of parents to send children to school.</p>

	<p><b>Art-22 – Protection against Arrest and Preventive Detention.</b></p> <p><b>Arrest-</b></p> <ul style="list-style-type: none"> <li>➤ 24 hr – present before a magistrate – no right for police investigation until court order – – blood samples and other tests can be taken with due permission of the accused</li> <li>➤ Right to consult legal practitioner of once choice</li> <li>➤ Right to know the reason for arrest</li> </ul> <p>Preventive detention- Action on suspicion or doubt of causing or inciting – disturbing morality –harm security of state</p> <ul style="list-style-type: none"> <li>➤ Max-3 month – extendable upon due permission from a joint committee consisting of persons with qualification of High Court judges</li> <li>➤ Eg- TADA, COFEPOSA, UAPA</li> </ul>
<p><b>Right against exploitation (Articles 23–24)</b></p>	<p><b>Art-23 –</b></p> <ul style="list-style-type: none"> <li>• Prohibition of <b>human trafficking</b></li> <li>• The immoral traffic prevention Act 1956</li> <li>• Nation Anti – trafficking bill,2018</li> <li>• Women forced begging, child, Body organ etc.</li> </ul> <p><b>Art-24 – Prohibition of child labour in factories &amp; hazardous industries (14 years)</b></p> <ul style="list-style-type: none"> <li>• Non-hazardous employment not prohibited – rural India – more hands = more money</li> <li>• 1996 SC – child Rehabilitation welfare fund – 2,000</li> <li>• Punishment- 6m – 2 year or 50000 fine or both for repeated – (1-3 year) Jail</li> </ul>
<p><b>Right to freedom of religion (Article 25–28)</b></p>	<p><b>Art-25 –</b></p> <ul style="list-style-type: none"> <li>• Right to <b>freedom of Religion</b> (available to all i.e. freedom of conscience.)</li> <li>• Right to – <ul style="list-style-type: none"> <li>➤ Profess, Practice, Propagate</li> <li>➤ Restriction on Public order, Morality health.</li> <li>➤ State can regulate over practice and propagation - not over professing or conscience</li> </ul> </li> </ul> <p><b>Art 26 – Collective Right to manage &amp; establish &amp; Main Religious Institution</b></p> <p><b>Art-27 –</b> From a person, no any taxes for promotion or maintenance of any particular religion or religious institution.</p> <p>Public money (X) – Promotion of Religion.</p> <p><b>Art-28 –</b></p>

	<ul style="list-style-type: none"> <li>• No Religious instruction – wholly by state</li> <li>• Religious instruction ( ) – by trust e.g. SVM, Madarsa</li> <li>• Recognition by state &amp; funded by state, pvt, school.</li> </ul>
<p><b>Cultural and educational rights (Articles 29–35)</b></p>	<p><b>Art-29 –</b></p> <ul style="list-style-type: none"> <li>• Protection of Interest of minorities.</li> <li>• Right to Conserve his language, Religion, Culture.</li> <li>• For education in any institution; No discrimination on the basis of Religion, Race, Case, Religion etc.</li> </ul> <p><b>Art-30 –</b></p> <ul style="list-style-type: none"> <li>• Right of Minority –             <ol style="list-style-type: none"> <li>1. Conserve – education institution</li> <li>2. Administer</li> </ol> </li> </ul> <p>Linguistic &amp; Religious.</p> <ul style="list-style-type: none"> <li>• Eg- St Stephen College case- they wanted to provide all seat to minority but, rule, only 50% of seat given to minorities.</li> </ul> <p><b>Art-31 –</b></p> <ul style="list-style-type: none"> <li>• No one shall be deprived of his property except authority by law</li> <li>• By 44<sup>th</sup> AA, 1978 – abolished</li> <li>• Art. 300 (A) was Added</li> <li>• As Law of property – Not fundamental but Legal &amp; Constitution Right.</li> </ul> <p><b>Art-31 (A) –</b> Compulsory acquisitions can be done</p> <p><b>Art-31 (B) –</b> Violation of certain rules &amp; regulation (land form)</p> <p><b>Art-31 (C) –</b> Purpose to implement the DPSP in Art (39 (B)) &amp; (39(C)).</p> <p>By 1<sup>st</sup> CA -1951 – 31 (A) &amp; 312(B) was Added.</p> <p><b>Art.32 –</b></p> <p>On the violation of FRs, one can issue writs, (habeas corpus, mandamus, certiorari &amp; quo warranto)</p> <ul style="list-style-type: none"> <li>• <i>Habeas Corpus</i> – Latin term meaning “to have the body of” – issued against both public and private – ordered issued by a court to person who has detained another to produce body of the later before it.</li> <li>• <i>Mandamus</i> – means “we command” – issued by the court to make a public official perform his official duties that he has failed or refuse to perform – issued against any public body, Corp, inferior court, tribunal, or government.</li> <li>• <i>Prohibition</i> – means “to forbid” – issued by a higher court to a lower court - prevent the latter from exceeding jurisdiction or usurping a jurisdiction that it does</li> </ul>

	<p>not possess- unlike mandamus that directs activity – prohibition directs inactivity</p> <ul style="list-style-type: none"> <li>• <i>Certiorari</i> – means “to be certified” – issued by higher court to a lower court to transfer a case pending or squash order – grounds: excess of jurisdiction or lack or error of law</li> <li>• <i>Quo Warranto</i> – means “by what authority or warrant” – issued by the court to enquire into legality of claim of a person to a public office – prevent illegal assassination of public office by person – unlike other four can be sought by any interested person and not only aggrieved.</li> </ul> <p><b>Art. 33</b> – Parl. Has power to restrict the FRs of members of Armed force, para military force, police force, intelligence agencies.</p> <p><b>Art.34</b> –</p> <ul style="list-style-type: none"> <li>• Restriction on FR</li> <li>• While material law enforce, No specific Conditioned Mentioned.</li> </ul> <p><b>Art. 35</b> – To make law &amp; give effect to certain specified fundamental right shall be vest in Parliament.</p> <p>Excessive Limitation; vague; No socio economic Right, No permanent suspension during emergency, expensive Remedy, Preventive Detection, No consistent Philosophy.</p>
<b>Criticism</b>	<ul style="list-style-type: none"> <li>• Excessive limitation</li> <li>• No social and economic Rights</li> <li>• No Clarity</li> <li>• No Permanency</li> <li>• Suspension during emergency</li> <li>• Expensive Remedy</li> <li>• Preventive Detention</li> </ul>
<b>Significance</b>	<ul style="list-style-type: none"> <li>• Bedrock of democratic system</li> <li>• Necessary conditions for the material and moral protection of man.</li> <li>• Serve as a formidable bulwark of individual liberty.</li> <li>• Facilitate the establishment of rule of law in the country.</li> <li>• Protect the interests of minorities and weaker sections of society.</li> <li>• Strengthen the secular fabric of the Indian State.</li> <li>• Check the absoluteness of the authority of the government.</li> <li>• Lay down the foundation stone of social equality and social justice.</li> <li>• Ensure the dignity and respect of individuals.</li> <li>• Facilitate the participation of people in the political and administrative process.</li> </ul>
<b>Constitution Right</b>	<p><b>265</b> –tax only by procedure established by law</p> <p><b>301</b> – Trade, intercourse, commerce shall be free.</p>

	<b>326 – Election of LS &amp; SLA on the basis of <u>adult/suffrage.</u></b>
<b>Category</b>	<ol style="list-style-type: none"><li>1. Right to equality (Art 14-18)</li><li>2. Right to freedom (Art. 19-22)</li><li>3. Right against exploitation (Art 23-24)</li><li>4. Right to freedom of religion (Art 25-28)</li><li>5. Cultural &amp; education Right (Art 29-30)</li><li>6. Right to constitution remedies (Art. 32)</li></ol>

**CHAPTER-8 DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP)**

<b>Not Enforceable (36-51) – Part IV</b>	<ul style="list-style-type: none"> <li>• From Irish Constitution (Spanish)</li> <li>• Non-Justiciable</li> </ul>
<b>Directive Principles of State Policy:</b>	<ol style="list-style-type: none"> <li>1. Sir BN Rao: Constitutional Advisor to the Constituent Assembly <ul style="list-style-type: none"> <li>➤ Recommended two categories for individual rights</li> <li>➤ Justiciable and non- Justiciable.</li> <li>➤ Justiciable: FR.</li> <li>➤ Non- Justiciable: DPSPs.</li> </ul> </li> <li>2. Part 4 (DPSPs)</li> <li>3. Article 36-51</li> <li>4. Idea from the Irish Constitution (which borrowed from the Spanish constitution) <ul style="list-style-type: none"> <li>➤ Resemble the Instrument of Instructions of the GOI Act 1935.</li> </ul> </li> <li>5. BR Ambedkar: DPSPs are a “novel feature” of our constitution.</li> </ol>
<b>Article 37</b>	Nature, non- Justiciable but fundamentalism in Governance.
<b>Art 38</b>	Object of DPSP – to secure social order based on Justice.  44 <sup>th</sup> CA – 1. to eliminate inequality  2. Status facility opportunity.
<b>Art 39</b>	<ol style="list-style-type: none"> <li>1. Right to adequate means of livelihood.</li> <li>2. Equitable distribution of resources.</li> <li>3. Prevention of Concentration of wealth.</li> <li>4. Equal pay for equal work – Randher Singh Case.</li> </ol>
<b>Art 39(A)</b>	Free & Legal & Equal Justice – 1. NALSA 2. SALSA
<b>Art 40</b>	<ul style="list-style-type: none"> <li>• Organisation of Village Panchayat Gandhian philosophy, power – Violence</li> <li>• It becomes part of Constitution by the proposal of K. Santhanam.</li> </ul>
<b>Art 41</b>	Right to Education (No Age Restriction), work & public assistance.
<b>Art 42</b>	Provision for just and humane conditions maternity relief – <ul style="list-style-type: none"> <li>➤ 8 weak (Pre)</li> <li>➤ 18 Weak (Past)</li> </ul>
<b>Art 43</b>	Promote Cottage industries on an Individual or co-operation in rural areas.  <b>Art 43 (A)</b> Participation in Industry (worker)  <b>Art 43 (B)</b> Organisation – Co-operative Society, By 42 <sup>nd</sup> CAA, 1976
<b>Art 44</b>	Uniform civil code for citizen throughout the Country. – Liberal Intellectual principle
<b>Art 45</b>	Provided early childhood care (0-6years)

	Education for all children [Earlier it was {6-14}, amended by 86th CAA,2002]	
<b>Criticism</b>	<ul style="list-style-type: none"> <li>• No Legal Force</li> <li>• Illogically Arranged</li> <li>• Conservative</li> <li>• Constitutional Conflict</li> </ul>	
<b>Fundamental Rights v. DPSP</b>		
	These are negative as they prohibit the State from doing certain things.	These are positive as they require the State to do certain things.
	These are justiciable, that is, they are legally enforceable by the courts in case of their violation.	These are non-justiciable, that is, they are not legally enforceable by the courts for their violation.
	They aim at establishing political democracy in the country.	They aim at establishing social and economic democracy in the country.
	These have legal sanctions.	These have moral and political sanctions
	Promote welfare of the individual	Promote the welfare of the community
	The courts are bound to declare a law violative of any of the Fundamental Rights as unconstitutional and invalid.	The courts cannot declare a law violative of any of the Directive Principles as unconstitutional and invalid.
	They do not require any legislation for their implementation.	They require legislation for their implementation.



**CHAPTER – 9 FUNDAMENTAL DUTIES**

<b>What are Fundamental Duties:-</b>	<ol style="list-style-type: none"> <li>1. Rights and duties: Correlative, inseparable</li> <li>2. Original constitution: only rights, no duties for citizens.             <ul style="list-style-type: none"> <li>➤ Duties of states: DPSP</li> </ul> </li> <li>3. FDs added with the 42nd CA 1976.             <ul style="list-style-type: none"> <li>➤ One more through the 86th CA 2002. (Right to Edu. Amendment)</li> </ul> </li> <li>4. Inspired by USSR, where rights and duties were inseparable             <ul style="list-style-type: none"> <li>➤ Also, in Japanese constitution.</li> </ul> </li> <li>5. Other major democracies do not list FDs in their constitutions (like Germany, USA etc.)</li> <li>6. Through 42nd CA, 1976 – 10 F.D + 2 – 86th CA 2006</li> <li>7. From RUSSIA</li> </ol>
<b>Part IV (A)</b>	Recommended by – Swaran Singh Committee to make citizen Conscious – Art 51 (A)
<b>LIST OF FUNDAMENTAL DUTIES</b>	<p>In starting 10 duties (a-j), Later 2002, 11<sup>th</sup> duty was added</p> <ol style="list-style-type: none"> <li>a) Respect towards Constitution (Consitution), National Flag, Anthem.</li> <li>b) Cherish &amp; follow noble ideals of National struggle.</li> <li>c) To uphold, protect sovereignty, unity and Integrity.</li> <li>d) To defend the Country &amp; provide military service when called upon.</li> <li>e) To promote harmony and the spirit of common brotherhood.</li> <li>f) To value and preserve the rich cultural heritage.</li> <li>g) To protect and improve the natural environment like forests, lakes, rivers etc.</li> <li>h) Develop scientific temper, humanism and the spirit of inquiry &amp; reform.</li> <li>i) Safeguard public property &amp; to abjure violence.</li> <li>j) To strive excellence in all spheres.</li> <li>k) To provide education opportunities for his child from (6-14) years.</li> </ol>
<b>SIGNIFICANCE OF FUNDAMENTAL DUTIES</b>	<ul style="list-style-type: none"> <li>• Non-Justiciable in nature.</li> <li>• Refer – values – part of – Indian Tradition, Mythology, religion &amp; practices.</li> <li>• Contain just a codification of tasks integral to the Indian way of Life.</li> </ul>
<b>Criticism</b>	<ul style="list-style-type: none"> <li>• Does not cover exhaustively other duties such as casting vote, paying taxes, family planning so on</li> <li>• Of the duties are ambiguous and difficult to be understood by common man – composite culture, scientific temper</li> <li>• Superfluous</li> <li>• Critics of moral code due to non-justiciable nature</li> </ul>

**CHAPTER -10 - AMENDMENT OF THE CONSTITUTION**

<p><b>Procedure for Amendment</b></p>	<ol style="list-style-type: none"> <li>Amendment allows the constitution to adjust to society as it changes.</li> <li>Article 368 (Part XX) - Power of the Parliament to amend the constitution and procedure therefore. <ul style="list-style-type: none"> <li>➤ Parliament can add, change or repeat any provision of the Constitution in accordance with the procedure.</li> <li>➤ SC in Keshvananda Bharti case (1973): Parliament cannot amend the basic structure of the constitution</li> </ul> </li> <li>Procedure under Article 368. <ul style="list-style-type: none"> <li>➤ For an amendment, a bill needs to be initiated in either House of the Parliament.</li> <li>➤ Cannot be initiated in a state legislature.</li> <li>➤ Does not require prior permission of the President.</li> <li>➤ Both private members and minister can initiate a CA bill.</li> <li>➤ Should pass in each house with a special majority.</li> <li>➤ More than 50% of all members and more than 2/3 of those present and voting.</li> </ul> </li> <li>Types of Amendments under Article 368: <ul style="list-style-type: none"> <li>➤ Parliament has to power to take abridge/ take away FRs.</li> <li>➤ Parliament can amend in 2 ways: <ol style="list-style-type: none"> <li>By a special majority of Parliament</li> <li>Ratification of half of the states by simple majority of the Parliament (present and voting)</li> </ol> </li> </ul> </li> </ol>
<p><b>1973:Kesavananda Bharati case</b></p>	<ol style="list-style-type: none"> <li>SC overruled its Golaknath judgement</li> <li>Uphold 24<sup>th</sup> CA: Parliament can abridge FRs.</li> <li>Created the doctrine of ‘basic structure’/ ‘basic features’.</li> <li>Did not define the doctrine nor listed the basic structure.</li> <li>Parliament cannot alter this basic structure under Article 368.</li> </ol> <p>Parliament’s reaction to the Judgment- 42<sup>nd</sup> CA 1976</p> <ol style="list-style-type: none"> <li>Amended Article 368: there is no limitation on the constituent power of the Parliament to amend the constitution.</li> <li>Amendments cannot be judicially reviewed.</li> </ol>
<p><b>1980: Minerva Mills case, SC said</b></p>	<ol style="list-style-type: none"> <li>Judicial review is a basic feature of the constitution &amp; the Parliament cannot abridge</li> <li>Parliament has a limited power to amend the constitution.</li> <li>It cannot use these limited powers to give itself unlimited powers.</li> </ol>
<p><b>In 1981: Waman Rao case, SC said</b></p>	<p>The basic structure doctrine to apply to all CAs enacted after the 24<sup>th</sup> April 1973, i.e. after the Keshvananda Bharati Judgement.</p>
<p><b>What is the basic structure doctrine?</b></p>	<ul style="list-style-type: none"> <li>The doctrine forms the basis of a limited power of the SC to review and strike down Constitutional amendments enacted by the Parliament which conflict with or seek to alter this “basic structure” of the Constitution.</li> <li>The basic structure applies only to CAs, not to ordinary Acts of Parliament.</li> <li>Although Keshvananda was decided by a narrow margin of 7-6, the basic structure doctrine has since gained widespread acceptance and legitimacy due to subsequent cases and judgements.</li> </ul>
<p><b>Bill of CA</b></p>	<p>Parl., either temporary or permanent members (Permission of POI not requirement)</p>
<p><b>Amendment of the</b></p>	<p>The Constitution can be amended in three ways:</p>

<b>Constitution</b>	<ul style="list-style-type: none"> <li>a. Amendment by simple majority of the Parliament,</li> <li>b. Amendment by special majority of the Parliament, and</li> <li>c. Amendment by special majority of the Parliament and the ratification of half of the state legislatures.</li> </ul>
<b>By Simple Majority of Parliament</b>	<ul style="list-style-type: none"> <li>• President bound to give assent             <ol style="list-style-type: none"> <li>1. Not withhold</li> <li>2. Cannot send back for reconsideration</li> </ol> </li> <li>• For:             <ol style="list-style-type: none"> <li>a. Establishment of New state, alteration, name</li> <li>b. Abolition of Legislative Councils in states or addition</li> <li>c. Citizenship (acquisition and termination)</li> <li>d. Quorum, salaries, Privileges, Rule of procedure, English language in Parliament, Elections of MLA</li> <li>e. Second, Fifth and Sixth Schedule Amendment</li> <li>f. No. of Judge in SC, Delimitation, UT, citizen</li> <li>g. Use of official Language etc.</li> </ol> </li> </ul>
<b>By Special Majority of Parliament</b>	<ul style="list-style-type: none"> <li>• By Special Majority [<math>\frac{2}{3}^{\text{rd}}</math> {P+V} should more or equal to 50% of strength]</li> <li>• For:             <ol style="list-style-type: none"> <li>a. FRs, DPSP,</li> <li>b. all other provision not in 1<sup>st</sup> &amp; 3<sup>rd</sup> Schedule.</li> </ol> </li> </ul>
<b>By Special Majority and Consent of half of state</b>	<ul style="list-style-type: none"> <li>• Related to the federal structure of the polity</li> <li>• No time limit within which the states should give their consent to the bill</li> <li>• For:             <ol style="list-style-type: none"> <li>a. Election of the President</li> <li>b. Extent of the executive power</li> <li>c. SC &amp; HC, 7<sup>th</sup> schedule</li> <li>d. Distribution of Legislative power b/w Union &amp; state</li> <li>e. GST Council</li> <li>f. Representation of states in Parliament</li> <li>g. Power of Parliament to amend and its procedure (Art 368 itself)</li> </ol> </li> </ul>

**CHAPTER-11 - BASIC STRUCTURE OF THE CONSTITUTION**

<b>ShankariPrasadh Case (1951)</b>	<ul style="list-style-type: none"> <li>• First amendment act 1951 – Article 31A added (Right to property)</li> <li>• Right to property was challenged</li> <li>• SC: Power to amend the Constitution under Art 368 includes power to amend the FR</li> <li>• Art 13 “law” includes – only ordinary laws and not CAA</li> <li>• Parliament can abridge FR by enacting constitutional amendment act and such will not be void under article 13</li> </ul>
<b>Golaknath Case (1967)</b>	<ul style="list-style-type: none"> <li>• 9<sup>th</sup> sch. was challenged</li> <li>• SC ruled Parl. Cannot take away FRs</li> <li>• CAA is also under Art.13</li> <li>• The doctrine of perspective overruling</li> <li>• Debate started: Parl. Supremacy v/s Judiciary supremacy</li> </ul>
<b>Parl. Reacted by</b>	24 <sup>th</sup> CA → Parl. has power to abridge FRs [Art 13, 368 amended]
<b>Kesavananda Bharati (1973)</b>	<ul style="list-style-type: none"> <li>• 13 Judge bench (largest)</li> <li>• Parliament could amend any part of the const.</li> <li>• But not basic structure - Judicial innovation.</li> </ul>
<b>1st time Indira Nehru Gandhi Case (1975)</b>	<ul style="list-style-type: none"> <li>• SC un-validate the provision of keeping solution of the PM &amp; special of 15 from Jurisdiction of court as it was beyond the power of Parl.</li> <li>• Parl. Reacted by 42<sup>nd</sup> CAA             <ol style="list-style-type: none"> <li>a. Declared that there is no constituent power of the Parl. can be questioned court on any ground of contravention of any FRs</li> <li>b. Power of Judicial Review limited</li> </ol> </li> </ul>
<b>Minerva Mills case (1980)</b>	SC invalidated this provision in Minerva Mills case, as it exclude it from Judicial viewer which is a ‘basic feature’.
<b>Waman Rao Case (1981)</b>	Doctrine of basic structure and it evolved apply on the CAA after 24/04/1993
<b>Elements of Basic Structure</b>	<p>Keshvananda Bharati v. UOI → Preamble; Supremacy of the constitution, Separation of powers between the legislature, the executive and the judiciary; Republic and democratic form of government; Secular character of the constitution; Federal character of the constitution; Sovereignty and unity of India; Freedom and dignity of the individual; Mandate to build a welfare state; Parliamentary System</p> <p>India Gandhi v. Raj Narayan → India as a sovereign democratic republic; Equality of status and opportunity of an individual; Secularism and freedom of conscience and religion; Government of laws and not of men (i.e., Rule of Law); Judicial review; Free and fair elections</p> <p>Minerva Mills case → Limited power of Parliament to amend the constitution; Judicial review; Harmony and balance between fundamental rights and directive principles</p>

	<p>Narsimha Rao Case → Parl. System</p> <p>Indira Sawhney v. UOI → Rule of Law</p> <p>KihotiHollohon Case → Free and fair elections; sovereign, democratic and republican structure</p> <p>S.R. Bommai case → Federalism cannot be suspended; secularism and democracy</p> <p>IR. Cohelo Case → Judicial Review</p>
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**CHAPTER-12 - PARLIAMENTARY SYSTEM**

<b>Introduction -</b>	Constitution of India provides for a parliamentary form of government, both at State (Art. 163 & 164) and Centre (Article 74 & 75).
<b>Parl. Govt -</b>	Executive is responsible → to the legislature for its policies and acts
<b>Presidential system</b>	Not responsible to the legislature for its policies and act
Cabinet Govt	Parliamentary government is also known as cabinet government or Responsible Govt.  <b>Responsible Govt</b> → As Cabinet is accountable to Parliament and stays in office so long as it enjoys confidence.  <b>Cabinet Government</b> → Because Cabinet → nucleus of power in a parliamentary system.
<b>FEATURES OF PARLIAMENTARY GOVERNMENT</b>	<p><b>1. Nominal &amp; Real Executive</b></p> <ul style="list-style-type: none"> <li>• President is (Nominal &amp; de jure executive)</li> <li>• PM is Real Executive</li> <li>• PM head of Govt.</li> <li>• President head of state</li> </ul> <p><b>2. Majority Party Rule</b></p> <ul style="list-style-type: none"> <li>• The political party which secures majority seats in the LS forms the government.</li> <li>• The leader of that party is appointed as the PM by the President;</li> <li>• Other ministers are appointed by the President on the advice of PM.</li> <li>• Coalition of party may be invited by President to form Govt when no majority</li> </ul> <p><b>3. Collective Responsibility (CR)</b></p> <ul style="list-style-type: none"> <li>• Ministers are CR to the Parliament in general &amp; LS in Particular (Art 75).</li> <li>• Principle implies - LS can remove the ministry (i.e., council of ministers headed by the prime minister) from office by passing a vote of no confidence.</li> </ul> <p><b>4. Political Homogeneity</b></p> <ul style="list-style-type: none"> <li>• Member of some Political party in coalition, they share the same political ideology.</li> </ul> <p><b>5. Double Membership</b></p> <ul style="list-style-type: none"> <li>• Ministers are members of both the legislature and the executive.</li> </ul>

	<ul style="list-style-type: none"> <li>Person cannot be a minister without being a member of the Parliament.</li> <li>A minister who is not a member of the Parliament for a period of six consecutive months ceases to be a minister.</li> </ul> <p><b>6. Leadership of the Prime Minister</b></p> <ul style="list-style-type: none"> <li>Leader of COM</li> <li>Leader of Parl.</li> <li>Leader of party in power.</li> </ul> <p><b>7. Dissolution of the Lower House –</b></p> <ul style="list-style-type: none"> <li>President dissolve the Parl. on recommendation of PM - before the expiry of its term and hold fresh elections</li> </ul> <p><b>8. Secrecy</b></p> <ul style="list-style-type: none"> <li>Ministers operate on - Secrecy of procedure</li> <li>Cannot divulge information about their proceedings, policies and decisions.</li> </ul>
<b>Features of Parliamentary System</b>	<ol style="list-style-type: none"> <li>Dual executive.</li> <li>Majority party rule</li> <li>Collective responsibility</li> <li>Political homogeneity</li> <li>Double membership</li> <li>Leadership of prime Minister</li> <li>Dissolution of Lower House.</li> </ol>
<b>Merits of Parliamentary System</b>	<ol style="list-style-type: none"> <li>Harmony between legislature and executive</li> <li>Responsible government</li> <li>Prevents despotism</li> <li>Ready alternative government</li> <li>Wide representation.</li> </ol>
<b>Demerits of Parliamentary System</b>	<ol style="list-style-type: none"> <li>Unstable government</li> <li>No continuity of policies</li> <li>Dictatorship of the Cabinet</li> <li>Against separation of powers</li> <li>Government by Amateurs.</li> </ol>
<b>Features of Presidential System</b>	<ol style="list-style-type: none"> <li>Single executive.</li> <li>President and legislator selected separately for a fixed term.</li> <li>Non-responsibility</li> <li>Political homogeneity may not exist.</li> <li>Single membership</li> <li>Domination of president.</li> <li>No dissolution of Lower House</li> <li>Separation of powers.</li> </ol>
<b>Merits of Presidential System</b>	<ol style="list-style-type: none"> <li>Stable government.</li> <li>Definiteness in policies</li> <li>Based on separation of powers.</li> <li>Government by experts</li> </ol>
<b>Demerits of Presidential</b>	<ol style="list-style-type: none"> <li>Conflict between legislature and executive.</li> </ol>

<b>System</b>	<ol style="list-style-type: none"><li>2. Non-responsible government</li><li>3. May lead to autocracy.</li><li>4. Narrow representation.</li></ol>
<b>Reasons for Adopting Parliament system</b>	<ol style="list-style-type: none"><li>1. Familiarity with the System</li><li>2. Preference to More Responsibility</li><li>3. Need to Avoid Legislative—Executive Conflicts</li><li>4. Nature of Indian Society</li></ol>



**CHAPTER-13 - FEDERAL SYSTEM**

<p><b>Federal Govt</b></p>	<ul style="list-style-type: none"> <li>• Dual Govt (i.e. national government and regional government)</li> <li>• Written Constitution</li> <li>• Division of powers b/w the national and regional govt.</li> <li>• Supremacy of the Constitution</li> <li>• Rigid Constitution</li> <li>• Independent judiciary</li> <li>• Bicameral legislature (upper House → Represent states &amp; L. House → represent people of India as whole)</li> </ul>
<p><b>Non-Federal Govt or Unitary Government</b></p>	<ul style="list-style-type: none"> <li>• Single Citizenship</li> <li>• Constitution – written or unwritten</li> <li>• No division of powers - Strong centre → more sub in Upper list</li> <li>• Flexible or rigid Constitution</li> <li>• Integrated or independent Judiciary</li> <li>• Bicameral or unicameral legislature.</li> </ul>
<p><b>Federal feature of Indian Constitution</b></p>	<ul style="list-style-type: none"> <li>• Dual Polity</li> <li>• Written Constitution</li> <li>• Division of Powers</li> <li>• Supremacy of the Constitution</li> <li>• Rigid Constitution</li> <li>• Independent Judiciary</li> <li>• Bicameralism</li> </ul>
<p><b>Unitary features of the Indian Constitution</b></p>	<ul style="list-style-type: none"> <li>• Strong Centre</li> <li>• States not indestructible</li> <li>• Single citizenship</li> <li>• Flexibility of the Constitution</li> <li>• No equality of state representation</li> <li>• Emergency provisions</li> <li>• Single Citizenship</li> <li>• Integrated judiciary</li> <li>• All India Services</li> <li>• Integrated Audit Machinery</li> <li>• Parliament's Authority Over State List</li> <li>• Appointment of Governor</li> <li>• Integrated Election Machinery</li> <li>• Veto Over State Bills</li> </ul>

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## CHAPTER- 14 CENTRE- STATE RELATION

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Federal– divides all powers (legislative, executive and financial)</li> <li>• No division in Judicial system – Integrated Judicial</li> <li>• Max harmony &amp; coordination b/w them – for effective Centre state relation.</li> </ul>
<b>LEGISLATIVE RELATIONS ART 245- 255 – PART XI</b>	
<b>Territorial extent of Centre &amp; state Legislature [Art 245]</b>	<ul style="list-style-type: none"> <li>• Parliament can make laws for – Whole India</li> <li>• State Legislature can make laws for – state only</li> <li>• Parliament also has – Extra Territorial Legislation</li> </ul> <p><b>Exception –</b></p> <ul style="list-style-type: none"> <li>• President can makes rule &amp; regulation for Ladakh, Lakshadweep, Andaman and Nicobar, Daman &amp; Diu &amp; Dadra and Nagar Haveli</li> <li>• The governor can direct an act not applicable to a scheduled area in the state or applicable with specified modifications and exceptions</li> <li>• Governor of Assam – act of parliament not applicable to tribal areas in state or applicable with modifications and exceptions</li> <li>• The President enjoys same power in tribal areas of Meghalaya, Tripura and Mizoram</li> </ul>
<b>Distribution of Legislative Subject</b>	<p><b>Art-248</b></p> <ul style="list-style-type: none"> <li>• Union List (98 subjects – 97 originally) – Centre</li> <li>• State List (59 subjects – 66 originally) – State</li> <li>• Concurrent (52 subjects – 47 originally) – in case of deadlock centre prevails</li> <li>• Residuary – Parliament can make laws with respect to any matter of India not included in either lists</li> <li>• 101<sup>st</sup> amendment act of 2016 – special provision with respect to goods and services tax.</li> </ul> <p><b>Art-254</b></p> <ul style="list-style-type: none"> <li>• In a conflict b/w state &amp; centre – centre prevails</li> <li>• Exception state law reserved for consideration and received his assent, state law prevails.</li> </ul>
<b>Parliamentary Legislation in the State Field</b>	<ul style="list-style-type: none"> <li>• When Rajya Sabha Passes a Resolution on the matter of national interest, Parl. make laws</li> <li>• 2/3 (P+V); Validity – 1 year</li> <li>• Need to remove by any no. Of time max 1 year.</li> </ul> <p><b>During a National Emergency –</b></p> <ul style="list-style-type: none"> <li>• Parl. Law state List – in National emergency</li> <li>• after 6 Months (X) when Emergency ends</li> <li>• SLA can make law on Same; in case of deadlock centre Prevails.</li> </ul> <p><b>When state make request –</b></p> <ul style="list-style-type: none"> <li>• 2 or more state passes a resolutions requesting Parl. to exact Laws – state List – parl.</li> <li>• Law applicable to states who passed resolution ( )</li> </ul>

Art. 253	<b>To implement international Agreements</b> – For implementing international treaties, agreement & convention – Geneva Convention etc.
<b>During President Rule (Art 350)</b>	<ul style="list-style-type: none"> <li>• For concerned state – Validity does not expire after, Emer.</li> <li>• Parl. can make – law can be repealed or enacted by SLA after President's rule is revoked</li> </ul>
<b>ADMINISTRATIVE RELATIONS (ARTICLE 256 – ARTICLE 263 : PART XI)</b>	
<b>Distribution of Exe. Power</b>	<ul style="list-style-type: none"> <li>• Union List – Centre Exclusive power</li> <li>• State List – state Exclusive.</li> <li>• Concurrent List – Exclusive power rest with state.</li> </ul>
<b>Obligation of state &amp; Centre</b>	<ul style="list-style-type: none"> <li>• 2 restrictions on state for exercising executive power of state.             <ol style="list-style-type: none"> <li>a. As to ensure compliance with the laws made by Parliament and any existing laws which apply to the state</li> <li>b. As to not impede or prejudice the exercise of executive power of the Centre and the state</li> </ol> </li> </ul>
<b>Direction of State</b>	<ul style="list-style-type: none"> <li>• States get direction for:             <ol style="list-style-type: none"> <li>a. Construction &amp; Maintenance of means of Communication</li> <li>b. Protection of Railway</li> <li>c. Edu of mother tongue</li> <li>d. Drawing &amp; execution of specific schemes for the welfare of tribes (ST)</li> </ol> </li> </ul>
<b>Mutual delegation of Function</b>	<ul style="list-style-type: none"> <li>• It is rigid single state cannot ask to make rules const. Provide interstate delegation to remove deadlock.</li> </ul>
<b>Cooperation Between the Centre and States</b>	<ul style="list-style-type: none"> <li>• Inter water disputes (262)</li> <li>• Established interstate Council (263)</li> <li>• Full &amp; Faithful Credit (261)</li> </ul>
<b>All India Services, Public Service Commissions and Integrated Judicial System</b>	<ol style="list-style-type: none"> <li>a. <b>All India Services</b> <ul style="list-style-type: none"> <li>• [IAS, IPS and IFS]</li> <li>• Central services + state services</li> <li>• In 1947 – ICS – IAS; – IPS; 1966 – (+) IFS</li> </ul> <b>Article 312</b> – Authorised Parl. to create new AIS on the basis of RS resolution             </li> <li>b. <b>Public Service Commissions</b> –             <ul style="list-style-type: none"> <li>• Chairman – President (Removed) , Governor (Appointed)</li> <li>• JSPSC – (President Removed &amp; Appointed)</li> </ul> </li> <li>c. <b>Integrated Judicial System</b> –             <ul style="list-style-type: none"> <li>• Appointment, transfer etc are in the hand of Center</li> </ul> </li> </ol>
<b>Legislative Relation</b>	<ul style="list-style-type: none"> <li>• Territorial Extent of C – S Legislature</li> <li>• Distribution of Legislative Subjects</li> </ul>
<b>LIST -2</b>	<p>The state List –</p> <ol style="list-style-type: none"> <li>a. state legislatures have exclusive powers, in normal circumstance</li> <li>b. 59 subjects here like sanitation, agriculture etc.</li> <li>c. Matters of regional &amp; Local importance</li> </ol>

<b>Art 355</b>	<ul style="list-style-type: none"> <li>• Impose duties on Centre</li> <li>• Govt. By president submit report to the centre</li> <li>• State Election Commission –             <ol style="list-style-type: none"> <li>a. by governor</li> <li>b. removed by president only</li> </ol> </li> </ul>
<b>Extra Const. Body</b>	<ul style="list-style-type: none"> <li>• NITI Ayog, NDC, NIC, Zonal Council etc – advisory body to promote cooperation &amp; Co-ordination below the center&amp; state.</li> <li>• Conferences are organised such as governor conference – POI</li> <li>• CM Conferences – PM etc.</li> </ul>
<b>Relations during Emergency</b>	<ul style="list-style-type: none"> <li>• During Article 352 – National emergency - Centre becomes entitled to give executive directions to a state on ‘any’ matter.</li> <li>• During Article 356 - President’s Rule imposed - President can assume to himself the functions of the state government and powers vested in the Governor or any other executive authority in the state.</li> <li>• During Article 360 - financial emergency - Centre can direct the states to observe canons of financial</li> </ul>
<b>FINANCIAL RELATION(ARTICLE 268- ARTICLE 293) – PART XII</b>	
<b>Distribution of Taxes →</b>	<p>Centre to State:</p> <ol style="list-style-type: none"> <li>1. Parliament has exclusive power to levy taxes on union list</li> <li>2. State legislature can levy taxes on subjects in state list</li> <li>3. No tax entries in concurrent list – 101<sup>st</sup> amendment act of 2016 – special provisions for goods and service tax – concurrent power of Parliament and state legislators</li> <li>4. Residue re power of taxation – Parliament – gift tax wealth tax expenditure tax</li> </ol>
<b>Distribution of tax revenues</b>	<ul style="list-style-type: none"> <li>• 80<sup>th</sup> Amendment Act of 2000 and 101<sup>st</sup> Amendment Act – Major changes in distribution scheme amendment provided for subsuming various central indirect taxes and levies such as:             <ol style="list-style-type: none"> <li>1. Central excise duty, additional excise duties, excise duties,</li> <li>2. Service tax additional customs duty (CVD).</li> <li>3. Sales tax, entertainment tax, Luxury tax</li> <li>4. Octroi and entry tax, purchase tax.</li> <li>5. Taxes on lottery, betting and gambling, etc</li> </ol> </li> <li>• Distribution as follows:             <ol style="list-style-type: none"> <li>1. Taxes levied by Centre but collected and appropriated by the state – Art. 268.</li> <li>2. Taxes levied and collected by the Centre but assigned to the state – Art. 269.</li> <li>3. Levy and collection of GST in course of interstate trade or commerce – Art. 269-A</li> <li>4. Taxes levied and collected by the Centre but distributed between the Centre and states – Art. 270</li> <li>5. Surcharge on certain taxes and duties for the purpose of the Centre - Art. 271</li> <li>6. Taxes levied and collected and retained by the states</li> </ol> </li> </ul>
<b>Distribution of non-tax revenues</b>	<ul style="list-style-type: none"> <li>• The Centre (receipts from the following major sources)             <ol style="list-style-type: none"> <li>1. Posts and telegrams.</li> <li>2. Railways.</li> </ol> </li> </ul>

	<ol style="list-style-type: none"> <li>3. Banking.</li> <li>4. Broadcasting.</li> <li>5. Coinage and currency.</li> <li>6. Central Public sector Enterprises.</li> <li>7. Escheat and Lapse</li> <li>8. Others</li> </ol> <ul style="list-style-type: none"> <li>• The States <ol style="list-style-type: none"> <li>1. Fisheries</li> <li>2. Irrigation</li> <li>3. Forest</li> <li>4. State Public sector Enterprises.</li> <li>5. Escheat and Lapse</li> <li>6. Others</li> </ol> </li> </ul>
<b>Grants-in-Aid to the States</b>	<ul style="list-style-type: none"> <li>• Statutory Grant (275)</li> <li>• Discretionary Grant (282)</li> </ul>
<b>GST Council</b>	<ul style="list-style-type: none"> <li>• Article 279-A: President to constitute GST Council – to facilitate cooperation and coordination between Centre and state</li> </ul>
<b>Finance Commission</b>	<ul style="list-style-type: none"> <li>• quasi-judicial body, Const. Body, Chairman + 4 other Member</li> <li>• 15<sup>th</sup> FC → NK Singh (4<sup>th</sup> F.C→YV Reddy) ; 1<sup>st</sup> FC → K.C. Neogy recommend → President <ol style="list-style-type: none"> <li>1. Distribution of Taxes</li> <li>2. Bases to govern 'grants-in-aids'</li> <li>3. All the matters for sound finance.</li> </ol> </li> <li>• Protection of state Interest</li> <li>• Borrowing of Centre &amp; state</li> <li>• Inter-Governmental Tax Immunities <ol style="list-style-type: none"> <li>1. Exemption of Central property from state taxation</li> <li>2. Exemption of state property or Income from central taxation</li> </ol> </li> </ul>
<b>Emergency Provision</b>	<ol style="list-style-type: none"> <li>1. <b>National Emergency</b>→ (352) →President Modify the Const. Distribution of revenue b/w Centre &amp; state.</li> <li>2. <b>Financial (360)</b> → <ul style="list-style-type: none"> <li>• Reduced salary &amp; allowance of all class people reviving in state.</li> <li>• Reserved bill for the consideration of POI.</li> </ul> </li> </ol>

**CHAPTER- 15 INTER – STATE RELATIONS**

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Successful federal system depends on the harmonious Relations between the Centre &amp; state and also between states – inter- states.</li> <li>• Constitution regarding to 4 inter-state comities.</li> </ul>
<b>(a) INTER-STATE WATER DISPUTES</b>	<p><b>Article 262</b> → Adjudication of inter-state water disputes.</p> <p>→ Parl. may provide Adjudication n on these and it can't be Challenged in S.C or any other = to regulation &amp; development of inter-state river and river valleys.</p> <p>→ River Board Act (1956)</p> <p>→ Inter -state water Dispute Act (1956)</p> <p>→ To setup ad hoc tribunal to end dispute</p> <p>→ Final &amp; binding</p> <p>→ Not because court work on the base of fact but we have to look for all beneficiaries –9 tribunals so far</p> <p>→ 1st Krishna water Disputes tribunal – Maharashtra, Karnataka &amp; AP</p> <p>→ 9<sup>th</sup> Tribunal → Mahanadi dispute → 1. C.H 2. Orissa</p>
<b>(b) INTER-STATE COUNCILS</b>	<ul style="list-style-type: none"> <li>• By President any time he seem necessary for public interest, Const. Body Sarkaria Commission – 1988 → In 1990 VP Singh government established, Inter -state Council.</li> <li>• PM, Chairman, CM of All States, CM of UTs, Administrator of UTs, Governor of state, Where President rule, 6 Cabinet Minister including Home Minister. Finance Minister [Cabinet or Independent are permanent Intities]</li> </ul> <p><b>Work</b>– Investigating &amp; discussing such sub which state – Centre Common interest.</p> <ol style="list-style-type: none"> <li>1. Standing committee</li> <li>2. Union Home Minister as chairman</li> <li>3. Five Union Cabinet Minister</li> <li>4. Nine CM + secretariat for continuous, processing of the matter.</li> </ol>
<b>(c) PUBLIC ACTS, RECORDS AND JUDICIAL PROCEEDINGS</b>	<p>Jurisdiction of each state- fixed, to remove any such difficulty const. Provides, “Full, Faith &amp; Credit”.</p> <ul style="list-style-type: none"> <li>• Full faith &amp; Credit given to public acts, records and judicial proceedings throughout the territory of India of the Centre and every state.→ Legislative and executive acts of the government.</li> </ul>
<b>(d) INTER-STATE</b>	<b>Art 301</b> – Trade & Commerce throughout the Country is Free. The objective to break the

<p><b>TRADE AND COMMERCE, (301-307)</b></p>	<p>border barrier creates free trade throughout.</p> <p><b>Art 302</b> – Parliament impose – restriction→ both Inter and Intra state in Public interest.</p> <p><b>Art 303</b> – S. Legislature can impose in public interest, but with a bill in legislature.</p> <p><b>Art 304</b> – Taxation of good imported from other state is valid, provided it is not discriminatory &amp; include Sales Tax so long as it's not discriminatory.</p> <p><b>Art 305</b> – The freedom under (Art-301) is subject to the nationalisation laws.</p>
<p><b>Zonal Council</b></p>	<p>Statutory body, not established by Const, it is establish by an act 1956.</p> <p><b>SR Act 1956</b></p> <ul style="list-style-type: none"> <li>• Northern Zone (Delhi)</li> <li>• Central Zone (Allahabad)</li> <li>• Southern Zone (Chennai)</li> <li>• Eastern Zone (Kolkata)</li> <li>• Western Zone (Mumbai)</li> </ul> <p><b>Factors Kept in , while dividing</b></p> <ol style="list-style-type: none"> <li>1. Natural Discussion of Country</li> <li>2. River system, means of Communication</li> <li>3. Cultural &amp; Linguistic affinity</li> <li>4. Economic Development, Security and law and order'</li> </ol> <p><b>N.E Council</b> – By N.E Council Act 1971</p> <ul style="list-style-type: none"> <li>• Unified Coordinate regional plan</li> <li>• Assam + Manipur + Mizoram + Nagaland + Tripura + Megh + Sikkim</li> </ul>



**CHAPTER- 16 EMERGENCY PROVISION**

<p><b>Articles 352 to 360</b> →Part XVIII</p>	<p>To meet abnormal situation to normal.</p> <p><b>During an Emergency</b> →The Central government becomes all powerful and Covert Federal into unitary system.</p> <p><b>3 Types –</b></p> <ol style="list-style-type: none"> <li>1. Art. 352 (National Emer)</li> <li>2. Art 360 (Financial Emer)</li> <li>3. Art 356 (State Emer/President’s Rule)</li> </ol>
<p><b>ARTICLE 352 - NATIONAL EMERGENCY</b></p>	
	<ul style="list-style-type: none"> <li>• President Declares</li> <li>• War, External aggression or armed rebellion</li> <li>• Can declare fore if it satisfied that there eminent danger</li> <li>• 38<sup>th</sup> CA, 1975 – he can issue proclamation on ground of war, external aggression, armed rebellion.</li> <li>• It can be for whole India (42<sup>nd</sup> CAA)</li> <li>• Internal disturbance 44<sup>th</sup> CA, 1978 →Armed rebellion</li> <li>• Written form by cabinet →President can Proclaim</li> <li>• 38<sup>th</sup> 1975→ Proclamation by 44<sup>th</sup> CA→ Judicial Review</li> <li>• Exempted from the judicial review</li> <li>• Minerva Mills Case →can be challenged on ground of malafide</li> </ul>
<p><b>Parliamentary Approval</b></p>	<p>Must be approved within one month by 44<sup>th</sup> CA 1978→2 month, Originally</p> <p><b>Case-1</b> → Proclamation of emergency →before 1 month→ Lok Sabha (L.S.) dissolve without passing Meanwhile RS passes→ dissolve Emergency and after 30 day of 1<sup>st</sup> sitting of Lok Sabha</p> <p><b>Case-2</b>→ If approved by both houses→6 month →extended for indefinite time, with the approval of Parl. after every 6 month.</p> <p>Originally, it was operate as long as cabinet desires after proclamation approval by parl.</p> <p><b>Case-3</b>→ If L.S dissolve during the period of 6 month without approving for further continuance of Emergency →Proclamation service 30 days from first sitting of L.S. Meanwhile RS approved.</p> <p>Resolution of proclamation must be passed by spl. majority i.e. 2/3 [P+V] + 50% of the total member.</p> <p>44<sup>th</sup> CAA, Earlier →simple majority.</p>
<p><b>Scope of Judicial Review</b></p>	<ul style="list-style-type: none"> <li>• Judicial Review (by 44<sup>th</sup> CA 1978)</li> <li>• Action be struck down of it was based on ground of Malafide.</li> <li>• Secularism as the basic structure.</li> </ul>

<p><b>Suspension of FR</b></p>	<ul style="list-style-type: none"> <li>• 356 should not be political instrument, should be used occasionally.</li> <li>• 44<sup>th</sup> amendment act 1978–             <ol style="list-style-type: none"> <li>a. President cannot suspend of right to move the court for enforcement of fundamental rights guaranteed by Article 21 – Article 20, Article 21 remain enforceable during emergency</li> <li>b. The first six fundamental rights under Article 19 – suspended only when national emergency is declared on the ground of war or external aggression – not on the ground of armed rebellion</li> </ol> </li> </ul>
<p><b>ARTICLE 356 – STATE EMERGENCY</b></p>	
<p><b>President Rule</b></p>	<p>→ Art 356, impose duty on the center that govt of every state is carried accordance with provision of const.</p> <p>In case of failure, Art 356 (const, machinery impose Pres. Rules)</p> <p><b>Parl. Approval</b>→</p> <ul style="list-style-type: none"> <li>• With 2 month from Parl. &amp; if L.S. dissolve without approving, last for 30 days after the 1<sup>st</sup> meeting Rajya Sabha (R.S) → meantime RS approved.</li> <li>• Once approved max – 6 months, with repeated approval max 3years is dissolution. {simple majority}</li> <li>• President can be revoked at any time</li> <li>• Proclamation does not require Parl. approval</li> </ul> <p>When state Legis. is suspended or dissolved→</p> <ol style="list-style-type: none"> <li>a. Parl. →law - state list</li> <li>b. Allow expenditure from S.C.F.I when L.S. is not in session.</li> <li>c. Ordinance by President when Parl. is not in session.</li> </ol>
<p><b>Consequences</b></p>	<ul style="list-style-type: none"> <li>• President can take up functions of state government and powers vested in governor or any other executive authority.</li> <li>• He can declare the powers of the state legislature to be exercised by Parliament.</li> <li>• He can take all necessary steps including suspension of constitutional provisions – related to anybody or authority in the state</li> <li>• The law made by the President during such time does not repeal after the upliftment of the President’s rule</li> <li>• This law can again be passed by the state legislative assembly once formed</li> <li>• The power of the High Court of the concerned state does not vest in the president during such an emergency</li> <li>• Recently imposed in Maharashtra post the 2019 Legislative Assembly Elections</li> </ul>
<p><b>ARTICLE 360 - FINANCIAL EMERGENCY</b></p>	
	<ul style="list-style-type: none"> <li>• Art- 360 in 38<sup>th</sup> CA 1975→ made President satisfaction immune</li> <li>• As it cannot be questioned in court but by 44<sup>th</sup> CA →satisfaction of President is not beyond Judicial Review</li> <li>• Has not been imposed in India till today</li> </ul>

<b>Approval</b>	<ul style="list-style-type: none"> <li>• Duration 2months</li> <li>• If L.S dissolve without approval within 2 month→ Continue till 30 days of L.S take place→ meanwhile RS approval</li> <li>• Once approved by both house of Parl.→ <ul style="list-style-type: none"> <li>➤ No max. Period for it operation</li> <li>➤ Repeated Parl. approval is not required</li> </ul> </li> <li>• Simple Majority</li> <li>• Revoked by President</li> </ul>	
<b>Effects of Fin. Emer.</b>	<ul style="list-style-type: none"> <li>• Center direct states of Fin. Matters.</li> <li>• Reduction of salary (↓) →any person serving in state.</li> <li>• Reservation of all financial bill &amp; money bill for President.</li> <li>• Judge of SC salaries &amp; allowance of all person(↓)</li> </ul>	
<b>Distinction b/w 358 and 359</b>	<b>Art. 358</b>	<b>Art. 359</b>
	Only Art. 19 whole time	Take any executive action inconsistent with FRs whose enforcement is suspended by Pres. order.
	Start automatically	President suspend
	Only in External Emergency not in case of internal emergency	In both External & Internal Emergency.
	Enable/ empowers the state to make any law or executive action inconsistent of F.R.	FRs suspended for specific time either full or partial 20, 21 cannot be suspended.
<b>Art. 352</b>	<ul style="list-style-type: none"> <li>• Effects FRs of the citizen.</li> <li>• L.S can pass a resolution for its revocation.</li> </ul>	
<b>Art. 356</b>	<ul style="list-style-type: none"> <li>• No effects on FRs.</li> <li>• There is no such provision. It can be revoked by the President only on his own.</li> </ul>	

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**ARTICLES 52-78 (PART V) WITH UNION EXECUTIVE**


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**CHAPTER- 17 PRESIDENT**

<b>Union Executive</b>	<ul style="list-style-type: none"> <li>The Union Executive consists of the President, the Vice-President, the Prime Minister, the Council of Ministers and the Attorney General of India.</li> <li>The President is the head of the State.</li> <li>He is the first citizen of India - acts as the symbol of unity, integrity and solidarity of the nation.</li> </ul>
<b>Election of the President</b>	<ul style="list-style-type: none"> <li>Art (52)→There shall by POI</li> <li>Art 65(1)→ Vacancy occurs → vice President</li> <li>If vacancy occurs simultaneously→ CJI + 30 other Judges→ The President (Discharge of Functions) Act, 1969</li> </ul>
<b>Qualification</b>	<ul style="list-style-type: none"> <li>35 years, citizen of India, office of profit (x), eligible to become member of the Lok Sabha (LS).</li> <li>For Nomination - should be subscribed by 50 electors as proposers and 50 electors as seconders</li> </ul>
<b>Election (No Nominated Member)</b>	<ul style="list-style-type: none"> <li>Electoral college→ Elected MP of LS &amp; RS</li> <li>MLA of S. Legislature</li> <li>MLA from Delhi &amp; Puducherry Assembly</li> </ul>

<p><b>1. MP vote =</b></p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Value of the vote of an MP =</p> <math display="block">\frac{\text{Total value of votes of all MLAs of all states}}{\text{Total number of elected members of Parliament}}</math> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Value of the vote of an MLA</p> <math display="block">= \frac{\text{Total population of state}}{\text{Total number of elected members in the state legislative assembly}} \times \frac{1}{1000}</math> </div> <ul style="list-style-type: none"> <li>• Any dispute → SC → Art 71</li> <li>• Cannot be challenged on the ground of incomplete Electoral College.</li> <li>• Oath → President → CJI</li> </ul> <div style="border: 1px solid black; padding: 5px;"> <p>Electoral quota =</p> <math display="block">\frac{\text{Total number of valid votes polled}}{1 + 1 = (2)} + 1</math> </div>
<p><b>Condition of President Office</b></p>	<ul style="list-style-type: none"> <li>• He should not be a member of either House of Parliament/State legislature.</li> <li>• If any such person is elected as President - deemed to have vacated his seat in that House on the date on which he enters upon his office as President.</li> <li>• He should not hold any other office of profit.</li> <li>• Entitled without payment of rent - use of official residence (Rastrapathi Bhavan).</li> <li>• Entitled to emoluments, allowances and privileges as may be determined by Parliament - cannot be diminished during his term of office.</li> </ul>
<p><b>Terms</b></p>	<ul style="list-style-type: none"> <li>• 5 years, resignation letter to Vice President</li> <li>• Can hold beyond 5 years – till new POI appointed – can be re-elected</li> <li>• By Impeachment → Art 56</li> <li>• On the violation of the const.</li> </ul>
<p><b>Process of Impeachment</b></p>	<ul style="list-style-type: none"> <li>• Either house by 1/4 member (support)</li> <li>• Chairman/speaker can rejected or pass</li> <li>• 14 days prior notice</li> <li>• 2/3 (Absolute Majority) → 2<sup>nd</sup> house, POI Rt. to defend Quasi-judicial role</li> <li>• If pass 1 → by 2/3<sup>rd</sup> → POI impeached.</li> </ul>
<p><b>Power</b></p>	<p><b>1. Executive Power → Art 53</b></p> <ul style="list-style-type: none"> <li>➤ Art 74 → President Works or aid &amp; advice of COM.</li> <li>➤ All Executive decision of union will be taken in the name of President</li> <li>➤ Appoints PM and other ministers – hold office during his pleasure</li> <li>➤ Approval or Removal → V-POI, CJI, HC, SC Judge, Governor, UPSC, EC, FC, SC/ST Commission, CAG, AG</li> </ul>

- Can seek information relating to administration of affairs of union and proposals for legislation from PM
- Appoint a commission to investigate into the conditions of SCs, STs and other backward classes.
- He directly administers the union territories through administrator is appointed by him.
- He can declare any area as scheduled area – power for administration of scheduled and tribal areas

**2. Legislative Power→**

- Can **summon** or prorogue the Parliament and dissolve Lok Sabha – summon a joint sitting recited by Speaker of Lok Sabha.
- Address Parliament at the commencement of first session after each general election and every year.
- Can nominate 12 members of Rajya Sabha from persons with special knowledge.
- Permission needed for certain bills – expenditure from CFI, alteration of boundaries, creation of new state.
- Give assent, **withhold assent**, return bill – if not money bill.
- State legislature bill – give assent, withhold assent, direct to Governor to return if not money bill.
- Decides question of disqualification of members in Parliament with EC consultation. Appoint speaker and deputy Speaker of LS if vacant – In LS – chairman and deputy chairman if vacant – In RS.
- Art 123→ ordinance – subject to approval within six weeks of Parliament

**3. Financial Power→**

- Money bill with his **prior** permission
- Laid annual financial statement – Union Budget
- No demand of grant can be made except on his recommendation.
- Makes advances out of CFI – any unforeseen expenditure
- Constitutes a F.C. after every five year to recommend the distribution of revenue b/w Centre and the states.

**4. Judicial Power→**

- Appoints CJI, Judges of SC and HC
- Seek advice from SC – question of law or fact – not a binding on President
- **Art 72**→ Pardoning power
  - a. **Pardon**→ either conviction free or punishment free or both
  - b. **Commutation**→ Change in nature (Death→ Imprisonment)
  - c. **Remission**→ Reducing the period of sentence without changing its character.
  - d. **Reprieve**→ Suspension of punishment till decision of President.
  - e. **Respite**→ Special fact(Pregnant Lady, Handicapped)

**5. Diplomatic Powers→**

- International treaties and agreements negotiated and concluded on behalf of president.
- Subject to approval by him.
- Represents India in international forums and affairs and send and receive diplomats.

	<p>6. Military Power →</p> <ul style="list-style-type: none"> <li>➤ Supreme commander of the defence forces of India.</li> <li>➤ Appoints chief of Army the Navy the Air Force and chief of defence staff.</li> <li>➤ Can declare war or conclude peace subject to approval of Parliament.</li> </ul> <p>7. Emergency Powers→</p> <ul style="list-style-type: none"> <li>• Extraordinary power during national emergency, President's rule, financial emergency</li> </ul>
<b>Veto Power of the President</b>	<p><b>1. Veto Power</b>→</p> <ul style="list-style-type: none"> <li>• L.S. Act + RC bill Assent → President (Article 111)</li> <li>• He may give/withhold/return for re-constitution.</li> </ul> <p><b>2. Absolute Veto</b>→ to withhold the 'assent'</p> <p><b>3. Suspensive Veto</b>→ return bill for reconsideration</p> <p><b>4. Pocket Veto</b>→ simply keep pending bill for indefinite times.</p>
<b>Presidential Veto over State Legislation</b>	<ol style="list-style-type: none"> <li>1. Governor can reserve a bill for President Reconsideration.</li> <li>2. He may give or withhold or may return for reconsideration to the state legislature, if it again passed, POI is not found to give assent/no time limit for POI.</li> </ol>
<b>Imp Articles</b>	<p>56 – Term of office of POI          59 – POI, Conditions of P's Office          60 – Oath or Affirmation.          65 – V(P) acts as POI          72 – Power of P. To grant Pardons.          111 – Assent to bills passed by the Parl.          112 – Union Budget (annual financial statement)          123 – Power of President to promulgate ordinances.          143 – Power of President to consult SC</p>
<b>Ordinance making power of the President</b>	<ul style="list-style-type: none"> <li>• Ordinances have the same force and effect as an act of Parliament - temporary laws.</li> <li>• Exercise power - deal with unforeseen or urgent matters             <ol style="list-style-type: none"> <li>a. Only when both the Houses of Parliament are not in session or when either of the two Houses of Parliament is not in session - can also be issued when only one House is in session because a law can be passed by both the Houses and not by one House alone.</li> <li>b. Make an ordinance only when he is satisfied that the circumstances exist that render it necessary for him to take immediate</li> <li>c. Power is coextensive as regards all matters except duration, with the law-making powers of the Parliament. This has two implications:                 <ol style="list-style-type: none"> <li>1. An ordinance can be issued only on those subjects on which the Parliament can make laws.</li> <li>2. An ordinance is subject to the same constitutional limitation as an act of Parliament. Hence, an ordinance cannot abridge or take away any of the fundamental rights</li> </ol> </li> <li>d. Every ordinance issued - laid before both the Houses when it reassembles. If approved by both the Houses - it becomes an act. If Parliament takes no action at all - the ordinance ceases to operate on the expiry of six weeks from the reassembly of Parliament.</li> </ol> <p>The ordinance may also cease to operate - if both the Houses pass resolutions disapproving it.</p> </li> </ul>
<b>Pardoning Power</b>	<ul style="list-style-type: none"> <li>• Article 72 - the President to grant pardons to persons who have been tried and</li> </ul>

convicted of any offence in all cases where the:

1. Punishment or sentence is for an offence against a Union Law;
  2. Punishment or sentence is by a court martial (military court);
  3. Sentence is a sentence of death.
- The pardoning power - independent of the Judiciary; it is an executive power.
  - Object: correcting any judicial errors + afford relief from unduly harsh ruling
  - Power includes:
    1. Pardon - removes both the sentence and the conviction and completely absolves the convict from all sentences, punishments and disqualifications.
    2. Commutation - substitution of one form of punishment for a lighter form.
    3. Remission - reducing the period of sentence without changing its character.
    4. Respite - awarding a lesser sentence in place of one originally awarded due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender.
    5. Reprieve – stay of the execution of a sentence (especially that of death) for a temporary period.
  - SC on power:
    1. Petitioner for mercy - no right to an oral hearing by the President.
    2. The President can examine the evidence afresh
    3. The power is to be exercised by the President on the advice of the union cabinet.
    4. The President is not bound to give reasons for his order.
    5. The President can afford relief - from a sentence that he regards as unduly harsh but also from an evident mistake.
    6. No need for SC guidelines
    7. Not subject to judicial review except where the presidential decision is arbitrary, irrational, mala fide or discriminatory.
    8. Once rejected - stay cannot be obtained by filing another petition.



**CHAPTER-18 VICE –PRESIDENT [ARTICLE – 63-71]**

<b>Vice President</b>	<ul style="list-style-type: none"> <li>Office is modelled – American Vice President</li> <li>Second highest office after President of India.</li> <li>elected by the members of an electoral college – UH, LH M</li> <li>both elected and nominated members of the Parliament</li> <li>the members of the state legislative (Not include)</li> <li>Elected by system of proportional representation by means of the single transferable vote and voting is done by secret ballot.</li> </ul>
<b>Qualification</b>	<ul style="list-style-type: none"> <li>Citizen of India, 35 age, qualification to become member of RS</li> <li>Not hold office of profit.</li> <li>The nominated of a candidate for election to office of VP must be subscribed by at least 20 electors as proposer &amp; 20 electors as seconders. Every candidate has to make security deposit of 15,000 in the Reserve Bank of India.</li> </ul>
<b>Oath</b>	<p>By President or some person appointed in that behalf of him.</p> <ol style="list-style-type: none"> <li>He should not be a member of either House of Parliament or a House of the state legislature.</li> <li>Should not hold any other office of profit.</li> </ol>
<b>Term of Office</b>	<p>→ 5 years from the date on which he enters upon his office.</p> <p>→ Removed by a resolution of the Rajya Sabha passed by an absolute majority (i.e., a majority of the total strength of the House) and agreed to by the Lok Sabha (i.e. simple majority).</p> <p>→ No such resolution can be moved unless at least 14 days advance notice has been given.</p>
<b>Vacancy in office of VP</b>	<ul style="list-style-type: none"> <li>On the expiry of his tenure of 5 years.</li> <li>By his resignation</li> <li>On his removal</li> <li>By his death</li> <li>Declared disqualified by SC</li> <li>All doubts and disputes in connection with election of the Vice-President are inquired into and decided by the Supreme Court whose decision is final.</li> </ul>
<b>Power &amp; Function</b>	<ul style="list-style-type: none"> <li>He acts as the ex-officio Chairman of Rajya Sabha. In this capacity, his powers and functions are similar to those of the Speaker of Lok Sabha.</li> <li>Act as President when a vacancy occurs in the office of the President</li> <li>Can act as President only for a maximum period of 6 months</li> <li>While acting as President Vice-President does not perform the duties of the office of the chairman of Rajya Sabha.</li> </ul>
<b>Emoluments</b>	<ul style="list-style-type: none"> <li>Constitution has not fixed any emoluments for the Vice-President in that capacity.</li> <li>He draws his regular salary in his capacity as the ex-officio Chairman of the Rajya Sabha.</li> <li>While acting as President, he is not entitled to the salary or allowance of President.</li> </ul>

<i>Article</i>	<i>Provision</i>
63.	<b>The Vice-President of India</b>
64.	<b>The Vice-President to be ex-officio Chairman of RS</b>
65.	<b>The Vice-President to act as President</b>
66.	<b>Election of Vice-President</b>
67.	<b>Term of office of Vice-President</b>
69.	<b>Oath or affirmation by the Vice-President</b>
70.	<b>Discharge of President's functions in other contingencies</b>
71.	<b>Matters relating to, or connected with, the election of Vice- President</b>

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**CHAPTER -19 PRIME MINISTER (ART 74-78)**

<b>Prime Minister</b>	<ul style="list-style-type: none"> <li>• De facto Executive.</li> <li>• President – De Jure Executive</li> </ul>
<b>Art 75</b>	<ul style="list-style-type: none"> <li>• There shall be Prime Minister appointed by the president</li> <li>• POI appoint Prime Minister using conventions according to the parliament system</li> <li>• In 1980, the Delhi High Court→ Constitution does not require that a person must prove his majority in the Lok Sabha before he is appointed.</li> <li>• In 1997, Supreme Court said that a person who is not a member of any House of Parliament can be appointed as Prime Minister for 6 months, he had to take permission from President.</li> <li>• PM – member of any house – must become within 6 months if not already – can prove majority on floor test.</li> </ul>
<b>Hold Office</b>	<ul style="list-style-type: none"> <li>• During pleasure of President i.e. as long as majority, he will not be dismissed.</li> <li>• Cannot be dismissed by the President – can only be dismissed if he loses majority.</li> </ul>
<b>Powers And Functions of The Prime Minister</b>	<p><b><u>In Relation to Council of Ministers</u></b></p> <ul style="list-style-type: none"> <li>• Recommends the name for Ministers – only recommended can be appointed by POI</li> <li>• Give transfer various portfolio asked them to resign or advice POI to dismiss.</li> <li>• Preside over meeting &amp; influence decision.</li> <li>• Guide &amp; control activity of minister</li> <li>• Bring a collapse by resigning from office</li> </ul> <p><b><u>In Relation to the President</u></b></p> <ul style="list-style-type: none"> <li>• PM as Principal channel of communication</li> <li>• Advice POI for appointment of CAG, AG, Chairman &amp; member of UPSC, Election Commissioner, Chairman &amp; Member of finance commission.</li> </ul> <p><b><u>In Relation to Parliament</u></b></p> <ul style="list-style-type: none"> <li>• He advises the President for summoning and proroguing Parliaments.</li> <li>• Recommend dissolution of the Lok Sabha to President at any time.</li> <li>• Announces government policies on the floor of the House but not in case he lack majority manager in Chief, it pol. Level during emergency.</li> </ul> <p><b><u>Other Powers</u></b></p> <ul style="list-style-type: none"> <li>• Chairman NITI Aayog, NDC, NIC, ISC, NWRC</li> <li>• Imp role in shaping foreign policy of the Country.</li> <li>• Chief spoken person in govt. policies.</li> <li>• Crisis manager in chief at the political level during emergencies.</li> <li>• Leader of party in power.</li> <li>• Political head of services</li> </ul>
<b>Article 74</b>	COM to aid & advise President
<b>Article 77</b>	Conduct of business of the GOI
<b>Article 75</b>	Other provision as to Minister
<b>Article 78</b>	Duties of PM as respect the furnish of information to the President etc.

**CHAPTER -20 - CENTRAL COUNCIL OF MINISTER**

<b>Article 74</b>	<ul style="list-style-type: none"> <li>There shall be a Council of Ministers with the PM at the head, advise the President, who shall in the exercise of his actions act accordingly.</li> <li>POI can ask for reconsideration.</li> <li>42<sup>nd</sup> and 44<sup>th</sup> CAA – advice binding on President – cannot be enquired by court.</li> </ul>
<b>Article 75</b>	<ul style="list-style-type: none"> <li>PM appointed by President (other minister on advice of PM)</li> <li>PM +COM should not be more than 15% of the strength of LS. 91th CA, 2003</li> <li>Minister shall hold office during pleasure of President.</li> <li>COM collectively responsible to LS.</li> <li>Minister – secrecy oath by POI.</li> <li>Who not MP is within should take membership.</li> </ul>
<b>Article 77</b>	Conduct of business of the Govt, All executed action will be taken in name of POI.
<b>Article 78</b>	Duties of PM as respects the furnishing of information to the President etc.
<b>Article 88</b>	Right to speak and take part in the proceedings of any House, joint sitting but cannot vote. In 1947 – SC – Even after the dissolution of LS, the COM does not cease to hold office. Again in 1974 – satisfaction of President is not the satisfaction of President, but it is of the COM.
<b>Appointment Of Ministers</b>	<ul style="list-style-type: none"> <li>By President on the advice of PM.</li> <li>Person not a member of house – Minister</li> <li>Should take member within six months.</li> <li>Minister – not vote but take part in function.</li> <li>Oath – salary – By President – By Parliament.</li> </ul>
<b>Responsibility Of Ministers</b>	<p><b>Collective Responsibility</b></p> <ul style="list-style-type: none"> <li>Art 75, says, i.e. Minister over joint responsible to the LS for their acts of omission &amp; commission and if No-Confidence motion passed – All minister have to realising including (RS).</li> <li>COM can advise for dissolution the Lok Sabha, as House does not represent the true representation.</li> <li>Cabinet should support in public the decision.</li> </ul> <p><b>Individual Responsibility</b></p> <ul style="list-style-type: none"> <li>President can dismiss a COM even the</li> <li>Councils enjoy majority on the advice of the POI. PM can also ask to resign.</li> </ul> <p><b>Legal Responsibility</b></p> <ul style="list-style-type: none"> <li>No provision in the Constitution for system of legal responsibility – not required that any order of President be countersigned by minister.</li> <li>Court barred into enquiring nature of advice.</li> </ul>
<b>Composition Of The Council Of Ministers</b>	<ol style="list-style-type: none"> <li><b>PM</b> – defacto ruler</li> <li><b>Cabinet Minister</b> <ul style="list-style-type: none"> <li>Head important ministries like home, defence, external affairs etc.</li> <li>Attend meeting &amp; play important role in decision making.</li> </ul> </li> <li><b>State Minister</b> <ul style="list-style-type: none"> <li>Can be given independent charge or attached to a ministry, to support cabinet minister.</li> </ul> </li> <li><b>Deputy Minister</b> <ul style="list-style-type: none"> <li>Attached to cabinet or state only assist them.</li> </ul> </li> <li><b>Parliamentary Secretary</b> <ul style="list-style-type: none"> <li>Last Member of COM- Only assist</li> </ul> </li> </ol>

	- No parliamentary secretaries have been appointed except during the first phase of Rajiv Gandhi Government.	
<b>Council Of Ministers v. Cabinet</b>	<i>Council of ministers</i>	<i>Cabinet</i>
	1. 60 to 70 ministers.	1. 15 to 20 ministers.
	2. Cabinet, COM deputy.	2. Only Cabinet
	3. It does not meet, as a body, to transact government business.	3. It meets, as a body, frequently and usually once in a week.
	4. Functions are determined by Cabinet.	4. Control COM
	5. It implements the decisions of cabinet.	5. It Supervise the implementation of its decision.
	6. Collectively Responsible to L.S.	6. Collectively responsible to COM to LH of Parliament.
<b>Role Of Cabinet</b>	<ul style="list-style-type: none"> <li>• Highest decision-making</li> <li>• Chief policy formulating body</li> <li>• Supreme executive authority</li> <li>• Manage crisis, emergency situations.</li> <li>• Control over higher appointments like constitutional authorities</li> <li>• Foreign policies and foreign affairs.</li> </ul>	
<b>Kitchen Cabinet</b>	<ul style="list-style-type: none"> <li>• Named so during Indira Gandhi era – very powerful government system.</li> <li>• Small body comprising of Prime Minister +15 to 20 important Minister.</li> <li>• Highest decision making body in formal sense – inner circle – real centre of power</li> <li>• Merits:               <ol style="list-style-type: none"> <li>1. Small unit therefore efficient.</li> <li>2. Can meet often – deal with business much more expediently</li> <li>3. Helps PM maintain secrecy.</li> </ol> </li> <li>• Demerits:               <ol style="list-style-type: none"> <li>1. Reduces authority and status of cabinet.</li> <li>2. Circumvents the legal procedure – allowing outside persons-influential role in government functioning</li> </ol> </li> </ul>	

## CHAPTER -21 CABINET COMMITTEES

<b>Features of Cabinet Committee</b>	<ol style="list-style-type: none"> <li>1. They are extra constitutional and emergence – not mentioned in Constitution – rules of business provide for establishment.</li> <li>2. Two types – standing and ad hoc - Standing is temporary &amp; ad hoc is permanent.</li> <li>3. Setup by the PM – according to the requirements of the situation-number, nomenclature, composition varies from time to time.</li> <li>4. 3-8 member – usually include Cabinet Minister – Non-cabinet members are not a debarred</li> <li>5. Mostly headed by Prime Minister             <ol style="list-style-type: none"> <li>a. Sometimes Cabinet ministers -home Minister, finance Minister – act as chairman – Prime Minister still a member of committee</li> <li>b. Include ministers in charge of subjects + other senior ministers.</li> </ol> </li> <li>6. Decisions also taken – subject to review of cabinet.</li> <li>7. They are organisational devices to reduce enormous workload of cabinet – also facilitate examination of policy issues and effective coordination.</li> <li>8. Based on division of labour and effective delegation</li> </ol>
<b>2019 Functional Committees</b>	<ul style="list-style-type: none"> <li>• Committee on political affairs.</li> <li>• Committee on economic affairs.</li> <li>• Appointments committee of Cabinet.</li> <li>• Cabinet committee on security.</li> <li>• Cabinet committee on Parliamentary affairs.</li> <li>• Cabinet committee on accommodation.</li> <li>• Cabinet committee on investment and growth.</li> <li>• Cabinet committee on employment and skill development.</li> </ul>
<b>Functions</b>	<ol style="list-style-type: none"> <li>1. Political affairs committee – policy matters pertaining to domestic and foreign affairs.</li> <li>2. Economic affairs committee – control and direction of government activities and economic sphere.</li> <li>3. Appointments committee-all high-level appointments (Central Secretariat, public enterprises banks and financial institutions)</li> <li>4. Parliamentary affairs –progress of government business in Parliament-chaired by Home Minister.</li> </ol>
<b>GoMs (Groups of Ministers)</b>	<ul style="list-style-type: none"> <li>• Some GoMs take discussion on the behalf of Cabinet where as other make recommendation to Cabinet.</li> <li>• Constituted to look into various issues/subjects.</li> <li>• Ministers heading the concerned ministries – facing issues and critical problems – are inducted into relevant GoMs</li> </ul>

**CHAPTER -22 PARLIAMENT**

<b>Introduction</b>	<ul style="list-style-type: none"> <li>Parliament is the legislative organ of the government of India.</li> <li>Based on the British pattern – Westminster model of government.</li> <li><b>Part V</b> – Article 79-122 - deal with organisation, composition, duration, officers, producers, privileges, powers etc of the Parliament.</li> </ul>
<b>Organisation [Art 79]</b>	<ul style="list-style-type: none"> <li>The Lok Sabha (House of the People, Lower House)</li> <li>The Rajya Sabha (The Council of states, upper House)</li> <li>The President             <ol style="list-style-type: none"> <li>The President is not a member of either House and does not sit in Parliament.</li> <li>Bill passed by both the houses cannot become a law without the President's assent.</li> <li>He can only prorogue and summon both the houses</li> <li>Addresses both the houses at the beginning of each year and on the first session of both the houses</li> </ol> </li> </ul>
<b>Lok Sabha</b>	<p>Art 81 Art 331 Not more than 530= 530 (state) Not more than 20 (UT) <b>Member: 545</b></p> <p style="text-align: center;">             ↓            ↓            ↓              530            13            2              (state)        (UT)            (nominated)           </p> <ol style="list-style-type: none"> <li>Ration b/w seat &amp; population should be maintained.</li> <li>Uniformity b/w different state and b/w diff constituency in same state Art 82</li> <li>After every census, a readjustment is to be made –             <ul style="list-style-type: none"> <li>- Allocation of seat to LS in state</li> <li>- Division of seat in each constituency.</li> </ul> </li> <li>Delimitation Commission – 19, 52, 62, 72, 02</li> </ol> <p><b>42<sup>nd</sup> Amendment Act</b> – froze allocation of seat to LS to division of seat into territorial constituencies till the year 2000 at the 1971 level (i.e, upto year 2026) by the 84th Amendment Act of 2001. <b>84<sup>th</sup> CA-</b> set territorial constituency on the base of 1991 <b>87<sup>th</sup> CA-</b> on base of 2001 not on 1991.</p>
<b>Rajya Sabha</b>	<p>Allocation of seat in RS 4 Schedule Composition – not more than 250 max (238 from UT &amp; state + 12 nominated) <b>Member 245</b></p> <p style="text-align: center;">             ↓            ↓            ↓              229            4            12 (Nominated)           </p> <ul style="list-style-type: none"> <li>▪ Literature</li> <li>▪ Art</li> <li>▪ Science</li> <li>▪ Social service</li> </ul> <p>System of Proportional Representation Single transferable vote For UT – Parl. may prescribe.</p>
<b>Reservation of Seats for SCs and STs</b>	<ul style="list-style-type: none"> <li>Const. has abandoned the system of communal representation.</li> <li>Initially it was for 10 year, in 1960</li> </ul>



	<ul style="list-style-type: none"> <li>• By extend + 10 year each time.</li> <li>• 95th CA 2009 – till 2020. <ul style="list-style-type: none"> <li>➤ 25 years (Art 84), t = 5 years (Temporary) (Art 83), must be citizen of India, - [Lok Sabha]</li> <li>➤ 30 years (Art 84), t = 6 years (Art 83), 1/3 retires every year.</li> </ul> </li> </ul>
<b>Disqualification</b>	<ul style="list-style-type: none"> <li>• If he hold office of profit.</li> <li>• Unsound mind, insolvent</li> <li>• If found quality (RPA 1951)</li> <li>• On the ground of anti-defection law (not following whip)</li> <li>• Exception – expelled members</li> <li>• 2/3rd merger allowed.</li> </ul>
<b>Double Membership</b>	<ul style="list-style-type: none"> <li>• LS+ RS (Elected on both house) RS seat will became vacant</li> <li>• Max time 10 days to inform</li> <li>• If a sitting member of one house elected for other house, his seat on first house will become vacant.</li> <li>• If a person, member of both Parl. &amp; state legislature within 14 day, Parl. seat vacant.</li> </ul>
<b>Speaker</b>	<ul style="list-style-type: none"> <li>• Elected by first sitting</li> <li>• If casual vacancy, filled by new election (DOE-President)</li> <li>• Vacate Earlier – If he ceases to member of LS <ul style="list-style-type: none"> <li>➤ Resign by writing</li> <li>➤ Removed by a resolution of then majority by giving 14 days notice.</li> </ul> </li> <li>• Casting vote.</li> <li>• Does not vote at first Instances.</li> <li>• When is dissolve, speaker does not vacant his office continues till new – elected LS meets.</li> </ul>
<b>Role, Powers and Functions</b>	<ul style="list-style-type: none"> <li>• The Speaker is the head of the LS, and its representative</li> <li>• Guardian of power &amp; privileges</li> <li>• Principal spokesman, decision is final.</li> <li>• Order and decorum, final interpreter of Constitution of India</li> <li>• Decided disqualification of member → Judicial Role.</li> <li>• Salary fixed → not subject to vote as from CFI.</li> </ul>
<b>Deputy Speaker</b>	<ul style="list-style-type: none"> <li>• Elected similar as LS itself</li> <li>• Whenever the office of Deputy Speaker, LS elect.</li> <li>• Removed or term of office → similar to LS speaker.</li> </ul>
<b>Duty of Deputy Speaker</b>	<ul style="list-style-type: none"> <li>• When speaker office is vacant</li> <li>• If speaker is absent.</li> <li>• Presides joint sitting in case of speaker absence.</li> <li>• While presiding over the house – Deputy sp. (speaker) – casting vote</li> <li>• Regular salary by Parl. from CFI.</li> <li>• In the presence of sp. Work as ordinary member.</li> <li>• Origin – 1921 – Act of 1919 (Montague Chelmsford)</li> <li>• Panel of Chairperson of LS – The speaker nominated – then chairperson</li> <li>• Same power as sp. While presiding. Hold office till new is chairperson nominate.</li> <li>• When members of chairperson are absent any of the member determined by house act as speaker.</li> <li>• Panel of chairperson cannot presides over the house when the office of sp&amp; Deputy sp. Is vacant.</li> <li>• During such time sp. Duty is performed by the such member of the house as appointed by President.</li> </ul>
<b>Speaker Pro Tem</b>	<ul style="list-style-type: none"> <li>• Senior most members, appointed as pro tem speaker – vacant office immediately after the speaker is elected.</li> </ul>



<b>Chairman of RS</b>	<ul style="list-style-type: none"> <li>• Presides the first sitting of new selected LS.</li> <li>• The presiding officer of the Rajya Sabha is known as the Chairman.</li> <li>• The vice-president of India is the ex-officio Chairman of the Rajya Sabha.</li> <li>• The Chairman of the Rajya Sabha can be removed from his office only if he is removed from the office of the Vice-President.</li> <li>• The powers and functions of the Chairman in the Rajya Sabha are similar to those of the Speaker in the Lok Sabha.</li> <li>• 2 special powers of LS Speaker – not with Chairman:             <ol style="list-style-type: none"> <li>a. The Speaker decides whether a bill is a money bill or not</li> <li>b. The Speaker presides over a joint sitting of two Houses of Parliament.</li> </ol> </li> </ul>
<b>Deputy Chairman of RS</b>	<ul style="list-style-type: none"> <li>• Elected by the Rajya Sabha - amongst its members.</li> <li>• The Deputy Chairman vacates his office:             <ol style="list-style-type: none"> <li>1. if he ceases to be a member of the Rajya Sabha;</li> <li>2. if he resigns by writing to the Chairman; and</li> <li>3. if he is removed by a resolution passed by a majority of all the then members of the Rajya Sabha. - moved only after giving 14 days' advance notice.</li> </ol> </li> </ul>
<b>Leaders in Parliament</b>	<ul style="list-style-type: none"> <li>• Leader of the House - PM</li> <li>• Leader of Opposition – 1/10<sup>th</sup> of the majority in opposition</li> <li>• Whip - appointed by the political party to serve as an assistant floor leader</li> </ul>
<b>SESSIONS OF PARLIAMENT</b>	
<b>Summoning</b>	<ul style="list-style-type: none"> <li>• The President - summons each House of Parliament - maximum gap between two sessions of Parliament cannot be more than six months.             <ol style="list-style-type: none"> <li>1. the Budget Session (February to May);</li> <li>2. the Monsoon Session (July to September); and</li> <li>3. the Winter Session (November to December).</li> </ol> </li> <li>• A 'session' - the period spanning between the first sitting of a House and its prorogation/dissolution</li> <li>• Period spanning between the prorogation and its reassembly - 'recess'.</li> </ul>
<b>Adjournment</b>	<ul style="list-style-type: none"> <li>• An adjournment suspends the work in a sitting for a specified time, which may be hours, days or weeks.</li> </ul>
<b>Adjournment Sine Die</b>	<ul style="list-style-type: none"> <li>• Adjournment sine die means terminating a sitting of Parliament for an indefinite period.</li> </ul>
<b>Prorogation</b>	<ul style="list-style-type: none"> <li>• The presiding officer - declares the House adjourned sine die, when the business of a session is completed.</li> <li>• Within the next few days - President issues a notification for prorogation</li> </ul>
<b>Dissolution</b>	<ul style="list-style-type: none"> <li>• RS - permanent House.</li> <li>• LS - subject to dissolution.</li> <li>• Dissolution ends the very life of the existing House, and a new House is constituted after general elections are held.</li> <li>• The dissolution - two ways:             <ol style="list-style-type: none"> <li>1. Automatic dissolution - expiry of its tenure/terms as extended during a national emergency; or</li> <li>2. Whenever the President decides to dissolve the House</li> </ol> </li> </ul>
<b>Quorum</b>	<ul style="list-style-type: none"> <li>• Minimum number of members required to be present in the House before it can transact any business.</li> </ul>

	<ul style="list-style-type: none"> <li>• Quorum – 1/10<sup>th</sup> of the total number of members in each House including the presiding officer.</li> </ul>
<b>Lame-Duck Session</b>	<ul style="list-style-type: none"> <li>• Last session of the existing Lok Sabha, after a new Lok Sabha has been elected.</li> </ul>
<b>DEVICES OF PARLIAMENTARY PROCEEDINGS</b>	
<b>Question Hour</b>	<ul style="list-style-type: none"> <li>• The first hour of every parliamentary sitting is slotted for question hour.</li> <li>• Members ask questions and the ministers give answers.</li> <li>• The questions - three kinds:             <ol style="list-style-type: none"> <li>a. A <b>starred question (distinguished by an asterisk)</b> requires - an oral answer - supplementary questions allowed.</li> <li>b. An <b>unstarred question</b> requires - a written answer - supplementary questions cannot follow - Notice period min- 10 days, max 21 - LS unstarred (white paper), RS (yellow paper).</li> <li>c. <b>Short notice question</b> - Relates matter of general pub imp - Ques asked to PVT Mem. – By MP to any MY on the matter the later belongs.</li> </ol> </li> </ul>
<b>Zero Hour</b>	<ul style="list-style-type: none"> <li>• No mention in Parl. Procedure in 1960</li> <li>• Hr after the ques hr.</li> <li>• Raised matter of <b>general public imp</b>, which cannot be delayed.</li> </ul>
<b>Motions</b>	<ul style="list-style-type: none"> <li>• No discussion on the matter of <b>general public important</b> can takes place except on a motion made with the consent of presiding officer.</li> <li>• 3 categories:             <ol style="list-style-type: none"> <li>a. <b>Substantive</b> – Self-contained independent proposal dealing with imp Like impeachment of President, CJI, and CEC.</li> <li>b. <b>Substitute</b> - Move in substitution to original motion &amp; proposes an alternative if adopted, supersedes other.</li> <li>c. <b>Subsidiary</b> - No meaning can't state the decision of House without reference to original motion of the proceeding of house.                 <ol style="list-style-type: none"> <li>i. <b>Ancillary Motion:</b> the regular way of proceeding with various kinds of business.</li> <li>ii. <b>Superseding Motion:</b> in the course of debate on another issue and seeks to supersede that issue.</li> <li>iii. <b>Amendment:</b> Modify or substitute only a part of the original motion.</li> </ol> </li> </ol> </li> <li>• <b>Closure Motion</b> - Member to cut short the debate, if matter is put to vote:             <ol style="list-style-type: none"> <li>a) Simple Closure: 'Matter having been sufficiently discussed now put to vote'.</li> <li>b) <i>Closure by Compartments:</i> Groupedintoparts &amp; put for debate after whole is put to vote.</li> <li>c) Kangaroo Closure: Only important clauses taken up for debate and voting.</li> <li>d) Guillotine Closure: Undiscussed clauses of a bill or a resolution are also put to vote along with the discussed ones due to want of time.</li> </ol> </li> <li>• <b>Privilege Motion</b> - Against Minister/ other member breach of privilege giving wrong info by a member.</li> <li>• <b>Calling attention motion</b> - (Indian Innovation)/ Mentioned in Rule of Procedure, with prior permission of speaker – call attention of any motion on General Public Importance.</li> <li>• <b>Adjournment Motion</b> - introduced in Parliament to draw attention of the House to a definite matter of urgent public importance - 50 members support/cannot be used against RS as it is total against govt/censure - Should not be less than 2 hr 30 min</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>No confidence Motion</b> - Art 75, COM collectively responsible to LS. LS can remove the ministry from passing a no-confidence motion. 50 members support needed. Within 10 days from date on which have asked, reason should not be expressed.</li> <li>• <b>Censure Motion</b> - State the reason for its adoption/ can be against a minister or group of minister or the entire council/moved by opposition; passed against a COM than he is bound to seek confidence in LS.</li> <li>• <b>Motion of Thanks</b> - • After every 1st session after every general election as addressed by the president, Concept similar as “speech from throne in England” - At the end – motion is put to vote.</li> </ul>
<b>Point to order</b>	By a member when proceeding does not follow the normal rules of house/work to enforcement of the Rules of the house by an opposition, in order to control govt/ suspend the proceeding before house, no debate is allowed.
<b>Half an hr discussion</b>	Discussing a matter of sufficient public imp which has been subjected to a lot of debate can be allotted, no formal motion or voting.
<b>Short duration Discussion</b>	<ul style="list-style-type: none"> <li>• 2 hr discussion, not more than that matter of urgent public importance.</li> <li>• 2 days allotted by speaker.</li> </ul>
<b>Special Mention</b>	<ul style="list-style-type: none"> <li>• which cannot be raised during question hour, any other</li> <li>• no a point of order, only in RS, similar as ‘Notices’ in LS under 377</li> </ul>
<b>Other Funds</b>	<p><b>Contingency Fund (267)</b> [By 1950] 500 Cr Held by finance secretary on the behalf of President.</p> <p><b>Public Account Fund (266)</b></p> <ul style="list-style-type: none"> <li>• All public money</li> <li>• Provided fund</li> <li>• Judicial deposit</li> <li>• Bank deposit</li> <li>• Departmental deposit without parl. appropriation can be made.</li> </ul>
<b>BILLS</b>	<ul style="list-style-type: none"> <li>• Every bill has to pass through the same stages in each house once the proposal is duly enacted and signed by the President – becomes a law.</li> <li>• There are four types of bills:             <ol style="list-style-type: none"> <li>a. Ordinary bill.</li> <li>b. Money bill.</li> <li>c. Financial bill.</li> <li>d. Constitutional amendment bills</li> </ol> </li> </ul> <p><b>Ordinary Bill:</b></p> <ol style="list-style-type: none"> <li>1. It can be introduced in either house of the Parliament-by a minister or any other member. – called <b>First Reading</b></li> <li>2. During <b>second reading</b> a lot of scrutiny is put into the language of the bill – stages:             <ol style="list-style-type: none"> <li>a. General discussion.</li> <li>b. Committee stage.</li> <li>c. Consideration stage</li> </ol> </li> <li>3. At the <b>third reading</b> the debate is confined to the acceptance or rejection of the bill as a whole – no amendments allowed – once other route it is deemed to be passed by that house and sent to the second house.</li> <li>4. In the <b>second house</b> the first reading, second reading, third reading - post which the bill is either excepted, returned with amendments, rejected or no action</li> </ol>

	<p>5. The first house in case of amendments makes them or reject them – if rejected president can summon a joint sitting of both houses.</p> <p>6. Once it is passed in single or joint setting – presented before President for assent he can:</p> <ol style="list-style-type: none"> <li>Give assent.</li> <li>Withhold at an assent.</li> <li>Return the bill for reconsideration</li> </ol> <p>7. If assent given – deemed to be Law.</p> <p>8. If returned and both houses pass the bill the President must give his assent to the Bill – President enjoys only a suspensive Veto.</p> <p><b>Money Bill:</b></p> <ol style="list-style-type: none"> <li>It can be introduced only in Lok Sabha not a Rajya Sabha.</li> <li>Can only be introduced by a minister.</li> <li>Only introduced on the recommendation of the President.</li> <li>Cannot be amended or rejected by the Rajya Sabha – Rajya Sabha returnable with/without a recommendation to LS.</li> <li>LS is not bound to accept the recommendation of RS</li> <li>Rajya Sabha can detain bill maximum for 14 days – after which deemed excepted.</li> <li>It can be rejected or approved but not returned for reconsideration by the President.</li> </ol> <p><b>Financial Bill:</b></p> <ol style="list-style-type: none"> <li>Of two types: <ol style="list-style-type: none"> <li>Bill that contains not only all matters in article 110 but also general legislation.</li> <li>Bill containing provisions involving expenditure from CFI – not mentioned in article 110 – treated as ordinary bill</li> </ol> </li> </ol>
<p><b>JOINT SESSION</b></p>	<ul style="list-style-type: none"> <li>Extraordinary machinery provided by the Constitution to resolve a deadlock between two houses.</li> <li>Can be ordered by the President in three situations: <ol style="list-style-type: none"> <li>If the bill is rejected by the other house.</li> <li>If houses have finally disagreed to amendments made to the bill.</li> <li>If more than six months have elapsed from the date of receipt of the bill by either house – without being passed by it.</li> </ol> </li> <li>The Speaker of the LS recites over the joint session – deputy Speaker in his absence.</li> </ul>
<p><b>BUDGET IN PARLIAMENT</b></p>	<ul style="list-style-type: none"> <li>Referred to as the annual financial statement – article 112.</li> <li>Statement of the estimated receipts and expenditures of the GOI in financial year – 1<sup>st</sup> April to 31<sup>st</sup> March.</li> <li>Till 2017 there were two budgets Railway budget and general budget - separated to introduce flexibility in Railway finance, secure stability of general revenues by providing annual contribution from Railway revenues.</li> <li>Stages of enactment <ol style="list-style-type: none"> <li>Presentation of budget.</li> <li>General discussion.</li> <li>Scrutiny by departmental committees.</li> <li>Voting on demands for grants.</li> </ol> </li> </ul>

	<p>v. Passing of appropriation Bill. vi. Passing of finance Bill</p>
<b>MULTIFUNCTIONAL ROLE OF PARLIAMENT</b>	<p>1. <b>Legislative power &amp; function</b> Can make law for list (100), List (52), Residuary and even on state list provided, Art 249, 250, 252, 253, 356. Approval of ordinance.</p> <p>2. <b>Financial Power</b> – Art 265, budget</p> <p>3. <b>Const. Power</b> – Amendment (Simple 50%), Special, Absolute.</p> <p>4. <b>Judicial power</b> – Impeachment of POI, (V) POI, CJI, CEC, <b>CAG etc.</b></p> <p>5. <b>Electoral Power</b> - elections to the offices of POI, (V)POI + sp + dySp (RS +LS)</p> <p>6. <b>Other Power</b> – approves emergency/ create or abolish SLC Art- 2, 3, 9, 10 etc.</p> <p><b>POSITION OF RAJYA SABHA – RS =LS</b></p> <ul style="list-style-type: none"> <li>• Ordinary, CA bill, Election and Impeachment of POI, VPOI</li> <li>• Intro of passage of financial bill.</li> <li>• For CJIO &amp; Judge impeachment, CAG, CEC</li> <li>• Approval of ordinance, Pro of Emergency</li> <li>• Selection of Minister.</li> <li>• Consideration of reports of Const. Bodies (UPSC,SFC, CAG)</li> <li>• Enlargement of jurisdiction of the Supreme Court (SC) and the Union Public Service Commission (UPSC).</li> </ul> <p><b>RS ≠ LS – Money Bill</b></p> <ul style="list-style-type: none"> <li>• Retake of Emergency</li> <li>• Finance bill only in LS</li> <li>• Speaker LS preside Joint session – LS wins.</li> <li>• Cannot pass no confidence motion, special power to LS – art 249, 312.</li> </ul>
<b>PARLIAMENTARY PRIVILEGES</b>	<p>1. <b>Individual Privileges</b> No arrested during session &amp; before &amp; after today of session. Rt. to speech &amp; vote cannot be challenged in Court, Art (105) MP 194 (MLA)</p> <p>2. <b>Collective Privileges</b> If can punish members as well as other courts are prohibited in any enquiry.</p>
<b>Special Powers of RS</b>	<p>a. Can authorise Parliament to make laws on the subject and state list – article 249.</p> <p>b. Can authorise the Parliament to create all India services common to both Centre and state – article 312.</p> <p>c. Can alone initiate move for removal of Vice President – article 67.</p> <p>d. During National Emergency, President’s rule, financial emergency – when Lok Sabha is dissolved - powers with RS alone.</p>

**CHAPTER – 23 PARLIAMENTARY COMMITTEES**

<p><b>Meaning</b></p>	<ul style="list-style-type: none"> <li>• Parliamentary functions are complex, voluminous – no adequate time and expertise for detailed scrutiny of legislative measures.</li> <li>• Assisted by a number of <b>committees</b> in discharge of his duties.</li> <li>• The Constitution does not mention committees directly in specific provisions – mentioned throughout – matter is dealt by the rules of the two houses</li> <li>• Parliamentary committee means:             <ol style="list-style-type: none"> <li>a. Committee appointed or elected by the house or nominated by Speaker/Chairman.</li> <li>b. Works under direction of the Speaker/Chairman.</li> <li>c. Presents its report to the house or to the Speaker/Chairman.</li> <li>d. Has Secretariat provided by LS/RS</li> </ol> </li> </ul> <p><b>Classification:</b></p> <ol style="list-style-type: none"> <li>a. Standing:             <ul style="list-style-type: none"> <li>- Permanent-constituted every year or periodically.</li> <li>- Work on continuous basis</li> <li>- Six categories:                 <ol style="list-style-type: none"> <li>i. Financial committees.</li> <li>ii. Departmental standing committees.</li> <li>iii. Committees to enquire.</li> <li>iv. Committees to scrutinise and control.</li> <li>v. Committees relating to day to day business of the house.</li> <li>vi. Housekeeping committee or services committee</li> </ol> </li> </ul> </li> <li>b. Ad Hoc:             <ul style="list-style-type: none"> <li>- Cease to exist on completion of the task assigned to them</li> <li>- Two categories:                 <ol style="list-style-type: none"> <li>i. Inquiry committees.</li> <li>ii. Advisory committees</li> </ol> </li> </ul> </li> </ol>
<p><b>Financial Committees</b></p>	<ol style="list-style-type: none"> <li>a. <b>Public Account Committee</b> <ul style="list-style-type: none"> <li>• setup in 1921 by the GOI Act of 1919</li> <li>• 22 member, 15:7 :: LS/RS as 2: 1</li> <li>• Member elected by Proportion Representation amongst its member.</li> <li>• Chairman – Ruling party but after 1967 – From opposition</li> <li>• Tenure – 1 year</li> <li>• Work – to annual audit report of CAG [CAG as a Guide friend]</li> <li>• Audit report on appropriation, Finance, Public under taking</li> <li>• Examines public expenditure not only from legal and formal point of you – but to discover the view of economy, prudence, wisdom – bring out cases of waste, loss, corruption and inefficient expenses</li> </ul> </li> <li>b. <b>Estimates Committee:</b> <ul style="list-style-type: none"> <li>• 1 year tenure, early traces in 1921</li> <li>• After Independence – 1950 set up on recommendation of John Mathali.</li> <li>• 1 year tenure, early traces in 1921</li> <li>• After Independence – 1950 [ F&gt;M. John Meithei Recommend]</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• 25 members but in 1956 but raised to 30.</li> <li>• All from LS, Proportional Representation</li> <li>• Single transferable cote</li> <li>• Minister cannot be member</li> <li>• Chairman - appointed by the Speaker (mainly Ruling Party)</li> <li>• Work – to report what economics improvement, organisation, weather the money is well laid.</li> </ul> <p>c. <u>Committee on Public Undertakings:</u></p> <ul style="list-style-type: none"> <li>• Created in 1964 on the recommendation of Krishna Menon committee.</li> <li>• Originally 15 members ( 10 LS+ 5RS)</li> <li>• In 1974, raised to 22 (15 LS + 7RS)</li> <li>• Members elected by parliament each year from amongst the Members</li> <li>• Elected - proportional representation of single transferable vote.</li> <li>• Term of office one year.</li> <li>• Minister cannot be elected as member of the committee.</li> <li>• Chairman appointed by Speaker of LS only</li> <li>• Function – examine the reports of public undertakings, CAG.</li> </ul>
<b>Departmental Standing Committee</b>	<p>1993 – 17 – 2004 +7 = 24 Department Comm.</p> <p style="text-align: center;">↓                      ↓</p> <p style="text-align: center;">8(RS)    16(LS)</p> <p>31 member in each Comm. – 2: 1 Nominative Member</p>
<b>Committee to Inquire</b>	<p>Petition, Privileged, Ethics</p> <p>↓                      ↓                      ↓</p> <p>LS-15    LS- 15    LS- 2000</p> <p>RS-10    RS- 10    RS- 1997</p>
<b>Committees to Scrutinize and Control</b>	<ol style="list-style-type: none"> <li>a. Committee on government assurances.</li> <li>b. Committee on subordinate legislation.</li> <li>c. Committee on papers laid on the table.</li> <li>d. Committee on welfare of SC/ST.</li> <li>e. Committee on empowerment of women.</li> <li>f. Joint committee on offices of profit</li> </ol>
<b>Consultative Committee</b>	<ul style="list-style-type: none"> <li>• For different house both member of house [ 30max, 10 min]</li> <li>• Constituted by ministry of Parliament affairs.</li> </ul>



**CHAPTER – 24 PARLIAMENTARY FORUMS**

<p><b>Introduction</b></p>	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Parliamentary Forum was constituted in year 2005 on: Water Conservation and Management.</li> <li>• Subsequently 7 more forums were constituted.</li> <li>• At Present, there are 8 parliamentary Forums :-             <ol style="list-style-type: none"> <li>a. Parliamentary Forum (P.F.) on water cons and Mgmt (2005)</li> <li>b. PF on Youth (2006);</li> <li>c. PF on children P.F. on Population and public health (2006);</li> <li>d. PF on Global Warming and Climate change (2008);</li> <li>e. P.F. on Disaster Mgmt (2011);</li> <li>f. PF on Artisans and Crafts -people (2013);</li> <li>g. P.F. on Millennium Development Goals (2013).</li> </ol> </li> </ul>
<p><b>Objectives of the Forums:</b></p>	<ul style="list-style-type: none"> <li>• The <b>Objectives behind the constitution</b> of the Parliamentary Forums are;             <ol style="list-style-type: none"> <li>1. To Provide a platform to the members to have interactions with the ministers concerned, experts and key officials from the nodal ministries with a view to have a focused and meaningful discussion on critical issues with a result-oriented approach for speeding up the implementation process.</li> <li>2. To sensitive members key areas of concern and also about the ground level situation and equip them with the latest information, knowledge.</li> <li>3. To prepare a data base, through collection of knowledge on critical issues through various. So that they can be meaning ion discuss and clarification.</li> </ol> </li> <li>• They do not interfere with the jurisdiction of Departmentally-Related Standing Committees of the Ministry/Dept.</li> </ul>
<p><b>Composition of the Forum</b></p>	<ul style="list-style-type: none"> <li>• Speaker except the Parliamentary Forum on Population and Public Health wherein the Chairman of Rajya Sabha (RS) and VP</li> <li>• Deputy Chairman of RS + Dy sp. Of LS + Concerned Minister are the Minutes (ex-officio VP)</li> <li>• P+ VP+ Co- President + 31 members (max)             <ol style="list-style-type: none"> <li>a) Nominated by the sp/ chairman</li> <li>b) Co- terminus with their membership in respective house can resign.</li> <li>c) Appoints a convener who helps him holding and other needs.</li> </ol> </li> </ul>
<p><b>Functions of the Forums – 8</b></p>	<p><b>Parliamentary Forum</b></p> <ol style="list-style-type: none"> <li>i. On water Conservation and management:             <ul style="list-style-type: none"> <li>- Identify problems relating to water and make recommendations for appropriate action.</li> <li>- Identify ways of involving members of Parliament in conservation.</li> <li>- Organise seminars and undertake related tasks</li> </ul> </li> <li>ii. On youth             <ul style="list-style-type: none"> <li>- Focus deliberations on strategies to leverage human capital and youth for accelerating development initiatives.</li> <li>- Build awareness among public leaders at grassroot levels for youth and encouragement.</li> <li>- Hold consultations with experts, improve Parliament’s outreach towards sections of youth</li> </ul> </li> <li>iii. On children             <ul style="list-style-type: none"> <li>- Enhance awareness and attention of Parliamentarians towards critical issues for children.</li> <li>- Encourage constitutional support with UN and UNICEF</li> </ul> </li> </ol>



	<ul style="list-style-type: none"><li>- Undertake any other tasks, projects, assignments – form may deem fit</li><li>iv. On Population and Public Health:<ul style="list-style-type: none"><li>- To have focused deliberations on strategies relating to population stabilisation and matters concerned.</li><li>- Build greater awareness in all sections of society.</li></ul></li><li>v. On Global Warming and Climate Change<ul style="list-style-type: none"><li>- Identify problems related to global warming and climate change – make suggestions/recommendations for appropriate action</li></ul></li><li>vi. On Disaster Management<ul style="list-style-type: none"><li>- Identify ways of involving members of Parliament and undertake tasks</li><li>- Identify problems related to disaster management</li></ul></li><li>vii. On Artisans and Crafts people<ul style="list-style-type: none"><li>- Enhance awareness and attention to critical issues faced by artisans and craftsmen.</li><li>- Enable institutional support – KVIC, Coir board, CAPART.</li></ul></li><li>viii. On Millennium Development Goals<ul style="list-style-type: none"><li>- Review enhancement towards targets set under millennium development goals.</li></ul></li></ul>
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## CHAPTER – 25 PARLIAMENTARY GROUPS

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Autonomous body</li> <li>• All member of Parliament (present or former member)</li> <li>• Founded in 1949</li> <li>• It is an international organisation of Parl. of sovereign states.</li> <li>• 153 parliamentary of sovereign states of International organisation.</li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• Promote contacts b/w mem. of POI.</li> <li>• Arrange seminar, discussion, orientation courses.</li> <li>• Arrange lectures on political, defence, econ, social etc.</li> <li>• Visit to foreign country with a view to develop contacts with mem. of other Parl.</li> </ul>
<b>Composition</b>	<ul style="list-style-type: none"> <li>• Open to all mem of parl.</li> <li>• Speaker – LS – ex- officio president</li> <li>• Dy sp –Dy Chairman – ex- officio vice present</li> <li>• General Secretary – LS – ex officio Secretary</li> </ul>
<b>Functions</b>	<ol style="list-style-type: none"> <li>1. Group acts as connecting link between the Parliament of India and the various parliaments of the world.</li> <li>2. The Group functions as             <ol style="list-style-type: none"> <li>a) National Group of the IPU</li> <li>b) Main branch of the CPA in India.</li> </ol> </li> <li>3. Seminars &amp; symposia on parl. sub.</li> <li>4. Mem. of Parl. (6 month) go for parl. delegation.</li> </ol>
<b>Awards</b>	<ul style="list-style-type: none"> <li>• Award of outstanding Parl.</li> <li>• Sp invites of the LS, invites &amp; finalises the nomination for the award.</li> </ul>
<b>Group &amp; IPU</b>	<ul style="list-style-type: none"> <li>• International organisation of the Parl. of sovereign states.</li> <li>• Helps mem. Of Indian Parl. delegation to develop contacts with the Parl. of the Mem. Countries of the IPU.</li> <li>• Event provide an opportunity to study</li> <li>• facilities to meet</li> <li>• visiting</li> </ul>
<b>The Group &amp; CPA</b>	<p>Association of about 17000 common wealth Parl. spread over 175 National State, Provincial &amp; Territorial Parl.</p> <p>Understanding of constitutional, legislative, economic, social and cultural systems.</p>
<b>Advantages</b>	<ol style="list-style-type: none"> <li>1. Conferences &amp; seminars</li> <li>2. Publications</li> <li>3. Information</li> <li>4. Introductions</li> <li>5. Parliamentary Facilities</li> <li>6. Travel Facilities</li> </ol>

## CHAPTER-26 SUPREME COURT

<b>Introduction</b>	<ul style="list-style-type: none"> <li>Indian Constitution has established an integrated (both Central &amp; state law) judicial system (GOI Act, 1935 had a similar system)</li> <li>SC at the top: inaugurated 1950</li> <li>HLs below it</li> <li>Hierarchy of subordinate courts; district courts and lower courts.</li> <li>Articles 124-174, Part - V of the Constitution deal with SC.</li> </ul>
<b>Organisation of SC:-</b>	<ul style="list-style-type: none"> <li>31 judges at present (one chief justice and thirty other judges).</li> <li>Made by SC (no. of Judges) Amendment act 2008.</li> <li>Originally there were 8.</li> </ul>
<b>Appointment of Judges</b>	<ul style="list-style-type: none"> <li>Judges appointed by the President, in Consultation with other judges.</li> <li>Consultation with the CJI is mandatory for appointment of judges other than CJI.</li> </ul>
<b>Qualifications</b>	Must be citizen of India, Judge for 5 Years (HC), advocate for 10 years (HC)/ Eminent Jurist.
<b>Oath</b>	Before President.
<b>Tenure</b>	Till attains the age of 65/Resign/Removed.
<b>Removal</b>	By President on recommendation of Parl. charge on provoke misbehaviour or incapacity. Resolution at any house – <ul style="list-style-type: none"> <li>LS – 100 Mem. Support</li> <li>RS – 50 Mem, Support.</li> </ul>
<b>Art 126</b>	Acting CJI – If vacancy/ temporarily absent/ Incapable
<b>Art 127</b>	Adhoc Judge – when there is lack of quorum – CJI can appoint Judge of HC for temporary period.
<b>Art 128</b>	Retired Judge – CJI can request any retired Judges
<b>Art 130</b>	<ul style="list-style-type: none"> <li>Seat of SC – New Delhi</li> <li>If CJI wishes, any where in India.</li> </ul>
<b>Art 143</b>	<ul style="list-style-type: none"> <li>Procedure of Court – decide a bench consist at least 5 Judges</li> <li>For const cases or references</li> </ul>
<b>CJI</b>	Master of Roster Constitute bench + decide the hearing of petition
<b>Independence of SC</b>	Salary & Pension from CFI, Ban on Practice after retirement, free to appoint staff, decisions cannot be curtailed.
<b>Jurisdiction</b>	<ol style="list-style-type: none"> <li><b>Original Jurisdiction -</b> <ul style="list-style-type: none"> <li>Center vs. Union/state vs. state</li> <li>Art 131 (direct hearing)</li> <li>Dispute by a put citizen against state cannot be heard.</li> <li>I.S. water dispute</li> <li>Matter Referred to F.C.</li> <li>Pre treaty agreement</li> <li>Recovery of damage by a state against center/commerce nature b/w state.</li> </ul> </li> <li><b>Writ Jurisdiction –</b> <ul style="list-style-type: none"> <li>SC guarantor and defender of fundamental rights of citizens.</li> <li>Supreme Court is empowered to issue writs including Habeas corpus, mandamus, prohibition, cover into, certiorari.</li> <li>In this regard SC has original jurisdiction – aggrieved citizens can directly go to SC not necessarily by way of appeal.</li> <li>When FR's violated-directly approach SC for enforcement</li> <li>HC can issue writs not only for enforcement of FR but also for other purposes-broader</li> </ul> </li> </ol>

	<p>power</p> <p><b>3. <u>Appellate Jurisdiction</u> –</b></p> <ul style="list-style-type: none"> <li>• Constitution Matter (Art 132) appeal against judgement of satisfy that it is needed.</li> <li>• <b>Civil Matters (ART 133)</b> – In it involves sub-sequential question of law question need to be described.</li> <li>• <b>Criminal Matters (134)</b> – direct threat to body &amp; property &amp; further, 134(a) one has to take permission of HC.</li> <li>• Art (136) – Appeal by special leave (should be used cautiously as by SC).</li> <li>• Art 129 – Court of Record- Judgement proceeding and act are recorded for perpetual memory &amp; testimony.</li> <li>• Punishment on the contempt of Court – 2,000 Rs. Or 6 month or both.</li> <li>• Contempt of court may be civil or criminal.</li> <li>• Civil - wilful disobedience</li> <li>• Criminal – obstacle creation intrept</li> </ul> <p><b>4. <u>Advisory Jurisdiction</u> -</b></p> <ul style="list-style-type: none"> <li>• <b>Art 143</b> – President can seek opinion from SC.</li> <li>• On the any question of law or fact.</li> <li>• On any dispute arising out pre const. treaty agreement, covenant, but advice – Non binding.</li> <li>• <b>Power</b> – Const of both Legislature of Central = state govt.</li> <li>• illegal, unconst. &amp; invalid.</li> <li>• <b>Other power</b> – Art 137 – Review of its one judgement</li> <li>• <b>Art 141</b> – decision binding on whole India.</li> <li>• <b>Art 145</b> – Rule of Court             <ul style="list-style-type: none"> <li>➤ Ultimate interpreter of constitution</li> <li>➤ To with draw or transfer case.</li> </ul> </li> </ul>
<p><b>Powers of the SC</b></p>	<p><b>1. A court of record</b></p> <ul style="list-style-type: none"> <li>- record all judicial proceedings and acts of SC.</li> <li>- Power to punish for contempt.</li> </ul> <p><b>2. Power of judicial review.</b></p> <p><b>3. Constitutional interpreter</b></p> <ul style="list-style-type: none"> <li>- Final and ultimate interpreter.</li> </ul> <p><b>4. Other powers:</b></p> <ol style="list-style-type: none"> <li>a. Besides disputes regarding election of the President and Vice President.</li> <li>b. Enquires into conduct and behaviour of chairman of UPSC on reference of President. – Can remove for misconduct</li> <li>c. Power to review its own judgement or order – Kesavananda Bharati overruled Golak Nath case.</li> <li>d. Authorised to withdraw cases pending before High Court and dispose them by itself.</li> <li>e. Its law is binding on all other courts.</li> <li>f. Power of judicial superintendents and control over the courts and tribunals functioning in entire territory of country.</li> <li>g. SC's jurisdiction and powers with respect to matters of the union list can be enlarged by Parliament.</li> </ol>

**CHAPTER -27 JUDICIAL REVIEW**

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• The doctrine of judicial review originated and developed in the USA.</li> <li>• 1803 case: Marbury v. Madison by John Marshall, the then chief justice of the American Supreme Court.</li> <li>• Indian constitution confers the power of judicial review upon the SC and HCs.</li> <li>• SC has declared JR to be a basic feature of the constitution.</li> <li>• In India – Const. provides under article (13, 32, 226, 131, 132, 133, 134, 135, 136, 143, 227, 245, 246, 251, 254, 372)</li> </ul>
<b>Imp</b>	<ul style="list-style-type: none"> <li>• To uphold the principal of supremacy of Constitution.</li> <li>• Federal Equilibrium Fundamental Right.</li> </ul>
<b>Scope</b>	<ul style="list-style-type: none"> <li>• Infringes Fundamental Rights (Part III)</li> <li>• Repugnant to the constitutional provisions</li> <li>• Competence of the Authority.</li> </ul>
<b>MEANING OF JUDICIAL REVIEW</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Can declare orders/enactments found to be ultra-vires as illegal and invalid.</li> </ul>
<b>Categories of JR</b>	<p>According to Justice Syed Shah Mohamed Quadri:</p> <ul style="list-style-type: none"> <li>• JR of constitutional amendments.</li> <li>• JR of legislations</li> <li>• JR of Administrative actions.</li> </ul>
<b>Narrower than America</b>	<ul style="list-style-type: none"> <li>• Due process of law</li> <li>• SC – third chamber/super Legislature arbiter of social policy</li> </ul>
<b>Judicial Review of 9<sup>th</sup> Schedule</b>	<p>31 (B) – save the act from judicial Review 1<sup>st</sup> CA, 1951 - + 9<sup>th</sup> schedule</p> <p><b>IR Cohelo Case: Can conduct JR for all acts in the 9<sup>th</sup> Schedule added after 24/04/1973 – Possible if the violate art 14, 15, 19, 21</b></p>

**CHAPTER 28: JUDICIAL ACTIVISM**

<b>Origin</b>	<ul style="list-style-type: none"> <li>• Concept originated and developed in USA.</li> <li>• In 1947 by Arthur Schlesinger Jr., an American historian and educator.</li> <li>• In India, introduced in 1970s. By Justice V.R. Krishna Iyer, Justice P.N. Bhagwati, Justice O. Chinnappa Reddy and Justice D.A. Desai</li> </ul>
<b>MEANING OF JUDICIAL ACTIVISM</b>	<ul style="list-style-type: none"> <li>• 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 also known as “judicial dynamism”.</li> <li>• Exercising judicial power that motivates judges to depart from normally to judicial precedent.</li> <li>• Judiciary of protecting individual Rights.</li> <li>• Forces the other two organs of the govt to discharge their duties.</li> <li>• JA decisions usually call for social engineering.</li> <li>• Occasionally intrude upon the legislative and executive domains.</li> <li>• JA closely related to the concept of PIL.</li> <li>• PIL is an outcome of JA, its most popular manifestation.</li> </ul>
<b>Concept of JUDICIAL ACTIVISM</b>	Is closely related to the PIL (Public Interest Litigation) most popular form of judicial activism.
<b>Justification of Judicial activism</b>	<ul style="list-style-type: none"> <li>• According to Dr. B.L. Wadehra, There is near collapse of responsible government, when the Legislature and Executive fail to discharge their respective function. (Result, in erosion of the confidence in the Constitution and democracy amongst citizen).</li> <li>• Judiciary for the protection of their rights and freedoms.</li> <li>• Judicial Enthusiasm liberalises the principle of ‘Locus Standi’.</li> <li>• Sometimes, legislative vacuums call for JA.</li> <li>• The constitution gives scope to the judiciary to play an active role.</li> <li>• <b>Article 142:-</b>The SC ion the exercise of its jurisdiction may pass such device or make such order as is necessary for doing complete justice in any cause or matter pending before it.</li> </ul>
<b>According to Subhash Kashyap</b>	<ul style="list-style-type: none"> <li>• When the legislature fails to discharge its responsibilities.</li> <li>• ‘Hung’ legislature when the government provide weak, insecure and busy on the struggle for survival.</li> <li>• Power may be afraid of taking honest and hard decision.</li> <li>• Legislature and executive fail to protect rights of citizens</li> </ul>
<b>According to Dr. Vandana</b>	<ol style="list-style-type: none"> <li>(a) Expansion of rights of hearing in the administrative process.</li> <li>(b) Excessive delegation without limitation.</li> <li>(c) Expansion of judicial control over discretionary powers.</li> <li>(d) Expansion of judicial review over the administration.</li> <li>(e) Indiscriminate exercise of contempt power.</li> <li>(f) Passing of orders which are pe se unworkable.</li> <li>(g) Over extending the standard rules of interpretation in its search to achieve economic, social and educational objectives.</li> <li>(h) Promotion of Open govt.</li> </ol>
<b>ACTIVATORS OF JUDICIAL ACTIVISM</b>	<ul style="list-style-type: none"> <li>• Civil Rights Activists</li> <li>• People Rights Activists</li> <li>• Consumer Rights Groups</li> <li>• Bonded Labour Groups</li> <li>• Citizen Groups against Large Irrigation Projects</li> </ul>

	<ul style="list-style-type: none"> <li>• Rights of Child Groups</li> <li>• Custodial Rights Groups</li> <li>• Poverty Rights Groups</li> <li>• Indigenous People’s Rights Groups</li> <li>• Women’s Rights Groups</li> <li>• Bar-based Groups</li> <li>• Media Autonomy Groups</li> <li>• Assorted Lawyer-Based Groups</li> <li>• Assorted Individual Petitioners</li> </ul>
<b>APPREHENSIONS OF JA (JUDICIAL ACTIVISM)</b>	<ul style="list-style-type: none"> <li>• Ideological fears</li> <li>• Epistemic fears</li> <li>• Management fears</li> <li>• Legitimation fears</li> </ul>
<b>JA VS. J RESTRAINT</b>	<ul style="list-style-type: none"> <li>• Judicial activism and judicial restraint are the two alternative judicial philosophies in the US.</li> <li>• JR– Contend that role of Judges should be scrupulously limited.</li> <li>• ‘Original intent’ of the authors of the constitution and its amendments is knowable, and must guide the courts.</li> <li>• JR- Conservative Interpretative of the constitution.</li> <li>• JA- Liberal interpretative of the Constitution.</li> </ul>
<b>Supreme Court Observations on Judicial Restraint</b>	<ul style="list-style-type: none"> <li>• While delivering a judgement in December 2007,</li> <li>• The SC of India- called for judicial restraint and asked courts not to take over the functions of legislature or Executive</li> <li>• Saying- there is broad separation of power under the Constitution &amp; each organ of the state must have respect for others and should not encroach on others domain.</li> <li>• Judicial activism must not become judicial Adventism.</li> </ul>
<b>Assumptions of Judicial Restraint</b>	<p>Some assumptions underlie the doctrine of Judicial Restraint. They developed in the USA, but are equally applicable to the Indian Context as well. The Doctrine of judicial restraint is based on following assumptions.</p> <ol style="list-style-type: none"> <li>1. Court is undemocratic, unelected and presumably non-responsive to the popular will. It should defer wherever possible to the ‘more’ democratic branches of government.</li> <li>2. In the USA, Judicial review is critiqued for not being a power specifically granted by the constitution.</li> <li>3. It is against the doctrine of separation of powers.</li> <li>4. It weights against federalism, which blames powers b/w the centre and the states. It requires the court to defer towards the action of state governments and officials.</li> <li>5. The Court should not overstep its boundaries without considering the risk of loss of faith of the public and loss of funds.</li> <li>6. Courts of law should not be concerned with politics Law is the process of reason and judgement and politics is concerned only with power and influence.</li> <li>7. Adjudication must be done within a system of historically validated restraints and conscious minimisation of judges’ preferences.</li> <li>8. Courts must realise that administrative authorities have expertise in their fields, whereas the courts do not.</li> <li>9. The justification often given for judicial activism is that the other organs of the state are not doing their job properly. Even if this is so, the judiciary has cases pending for over 5 decades.</li> <li>10. If there are defects in the legislature and the executive, it is for the people to correct it in a democratic system.</li> </ol>



	<p>11. Judiciary taking over legislative and executive functions is not a remedy, only a violation of the separation of powers. Judiciary has neither the resources nor the expertise to perform these functions.</p> <p>12. Protects the independence of the judiciary as when courts encroach on other jurisdictions, voters and legislators and other elected officials will be return closely monitor the activities of the judges.</p>
<p><b>ACTIVATORS OF JUDICIAL ACTIVISM</b></p>	<p>Upendra Baxi, an eminent jurist, has delineated the following typology of social / human rights activists who activated judicial activism:</p> <ol style="list-style-type: none"> <li>1. <b>Civil Rights Activists:</b> These groups primarily focus on civil and political rights issues.</li> <li>2. <b>People Rights Activists:</b> These groups focus on social and economic rights within the contexts of state repression of people's movements</li> <li>3. <b>Consumer Rights Groups:</b> These formations raise issues of consumer rights within the framework of accountability of the polity and the economy.</li> <li>4. <b>Bonded Labour Groups:</b> These groups ask for judicial activism is nothing short of annihilation of wage slavery in India.</li> <li>5. <b>Citizens for Environmental Action:</b> These groups activate an activist judiciary to combat increasing environmental degradation and pollution.</li> <li>6. <b>Citizen Groups against Large Irrigation Projects:</b> These activist formations ask the Indian judiciary the impossible for any judiciary in the world, namely, cease to and desist from ordering against mega irrigation projects.</li> <li>7. <b>Rights of Child Groups:</b> These groups focus on child labour, the right to literacy, juveniles in custodial institutions and rights of children born to sexworkers.</li> <li>8. <b>Custodial Rights Groups:</b> These groups include social action by prisoners' rights groups, women under state 'protective' custody and persons under preventive detention.</li> <li>9. <b>Poverty Rights Groups:</b> These groups litigate issues concerning draught and famine relief and urban impoverished.</li> <li>10. <b>Indigenous People's Rights Groups:</b> These groups agitate for issues of forest dwellers, citizens of the Fifth and Sixth Schedules of the Indian Constitution and identity rights.</li> <li>11. <b>Women's Rights Groups:</b> These groups agitate for issues of gender equality, gender-based violence and harassment, rape and dowry murders.</li> <li>12. <b>Bar-based Groups:</b> These associations agitate for issues concerning autonomy and accountability of the Indian judiciary.</li> <li>13. <b>Media Autonomy Groups:</b> These groups focus on the autonomy and accountability of the press and instruments of mass media owned by the State.</li> <li>14. <b>Assorted Lawyer-Based Groups:</b> This category includes the critically influential lawyers' groups which agitate for various causes.</li> <li>15. <b>Assorted Individual Petitioners:</b> This category includes freelance activist individuals.</li> </ol>



**CHAPTER-29 : PUBLIC INTEREST LITIGATION**

<b>Public Litigation</b>	<b>Interest</b>	Originated and developed in the USA in 1960. To provide legal representation to previously unrepresented groups and interest.
<b>Meaning of PIL</b>		<ul style="list-style-type: none"> <li>• PIL is a product of the judicial activism role of the Supreme Court. It was introduced in 1980s.</li> <li>• PIL is a product of the judicial activism role of the Supreme Court. It was introduced in 1980s.</li> <li>• Justice V.R. Krishna Iyer and Justice P.N. Bhagwati were the pioneers of the concept of PIL.</li> <li>• Also known as-               <ul style="list-style-type: none"> <li>• Social Action Litigation (SAL)</li> <li>• Social Interest Litigation (SIL)</li> <li>• Class Action Litigation (CAL).</li> </ul> </li> <li>• Product of the Judicial Activism role of the SC.</li> <li>• Any Public- spirited citizen on a social organisation can move the court for the enforcement of the Rights of any person or Group of person etc.</li> <li>• Maintaining Rule of Law.</li> <li>• Meaningful realisation of Fundamental Rights.</li> </ul>
<b>FEATURES OF PIL</b>		<ul style="list-style-type: none"> <li>• reach of the people (poor masses), who constitute the</li> <li>• Low visibility area of humanity.</li> <li>• Role held by the Court is more assertive than in traditional action.</li> </ul>
<b>SC, 1988 formulated a guidelines</b>		<ul style="list-style-type: none"> <li>• Bonded labour matters</li> <li>• Neglected children</li> <li>• Non-payment of minimum wages to workers</li> <li>• Petition from riot victims harassment, burning, rape, murder, kidnapping, , Family pension etc.</li> </ul>
<b>Not entertained as PIL</b>		<ul style="list-style-type: none"> <li>• Landlord-tenant matters</li> <li>• Service matters</li> <li>• Complaints against Central/ State Government.</li> <li>• Admission to medical and other educational institution.</li> <li>• Petitions for early hearing of cases</li> <li>• Pending in High Courts and Subordinate Courts</li> </ul>
<b>PRINCIPLES OF PIL</b>		<ul style="list-style-type: none"> <li>• Imp. exercise in powers under Articles 32 and 226 of the Constitution.</li> <li>• Constitutionally bounded to protect the Fundamental Rights</li> <li>• Satisfied about violation of any FRs of a groups.</li> <li>• Disputes b/w Group of peoples in the realm of private law would not be allowed to agitate as a PIL.</li> <li>• Special situation may appoint commission.</li> </ul>
<b>SC</b>		<ul style="list-style-type: none"> <li>• In this Context, “PIL is not a pill or a panacea for all wrongs.”</li> <li>• Protect basic Human Rights</li> <li>• HC should not entertain a writ petition by way of PIL.</li> </ul>
<b>History of PIL IN India</b>		<ul style="list-style-type: none"> <li>• January 1979: The Indian Express reported about the inhuman condos. In which 18 prisoners, including 6 women, were languishing in Patna and Muzuffarpur jails, as they awaited trial, at times for periods longer than they would have been sentenced to, had they been convicted.</li> <li>• Kapila Hingorani, and her husband Nirmal Hingorani, adurates prisoners.</li> <li>• But back then, according to Indian law, a petition could only be filed if you were a victim or a relative.</li> </ul>

	<ul style="list-style-type: none"><li>• The couple then hit upon the novel idea of filing a habeas corpus petition on the prisoners behalf.</li></ul>
<b>Guidelines to admit PIL</b>	<ul style="list-style-type: none"><li>• Must encourage genuine and <i>bona fide</i> PIL – discourage and curb PIL filed for extraneous considerations</li><li>• High Court formulate rules for encouraging genuine PIL.</li><li>• Court should <i>prima facie</i> verify credentials of petitioner.</li><li>• Satisfy itself substantially that public interest is involved.</li><li>• Ensure that PIL is aimed at redressal of genuine public come and public injuries - No private motive behind a filing</li><li>• Ensure petition filed by ulterior motive is imposed with exemplary costs to curb such further cases</li></ul>

**CHAPTER – 30 : GOVERNOR[PART- IV]**

<b>Governor</b>	<ul style="list-style-type: none"> <li>• Part IV - (153-167) Article.</li> <li>• Chief executive head of the state – nominal head – like President</li> </ul>
<b>State Executive</b>	State executive consists of the governor, the chief minister, the council of ministers and the advocate general.
<b>Dual Role</b>	<ul style="list-style-type: none"> <li>• Constitutional head of the state.</li> <li>• Representative of the Centre – President</li> </ul>
<b>7<sup>th</sup> Constitutional Amendment 1956</b>	A governor for two or more state charge @ time.( dis. On the ratio of population) <b>Salary same regardless number positions held</b>
<b>Art. 155</b>	Appointment- by President on the advice of COM
<b>Art. 157</b>	Qualification- Citizen of India, 35 year of age.
<b>Art. 156</b>	<b>Tenure-</b> 5 year but with pleasure of POI - Can transfer from one state to another during term Cannot be vacant (interregnum) hence; hold office till the new arrives.
<b>Executive Power</b>	<ul style="list-style-type: none"> <li>• All executive action- name of gov.</li> <li>• Make rules specifying manner for Order authentication</li> <li>• Rules for - convenient transaction of the business of a state government and for the allocation among the ministers</li> <li>• Appoints CM + Ministers - hold office during his pleasure.</li> <li>• Appoints - advocate general of a state, state election commissioner, chairman and members of the state public service commission.</li> <li>• Seek any information relating to the administration of the affairs of the state and proposals for legislation from CM.</li> <li>• Recommend - imposition of constitutional emergency in a state to the president.</li> <li>• Acts as the chancellor of universities in the state.</li> </ul>
<b>Legislative Powers</b>	<ul style="list-style-type: none"> <li>• Summon or prorogue SLA + dissolve SLA.</li> <li>• Address SL at the commencement of the first session</li> <li>• Send messages to the house or houses for a bill</li> <li>• Appoint any member of SLA to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant.</li> <li>• Nominates 1/6<sup>th</sup> of SLC members - persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.</li> <li>• Nominate one member to the SLA from the Anglo-Indian Community.</li> <li>• Decides on the question of disqualification of members</li> <li>• Bill: <ul style="list-style-type: none"> <li>(a) Give his assent to the bill, or</li> <li>(b) Withhold his assent to the bill, or</li> <li>(c) Return the bill (if it is not a money bill) for reconsideration of the state</li> </ul> </li> </ul>

	<p>legislature. However, if the bill is passed again by the state legislature with or without amendments, the governor has to give his assent to the bill, or</p> <p>(d) Reserve the bill for the consideration of the president.</p> <ul style="list-style-type: none"> <li>• Promulgate ordinances when the state legislature is not in session.</li> <li>• Lays the reports of the State Finance Commission, the State Public Service Commission and the Comptroller and Auditor- General - accounts of the state, before the state legislature.</li> </ul>
<b>Financial Powers</b>	<ul style="list-style-type: none"> <li>• Annual Financial Statement (state budget) – laid before the state legislature.</li> <li>• Money bills can be introduced - prior recommendation.</li> <li>• No demand for a grant - except on his recommendation.</li> <li>• Make advances out of the Contingency Fund - unforeseen expenditure.</li> <li>• Constitutes a finance commission after every five years - review the financial position of the panchayats and the municipalities.</li> </ul>
<b>Judicial Powers</b>	<ul style="list-style-type: none"> <li>• Grant pardons, reprieves, respites and remissions of punishment or suspend, remit and commute the sentence - any person convicted of any offence against any law</li> <li>• Consulted by the president while appointing the judges of the concerned state high court.</li> <li>• Appointments, postings and promotions of the district judges - consultation with the state high court.</li> <li>• Appoints persons to the judicial service of the state - consultation with the state high court and the State Public Service Commission.</li> </ul>
<b>CONSTITUTIONAL POSITION OF GOVERNOR</b>	<ul style="list-style-type: none"> <li>• Governor Function</li> <li>• Nominal Executive on aid and advise</li> <li>• Real Executive Council of Ministers (COM)+Chief Minister (CM)</li> </ul>
<b>Constitutional position difference from president</b>	<p>Constitutional position of the governor differs from that of the president in the following two respects:</p> <ul style="list-style-type: none"> <li>• Governor can use his discretion at some instance more as compared to POI.</li> <li>• After 42<sup>nd</sup> CAA 1976, advice binding on the President, but no such provision has been made with respect to the governor.</li> </ul>
<b>Governor Constitutional Discretion</b>	<p>The governor has constitutional discretion in the following cases:</p> <ul style="list-style-type: none"> <li>• Reservation of a bill for President.</li> <li>• Recommendation for Imposition of President's Rule.</li> <li>• While exercising his functions in additional charge.</li> </ul>

**CHAPTER-31 : CHIEF MINISTER**

<b>Real Executive Head</b>	Appointed by Govt. on the basis of Rec. of Sarkaria Commission CM should not prove majority before appointed.  6 months for a person to get member of any house.
<b>Oath</b>	Governor – [other + office of secrecy]
<b>Term</b>	Not fixed, during pleasure of POI  Governor dismiss only if he/she lack of majority.
<b>Salary</b>	By State Legislature (SL) + supplementary allowance etc.
<b>Powers</b>	<p><b><u>In Relation with COM (Council of Ministers)</u></b></p> <ul style="list-style-type: none"> <li>• Suggest the name for appointment</li> <li>• Allocate or reshuffle portfolio</li> <li>• Ask minister to resign or advice Govt to dismiss</li> <li>• Preside guide, controls, coordinate all the COM &amp; meeting can bring collapse by resigning/ CM Resignation/death automatically dissolves COM.</li> </ul> <p><b><u>In Relation to the Governor</u></b></p> <ul style="list-style-type: none"> <li>• Principal Channel of communication b/w Governor and COM</li> <li>• Advisor for appointment of advocate general, member of state Public service commission etc.</li> </ul> <p><b><u>In Relation to the State Legislature</u></b></p> <ul style="list-style-type: none"> <li>• Advice governor for summoning, proroguing, dissolution etc.</li> <li>• Announces the govt policies to SL.</li> </ul>
<b>Other powers</b>	<ul style="list-style-type: none"> <li>• Chairman of the state , Planning Board &amp; Act as V. Chairman of Zonal Council (1 Year)</li> <li>• Member of the Inter-State Council, National Development Council &amp; chief spoken person of government.</li> <li>• Crisis manager in chief at political level during Emergency.</li> </ul>
<b>Article 163</b>	COM to aid & advice governor.
<b>Article 164</b>	Other provision as to Ministers <ul style="list-style-type: none"> <li>• CM appointed by the governor and other ministers appointed by the governor on the advice of the Chief Minister;</li> <li>• The ministers shall hold office during the pleasure of governor; and</li> <li>• COM collectively responsible to the legislative assembly of the state.</li> </ul>
<b>Article 166</b>	Conduct of business to the govt. of a state
<b>Article 167</b>	Duties of CM as respect the furnishing of Information to Governor etc. <ul style="list-style-type: none"> <li>• Communicate to the governor all decisions of COM relating to the administration of the affairs of the state and proposals for legislation;</li> </ul>

	<ul style="list-style-type: none"><li>• Furnish information relating to the administration of the affairs of the state and proposals for legislation as the governor may call for</li><li>• Submit for the consideration of the COM any matter on which a decision has been taken by a minister but which has not been considered by the council – if governor requires</li></ul>
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**CHAPTER – 32 : STATE COUNCIL OF MINISTER (COM)**

<b>Article 163</b>	COM headed by CM advice the Governor cannot be inquired in any court.
<b>Art 164</b>	<ul style="list-style-type: none"> <li>• CM – by governor advice COM.</li> <li>• Added with the 91<sup>st</sup> amendment act of 2003. Minister shall hold office during the pleasure of the governor.</li> <li>• Minister was not a member of State Legislature for a period of six months shall cease to be Minister</li> </ul>
<b>CM +COM</b>	<ul style="list-style-type: none"> <li>• Max – 15% of total strength (including CM)</li> <li>• Min – 12 (91<sup>st</sup> CA,2003)</li> <li>• During pleasure of Governor – collect responsible to SLA.</li> <li>• Oath by governor/ Minister 6 months/ to get membership.</li> </ul>
<b>Article 166</b>	<p>Conduct of Business</p> <p>All executive decision – governor</p> <p>Rules made by governor to transit – function.</p>
<b>Art 167</b>	<p>Duties of COM:</p> <ul style="list-style-type: none"> <li>• Communicate to the governor all decisions of COM relating to administration of state.</li> <li>• Furnish information for proposals.</li> </ul>
<b>Art 177</b>	Rt. of Minister as respect of the house.
<b>NATURE OF ADVICE BY MINISTERS</b>	<p>Cannot be enquired in court.</p> <p>In case of vagueness governor decision final.</p>
<b>1971 SC</b>	<p>COM must exist to advice even after the dissolution or resignation.</p> <p><b>Satisfaction of governor</b>– satisfaction of COM.</p>
<b>APPOINTMENT OF MINISTERS</b>	<p>On only advice of CM</p> <p>Minister 6 month to make membership – minister speak in either house or take part but vote in his/her house only.</p>
<b>Oath &amp; salary</b>	SLA governor
<b>RESPONSIBILITY</b>	<b>Collective responsibility</b>

	<p>164 – Collective resp. i.e. work as team</p> <p>Swim or together – no confidence motion</p> <p>No dissolution etc.</p> <p><b>Individual Responsibility</b></p> <p>Governor can remove a minister on advice of the CM, through COM enjoy majority.</p> <p>CM can ask for resignation.</p> <p><b>No Legal Responsibility</b></p> <p><b>No</b> - Order of governor should not be content signed by minister.</p> <p>Court cannot query on the Nature</p>
<b>Cabinet</b>	<p>A smaller body called cabinet is the nucleus of the COM – it consist only of the Cabinet ministers – real centre of authority.</p> <ol style="list-style-type: none"><li>Highest decision making authority in the politico-administrative system of state.</li><li>Chief policy formulating body of state-supreme executive authority.</li><li>Chief coordinator of state administration – advisor to the governor.</li><li>Chief crisis manager-deals with all emergency situations.</li><li>Deals with all major legislative and financial matters.</li></ol> <p>Works through various committees called cabinet committees – of two types – standing and ad hoc.</p>



## CHAPTER-33 : STATE LEGISLATURE

Art → 168-212	No uniformity, bicameral legislature
<b>ORGANISATION OF STATE LEGISLATURE</b>	<p><b>2018</b>→ 7 state, bicameral Legis. → AP, Telangana, Uttar Pradesh, Bihar, Maharashtra, Karnataka and Jammu and Kashmir.</p> <p><b>22</b>→ state unicameral legislature.</p> <p><b>When Bicameral STATE LEGISLATURE (SL)</b>→Governor + L.C. + LA→ Vidhan Sabha or Lower house upper house or Vidhan Parishad.</p> <p><b>Created or abolished</b>→ by Parl.</p> <p><b>2/3<sup>rd</sup> [P+V] + 50% SLA</b>→ passes a resolution</p> <p><b>Criticised</b>→ No the house of Representative</p>
<b>COMPOSITION OF TWO HOUSES</b>	<p><b>1. Composition of Assembly –</b></p> <p><b>Strength</b>→ representatives of the directly elected people on universal adult franchise. Max = 500 &amp; Min =60</p> <p><b>Nomination</b>→ one member of Anglo Indian (for 10 year but Later increase for 10 years (1960))</p> <p>85<sup>th</sup> CA→ 2020</p> <p><b>Territorial Constituencies</b>→ demarcation of these Consistency, equal representation = ratio b/w population at state remain same throughout the state.</p> <p><b>Readjustment</b>→ Total no. of seat in assembly, territorial Consistency Parl. Empower to make Laus.</p> <p><b>2. Composition of Council</b>→ 1/3<sup>rd</sup> of the total strength of the assembly Except JK-32 and minimum strength is 40.</p> <p><b>Duration</b>→ SLA→5 Year→ dissolved at any time/extend 1 year within 6 month revocation of emergency &amp; be elected.</p> <p><b>Qualification</b>→ Citizen of India, Oath in front of election Commission</p> <p>SLA = 25 years, SC – 30 years.</p>
<b>Other Qualification as People representation Act 1951</b>	<b>Disqualification</b> → Any office of profit, insolvent, unsound mind, acquire citizenship of foreign.

	<p>Oath→ governor ordy by governor.</p> <p>Speaker, Dyspeaker, Dy Chair→ same as Parl.</p> <p>Summon/Adjournment/ Prorogation/Dissolution same as Parl. (By governor &amp; speaker)</p> <p>Legislative procedure same as Parliament</p>
<b>Quorum</b>	1/10 No Joint Session.
Language	Official Lang. of state English or Hindi, but P.O. can Permit a member to address mother tongue.

**CHAPTER-34 : HIGH COURT [ARTICLES 214 TO 231] - PART VI**

<b>Introduction</b>	<p>Single Integrated Judicial System</p> <p>High Court below Supreme Court &amp; above the subordinate courts.</p> <p>Top position in Judicial administration of a state.</p> <p><b>1862</b>→ Calcutta- Bombay – Madras, 1866 – Allahabad H.C</p> <p><b>1950</b>→ Existing H.C of province in British India came to own H.C.</p> <p><b>Art-214</b>→ each high court for a state. But by 7<sup>th</sup> CAA 1956→ Common H.C for two are many state or Union Territory (UT).</p> <p><b>At Present</b>→ 25 H.C, 3 are common (Delhi is the only UT-its own (since 1966).</p>
<b>Organisation</b>	<p>CJ (HC) + other judges (not decided by Const. can be altered time to time as president deem necessarily.</p>
<b>Judges</b>	<p><b>Appointment</b> – by President</p> <p><b>CJ(HC)</b> → Consultation with CJI + Governor</p> <p><b>Other Judges</b>→ Concern of CHJ Consisted.</p> <p>Common HC of 2 or more state, govt of all concerned by President.</p> <p><b>99<sup>th</sup> CA 2005</b>→ NJAC unconstitutional and void.</p>
<b>Qualification</b>	<p>Citizen, 10 year Judicial office, 10 years judge of H.C</p> <p>No minimum age</p> <p>No provision of Eminent Jurist.</p>
<b>Oath</b>	<p>219 – by governor</p>
<b>Tenure of Judges</b>	<p>No fixed, four provisions</p> <p>Age 62</p> <p>Resign</p> <p>President on (Parl. recommendation)</p>

	On appointed as judge of SC or other judges.
<b>Removal of Judges</b>	Misbehaviour or Incapacity, Removal same manner as SC.
<b>Salaries and Allowances</b>	221 – CJ (HC) – 2,50,000  J (HC) – 2,25,000  Pension from - CFI
<b>Transfer of Judges (222)</b>	POI can transfer from one HC to another.  On transfer entitled to receive extra salary.
<b>Retired Judges</b>	At any time, CJ (HC) to any Retired Judge for temporary period.  Previous consent of POI + appointed person.
<b>Independence of HC</b>	<ol style="list-style-type: none"> <li>1. Judges of HC are appointed by President in consultation with members of the judiciary itself.</li> <li>2. They have a security of tenure and can be removed only by the President.</li> <li>3. They have a fixed salary condition determined by the Parliament</li> <li>4. Salaries and allowances are charged to the consolidated fund of India and not to the state.</li> <li>5. Conduct of judges cannot be discussed.</li> <li>6. Ban on practice after retirement.</li> <li>7. Power to punish for its contempt</li> <li>8. Separation from the executive.</li> <li>9. Jurisdiction cannot be curtailed by Parliament or state legislature.</li> </ol>
<b>JURISDICTION AND POWERS OF HC</b>	<p>High court of appeal</p> <p>Protector of FR, interpret the Constitution.</p> <p>At present, a high court enjoys the following jurisdiction and powers:</p> <ol style="list-style-type: none"> <li><b>1. Original Jurisdiction</b> <ul style="list-style-type: none"> <li>• Matter of admiralty, will marriage, divorce, company law &amp; contempt of court.</li> <li>• MP + ML election, Dispute regarding Revenue FRs.</li> </ul> </li> <li><b>2. Writ Jurisdiction</b> <ul style="list-style-type: none"> <li>• Art 226 empower H.C to issue writs</li> <li>• Habeas corpus, mandamus, certiorari, prohibition and quo- warrento.</li> <li>• If HC issue any writs to any person authority &amp; govt not only within territorial but outside territorial Jurisdiction, If the cause of action within Jurisdiction (territorial).</li> </ul> </li> </ol>

- |  |   |
|--|---|
|  | <p><b>3. Appellate Jurisdiction:</b></p> <ul style="list-style-type: none"><li>• Primary court of appeal.</li><li>• Has both civil and criminal matter appellate jurisdiction</li><li>• Appellate jurisdiction is wider than original jurisdiction</li></ul> <p><b>4. Supervisory jurisdiction:</b></p> <ul style="list-style-type: none"><li>• Power of superintendence over all courts and tribunals functioning in its territorial jurisdiction.</li><li>• Except military courts and tribunals.</li></ul> <p><b>5. Court of record.</b></p> <p><b>6. Power of judicial review:</b></p> <ul style="list-style-type: none"><li>• Power had been curtailed by the 42<sup>nd</sup> amendment act of 1976</li><li>• added by 43<sup>rd</sup> amendment act of 1977</li></ul> |
|--|---|

## CHAPTER 35 : TRIBUNALS

<b>Original Constitution</b>	No Tribunal
<b>42nd Amendment Act, 1976</b>	(Tribunal) – Art 323 A – Administrative Tribunal  Art 323 B – Dealing with other matters  Added in Part XIV- to the Constitution.
<b>ADMINISTRATIVE TRIBUNALS</b>	Central govt. To establish one central Administrative tribunal and the state administrative tribunals.
<b>CAT</b>	<b>Central Administrative Tribunal (CAT)</b> – 1985 Delhi (17 branch in state)  Chairman (65 years) + V. Chairman (62 years) + Member same status Judge of HC.  <b>Members</b> – recommend by – a committee of chaired by sitting judge of SC who is nominated by CJA.  CAT – Multi member body.
<b>State Administrative Tribunals (SAT)</b>	Presence of Joint Adm. Tribunal (JAT)  By Adm. tribunal act 1985, SAT chief by POI after consultation with the governor.
<b>TRIBUNALS FOR OTHER MATTERS</b>	323(B), parl. & state legislature for tribunal to following matter.  Taxation, foreign exchange, Industrial labour, land reform, food stuff. Election to parliament & state Legislature.  <ul style="list-style-type: none"> <li>• Article 323 A - establishment of tribunals for public service matters only, Article 323 B - establishment of tribunals for certain other matters</li> <li>• Article 323 A - established only by Parliament, Article 323 B - established both by Parliament and state legislatures with respect to matters falling within their legislative competence</li> <li>• Article 323 A - only one tribunal for the Centre and one for each state or two or more states may be established. Article 323 B - a hierarchy of tribunals may be created.</li> </ul>

**CHAPTER-36 : SUBORDINATE COURTS**

<b>Introduction</b>	As they are under subordination under the high court at district and lower levels.		
<b>Constitutional Provisions</b>	<p>Articles 233 to 237 in Part VI of the Constitution.</p> <ol style="list-style-type: none"> <li><b>Appointment of District Judges-</b> The appointment of district judges, Posting, transfer, promotion with Consultation of HC by the governor.</li> <li><b>Appointment of other Judges-</b> should not be already in service of control or state govt. Been advocate for 7 years or leader should be recommended by HC. <ul style="list-style-type: none"> <li><b>Other judges-</b> Appointment of other Judges (OJ) to judicial service of state made by governor of state after consultation with SPSC &amp; HC.</li> </ul> </li> <li><b>Control over Subordinate Courts-</b> All transfer posting, promotion leave belonging to Judicial service of the state and rank below DJ, vested in HC.</li> <li><b>Interpretation-</b> ‘District Judges’ Judges of 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.</li> <li><b>Judicial Services-</b> service consisting exclusively of person intend to fill post of DJ and other civil Judicial post (interior of DJ)</li> </ol>		
<b>Structure &amp; Jurisdiction</b>	<p>Of subordinate court laid by state, they differ slightly from state to state. There are mainly three tiers of civil &amp; criminal Court below HC,</p> <div style="text-align: center;"> <p><b>High Court</b></p> <p>↓</p> <p><b>District and Sessions Judge’s Court</b></p> <p>↓</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"> <p>(Civil Side)</p> <p>↓</p> <p>Subordinate Judge’s Court</p> <p>↓</p> <p>Munsiff’s Court</p> </td> <td style="width: 50%; text-align: center;"> <p>(Criminal Side)</p> <p>↓</p> <p>Chief Judicial Magistrate’s Court</p> <p>↓</p> <p>Judicial Magistrate’s Court</p> </td> </tr> </table> <p><b>OJ Highest Judicial Authority</b></p> <ul style="list-style-type: none"> <li>Original &amp; Appellate – Civil → District Judge</li> </ul> </div>	<p>(Civil Side)</p> <p>↓</p> <p>Subordinate Judge’s Court</p> <p>↓</p> <p>Munsiff’s Court</p>	<p>(Criminal Side)</p> <p>↓</p> <p>Chief Judicial Magistrate’s Court</p> <p>↓</p> <p>Judicial Magistrate’s Court</p>
<p>(Civil Side)</p> <p>↓</p> <p>Subordinate Judge’s Court</p> <p>↓</p> <p>Munsiff’s Court</p>	<p>(Criminal Side)</p> <p>↓</p> <p>Chief Judicial Magistrate’s Court</p> <p>↓</p> <p>Judicial Magistrate’s Court</p>		

	<p>Criminal→ session Judge</p> <ul style="list-style-type: none"> <li>• Judicial &amp; administrative power</li> <li>• Supervisory power overall</li> </ul> <p>Appeal against order of OJ in HC</p> <p><b>Any capital punishment or Fine should be ratified by state.</b></p>
<b>NLSA</b>	<p>National Legal service Authority-</p> <p><b>Article (39A)</b> - free legal aid to the poor and weaker sections to ensures justice for all</p> <p><b>Article 22 (1)</b> - Obligatory to ensure equality before law and legal system promote justice on the basis of equal opportunity of law.</p> <p><b>In the year 1987</b>, the legal service Authority Act came under force in 9<sup>th</sup> Nov/1995.</p> <p>To establish a nationwide uniform network of free and competent under service.</p> <p>SC Legal service committee- to implement legal service programme.</p> <p><b>Functions:</b></p> <ol style="list-style-type: none"> <li>Provided free and competent legal services to eligible persons.</li> <li>Organise Lok Adalat for amicable settlement.</li> <li>Organise legal awareness camps in rural areas</li> </ol> <p><b>Free legal aid is available for:</b></p> <ul style="list-style-type: none"> <li>• women and children,</li> <li>• members of SC/ST,</li> <li>• industrial workmen,</li> <li>• victims of mass disaster, violence, flood, drought, earthquake, inds disaster</li> <li>• disabled persons,</li> <li>• persons in custody,</li> <li>• persons whose annual income does not exceed Rs.1 lakh,</li> <li>• victims of trafficking or begar</li> </ul>
<b>LOK ADALATS</b>	<p>Case pending in courts or at litigation stage are compromised or settled in an amicable manner.</p> <p>People court, Gandhian principles</p> <p>Expeditious &amp; Economic effective &amp; In Expensive Justice</p> <ul style="list-style-type: none"> <li>• Base on Alternative Dispute settlement ADR</li> <li>• No Victors/no rancour by negotiation conciliation</li> </ul>



	<p>Functions SLA, DLSA, SCLSC, HC, SC, TLSC → Organised Lok Adalat at such Interval &amp; places as he think fits.</p> <p><b>LA</b>-service or retired Judge + Lawyer + social worker.</p> <p>Requisite its own power for determining any issue- All Judicial proceeding within IPC.</p> <p>Award will be final no pleading.</p> <p>Easy trail &amp; speedy with flexibility.</p>
<b>PERMANENT LOK ADALATS</b>	<p>Legal service Authority Act 1987 – 2002 for permanent Lok Adalat to deal with case dealing with public utility services.</p> <p><b>Reasons-</b></p> <p>Help weaker section/ In expensive/sprit of conciliation outside court.</p>
<b>New Features</b>	<p>P (LA) consist of chairman (OJ + A(OJ) + or other higher officer.</p> <p>On public utility service such as transport communication, power etc.</p>
<b>FAMILY COURTS</b>	<p>Family Courts Act 1984 – establishment of family court with a view a view to promote conciliation &amp; secure speedy trail in marriage &amp; Family issues.</p> <p>Reason- many urge for Family Court for family disputes emphasis on the conciliation &amp; achieving socially desirable results.</p> <p>Mechanism of dispute conciliation.</p>
<b>Features of Family Court</b>	<ul style="list-style-type: none"> <li>• Establishment of FC by state govt, obligatory of state govt, Family Court in every city.</li> <li>• Focus on conciliation, so no tough rules.</li> <li>• Simplifies Rule of laws.</li> <li>• Right to appeal in HC only.</li> </ul>
<b>Gram Nyayalayas</b>	<p>The Gram Nyayalayas Act, 2008 establishment of the Gram Nyayalayas</p> <p>Eliminate- Justice at door step/secure justice</p> <p>Social, Economic, Geographic etc.</p> <p><b>Reasons-</b></p> <ul style="list-style-type: none"> <li>• Poor can't access to justice Compell for it. 39(A of OPSP)</li> <li>• Lok Adalat &amp; other ADR, Conciliation, simplifying Judicial procedural law etc by state govt hence need further.</li> <li>• The Law commission in 118<sup>th</sup> Report- necessity of Gram Nyayalayas</li> </ul>

**Mobile Court- Criminal & civil**

Seat @ headquarter of the Intermediate Panchayat shall be guided by principal of Natural justice & sub to any rule.

An aroused of offence may file & plea bargaining.

**CHAPTER- 37 : SPECIAL PROVISIONS FOR SOME STATES**

Art.- 371	<ul style="list-style-type: none"><li>Articles 371 to 371-J in Part XXI</li><li>Special provision for 12 states</li><li>Special provisions with respect to the state of Maharashtra, Gujarat.</li></ul>
Art 371 A	w.r.t the state of Nagaland
371 B	w.r.t the state of Assam.
371 C	w.r.t the state of Manipur
371D	w.r.t the state of Andhra Pradesh or the state of Telangana
371 E	Establishment of Central University in Andhra Pradesh.
371 F	w.r.t the state of Sikkim.
371 G	w.r.t the state of Mizoram.
371 H	w.r.t the state of Arunachal Pradesh.
371 I	w.r.t the state of Goa
371 J	w.r.t the state of Karnataka

**CHAPTER-38 : PANCHAYATI RAJ**

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Term Panchayati Raj – rural local self-governance</li> <li>• Constitutionalised through 73<sup>rd</sup> CAA, 1992</li> </ul>
<b>Evolution of Panchayati Raj</b>	<ol style="list-style-type: none"> <li><b>1. Balwant Raj Mehta Committee</b> <ul style="list-style-type: none"> <li>• Recommended scheme for democratic decentralisation</li> <li>• Rajasthan was the first state to establish Panchayati Raj – 1959.</li> <li>• Followed by Andhra Pradesh-1959</li> </ul> </li> <li><b>2. Ashok Mehta Committee</b> <ul style="list-style-type: none"> <li>• Recommended 132 changes to revive the declining PR system</li> <li>• Three tier system of PR – replaced by two tier system – Zila Parishad at district and Mandal Panchayat below it.</li> <li>• District should be first point for decentralisation.</li> <li>• PR institutions have compulsory powers of taxation and managing on finances</li> <li>• Nyaya panchayats are to be kept separate bodies – preside over by qualified judge.</li> <li>• Minister for PR to be appointed and state answer of ministers.</li> <li>• Seats for SC/ST reserved on the basis of population</li> <li>• <i>Could not be implemented due to the collapse of Janata government</i></li> </ul> </li> <li><b>3. GVK Rao Committee</b></li> <li><b>4. L M Singhvi Committee</b></li> <li><b>5. Thungon Committee</b></li> <li><b>6. Gadgil Committee</b> <ul style="list-style-type: none"> <li>• Constituted in 1988 – “how best PR institutions could be made effective”</li> <li>• Constitutional status bestowed on PR.</li> <li>• Three tier system – Village, block and district levels.</li> <li>• Fixed term of five years for members – elected directly – reservation for SC/ST/woman</li> <li>• The state finance commission, State election commission for management</li> </ul> </li> </ol>
<b>73<sup>rd</sup> CAA 1992</b>	<ul style="list-style-type: none"> <li>• Part 9 to the Constitution – the Panchayats – Article 243 to 243 O</li> <li>• Landmark in evolution of grassroot democracy.</li> <li>• <i>Salient Features:</i> <ol style="list-style-type: none"> <li>a. Gram Sabha</li> <li>b. Three tier system</li> <li>c. Election of members and chairperson</li> <li>d. Version of seats.</li> <li>e. Duration of Panchayat fixed.</li> <li>f. Disqualification prescribed.</li> <li>g. State election commission.</li> <li>h. Finance commission - audits and accounts.</li> </ol> </li> </ul>

<b>PESA Act, 1996</b>	<i>Provisions of the Panchayats (extensions to the Scheduled Areas) Act, 1996 - Objectives:</i> <ul style="list-style-type: none"><li>• Extend provisions of Part 9 to scheduled areas with certain modifications.</li><li>• Self-rule for the bulk of tribal population.</li><li>• Safeguard and preserve traditions and customs of tribal communities.</li><li>• Empower panchayats for tribal requirement</li><li>• Provide village governance with participated democracy</li></ul>
<b>Reasons for ineffective performance</b>	<ol style="list-style-type: none"><li>1. Of adequate devolution.</li><li>2. Excessive control of bureaucracy.</li><li>3. Tied nature of funds.</li><li>4. Overwhelming dependence on government funding.</li><li>5. Status of gram Sabha.</li><li>6. Creation of parallel bodies.</li><li>7. Poor infrastructure</li></ol>

**CHAPTER 39 : MUNICIPALITIES**

<b>1687-88</b>	The first municipal corporation in India Madras.
<b>1726</b>	The municipal corporations were set up in Bombay and Calcutta.
<b>1935</b>	Local self-government was declared as a provincial subject Rajiv Gandhi (65 <sup>th</sup> CA); VP singh failed by Narshima Rao by 74 CA, 1992.  <b>Central level – urban local government dealt with following three ministries:</b>  a. Ministry of housing and urban affairs. b. Ministry of defence in case of Cantonment board. c. Ministry of home affairs in case of UT's
<b>74TH AMENDMENT ACT OF 1992</b>	Part IX-A, 'The Municipalities' Articles 243- P to 243-ZG, 12 <sup>th</sup> schedule was added Constitutional status to Municipalities.
<b>Salient Features</b>	Three Types of Municipalities The act provides for the constitution of the following three types of municipalities in every state.  1. <b>Nagar panchayat</b> for a transitional village- low developing area population – less than 3 Lakh.  2. <b>Municipal council</b> (Nagar Parisad) small – Urban area 3 to 20 Lakhs.  3. <b>Municipal corporation</b> Large Urban area More Than 20 Lakhs.
<b>74<sup>th</sup> CA</b>	A New District Planning Commission, Constitutional body mentioned in Const.  Number is not fixed 4/5 should be elected  1. District Panchayat  2. Municipalities in the district  1/5 Nominated Chairperson – senior officer  Urban Planning recommend government
<b>Metro- Politian (Metropolitan Planning Committee)</b>	Constitutional Body (2/3rd) & 1/3 <sup>rd</sup> Nominate  ↓ ↓

	Elected Member of Municipality	Chairperson of the Panchayat
<b>Types of Urban Govt</b>	Types of urban local bodies created for urban administration:  a. Municipal Corporation. b. Municipality. c. Notified area committee. d. Town area committee. e. Cantonment board. f. Township. g. Port trust. h. Special-purpose agency	

**CHAPTER-40 : UNION TERRITORIES**

<b>Intro</b>	<ul style="list-style-type: none"> <li>• Article 1 – India to consist of             <ol style="list-style-type: none"> <li>a. territories of states</li> <li>b. Union territories.</li> <li>c. Territories that may be acquired by the government of India at any time</li> </ol> </li> <li>• 28 states, 8 union territories, no acquired territories</li> </ul>
<b>Creation of UT</b>	<ul style="list-style-type: none"> <li>• For the variety of reasons:             <ol style="list-style-type: none"> <li>a. Political and administrative consideration-Delhi and Chandigarh.</li> <li>b. Cultural distinctiveness – Puducherry, Dadra and Nagar Haveli, Daman and Diu</li> <li>c. Strategic importance – Andaman and Nicobar, Lakshadweep</li> <li>d. Special treatment and care of backward and tribal people – Mizoram, Manipur, Tripura and Arunachal Pradesh – later became states.</li> </ol> </li> <li>• In 2019 erstwhile Jammu and Kashmir was bifurcated into separate union territories – UT of Jammu and Kashmir Beauty of Ladakh – Jammu and Kashmir reorganisation Bill 2019</li> </ul>
<b>Art.239</b>	Administration of Union territories
<b>Art. 239 A</b>	Creation of local legislature or council of ministers or both for certain union territories.
<b>Art. 239 AA</b>	Special provisions with respect to Delhi.
<b>Art. 239 AB</b>	Provision in case of failure of constitutional machinery.
<b>Art. 239 B</b>	Power of administrator promulgate ordinances during recess of Legislature
<b>Art. 240</b>	Power of president to make regulations for certain UT
<b>Art. 241</b>	High Court of UT
<b>Art. 242</b>	Coorg (Repealed)



<b>States v. UT</b>	<i>States</i>	<i>UT's</i>
	Relationship with Center is federal.	Relationship with Center is unitary
	They share a distribution of power with Centre	They are under direct control and administration of the Centre
	They have autonomy, uniformity in their administrative set up	They do not have any autonomy, no uniformity in administrative set up
	Their executive head is known as governor.	Executive head is either admin or Lieutenant Governor or chief Commissioner
	Governor is constitutional head of the state.	Admin is an agent of the President
	Parliament cannot make laws on subjects of the state list – except under extraordinary circumstances.	Parliament can make laws on any subject of the three list – State List- in relation to the states except under in relation to the unity

**CHAPTER 41 : SCHEDULED AND TRIBAL AREAS**

<p><b>Intro</b></p>	<p>Article 244 in Part X</p> <p><b>Schedule 5</b> – Adm. &amp; Control SC &amp; St in any state</p> <p><b>Schedule 6</b>– Only with Assam, Meghalaya, Tripura and Mizoram. (4)</p>
<p><b>ADMINISTRATION OF SCHEDULED AREAS</b></p>	<p>Aboriginals, different, socially economical background, various features under, 5<sup>th</sup> schedule - greater responsibility</p> <ul style="list-style-type: none"> <li>(a) POI, can declare alter or new order to scheduled area to governor.</li> <li>(b) State has all power in scheduled areas but governor special responsibility.</li> <li>(c) Tribes advisory council.</li> <li>(d) Governor can state that is Parliamentary or state laws not applicable or specified modification &amp; Exception</li> <li>(e) Under VI, special provision, anthropological specimen preserve culture, custom, civilization</li> </ul> <p>Need – so greater autonomy was given for self govt.</p>
<p><b>Administation of tribal areas</b></p>	<p>Various features of administration – sixth schedule:</p> <ul style="list-style-type: none"> <li>a. The tribal areas of four states – Assam, Meghalaya, Tripura and Mizoram – constituted as autonomous districts – not under executive authority of state.</li> <li>b. Government is empowered to organise and reorganise autonomous districts.</li> <li>c. If there are different tribes-governor can divide the district into several autonomous regions.</li> <li>d. Acts and legislatures of parliament do not apply to autonomous District, autonomous regions – or apply with specific modifications and exemptions.</li> <li>e. Autonomous District 30 members – 4 nominated (during pleasure) &amp; 26 elected (5 years of governor)</li> <li>f. Can establish courts, Primary school, Ferries, Fishiness, out governor ascent needed.</li> <li>g. Governor manage Autonomous district</li> <li>h. Finally governor assent law – social law on specified maters, water, land, canal, agriculture, marriage.</li> </ul>

**CHAPTER-42 : ELECTION COMMISSION**

<b>Election Commission</b>	Permanent and Independent body – Art. 324 -Power of superintendence, direction and control of elections: <ol style="list-style-type: none"> <li>1. President of India and vice- president of India</li> <li>2. S.L.</li> <li>3. Parliament</li> <li>4. For panchayats &amp; Municipalities – state Election Commission</li> </ol>
<b>COMPOSITION</b>	<ul style="list-style-type: none"> <li>- Art. 324 – <b>Election Commission</b> = CEC + EC – as fixed by President.</li> <li>- Regional Commissioners for – appointed by President to assist EC</li> <li>- They hold office for a term of six years or until the age of 65.</li> </ul> <p><b>Independence:</b></p> <ol style="list-style-type: none"> <li>a. CEC provided with security of tenure. – cannot be removed in any manner except same as SC judge – can be removed by President on the basis of a resolution passed by both houses with special majority.</li> <li>b. Ground of proved misbehaviour or incapacity</li> <li>c. Regional EC and other election commissioners – cannot be removed – except on recommendation of CEC.</li> </ol>
<b>Condition of service &amp; tenure by POI</b>	<p><b>Historical</b> – 1850 to 1989-single body</p> <p>16/10/1989 – POI, two election commissioner [Voting age 21-18]</p> <p style="text-align: center;">↓                      ↓</p> <p style="text-align: center;">Abolished      2 more appointment</p> <p><b>1993–till current</b> :– three election commissioner decision by majority salary/allow and /other</p> <p>6 years/68 years/ can be removed before time.</p>
<b>Power &amp; function with regard to E.C are</b>	<ol style="list-style-type: none"> <li>1. To determine territorial constituencies</li> <li>2. Revise electoral rolls &amp; to register all eligible voters</li> <li>3. Date/scheduled/of election Recognition of Political Parties.</li> <li>4. Symbol</li> <li>5. Dispute settlement</li> <li>6. Enquiry</li> <li>7. Code of conduct</li> <li>8. Advice POI for disqualification of MP.  <ul style="list-style-type: none"> <li>– governor for disqualification of MLA</li> </ul> </li> <li>9. Cancel poll in event of rigging</li> <li>10. Ensure free and fair election.</li> <li>11. State election Feasibility/President Rule</li> <li>12. Registered parties</li> </ol>

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## CHAPTER-43 : UNION PUBLIC SERVICE COMMISSION

### [ARTICLES 315 TO 323]

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• It is the central recruiting agency in India</li> <li>• Is an independent constitutional body – directly created by the Constitution.</li> </ul>
<b>Composition</b>	<p>UPSC – Chairman (by POI) + other member [No as decided by POI from time to time (9-11)]</p> <p>No qualification given except ½ of member should hold office for Atleast 10 years, either under GOI or state government.</p> <p><b>Tenure</b> – 6/65 – can resign to POI</p> <p>Can be removed by the President</p> <p><b>Acting Chairman</b> – office vacant</p> <p style="text-align: center;">Unable to perform function.</p>
<b>Removal</b>	<ul style="list-style-type: none"> <li>• In engaged in – paid employment outside office bankrupt</li> <li>• President can remove chairman or any other member-on ground of misbehaviour – SC can enquire and uphold the removal or rejected it.</li> <li>• <i>Misbehaviour:</i> <ol style="list-style-type: none"> <li>a. If he is concerned or interested in any contract or agreement made by the government of India or government of a state.</li> <li>b. Participates in any way in the profit of such a contract or agreement or in any benefit there from otherwise than a member in common with other members of an Inc company</li> </ol> </li> </ul>
<b>Independence</b>	<ul style="list-style-type: none"> <li>• Chairman &amp; member removal on ground mentioned in constitution.</li> <li>• Salary – CFI</li> <li>• Chairman – No second term (NO retirement appointment)</li> <li>• Member – only chairman of SPSC or UPSC.</li> </ul>
<b>Functions</b>	<p>Holding examination for All- India services, central &amp; public services.</p> <p>Farming &amp; operating scheme of IPSC.</p> <p>Serve state or any need of state with approval of POI.</p> <p>Extension/ re- appointment of services.</p>
<b>UPSC</b>	<p><b>Not consulted- [Limitations]</b></p> <ul style="list-style-type: none"> <li>• While in making reservation for any backward classes.</li> <li>• SC/ST in appointment</li> </ul>

	<ul style="list-style-type: none"> <li>• Selection of Chairman/member of commission tribunal, highest diplomat</li> <li>• Temporary appointment</li> </ul>
<b>Role</b>	<p>Watch dog of Merit system.</p> <p>Not concerned with classification of service, pay condition cadre management, training.</p> <p>UPSC recruit.</p> <p>Recommend govt. But only advisory nature. But govt has bound to state the reason for disregarding the reccom.</p>
<b>CVC</b>	<p>1964- Diluted UPSC as both are consulted before taking decision/disciplinary against civil servant.</p> <p>Problem arises when two bodies tender conflicting advice.</p> <p>However, UPSC, upper has as CVC [Created by resolution by govt act &amp; conferred statutory status in Oct, 2003.</p>

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**CHAPTER- 44 : STATE PUBLIC SERVICE COMMISSION**

<b>SPSC</b>	<p>Articles (i.e., 315 to 323 in Part XIV)</p> <p>Commissioner (chairman) + other Members by governor.</p> <p>No qualification except ½, 10 year government or state services.</p> <p>Chairman &amp; member – 6 year term /62 years of age; by resignation</p> <p>acting chairman → when office is vacant</p> <p>unable to perform function</p>
<b>Removal</b>	By President same as UPSC Independence only chairman of SPSC →UPSC member or chairman.
<b>Independence</b>	<p>Safeguards to ensure independence:</p> <ol style="list-style-type: none"> <li>Chairman or member can be removed by the office of President only – security of tenure</li> <li>Conditions of service determined by Governor.</li> <li>Entire expenses including salaries allowances and pensions – charged to the consolidated fund of State</li> <li>Chairman is eligible for appointment as chairman of UPSC but not for any other government post</li> <li>Chairman or any other member not eligible for reappointment</li> </ol>
<b>Function</b>	<ol style="list-style-type: none"> <li>All the examination of appointment of service of state consulted in</li> <li>All recruitment for civil service</li> <li>All principles relating to appointment of civil service &amp; transfer.</li> <li>All disciplinary matters other SC as UPSC.</li> </ol>
<b>Limitations</b>	UPSC, only governor
<b>Role</b>	<p>The Constitution visualises the SPSC</p> <ul style="list-style-type: none"> <li>Watchdog of merit system</li> <li>Recruitment by state.</li> <li>Not concerned with training, advisory, body</li> </ul> <p>S.(VC) – 1964 – dilute</p> <p>Same as UPSC</p> <p>SPSC is constituted by governor for judicial service other than DJ, HC is also concerned.</p>
<b>JOINT STATE PUBLIC SERVICE COMMISSION</b>	<p>For two or more state/by Parliamentarian acts statutory body.</p> <p>Chairman – appointment or removed by POI – 6/62 years.</p>



	<b>No. of members&amp;chairman by POI.</b>
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	<b>JSPSC – to concerned each governor - SLA</b>
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## CHAPTER-45 : FINANCE COMMISSION

<b>Article -280</b>	<ul style="list-style-type: none"> <li>• Quasi-judicial body after in India</li> <li>• Instituted by President of India every fifth year or at earlier time as a required</li> </ul>
<b>Finance Commission Composition</b>	<p>Consist a chairman + 4 other members – Tenure by POI/ Reappointment eligible.</p> <p>Chairman experience in public affairs</p> <ol style="list-style-type: none"> <li>1. A judge of high court or one qualified to be appointed as one.</li> <li>2. Specialised knowledge of finance &amp; account of govt.</li> <li>3. Special knowledge of economics</li> <li>4. Wide experience in administration &amp; Financial matters.</li> </ol>
<b>Functions</b>	<p>To make recommendation to POI, on following matters-</p> <ol style="list-style-type: none"> <li>1. Tax allocation &amp; distribution of tax b/w center&amp; state 29% - 12 FC, 32- 13<sup>th</sup> FC, 14% = 42%</li> <li>2. Principle that should grant in aid.             <ol style="list-style-type: none"> <li>1) Fiscal Capacity – 50%</li> <li>2) Population - 17.5% (till 13<sup>th</sup>) and 10% (2011)</li> <li>3) Area – 15%</li> </ol> </li> <li>3. Measure needed to augment the CF of state to supplement.</li> </ol>
<b>Advisory Role</b>	<ul style="list-style-type: none"> <li>• Recommendation made by the financial commissions are only of advisory nature – therefore not binding on the government.</li> <li>• Constitution envisages financial commission as a balancing wheel of fiscal federalism – till 2014 the Centre state fiscal relations was undermined by the planning commission (non-constitutional and non-statutory body)</li> <li>• In 2015 planning commission was replaced by NITI Aayog – National Institute For Transforming India</li> </ul>

## CHAPTER-46 : GOODS AND SERVICES TAX COUNCIL

<b>Establishment of the Council</b>	<ul style="list-style-type: none"> <li>• 101<sup>st</sup> Amendment Act of 2016 - Introduction of a new tax regime – GST</li> <li>• Inserted new Article 279-A in the Constitution</li> <li>• Empowered Parliament to constitute a GST Council – Secretariat in New Delhi.</li> <li>• Union Revenue Secretary – ex-officio Secretary of Council</li> </ul>
<b>Vision and Mission</b>	<p><i>Vision:</i> “This tablet is the highest standards of cooperative federation in the current functioning of the council, which is the first constitutional federal body vested with powers to take all major decisions relating to GST.”</p> <p><i>Mission:</i> “evolving by a process of wider consultation, a GST structure, which is information technology driven and user-friendly”</p>
<b>Composition of the Council</b>	<ol style="list-style-type: none"> <li>a. Union Finance Minister - Chairperson.</li> <li>b. Union Minister of State in charge of revenue or finance.</li> <li>c. Minister in charge of finance or taxation or any other minister nominated by each state government</li> </ol> <p>Members of the council have to choose the vice chairperson of the council – also decide his term.</p> <p>Union Cabinet also include chairperson of Central board of excise and custom as permanent invitee non-voting to all proceedings of the council.</p>
<b>Working of the Council</b>	<ul style="list-style-type: none"> <li>• Decisions of the council are taken at this meeting – half of the total number of member of council is the quorum</li> <li>• Decision taken by:             <ol style="list-style-type: none"> <li>a. Vote of CG 1/ third weightage.</li> <li>b. Vote of SG 2/3 weightage</li> </ol> </li> <li>• Act or any proceedings will not become invalid on following grounds:             <ol style="list-style-type: none"> <li>a. Any vacancy or defeat in the constitution of the council.</li> <li>b. Any defect in the appointment of a person as a member of the council.</li> <li>c. Any procedural irregularity of the council not affecting the merits of the case.</li> </ol> </li> </ul>
<b>Functions of the Council</b>	<p>Council make recommendations of the following:</p> <ol style="list-style-type: none"> <li>1. Tax, cess and surcharge levied by the Centre, state and local bodies merged with GST</li> <li>2. Goods and services may be subjected or exempted from GST.</li> <li>3. Model GST law principles of levy apportionment and principles that govern the place of supply</li> <li>4. Threshold limit of turnover below which goods and services may be exempted from GST.</li> <li>5. Rates + floor rates</li> <li>6. Special provisions wrt certain states</li> <li>7. Ay other matter relating to GST as Council may decide.</li> </ol>

**Other Functions**

1. Commencement date on which GST may be levied on petroleum crude, high speed diesel, motor spirit, natural gas and aviation turbine fuel
2. Disputes address and adjudication mechanism
3. Recommend compensation for revenue loss to states

## CHAPTER 47: NATIONAL COMMISSION FOR SCs

<b>Constitutional Body</b>	<b>Art 338-</b> appoint special officer for sc&st to const. safeguards for the SCs and STs and to report to the President.
<b>In 1978</b>	multi-member Commission
<b>89th Constitutional Amendment Act Of 2003</b>	Bifurcated; National Commission for SCs and  National Commission for STs
<b>National Commission For SCs 2004</b>	Chairperson + a vice-chairperson + 3 other members→ by POI
<b>Functions Of The Commission</b>	<ul style="list-style-type: none"> <li>• To investigate &amp; monitor all matter relating to sc&amp; evaluate them.</li> <li>• To inquire, all complaint with respects and deprivation of rights and safeguards of the SCs.</li> <li>• To participate advice – socio-economic development of SCs.</li> <li>• To present – report of work to POI.</li> <li>• To recommend- to measure to improve the socio-economic development.</li> </ul>
<b>Reports Of The Commission</b>	<p>Commission report President remote memorandum LS→ action taken or,</p> <p>Why no action taken by recommendations.</p> <p>If he seems→Governor→SLA→ action taken or,</p> <p>Why no action taken by recomm.</p>
<b>Powers Of The Commission</b>	<p>All the matter investigate (inquire &amp; complaints)</p> <p>(a)Summoning and enforcing the attendance of any person (from any part) and examining on oath.</p> <p>(b)requiring the discovery of any product</p> <p>(c)receiving evidence on affidavits;</p> <p>(d)Requisitioning any public record from any court.</p> <p>(e)Any matter POI decides.</p> <ul style="list-style-type: none"> <li>• Central government and the state governments should commission for SC major policy.</li> <li>• Same function for OBC and Anglo Indian &amp; present its report to POI.</li> </ul>

**CHAPTER-48 : NATIONAL COMMISSION FOR STs**

<b>Article 338-A</b>	Constitutional body
<b>Separate Commission for ST</b>	<ul style="list-style-type: none"> <li>• 65<sup>th</sup> CAA, 1990 – established commission under article 338 of the Constitution – monitor all safeguards provided under constitution and law</li> <li>• Since geography and culturally SC are different from ST problems also different.</li> <li>• In 1999 – Ministry of tribal affairs was created.</li> </ul>
<b>1999</b>	<p>Commission 2003, 89<sup>th</sup> CA</p> <p>Chairperson + Vice Chairperson + Members by POI.</p> <p>Functions, same as SC i.e. to look after them.</p> <p>Report &amp; power are same as SC commission.</p>
<b>Functions</b>	<ol style="list-style-type: none"> <li>1. Investigate and monitor all matters relating to constitutional and other legal safeguards.</li> <li>2. Inquire into specific complaints for deprivation of rights and safeguards.</li> <li>3. Participate and advice on planning process of social economic development – evaluate progress</li> <li>4. Make recommendations as a measure to be taken by union or state government.</li> <li>5. Discharge other functions for protection, welfare and development of ST</li> </ol>
<b>Other Function</b>	<p>In 2005 POI specified-</p> <p>Ownership right to Minor Forest → STs.</p> <p>Safeguard STs right on Minerals water.</p> <p>Develop work for viable livelihood.</p> <p>Alienation of tribals &amp; rehabilitate.</p> <p>Elicit max. Corporation and involvement of tribal for afforestation &amp; forest Conservation.</p>

## CHAPTER-49 : NATIONAL COMMISSION FOR BCs

<b>Establishment</b>	<ul style="list-style-type: none"> <li>• In <b>Mandal Commission Case</b> – SC Directed the CG to constitute a permanent statutory body - to examine the complaints of under inclusion, over inclusion or non-inclusion of BC.</li> <li>• 102<sup>nd</sup> AA, 2008 conferred constitutional status on the commission – inserted new Article 338B.</li> </ul>
<b>Functions</b>	<ol style="list-style-type: none"> <li>1. Investigate and monitor all matters relating to constitutional and other legal safeguards.</li> <li>2. Inquire into specific complaints for deprivation of rights and safeguards.</li> <li>3. Participate and advice on planning process of social economic development – evaluate progress</li> <li>4. Make recommendations as a measure to be taken by union or state government.</li> <li>5. Discharge other functions for protection, welfare and development of BC</li> </ol>
<b>Report of Commission</b>	<ul style="list-style-type: none"> <li>• The Commission presents annual report to the President-placed before Parliament – memorandum explaining recommended action to be taken by the commission.</li> <li>• President forward any report of the commission pertaining to the state government to the state governments concerned – placed before SLA – memorandum explaining recommended actions.</li> <li>• Memorandum should also contain the reasons for non-acceptance of any of such recommendations</li> </ul>
<b>Powers of the Commission</b>	<ul style="list-style-type: none"> <li>• Commission has power to regulate its own procedure.</li> <li>• While investigating or enquiring into any complaint has powers of a civil court – summoning, enforcing attendance, discovery and production of any document, receiving evidence affidavits, issuing summons.</li> </ul>

## CHAPTER-50 : SPECIAL OFFICER FOR LINGUISTIC MINORITIES

<b>Constitutional Provisions</b>	<ul style="list-style-type: none"> <li>No original Provision</li> <li>Recommended by state Re-organisation Commission</li> <li>By 7<sup>th</sup> CA, 1956 – 350 (B) – XVII</li> </ul> <p>This article contains the following provisions:</p> <ul style="list-style-type: none"> <li>➤ Special Officer for Linguistic Minorities- by POI.</li> <li>➤ To investigate all the matters relating to safeguard of linguistic minorities.</li> <li>➤ <b>President</b> should place <b>reports</b>→ Parl. (Both House) Governor (Conc. State)</li> </ul>
<b>Commission For Linguistic Minorities</b>	<p>350 (B),1957→ Special Officer for Linguistic Minorities “Commissioner for Linguistic Minorities” – under Mo Minority Affairs</p> <p>Headquarters at Allahabad ‘Prayagraj’</p> <p>Regional Headquarter –</p> <ol style="list-style-type: none"> <li>Belgaum (Karnataka)</li> <li>Chennai (Tamil Nadu)</li> <li>Kolkata (West Bengal) headed by Assistant Commissioner</li> </ol> <p>Connection with govt &amp; other UT nodal officer</p>
<b>Role Of The Commissioner</b>	<ol style="list-style-type: none"> <li>To bring all matter relation to Minorities (Linguistic) to state or center and recommend action.</li> <li>To safeguard them</li> </ol> <p>*10 Point programme→ to lend fresh impetus governmental efforts towards preservation.</p>
<b>Vision And Mission</b>	<p><b>Vision</b></p> <p>To safeguard the speakers of the minority languages &amp; to provide them equal opportunity for inclusive develop.</p> <p><b>Mission</b></p> <p>To safeguard them</p>
<b>Functions And Objectives</b>	<p><b>Function</b></p> <p>To recommend/inquire/a submit report to POI</p> <p><b>Objective</b></p> <ul style="list-style-type: none"> <li>Spread awareness/effective implementation/representation for redress of grievance.</li> <li>Equal opportunity for inclusive development and National Integrity.</li> </ul>



## CHAPTER-51 : COMPTROLLER AND AUDITOR GENERAL OF INDIA

<b>Article 148</b>	<ul style="list-style-type: none"> <li>• CAG – Guardian of the public purse</li> <li>• Control as the entire finance system</li> <li>• Appointed by POB/Oath by POI/65 years/6 years/resign removed by POI – manner as a judge of the Supreme Court.</li> </ul>
<b>Independence</b>	<ul style="list-style-type: none"> <li>• Removal process = security of tenure</li> <li>• Salary &amp; all = From C.F.I. = Judge of SC = 250,000 €</li> <li>• Not eligible for further office</li> <li>• Nothing- pension, leave for absence or salary can be altered after appointment can take part in Parliament but not vote.</li> </ul>
<b>Art 149 - Duties and Powers of the CAG</b>	<p>Parliament enacted the CAG's (Duties, Powers and Conditions of Service) Act, 1971.- This Act was amended in 1976 to separate accounts from audit in the Central government.</p> <ol style="list-style-type: none"> <li>1. To audit related to CFI, consolidated fund of state and territory.</li> <li>2. All expenditure from CFI, consolidated fund, Public current fund.</li> <li>3. Trading balance sheet Manufacturing and other subsidiary accounts</li> <li>4. All Receipt &amp; expenditure govt related debt, sinking funds, deposits fund.</li> <li>5. Acc. Of any Authority when required by POI &amp; Governor ( the audit of local bodies)</li> <li>6. Audit – report – POI &amp; GOI</li> <li>7. Form in which account should be kept ( Art. 150)</li> <li>8. Net proceed of any Tax duty (Art 151)</li> <li>9. Guide, friend philosopher of the PAC</li> </ol>
<b>Role Of CAG</b>	<ol style="list-style-type: none"> <li>1. To uphold Constitution of India and laws of Parliament in the field of financial administration.</li> <li>2. Agent of parliament &amp; Conduct audit on the behalf of the Parl.</li> <li>3. To ascertain whether money bill shown in account has been dispersed properly.</li> <li>4. wisdom, faithfulness, expenditure, legal and regulatory audit, which is obligatory on the part of the CAG</li> <li>5. No control over the issue of money from CFI &amp; many are authorised to draw money by issuing cheques without specific Authority of CAG.</li> <li>6. Role of CAG in govt company, audit is limited, govt company audit by pvt auditors by governor on the advice of CAG.</li> </ol>
<b>Criticism</b>	<p><b>Function of CAG</b></p> <ul style="list-style-type: none"> <li>• In large measure an inheritance from colonial rule.</li> <li>• Auditory had a repressive and neglecting influence.</li> <li>• Parl. got an upper hand in Auditing &amp; failed to define the function of CAG.</li> </ul>

## CHAPTER-52 : ATTORNEY GENERAL OF INDIA

<b>Art. 76</b>	Highest law officer of the country there are solicitor & additional spoliator general to help him.
<b>Appointment And Term</b>	<ul style="list-style-type: none"> <li>➤ appointed by the president</li> <li>➤ qualification same as Judge of SC</li> <li>➤ Citizen of India/Judge of HC = 5 year/Adv. Of HC = 10 years/Eminent Jurist Can resign – POI</li> <li>➤ Conventionally when a govt resign the A.G resign</li> <li>• Term of office</li> <li>• Salary</li> <li>• Procedure &amp; ground of removal</li> <li>• Not decided in COI so till &amp; Cash of POI</li> </ul>
<b>Duties</b>	<ul style="list-style-type: none"> <li>• To advice to the Government of India upon general legislature.</li> <li>• To perform duty of a legal charter provided by POI.</li> <li>• To discharge function conferred by him on, or by Const.</li> <li>• To appear on behalf of GOIU in SC or HC.</li> <li>• To represent the GOI inn only reference made by POI under Art. 143</li> </ul>
<b>Rights</b>	<ul style="list-style-type: none"> <li>• Pvt practiced allowed</li> <li>• Right of audience in all court/right to participate in Parl. Joint sitting session committee but not to vote.</li> <li>• All the privileges &amp; immunities of Member of Parliament</li> <li>• Not a full time counsel for the Government</li> </ul>
<b>Limitations</b>	<ul style="list-style-type: none"> <li>• Brief against GOI (x)</li> <li>• Should defend criminal prosecution, without GOI permission</li> <li>• Should not accept appointment as director of any company without permission of GOI.</li> <li>• No case against GOI (appear) (x)</li> </ul>
<b>Art. 76 Solicitor General of India</b>	<ul style="list-style-type: none"> <li>• Two additional law officers: solicitor general of India and additional solicitor general of India.</li> <li>• They assist the AG in the fulfilment of his official responsibilities.</li> <li>• Article 76 does not mention about the solicitor general and additional solicitor general.</li> <li>• AG is not a member of the central cabinet – separate law minister in the central cabinet to look after legal matters at government level</li> </ul>
<b>Art. 88</b>	Rt. of AG as respects the Houses of Parliament and its Committee
<b>Art 105</b>	Power, Privileges & immunities of Attorney-General

### CHAPTER- 53 : ADVOCATE GENERAL OF THE STATE

<b>Art. 165</b>	<ul style="list-style-type: none"> <li>• Highest law officer in the state</li> <li>• Respond to Attorney General</li> <li>• Appointed by the governor qualified as J (HC) <ul style="list-style-type: none"> <li>➤ Citizen of India</li> <li>➤ Adv of HC-10 Years</li> <li>➤ In Judicial office for 10 years.</li> <li>➤ Term, Salary, Remuneration removal procedure-not fixed as, so by governor order or pleasure.</li> </ul> </li> </ul>
<b>Duties</b>	<ul style="list-style-type: none"> <li>• To give advice to the government of the state on legal matters referred by governor.</li> <li>• To perform such other duties as assigned by governor.</li> <li>• To discharge function conferred him by the government.</li> </ul>
<b>Functions</b>	<ul style="list-style-type: none"> <li>• To appear before any court</li> <li>• To speak &amp; to take part</li> <li>• All the privilege &amp; immunities of Advocate-General are available to member of state Legislature.</li> </ul>

## CHAPTER-54 : NITI AAYOG

<b>August -2014</b>	Planning Commission [65-year-old] scrapped.
<b>1 Jan, 2015</b>	NITI Aayog (National Institution for Transforming India)  Created by executive Resolution of GOI, hence neither a Constitutional body nor a statutory.
<b>NITI Aayog Policy</b>	<b>Premium policy 'Think Tank' of GOI:</b>  <ul style="list-style-type: none"> <li>• Center-state one way policy</li> <li>• Command &amp; Control</li> <li>• Think- Tank</li> <li>• Uses bottom up approach rather than top-down</li> <li>• Lot of change happened politically, socially, economically so there is a need of change.</li> </ul> Catalyst of development; nurturing an environment through a, holistic approach.  <ul style="list-style-type: none"> <li>• State role as equal partners in national development – cooperative Federalism</li> <li>• Think Tank- expertise on strategic issues, knowledge hub.</li> <li>• Collaborative platform – <ul style="list-style-type: none"> <li>- facilitating implementation</li> <li>- All executive closer.</li> </ul> </li> </ul>
<b>Rationale</b>	<b>Planning Commission-</b>  <ul style="list-style-type: none"> <li>• Redundant ; In command economy structure in diversified country</li> <li>• One size fits all – obsolete</li> </ul>
<b>Composition</b>	a. Chairperson: PM b. Governing Council: CM of all States and UT's and Lt. General of other UT's c. Regional Councils: formed to address specific issues affecting more than one state or a region – convened by PM – comprises of CM of states/Lt. General of UT in the region d. Special invitees: experts, specialist and practitioners with relevant knowledge – invited by PM e. Full time organisational framework: <ol style="list-style-type: none"> <li>1. Vice chairperson- appointed by PM – enjoy the rank of Cabinet Minister</li> <li>2. Members: full time – rank of minister of state</li> <li>3. Part-Time Members: Max 2 – from leading Uni or research org – on rotation bases</li> <li>4. Official number: max 4 -nominated by PM - of union Council of ministers.</li> <li>5. CEO: apt by PM – rank of Secretary to GOI – fixed tenure</li> <li>6. Secretariat: if necessary</li> </ol>
<b>Specialised Wings</b>	<ol style="list-style-type: none"> <li>1. Research Wing</li> <li>2. Consultancy Wing</li> <li>3. Team India Wing</li> </ol>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• Cooperative federalism (inc.)</li> <li>• Establish Collaboration &amp; work on</li> </ul>

	<ul style="list-style-type: none"> <li>• 'National agenda'</li> <li>• Long term strategic goals setup</li> <li>• Focus on agenda of development</li> </ul>
<b>Aims</b>	<ul style="list-style-type: none"> <li>• Govt 'Enabler' not a provider for first and last resort.</li> <li>• Economically vibrant middle class (Inc)</li> <li>• India as a global active player.</li> <li>• <b>Technology (Inc)</b> – opacity &amp; potential for misadventure in govt(dec)</li> <li>• Urbanisation as an opportunity to create a secure &amp; whole some habitat.</li> </ul>
<b>Guiding Principles</b>	<ul style="list-style-type: none"> <li>• Antodaya: Prioritise Service an uplift poor.</li> <li>• Inclusion: empower vulnerable and marginalised section.</li> <li>• Village: integrate villages into development process.</li> <li>• Demographic dividend: harness people of India the greatest as it through education and skilling</li> <li>• People's participation: transform the development process into a people driven one.</li> <li>• Governance: nurture and open, transparent, accountable style of governance.</li> <li>• Sustainability: maintain sustainability at the core of planning and developmental process – build on the ancient tradition of respect for environment</li> </ul>
<b>Critics</b>	<p>Opposition criticism:</p> <ul style="list-style-type: none"> <li>• Move is just a "fluff" and mere "gimmickry".</li> <li>• New body will pave the way for discrimination, as "corporates will call the shots" in policy.</li> </ul>
<b>Planning Commission</b>	<p>1950 – by executive Resolution of GoI.</p> <p>A supreme organ for planning ( social&amp; economic development)</p>
<b>Function</b>	<p>Plan for 'balance utilisation'.</p> <p>To check progress &amp;Recoment.</p>
<b>Composition</b>	PM + Dy. Chairman + server minister = 4-7 expert member + member secretary (IAS)
<b>Criticism</b>	<ul style="list-style-type: none"> <li>• Staff agency – advisory role</li> <li>• But took the form of social cabinet or economic cabinet or Parallel Cabinet or the fifth wheel of the coach.</li> <li>• No representation of state as advisory body – administration.</li> </ul>
<b>Attached Offices of NITI Aayog</b>	<ol style="list-style-type: none"> <li>1. National Institute of labour economics research and development – NILERD – formerly Institute of applied manpower research</li> <li>2. Development monitoring and evaluation office.</li> </ol>
<b>NDC (National Development Council)</b>	<ul style="list-style-type: none"> <li>➤ Last meeting was in Dec 2012.</li> <li>➤ Rumour for ending NDC, till now no resolution.</li> <li>➤ PM + all union Cabinet minister + CM of all state + CM/Ad of UTs + Member of Planning Commission</li> <li>➤ Secretary of planning commission</li> </ul>
<b>Objective</b>	Secure Plan for cooperation of state, common economic policies. Balance & rapid growth.

<b>Functions</b>	Guideline for nation program Make assessment of resource. Consider social – economic policies. Review working of National Plan. Five Year plan was Union Cabinet after approval – N.D.C., By Niti Aayog.
<b>Importance</b>	Highest body, for policy matter – reg. Social & economic development. Non binding nature.
<b>Critical Evaluation</b>	Super cabinet, upper stamp of decision taken by Central government.

## CHAPTER- 55 : NATIONAL HUMAN RIGHTS COMMISSION

<b>National Human Rights Commission</b>	1993, By act of Parl., namely Protection of Human Right Act
<b>Watchdog Of Human Rights</b>	<p>The commission is the watchdog of human rights in the country, that is, the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international covenants and enforceable by courts in India.</p> <p><b>Objectives:</b></p> <ol style="list-style-type: none"> <li>1. To strengthen the institutional arrangements, address human right entirety.</li> <li>2. Govt participation ensure Human Right</li> <li>3. Composition the effort that had been already made.</li> </ol>
<b>Composition Of The Commission</b>	<p>The chairman should be a retired chief justice of India + 4 other member-</p> <ul style="list-style-type: none"> <li>➤ Serving or Retired judge of S.C</li> <li>➤ Serving or Retired Chief Judge of H.C</li> <li>➤ 2 Persons having knowledge or practical experience with respect to human rights.</li> </ul>
<b>Chairman And Members</b>	<ul style="list-style-type: none"> <li>➤ Speaker of the Lok Sabha</li> <li>➤ Deputy Chairman of the RS</li> <li>➤ leaders of the Opposition in both LS, RS</li> <li>➤ Central Home Minister</li> <li>➤ Chairman and members of Election Committee + 4 ex-officio member</li> <li>➤ Chairman of National Commission for Minorities</li> <li>➤ National Commission of Rights women</li> </ul> <p>For their appointment Consultation with chief justice of India (CJI).</p> <ul style="list-style-type: none"> <li>• 5 years/70 years/ No further or additional Employment</li> <li>• Removed – If insolvent/ Employment outside/ Unsound mind</li> <li>• President Can remove – 1. Incapacity 2. Misbehaviour</li> <li>• But to refer to SC &amp; after enquiry POI Can.</li> </ul>
<b>Function</b>	<ul style="list-style-type: none"> <li>• Inquire any violation of HR – suo motu on a petition presented to it or on an order of a court.</li> <li>• To visit Jail &amp; other Detention place &amp; recommendation social awareness (inc.) NGO work (inc) Protection of HR(inc) Review Const. Safeguard of HR &amp; make recommendation.</li> <li>• Intervene in any proceedings involving allegations of violation of HR</li> <li>• Review constitutional and other legal safeguards for protection of HR</li> <li>• Review factors including acts of terrorism</li> <li>• Study treaties and other international instruments on HR.</li> <li>• Undertake and promote research in the field - Encourage NGOs and other groups</li> </ul>
<b>Working</b>	<ul style="list-style-type: none"> <li>• Delhi , Regulate Headquarters – at other place</li> <li>• Power of Civil Court</li> <li>• Can all any Central or state employment</li> <li>• First hand info from NGO.</li> </ul> <p>←Matter within 1 year of occurrence→</p> <p>a) Recommend to pay compensation interim relief to the victim.</p>

	b) Recommend concerned govt. To take action against any action for guilty public servant. c) May approach S.C or H.C for necessary direction order or writs.
<b>Role</b>	<ul style="list-style-type: none"><li>• Recommend only, no power punish, no monetary award.</li><li>• Annual report (every year) – govt Executive – Legislature – What action Taken or Why not taken</li></ul>



## CHAPTER -56: STATE HUMAN RIGHTS COMMISSION

<b>Intro</b>	<ul style="list-style-type: none"> <li>• Work in state- 25 states have enquiries violation against human Rights on state list (II) &amp; concurrent List (III) of</li> <li>• 7<sup>th</sup> Schedule cases for violation against SHRC do not but it transferred that in inquire.</li> </ul>
<b>Composition Of The Commission</b>	<ul style="list-style-type: none"> <li>• Chairperson + 2 member retired Chief Justice</li> <li>• Appointed by governor on recommendations of a committee.</li> <li>• Serving or Retired Judge of HC.</li> <li>• District Judge (Min 7 years)</li> <li>• Or a person with practical Experiences.</li> <li>• 5 years/70 years – No further employment under state or center.</li> <li>• Removed by POI ( same as NHRC)</li> <li>• Salary allowance by S.L</li> <li>• Function same as NHRC</li> <li>• Same working and nature of Recommendation as NHRC.</li> <li>• Human Right Court</li> </ul>
<b>Functions</b>	Similar to the functions of the National HR Commissions but on state level.
<b>Working of the Commission</b>	<ul style="list-style-type: none"> <li>• Power to regulate in own procedure – all powers of civil court and has judicial character.</li> <li>• Not empowered to inquire in any matter after 1 year of its expiry – from the date of commission of act.</li> <li>• Mainly recommendary in nature – no power to Punish – not binding on SG</li> <li>• Submits well or special reports to SG.</li> </ul>
<b>Human Rights Courts</b>	<p><b>Protection Of H.R Court Act (1993):</b> Human Right Court in Every District</p> <p>Setup by CJ (HC) + a Special Public prosecutor (7 Years)</p>
<b>2019 Amendment Act</b>	<ol style="list-style-type: none"> <li>1. Person who has been judge of SC – eligible to be appointed as chairperson of NHRC.</li> <li>2. Increase number of members in NHRC from 2 to 3. At least one woman</li> <li>3. Made chairpersons of NCBC and NCPCR as chief Commissioner for persons with disabilities as Ex-officio members of NHRC</li> <li>4. Reduce term of chairperson of NHRC and members from 5 to 3 years – reappointment allowed</li> <li>5. Person judge of High Court eligible as chairperson of State HRC.</li> <li>6. Secretary general of NHRC exercise on administrative and financial powers – no judicial functions. Provided secretary of state HRC same powers at state level</li> </ol>

## CHAPTER – 57 : CENTRAL INFORMATION COMMISSION

<b>Intro</b>	<ul style="list-style-type: none"> <li>• RTI Act, 2005 provided for creation of CIC at Centre and State level.</li> <li>• The Central Information Commission was established by the Central Government in 2005.</li> <li>• Not a Constitutional body, Look the Complain + decide</li> <li>• CIC + max (10) I. Commission by POI recommended by committee (PM+ LOP + Union Cabinet Minister) – from – Laws, science, Management, social services, Journalism</li> <li>• Should not be - MLA/MP P.P member On Carrying business [65/5 years]</li> <li>• Removal same as member of BHRC by POI</li> <li>• Salary &amp; power = CEC = CIC</li> <li>• IC= EC= but cannot be varied with disadvantage during service.</li> </ul>
<b>Power and function</b>	<ul style="list-style-type: none"> <li>• Duty of the Commission - receive and inquire into a complaint from any person who:             <ol style="list-style-type: none"> <li>a. Hasn't able to submit an information request because of non-appointment of a Public Information Officer;</li> <li>b. Has been refused information that was requested</li> <li>c. Has not received response to his information request within the specified time limits;</li> <li>d. Thinks fees charged are unreasonable;</li> <li>e. Thinks information given is incomplete, misleading or false; and</li> <li>f. Any other matter relating to obtaining information.</li> </ol> </li> <li>• Suo Motu order inquiry into any matter if there are reasonable grounds</li> <li>• Powers of a civil court:             <ol style="list-style-type: none"> <li>a. summoning and enforcing attendance of persons + compelling them to give oral or written evidence on oath;</li> <li>b. requiring the discovery and inspection of documents;</li> <li>c. receiving evidence on affidavit;</li> <li>d. requisitioning any public record from any court or office;</li> <li>e. issuing summons for examination of witnesses or documents;</li> </ol> </li> <li>• All public records must be given to the Commission during inquiry for examination.</li> <li>• Power to secure compliance of its decisions from the public authority</li> <li>• Submits an annual report to the CG on the implementation of the RTI Act.</li> <li>• Recommend steps which ought to be taken for promoting such conformity.</li> </ul>

**CHAPTER- 58 : STATE INFORMATION COMMISSION**

<b>Intro</b>	<p>Central State Information Commissions + 10 Max state IC – by governor</p> <p>Committee – CM</p> <p style="text-align: center;">LOP</p> <p style="text-align: center;">State Cabinet Minister</p> <p>Further, same as, CIC in state increase (above)</p>
<b>Powers And Functions</b>	<ol style="list-style-type: none"> <li>1. It is duty of Commission to receive &amp; inquire a complaint from any person.</li> <li>2. Commission can order inquiry into any matter if – reasonable grounds (suo-moto power).</li> <li>3. While inquiring, the Commission has the powers of a civil court.</li> <li>4. The Commission has the power to secure compliance of its decisions from the public authority.</li> </ol>
<b>RTI Amendment Act 2019</b>	<ol style="list-style-type: none"> <li>1. Provided CIC and IC hold office for tenure as prescribed by CG – before this it was fixed for five years</li> <li>2. Provided salary allowances and other services prescribed by central government before this it was similar to that of election offices</li> <li>3. Remove provisions regarding deductions in salary of chief information commissioner, information commissioner, State chief information commissioner and State information Commissioner – due to pension or any other retirement benefits received by them for their previous government service</li> </ol>

## CHAPTER- 59 : CENTRAL VIGILANCE COMMISSION

<b>CVC</b>	<ul style="list-style-type: none"> <li>• Established in 1964 by an exclusive resolution of Central govt.</li> <li>• Neither const. nor statutory body.</li> <li>• 2004, Parl. enacted a law conferring statutory.</li> <li>• Consists of CVC ( chairperson) &amp; not more than 2 vigilance commission</li> <li>• Appointed by President on the recommendation of Committee consist of – PM Union Minister of Home Affairs Header of opposition in the LS</li> <li>• Hold office for a term of 4 years, or 65 years (whichever is easier)</li> <li>• Removed by President on the same grounds as of CIC.</li> <li>• Salary &amp; allowance – same – as Chairman of UPSC, vigilance commission are similar to member of UPSC.</li> </ul>
<b>Organisation</b>	<ul style="list-style-type: none"> <li>• Secretariat</li> <li>• Chief Technical Examiner’s wing</li> <li>• Wing of commissioners for Departmental Enquiries. (CIDs)</li> </ul>
<b>Functions</b>	<ul style="list-style-type: none"> <li>• Enquire or cause an enquiry or investigation – on the reference of CG for offences committed under PC Act, 1988.</li> <li>• Ambit: <ul style="list-style-type: none"> <li>a. Members of all India services serving in Union and a group “A” officers of Central government.</li> <li>b. Specified level of offices of central government</li> </ul> </li> <li>• Exercise superintendence, give directions, review progress of Delhi special police establishment-CBI.</li> </ul>
<b>Working</b>	<ul style="list-style-type: none"> <li>• CVC Conducts its proceedings at its Hq. (Delhi)</li> <li>• Vested with power to regulate its own procedure</li> <li>• All power of a civil court &amp; its proceedings has a judicial character.</li> <li>• CVC has present annually to the President a report before each house of Parl.</li> </ul>
<b>Jurisdiction</b>	<p>All IAS +Group A officers</p> <p>Officer of rank of Scale V and above in Pvt. Sector bank.</p> <p>Officer in Grade D &amp; above in RBI, NABARD, SIDBI</p> <p>SDM + IN LIC</p> <p>Manager (+) in GIC</p> <p>E-8 &amp; E7 – Group A &amp; B in PSU</p> <p>Drawing salary above 8700 /-</p>
<b>Whistle blower act - 2011</b>	<p>The Public Interest Disclosure &amp; Protection to Person.</p> <p>Making the disclosure bill, 2010 in LS [26/08/2010]</p> <p>Received POI Ascent – [2 May/ 2014]</p>

## CHAPTER- 60 : CENTRAL BUREAU OF INVESTIGATION

<b>CBI</b>	<ul style="list-style-type: none"> <li>• Was setup up 1963, by a resolution of Mo Home Affairs</li> <li>• Derives its powers from the Delhi Sp. Police Establishment Act 1946</li> <li>• Also merged with CBI, 1941 (sp. Power)</li> <li>• Non-statutory body</li> <li>• Investing agency of control govt.</li> <li>• Plays an imp role in prevention of corruption assistance to CVC &amp; Lokpal.</li> </ul>
<b>Composition OF CBI</b>	<ol style="list-style-type: none"> <li>1. CBI headed by a director he is assisted by a sp. Director or additional Director.</li> <li>2. Director of CBI as Inspector – General of Police, Delhi S.P. establish is responsible for the administration of organisation.</li> <li>3. Director of CBI has been provided security of 2 years tenure by the CVC Act, 2003.</li> <li>4. CVC Act also provides the mechanism for the section of the Director of CBI &amp; other officers of the rank of SP &amp; above in CBI.</li> <li>5. Direction of CBI is appointed by the CG on the recommendation of the committee consisting – CVC ( Chairman)</li> <li>6. Vigilance commission</li> <li>7. Secretary to the GOI in – charge of the MHA</li> <li>8. Secretary Coordination &amp; Public Grievances in the Cabinet Secretariat.</li> </ol> <p>Lokpal and Lokayuktas Act (2013) amended the Delhi Special Police Establishment Act (1946).</p> <p>Director – appoint – 3 member committee – PM (as chairperson)</p> <p>LOP ( Leader of opposition)</p> <p>CJI or Judge of SC</p>
<b>Functions Of CBI</b>	<ol style="list-style-type: none"> <li>1. Investigating case of corruption, bribery &amp; misconduct of C.G employees.</li> <li>2. Coordinating the activities of the anti – corruption agencies &amp; various state police.</li> <li>3. Taking up, on the request of a state government, any case of public importance for investigation.</li> <li>4. Investigating cases relating to infringement of fiscal and economic laws.</li> <li>5. Investigating serious crimes, having National and international ramifications, committed by organised gangs of professional criminals.</li> </ol>
<b>CBI v. State Police</b>	<ul style="list-style-type: none"> <li>• Role of Special police establishment-division of CBI is supplementary to that of state police forces.</li> <li>• Special Police Establishment - enjoys concurrent powers of investigation and prosecution for Delhi police establishment act, 1946</li> </ul>
<b>CBI Academy</b>	<ul style="list-style-type: none"> <li>• Located at Ghaziabad, Uttar Pradesh – 1996.</li> <li>• Vision – excellence in training in the fields of crime investigation, prosecution and vigilance functioning.</li> <li>• Mission – Train human resources of CBI.</li> <li>• Regional centres – Kolkata, Mumbai and Chennai.</li> </ul>

## CHAPTER-61 : LOKPAL AND LOKAYUKTAS

<b>Democracy &amp; Social</b>	Economic development needs Infrastructure.
<b>Infrastructure strengths expansion of bureaucracy</b>	<p>Bureaucrats – Maximum power – harassment</p> <ul style="list-style-type: none"> <li>• Malpractice</li> <li>• Mal Adm.</li> <li>• Corruption- grievance (Inc.) to here it.</li> </ul> <p>Different parts of the world to deal with the redressal of these grievances.</p> <p>Ombudsman System</p> <p>Scandinavian Model - Donald C. Rowat - Objectives:</p> <ul style="list-style-type: none"> <li>• Abuse of administrative discretion - misuse of official power and authority</li> <li>• Maladministration - inefficiency in achieving the targets</li> <li>• Administrative corruption - demanding bribery</li> <li>• Nepotism</li> <li>• Discourtesy</li> </ul> <p>Many followed</p> <p>In India Ombudsman - Lokpal</p> <p>2<sup>nd</sup> ARC recommended for setting:</p> <p>a) Lokpal, for hearing grievances, against center &amp; state level.</p> <p>b) Lokayuktas (1 at center and 1 at state levels) &amp; (ARC) kept it out from purview of judiciary.</p>
<b>LOKPAL</b>	Administrative Reforms Commission (ARC) recommended – Appointed by POI after consultation with CJI.
<b>Lokpal &amp; Lokayuktas Act, 2013</b>	Passed in 2013, & received POI ascent 01/01/2014 came into effect 16 <sup>th</sup> Jan 2014.
<b>Features</b>	<ul style="list-style-type: none"> <li>• Lokpal at Center, Lokayuktas at state.</li> <li>• Lokpal – Chairperson + 8 members (4 from Judiciary and 50% of total sc, sts, minorities women OBC.</li> <li>• Chairperson – by 5 member committee (selection committee)</li> <li>• PM + sp (LS) + LOP (LS) + CJI or his nominate disputes.</li> <li>• Search committee will help selection com.</li> <li>• Clear timelines, Preliminary enquiry – 3 months</li> </ul>

	<ul style="list-style-type: none"> <li>Investigation – 6 months</li> <li>Trail – 1 year.</li> </ul> <p><b><u>7 to 10 year punishment</u></b></p> <ul style="list-style-type: none"> <li>Financed by Govt.</li> <li>All entities receiving donation above 10 Lakhs are under Lokpal.</li> </ul>
<b>Drawback</b>	<ul style="list-style-type: none"> <li>Not suo moto/heavy punishment for false complain.</li> <li>Emphasise on complaint.</li> <li>7 year of file complaint</li> <li>Non- transparent nature of complaint against PM.</li> </ul>
<b>Lokayuktas</b>	<p>Even before the 2013 many state have Lokayuktas</p> <p>Structure variation – same state have Lokayuktas&amp; other have both Lokayuktas&amp; up-Lokayuktas</p>
<b>Appointment</b>	<p>Lokayuktas + UP Lokayuktas – governor</p> <p>CJ (HC) + LOP (Assembly)</p>
<b>Qualification</b>	Some state Judicial & other not mentioned.
<b>Tenure</b>	5 year/ not eligible for reappointment.
<b>Jurisdiction</b>	<p>CM + Minister + Local bodies</p> <p>Excluded in MP, UP, Bihar, RJ, Orissa.</p> <p>Former ministry &amp; Civil servant in MH.</p>
<b>Investigation</b>	Or receiving complain or suo moto but not in UP + MP + Assam.
<b>Scope</b>	<p>Grievances + Allegation</p> <p>MH, UP + Bihar + Karnataka excluded from grievances.</p> <p>HP, Andhra Pradesh, RJ, GJ.</p> <p>Lokayuktas – report – Governor – state legislature [explanatory memorandum]</p> <ul style="list-style-type: none"> <li>Help of state Investing</li> <li>Agency for conducting inquiry</li> <li>Call relevant fines from any binding only advisory in nature.</li> </ul>

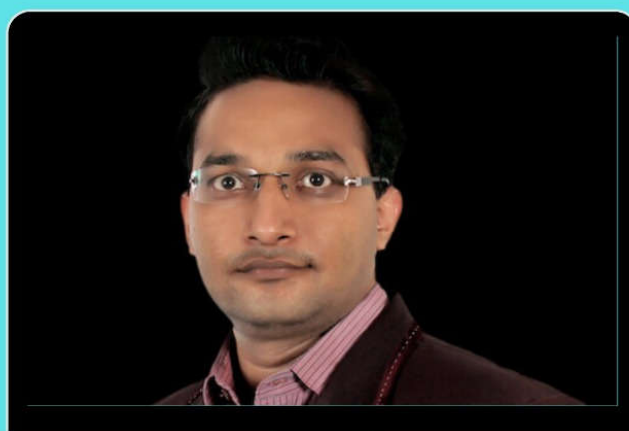
## CHAPTER-62 : NATIONAL INVESTIGATION AGENCY

<b>Establishment</b>	<ul style="list-style-type: none"> <li>• Constituted in 2009-NIA act, 2008.</li> <li>• It is the central counterterrorism and law-enforcement agency in the country.</li> <li>• Established in the backdrop of 2008 Mumbai terror attacks</li> <li>• The headquarter of NIA – Delhi.</li> <li>• Branch offices - Hyderabad, Guwahati, Mumbai, Lucknow, Kochi, Kolkata, Jammu and Raipur</li> <li>• In addition NIA has a separate cell – TFFC cell-fake currency notes and terror funding dealing</li> <li>• Headed by DG-appointed by central government – same powers as DGP.</li> <li>• Works under administrative control of MoHA.</li> </ul>
<b>Rationale</b>	<ul style="list-style-type: none"> <li>• India - victim of large-scale terrorism sponsored from across borders</li> <li>• Most incidences – interstate and international linkages and possible connection with other activities like smuggling, counterfeit currency, etc.</li> <li>• Second ARC recommendation – to establish an agency</li> </ul>
<b>Functions</b>	<p>NIA Act:</p> <ol style="list-style-type: none"> <li>a. To investigate and prosecute offences - acts specified in the Schedule of Act</li> <li>b. To provide assistance to and seek assistance from other intelligence agencies of State and Central Govt.</li> <li>c. Take any such measures that may be necessary for speedy and effective implementation.</li> </ol>
<b>Mission</b>	<ul style="list-style-type: none"> <li>• In-depth professional investigation of scheduled offences using the latest scientific methods of investigation and setting up such standards as to ensure that all cases entrusted to the NIA are detected.</li> <li>• Ensuring effective and speedy trial</li> </ul>
<b>Jurisdiction</b>	<ul style="list-style-type: none"> <li>• Concurrent Jurisdiction – Investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of state, friendly relations with foreign states and other internationally related offences</li> <li>• 2019 – jurisdiction of NIA extended – empowered to probe offences relating to:             <ol style="list-style-type: none"> <li>a. Human trafficking</li> <li>b. Counterfeit currency</li> <li>c. Banknotes manufacture</li> <li>d. Sale of prohibited arms</li> <li>e. Cyber terrorism</li> <li>f. Explosive substances</li> </ol> </li> </ul>
<b>NIA (Amendment) Act, 2019</b>	<ul style="list-style-type: none"> <li>• NIA applicable to persons who commit any crime against Indian citizens or affecting the interest of India.</li> <li>• Officers have similar powers, duties, privileges and liabilities as - police officers in connection with investigation</li> <li>• Empowers CG to scheduled offences committed outside country - NIA take up as if such offences had taken place in India</li> <li>• CG/SG-designate sessions court as special courts for conducting trial of offences.</li> <li>• Added certain new offences in the schedule of NIA Act</li> </ul>



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### CHAPTER-63 : NATIONAL DISASTER MANAGEMENT AUTHORITY

<b>Establishment</b>	<ul style="list-style-type: none"> <li>• Gujarat earthquake-National Committee, 2001.</li> <li>• After the Indian Ocean Tsunami of 2004- Disaster Management Act 2005.</li> <li>• NDMA created under disaster management act – consist of chairperson and other members – Max nine.</li> <li>• PM – Ex officio chairperson.</li> <li>• Other members nominated by chairperson</li> <li>• NDMA is apex body for disaster management – under administrative control of MoHA</li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• Promote a culture of prevention, preparedness and resilience at all levels-through knowledge, innovation and education.</li> <li>• Encourage mitigation measures based on technology, traditional wisdom and environmental sustainability.</li> <li>• Mainstream disaster management into developmental planning process</li> <li>• Establish institutional and techno legal framework – enable regulatory environment and compliance regime.</li> <li>• Develop contemporary forecasting an early warning systems.</li> <li>• Undertake reconstruction, effective response and relief with caring approach</li> <li>• Promote a productive and proactive partnership with media for disaster management</li> </ul>
<b>Functions</b>	<p>Has a responsibility majorly for laying down principles, plans and guidelines for disaster management to ensure timely and effective response to disasters</p> <ol style="list-style-type: none"> <li>1. Approve a national plan + plans prepared by ministries or departments</li> <li>2. Lay down guidelines to be followed by state disaster management authority – SDMA</li> <li>3. To lay down broad principles and guidelines for functioning of National Institute Of Disaster Management</li> <li>4. National Disaster Response Force (NDRF) - Force constituted for the purpose of specialist response to a threatening disaster situation or disaster.</li> <li>5. SDMA to set up district level authority – District Disaster Management Authority (DDMA).</li> </ol>

## CHAPTER- 64 : CO-OPERATIVE SOCIETIES

<b>Intro</b>	<p>97<sup>th</sup> CAA, 2011 - gave a constitution status and protection to co-operative societies.</p> <ol style="list-style-type: none"> <li>1. Made if FRs under ( Article 19)</li> <li>2. New DPSP ( Art 43-B)</li> <li>3. Part IX-B in the Constitution which is entitled “The Co- operative Societies” (Articles 243-ZH to 243-ZT)</li> </ol>
<b>Composition</b>	<ul style="list-style-type: none"> <li>• Max – 21 directors – [1 SC/ST + Reservation 2 women] for each cooperative societies.</li> <li>• 5 years after date of election.</li> <li>• S.L work – Caption of expert – In banking finance manage max -2 [addition 21]</li> </ul>
<b>Election</b>	<ol style="list-style-type: none"> <li>1. S.L responsible for election</li> <li>2. Election before end of 5 years.</li> <li>3. Suspension &amp; supervision of Board &amp; interim management.</li> <li>4. Max – 6 months for negligence, comittance, persistant default.</li> </ol>
<b>Audit of Acc. Of cooperative societies</b>	<ul style="list-style-type: none"> <li>• Account should be audit - atleast once in a year.</li> <li>• Annual general co-operative meeting should be held. Rts. of member to get information</li> <li>• Ensure participation.</li> <li>• Provision of penalty on cooperative society &amp; members.</li> </ul>
<b>Reasons for 97<sup>th</sup> CA, 2011</b>	<ul style="list-style-type: none"> <li>• In the past – outstanding contribution to various sector of National economy &amp; achieved voluminous growth but safeguard the interst of member (dec.).</li> <li>• Continuous election (dec.)</li> <li>• Inadequate professionalism (inc.)</li> <li>• Members with ling term (inc.)</li> </ul>

## CHAPTER-65 : OFFICIAL LANGUAGE

LANGUAGE OF THE UNION	<ul style="list-style-type: none"> <li>• Part XVII – Art (343 - 351)</li> <li>• Hindi- ‘Devanagari script’</li> <li>• Numerals – Indian nomenclature.</li> <li>• English for 15 years but not by official language act 1965 can be <b>used further</b>.</li> </ul> <p><b>Regional Language</b> – Stated may adopt – any language or Hindi as official Lang.</p> <ul style="list-style-type: none"> <li>• English – Center – state lang. for non-Hindi state.</li> <li>• State – state lang. – for Hindi states – Interstate &amp; national both Hindi + translation copy in English.</li> <li>• If POL, satisfy with max use of any lang. can be recognised as state language.</li> </ul>
LANGUAGE OF THE JUDICIARY AND TEXTS OF LAWS	<ul style="list-style-type: none"> <li>• Until Parl. provides</li> <li>• English Language:             <ol style="list-style-type: none"> <li>1. All proceedings in the Supreme Court and in every high court.</li> <li>2. The authoritative texts of all bills, acts, ordinances, orders, rules, regulations and bye-laws at the Central and state levels.</li> </ol> </li> </ul>
Protection of Minorities Language	<ul style="list-style-type: none"> <li>• Any grievance, in Hindi only or state, or any language.</li> <li>• Mother tongue education compulsory.</li> <li>• Spl. Linguistic office to investigate all the matters.</li> </ul>
Development of Hindi Language	<p>PROMOTION OF Hindi language – Lingua Franca [duty C-s]</p> <p>At present, eight schedule – 22 languages - Originally 14:</p> <ul style="list-style-type: none"> <li>- Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmir, Konkani, Maithali, Malayalam, Maniouri, Marathi, Nepali, Odia, Punjabi Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu.</li> </ul>
71st Amendment Act of 1992	Konkani + Manipuri, Nepali
92 <sup>nd</sup> CA 2003	Bodo + Dogri, Maithili + Santhali
COMMITTEE OF PARLIAMENT ON OFFICIAL LANGUAGE	<p>Official Language Act (1963) – Hindi for official use.</p> <p>20 LS + 10 RS – setup a committee 1976.</p> <p>Union minister as chairman – convection</p> <p>Classical language status</p> <p>6 language status of + in (2016)</p> <p>Tamil, Sanskrit, Telugu, Kannada, Malayalam, Odia.</p> <p>Once declare get financial support.</p>

	1500 -2000 year ago- text.
<b>Classical Languages.</b>	<p>In 2014 – new category – Classical Languages.</p> <p>2006 Criteria laid down and 6 languages granted status:</p> <ol style="list-style-type: none"><li>a. Tamil</li><li>b. Sanskrit</li><li>c. Telugu</li><li>d. Kannada</li><li>e. Malayalam</li><li>f. Odia</li></ol> <p>Criteria:</p> <ol style="list-style-type: none"><li>1. High antiquity of its early text/recorded history over a period of 1500-2000 years.</li><li>2. Body of ancient literature or texts considered valuable heritage by generations of speakers.</li><li>3. Literary tradition that is original and not borrowed from another speech community</li><li>4. Discontinuity between the classical language and later forms or its offshoots</li></ol>

## CHAPTER- 66 : PUBLIC SERVICES

<b>Public Services</b>	<p>The public services (civil services or government services) in India are classified into three categories—</p> <ol style="list-style-type: none"> <li>1. All-India services</li> <li>2. Central services</li> <li>3. State services</li> </ol> <p><b>All-India Services</b> – only IAS, IPS, IFS (Indian Forest Services)</p> <p><b>Central Services</b> - Central Engineering Service, Health Service, Information Service, Legal Service, Secretariat Service, Audit and Accounts, Defence Accounts Service, Economic Service, Foreign Service, Meteorological Service, Postal Service, Revenue Service (Customs, Excise and Income Tax), Statistical Service, Overseas Communication Service, Railway Personnel Service.</p>
<b>Recruitment &amp; service Condition</b>	<p><b>309</b> – Empowers Parl. to regulate the recruitment &amp; condition of service.</p> <p><b>310</b> – Tenure – Civil service of state + defence services + civil services of center &amp; All India services military or civil part hold office.</p> <p>During pleasure of POI &amp; governor of state.</p>
<b>Encp. Compensation</b>	<p>If the post is abolished before the expiration.</p> <p>If he is required to vacate that post for reasons not connected with misconduct on his part.</p>
<b>Safeguards to Civil Servants</b>	<p><b>311</b> – Two restriction [not to member of defence] –</p> <ol style="list-style-type: none"> <li>1. Can't be dismissed or removed by subordinate.</li> <li>2. Can't be dismissed (removed)</li> </ol> <p>Opportunity to be Heard – at Inquiry, at punishment</p> <p>But SC – reasonable opportunity of being heard</p> <p><b>312</b> – 2/3 member solution for creation of New AIS.</p>
<b>Sardar Patel</b>	<ul style="list-style-type: none"> <li>• “Father of all India Civil services.”</li> <li>• IFS highest central in their – salary lower than IAS higher than IPS.</li> <li>• Central services – group A, B, C, D</li> <li>• Any disciplinary Action – consult with CVC.</li> <li>• Uniformity in salary &amp; allowance of cadre.</li> <li>• Group A &amp; Group B comprises of gazetted officers.</li> <li>• While Group C &amp; Group D are non- gazetted.</li> </ul>

## CHAPTER-67 : RIGHTS AND LIABILITIES OF THE GOVERNMENT

Art 294-300	Part XII of the Constitution
<b>Property of the Union &amp; states</b>	<ol style="list-style-type: none"> <li>1. <b>Succession</b> – All the property assets (Dominion of British India + princely state) <ul style="list-style-type: none"> <li>○ All rights, liabilities and obligations.</li> <li>○ Part of the Union its Rts liability obligation.</li> </ul> </li> <li>2. <b>Escheat, Lapse and Bona Vacantia</b> – state. <ul style="list-style-type: none"> <li>○ Compulsory acquisition can be done</li> <li>○ Suits by or against the state</li> <li>○ Can be, for GOI – union of India.</li> <li>○ For s (Government) – Respective state.</li> <li>○ Govt can acquire/hold/dispose/Contract only if three condition</li> </ul> </li> <li>2. <b>Sea Wealth</b> <ul style="list-style-type: none"> <li>○ 12 nautical miles – territorial water boundary, all land, mineral, other valuable area of the union - upto Exclusive zone (200 nautical miles).</li> </ul> </li> <li>3. <b>Compulsory Acquisition by Law</b> <ul style="list-style-type: none"> <li>○ 44<sup>th</sup> CAA – abolished the constitutional obligation to pay compensation except <ol style="list-style-type: none"> <li>a. when government acquires a property of a minority educational institution</li> <li>b. when government acquires land held by a person under his personal cultivation</li> </ol> </li> </ul> </li> <li>4. <b>Acquisition under Executive Power</b> <ul style="list-style-type: none"> <li>○ Union or state can acquire, hold and dispose properly under the exercise of its executive power.</li> </ul> </li> </ol> <p><b>Conditions –</b></p> <ol style="list-style-type: none"> <li>1. Must be expressed to be made by governor or POI.</li> <li>2. On the behalf of POI or governor.</li> <li>3. Such person or in such manner as POI &amp; governor may direct or abuse.</li> </ol>
<b>Official Act</b>	Cannot be sued during their term of office.
<b>Ministers</b>	Const. does not grant any immunity for their official Act.
<b>Judicial officer</b>	Immunity cannot be sued for their any action in performing duty.
<b>Civil servants</b>	Immunity for legal liability, civil proceeding after giving 2 month notice.
<b>Escheat</b>	Death of a person inter-state without any heir.
<b>Lapse</b>	Termination of rights through disuse or failure to follow
<b>Bona Vacantia</b>	Property found without any owner) for want of a rightful owner

## CHAPTER- 68 : SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

<b>Special Provisions</b>	<ul style="list-style-type: none"> <li>• Part XVI of the Constitution from Articles 330 to 342.</li> <li>• (SC, ST Backward classes) and Anglo Indians</li> <li>• Protecting from injustice &amp; exploitation.</li> <li>• Aim – to promote – socio – economic interest.</li> <li>• ST, SC, BC – not defined by the constitution.</li> </ul> <p><b>These special provisions are related to the following:</b></p> <ol style="list-style-type: none"> <li>1. <b>Reservation in Legislatures</b> – Art. 334 – Reserving seat for SC/ST + nomination of Anglo.</li> <li>2. <b>Special Representation in Legislatures</b></li> <li>3. <b>Reservation in Services and Posts</b></li> <li>4. <b>Educational Grants</b></li> <li>5. <b>Appointment of National Commissions</b></li> <li>6. <b>Appointment of Commissions of Investigation</b></li> </ol>
<b>Appointment of Commission to check the position of SC, ST &amp; backward by POI.</b>	<p>Backward - Kaka Kalekar</p> <p style="text-align: center;">Mandal Commission</p> <p>SC/ST– UN Dhrbar</p> <p>Dilip Singh Bhuria</p>
<b>COMPONENTS OF SPECIAL PROVISIONS</b>	<ol style="list-style-type: none"> <li>1. <b>Reservation for SCs and STs and Special Representation for Anglo- Indians in Legislatures:</b> Seats are to be reserved for the SCs and STs in the Lok Sabha and the state legislative assemblies on the basis of population ratios. [333]</li> <li>2. <b>Claims of SCs and STs to Services and Posts:</b> 82nd Amendment Act of 2000 provides for making of any provision in favour of the SCs and STs.</li> <li>3. <b>Special Provision in Services and Educational Grants for Anglo- Indians:</b> Before independence, certain posts were reserved for the Anglo- Indians in the railway, customs, postal and telegraph services of the Union.</li> <li>4. <b>National Commissions for SCs and STs:</b> Article 338, Article 338-A</li> <li>5. <b>Control of the Union over the Administration of Scheduled Areas and the Welfare of STs:</b> 339, The President is required to appoint a commission to report on the administration of the scheduled areas and the welfare of the STs in the states.</li> <li>6. <b>Appointment of a Commission to Investigate the Conditions of BCs:</b> President may appoint a commission to investigate the conditions of socially and educationally backward classes and to recommend the steps to improve their condition. The report of the commission is to be placed before the Parliament, along with action taken memorandum.</li> </ol>



## CHAPTER – 69 : POLITICAL PARTIES

<b>Political parties</b>	<p>Voluntary association of group of individual who shares same political views and want power to gat desired goal [Const. means National Interest].</p> <p>(i) Reactionary Parties</p> <p>(ii) Conservative Parties Leftist, Centrist, Rightist</p> <p>(iii) Liberal parties</p> <p>(iv) Radical parties</p>
<b>PARTY SYSTEM IN INDIA</b>	<p>The Indian party system has the following characteristic features:</p> <ol style="list-style-type: none"> <li>1. One party system – USSR [No opposition]</li> <li>2. Two Party System – USA &amp; Britain</li> <li>3. Multi-Party System – Switzerland, Italy, India. <ul style="list-style-type: none"> <li>• Size India (inc.)</li> <li>• Different culture (inc)</li> <li>• Geo, Bio, Socio, diversity (inc)</li> <li>• Multiparty system</li> <li>• After 16<sup>th</sup> L.S. election, 6 (N.P)</li> <li>• 47 (S.P) + 1593 unregistered parties</li> <li>• Though Multiparty system 1947 – 1967 (Single Party dominance in India) – <ul style="list-style-type: none"> <li>○ Janta Party (1977)</li> <li>○ Janta Dal (1989)</li> <li>○ BJP – (1991)</li> </ul> </li> </ul> </li> </ol>
<b>Reason</b>	<ol style="list-style-type: none"> <li>1. No clear cut ideology – quite similar Ideology.</li> <li>2. Charismatic power of leaders – called asa there are Polical personalities rather than political parties.</li> <li>3. Base on religious and regional – loose ground at National Level.</li> </ol>
<b>Emergence of Regional Parties</b>	<ul style="list-style-type: none"> <li>○ BKP in Odissa, DMK &amp; AIADMK – TN, Akali Dal Punjab etc. Played a important Role in coalition governments &amp; hence were able to raise National issues.</li> <li>○ But we see deviation in Political Parties like Congress, Janta Dal, and TDP etc. Due to Lust for power &amp; Material consideration. So every time parties disintegrate &amp; Merge.</li> <li>○ Lack of effective opposition – failed to play a constructive Role.</li> </ul>
<b>RECOGNITION OF NATIONAL AND STATE PARTIES</b>	<ul style="list-style-type: none"> <li>• To remove all the parties are registered for them &amp; were given symbol and recognised as national/state – poll performance.</li> <li>• Recognition gave benefit such as – symbol, time for political broadcast on TV &amp; Radio + access to electoral Rolls.</li> <li>• Only one proposer for filling nomination.</li> <li>• These parties are allowed to have 40 “star campaigners” during the time of elections and the registered–unrecognized parties are allowed to have 20 “star campaigners”.</li> <li>• The travel expenses of these star campaigners are not included in the election expenditure of the candidates of their parties.</li> <li>• National Party - Symbol of National party is throughout the country.</li> <li>• State Party - Symbol of State party is only state.</li> </ul>
<b>Conditions for Recognition as a</b>	<ol style="list-style-type: none"> <li>1. If it secures 6% of valid votes polled in any four or more states at a general election to the Lok Sabha or to the legislative assembly; and, in addition, it wins four seats in</li> </ol>

<b>National Party</b>	<p>the Lok Sabha from any state or states.</p> <ol style="list-style-type: none"> <li>2. If it wins 2% of seats in the Lok Sabha at a general election; and these candidates are elected from three states.</li> <li>3. If it is recognised as a state party in 4 states.</li> </ol>
<b>Conditions for State Party</b>	<ol style="list-style-type: none"> <li>1. If it secures 6% of the valid votes polled in the state at a general election and it wins 2 seats in the assembly of the state concerned.</li> <li>2. If it secures 6% of the valid votes polled in the state at a general election to the L. Sabha from the state concerned &amp; 1 seat in the Lok Sabha from the state concerned.</li> <li>3. If it wins 3% of seats in the legislative assembly at a general election to the legislative assembly of the state concerned or 3 seats in assembly.</li> <li>4. If it secures 8% of the total valid votes polled in the state at a General Election.</li> <li>5. 6 National parties, 47 State parties &amp; 1593 registered-unrecognised parties in the country.</li> </ol>

## CHAPTER – 70 : ROLE OF REGIONAL PARTIES

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Vital role in Indian politics at local, state and national level</li> </ul> <p><i>Features:</i></p> <ol style="list-style-type: none"> <li>1. Operates within a particular state/specified region – electoral base limited - single region.</li> <li>2. Articulates regional interests and identifies itself with a particular cultural, religious, linguistic or ethnic group</li> <li>3. Primarily concerned with exploiting local resources of discontent or preserving a variety of primordial demands based on language, caste or region.</li> <li>4. Focuses on local/regional issues – capture political power at state level – no inclination to expand to Center</li> <li>5. Political desire for greater regional autonomy of states in Indian Union</li> </ol>
<b>Classification</b>	<p>4 categories:</p> <ol style="list-style-type: none"> <li>1. Eastern regional culture or ethnicity.</li> <li>2. Which have an all India outlook but lack a national electoral base</li> <li>3. Which are formed by a split in national parties.</li> <li>4. Regional parties which are formed by individual leaders on basis of their charismatic personality</li> </ol>
<b>Reasons for emergence</b>	<ol style="list-style-type: none"> <li>1. Cultural, ethnic, economic disparities and regional imbalances</li> <li>2. Failure of national politics to meet regional aspirations.</li> <li>3. Reorganisation of states on the basis of language.</li> <li>4. Centralising tendencies of Congress party.</li> <li>5. Absence of a strong opposition party at Central level.</li> </ol>
<b>Dysfunctions of Regional Parties</b>	<p>Negative aspects:</p> <ul style="list-style-type: none"> <li>• More importance to regional interests than national interest.</li> <li>• Encouraged regionalism, casteism, linguisticism, communalism, tribalism</li> <li>• Responsible for unresolution of interstate disputes, border issues</li> <li>• Indulged in corruption, nepotism, favouritism.</li> <li>• Focused more on populist schemes and measures to expand electoral base</li> </ul>

## CHAPTER – 71 : ELECTIONS

<b>ELECTORAL SYSTEM</b>	<p>Articles 324 to 329 in Part XV of the Constitution make the following provisions with regard to the electoral system in our country:</p> <ol style="list-style-type: none"> <li>1. Constitution (Article 324) provides for an independent Election Commission – POI, V (POI), MP, MLA</li> <li>2. One general electoral roll for the Parliament and the state legislatures - Communal &amp; Separate Electorates</li> <li>3. No discussion on religion, race, caste, sex.</li> <li>4. Adult franchise, every person who is a citizen of India (18 years of age), is entitled to vote.</li> <li>5. All Role preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing their due constitution.</li> <li>6. State legislatures can make only those matters which are not covered by the Parliament.</li> <li>7. Validity of any law relating – delimitation or the allotment of seats to such constituencies cannot be questioned in any court.</li> <li>8. Article 323 B establish a tribunal for the election disputes. It also provides exclusion of the jurisdiction of all courts (except the special leave appeal in Supreme Court). – in Chandra Kumar case 1997 - Supreme Court declared provision unconstitutional – election tribunal if established an appeal lies to the High Court</li> </ol>
<b>ELECTION MACHINERY</b>	<p><b>Election Commission of India (ECI)</b> – Election Commission of India is a three-member body, with 1 <b>Chief Election Commissioner</b> and 2 <b>Election Commissioners</b>.</p> <p><b>Chief Electoral Officer (CEO)</b> – Chief Electoral Officer of a state/ Union Territory is authorised to supervise the election work in the state/Union Territory.</p> <p><b>District Election Officer (DEO)</b> – District Election Officer supervises the election work of a district.</p> <p><b>Returning Officer (RO)</b> – Election Commission of India appoints one or more Assistant Returning Officers and RO.</p> <p><b>Electoral Registration Officer (ERO)</b> – Election Commission of India, in consultation with the state / UT government, appoints Electoral Registration Officer.</p> <p><b>Presiding Officer</b> – Conduct Election at polling states District Election Officer appointing polling officer. In the case of Union Territories, Returning Officers.</p> <p><b>Observers</b> – Election Commission of India nominates officers of Government as Observers for Parliamentary and Assembly Constituencies. These observers are of various kinds.</p> <ol style="list-style-type: none"> <li>1. General Observers</li> <li>2. Expenditure Observers</li> <li>3. Police Observers</li> <li>4. Awareness Observers</li> <li>5. Micro Observers</li> <li>6. Assistant Expenditure Observers</li> </ol>
<b>ELECTION</b>	<b>Time of Elections</b> – Elections for the Lok Sabha and every state take place every five

**PROCESS**

years, unless called earlier.

**Schedule of Elections** – Constitution states that there can be maximum **6 months** between **last session** of the dissolved Lok Sabha and the recalling of the **new House**.

Just before a few week EC announced, mode of conduct immediately effect

**Oath or Affirmation** – It is necessary for a candidate, In front of Ro & ARO

- For person in prison/Detection – superintendent of Prison & commandant.
- In the case of a candidate confined to in a hospital - medical superintendent in charge of the hospital or similarly authorised.
- If a candidate is outside India – High Commissioner or diplomatic consular authorised by him can also administer oath/affirmation.

**Polling Days** – Polling is, different days in different constituencies.

**Voting Procedure** – Since 1998, the Commission firstly used Electronic Voting Machines (EMVs) instead of ballot boxes.

- 2003, all state elections
- 2004, Lok Sabha - 1 million EVMs used

The advantages of the EVM are followings.

1. Eliminate doubtful votes.
2. Reduces cost of printing (almost nil) as only one sheet of ballot paper is required.
3. Counting of Votes makes easily.
4. Saving a large number of trees making the process eco-friendly.

**Election Petitions** – If an elector or Candidates thinks can be filled in H.C.

- 16<sup>th</sup> LS – women 62/668.
- Const. of 16 LS – 3426 (crores)

**Area wise Largest constituency** –

Ladak – Barner – Kutch – Arunachal (west + East)

**Area wise smallest constituency** –

Mulkajgiri (Telangana) – Ghaziabad (UP) – Bangalore

North (Karnataka) – Unao (UP) – North west

	<p>Delhi (NCI of Delhi)</p> <p><b>Smallest constituency (Population wise)</b></p> <p>Lakshadweep – Daman &amp; Diu – Ladak( J&amp; K)</p> <p>Dadar and Nagar Haveli – A &amp; N island.</p>
<b>Election Petition</b>	<p>An elector or candidate can file an election petition if he or she thinks that there is a malpractice during election – it is not an ordinary suit but treated as a contest in which whole constituency is in world</p> <p>Tried by High Court of the state involved –if upheld may lead to re-staging of the elections in that constituency.</p>

## CHAPTER- 72 : ELECTION LAWS

<b>REPRESENTATION OF THE PEOPLE ACT, 1950</b>	<p><b>Art 81 &amp; 170-</b> In India, maximum number of seats in Parliament and in Legislative Assemblies of states</p> <p><b>Article 171-</b> Constitution of India lays down the maximum and minimum number of seats in the Legislative Council of a State, 1/03/1950, was not mentioned, hence Representation of people act 1950, provide</p> <p>Representation of people act 1950, do not contain all provision for election but only provided allocation &amp; delimitation so act of 1951 enacted.</p>
<b>REPRESENTATION OF THE PEOPLE ACT, 1951</b>	<ul style="list-style-type: none"> <li>• Qualifications and disqualifications of MP and MLA</li> <li>• Notification of general elections, Administrative machinery and Registration of political parties.</li> <li>• Conduct of elections</li> <li>• Free supply of certain material to candidates of recognised political parties.</li> <li>• Disputes regarding elections</li> </ul>
<b>DELIMITATION ACT, 2002</b>	<p><b>Art 82 to 171-</b> Constitution of India provide for readjustment and the division of each State into territorial constituencies (Parliamentary constituencies and Assembly constituencies) on the basis of the 2001.</p> <p><b>Articles 330 and 332-</b> Reallocation &amp; Re – fining the no. of seat for sc/st in house of legislature (by 2001 census).</p> <p>Before it was according to 1971 census.</p>
<b>Other Acts Relating to Elections</b>	<ol style="list-style-type: none"> <li>1. Parliament (Prevention of Disqualification), Act, 1959</li> <li>2. SC/SCT Orders (Amendment) Act, 1976</li> <li>3. Government of Union Territories Act, 1963</li> <li>4. Government of National Capital Territory of Delhi Act, 1991</li> <li>5. Presidential and Vice-Presidential elections Act, 1952</li> </ol>
<b>RULES RELATING TO ELECTIONS</b>	<ol style="list-style-type: none"> <li>1. Registration of electors Rules, 1960 provide for the preparation and publication of electoral rolls.</li> <li>2. Conduct of Elections Rules, 1961 facilitates conduct of fair and free elections to the Parliament and State Legislatures.</li> <li>3. Prohibition of Simultaneous Membership Rules, 1950.</li> <li>4. Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985.</li> <li>5. Members of Rajya Sabha (Disqualification on Ground of Defection) Rules, 1985.</li> <li>6. Presidential and Vice-Presidential Elections Rules, 1974.</li> </ol>
<b>ORDERS RELATING TO ELECTIONS</b>	<ol style="list-style-type: none"> <li>1. Election Symbols Order, 1968 provides for the specification, reservation, choice and allotment of symbols at elections in parliamentary and assembly constituencies.</li> <li>2. Registration of Political Parties Order, 1992 provides for furnishing of additional particulars by associations or individual citizens of India.</li> </ol>

### CHAPTER- 73 : ELECTORAL REFORMS

<b>COMMITTEES RELATED TO ELECTORAL REFORMS</b>	<p>Various committees and commissions which have examined our electoral system, election machinery as well as election process and suggested reforms are mentioned here.</p> <ul style="list-style-type: none"> <li>• J.S. Verma Committee Report on Amendments to Criminal Law (2013).</li> <li>• Law Commission of India 244th Report on Electoral Disqualifications (2014).</li> <li>• Law Commission of India 255th Report on Electoral Reforms (2015).</li> </ul>
<b>ELECTORAL REFORMS BEFORE 1996</b>	<p><b><u>Lowering of Voting Age</u></b>- The 61st Constitutional Amendment Act, 1988 reduced the voting age from 21 years to 18 years to engage in the preparation revision &amp; electoral office.</p> <p><b><u>Increase in Number of Proposers</u></b>- the Rajya Sabha and state legislative council has been increased to 10 per cent of the electors of the constituency or 10 electors RS &amp; SLC.</p> <p><b><u>Deputation to Election Commission</u></b>- In 1988, a provision was made the officers and staff engaged in preparation, revision and correction of electoral rolls for elections.</p> <p><b><u>Electronic Voting Machines</u></b>- The EVMs were used for the first time in 1998 on experimental basis.</p> <p><b><u>Booth Capturing</u></b>- In 1989; (i) seizure of a polling station and making polling authorities surrender ballot papers or voting machines (ii) taking possession of polling station and allowing only one's own supporters to exercise their franchise.</p> <p><b><u>Elector's Photo Identity Card (EPIC)</u></b>- A decision was taken by the Election Commission in 1993 to issue photo identity cards to electors.</p>
<b>ELECTORAL REFORMS OF 1996</b>	<p>In 1990, <b>V P Singh</b> appointed a committee on electoral reforms under the chairmanship of <b>Dinesh Goswami</b>, Reported were implemented in 1996.</p> <p>Some of these recommendations were implemented in 1996. These are explained here.</p> <ol style="list-style-type: none"> <li>1. <b>Listing of Names of Candidates</b>- The candidates contesting elections are to be classified into three categories.             <ol style="list-style-type: none"> <li>i. Candidates of recognised political parties</li> <li>ii. Candidates of registered-unrecognised political parties</li> <li>iii. Other (independent) candidates</li> </ol> </li> <li>2. <b>Disqualification for Insulting the National Honour Act</b>- Under the Prevention of Insults to National Honour Act of 1971 is disqualified.</li> <li>3. <b>Prohibition on the Sale of Liquor</b>- The period of 48 hours ending with hour fixed for the conclusion of poll. Any person who violates this rule is to be punished up to 6 months or with fine up to 2,000 or with both.</li> <li>4. <b>Number of Proposers</b>- 10 registered electors party</li> </ol>



	<p>5. <b>Death of a Candidate – Earlier-</b> the election stops or current option to propose another candidate within seven days.</p> <p>6. <b>Time Limit for By-Elections-</b> by-elections are to be held within 6 months.</p> <p>7. <b>Holiday to Employees on the Polling Day-</b> This rule applies even to the daily wagers. Any employer who violates this rule is to be punished with a fine up to 500.</p> <p>8. <b>Prohibition of Arms –</b> entering into the neighbourhood of a polling station with any kind of arms – cognizable offence. Punishable with imprisonment up to 2 years or fine or with both</p> <p>9. <b>Effective Campaigning Period Reduced –</b> minimum gap between last date for withdrawal of candidature and polling date has been reduced from 20 to 14 days</p>
<b>ELECTORAL REFORMS AFTER 1996</b>	<ul style="list-style-type: none"> <li>• No. of elector &amp; proposer for POI – 10 (inc) – 50</li> <li>• No. of elector &amp; proposer for V POI – 5 (inc) – 20</li> <li>• LIC, university government undertaking will help.</li> <li>• Postal ballot, opt to vote through Proxy for armed soldier.</li> <li>• Deceleration of all criminal past, Assets etc by candidate</li> <li>• Rajya Sabha Domicile rule removed.</li> <li>• 2003 open ballot system instead of secret to curb horse trading.</li> <li>• Travelling expenditure of campaigning leader exclude.</li> <li>• Free supply of electoral rolls.</li> <li>• Parties can accept contribution.</li> <li>• Allocation of fine on electronic media.</li> <li>• Braille signage feature for visually impaired votes.</li> </ul>
<b>ELECTORAL REFORMS SINCE 2010</b>	<ol style="list-style-type: none"> <li>1. Restrictions Imposed on Exit Polls- <ul style="list-style-type: none"> <li>- During the notified period</li> <li>- Voting Rights to citizen of India.</li> </ul> </li> <li>2. Increase in security deposit- <ul style="list-style-type: none"> <li>- L.S. = 10000 – 25000 (general)</li> <li>- L.S. + 5000 - 12,500 for SC</li> <li>- State legislative assembly increased from 5,000 to 10,000 for the general candidates and from 2,500 to 5,000 for the SC and ST candidates.</li> </ul> </li> <li>3. Appellate Authority within the District- In 2009,</li> <li>4. Online Enrolment in the Electoral Roll- 2013</li> <li>5. Introduction of NOTA</li> <li>6. Introduction of VVPAT</li> <li>7. Persons in Jail or Police Custody Can Contest Elections</li> <li>8. Immediate Disqualification of Convicted MPs and MLAs</li> <li>9. Ceiling on Election Expenditure Increased</li> <li>10. Photos of Candidates on EVMs and Ballot Papers</li> <li>11. Voting Rights to Citizens of India Living Abroad</li> </ol>

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## CHAPTER- 74 : VOTING BEHAVIOUR

<b>MEANING OF VOTING BEHAVIOUR</b>	Voting behaviour is also known as electoral behaviour. It is a form of political behaviour. It implies the behaviour of voters in the context of elections in a democratic political system.
<b>SIGNIFICANCE OF VOTING BEHAVIOUR</b>	<p><b>The study of voting behaviour is significant for the following reasons:</b></p> <ol style="list-style-type: none"> <li>1. It helps in comprehending the process of political socialisation.</li> <li>2. It helps in examining the internalisation of democracy.</li> <li>3. Emphasises the real impact of revolutionary ballot box.</li> <li>4. Enables to throw light on how far electoral parties continue or break with the past.</li> <li>5. Helps to measure whether it is modern or primordial in the context of political development</li> </ol> <p><b>According to N.G.S. Kini, voting behaviour can be regarded as:</b></p> <ol style="list-style-type: none"> <li>1. A mode of legitimising democratic rule;</li> <li>2. Instancing an act of decision-making;</li> <li>3. A direct relation of the individual citizens to the formal government.</li> </ol>
<b>DETERMINANTS OF VOTING BEHAVIOUR</b>	Caste, Religion, Language, Region, Money, Performance of the Ruling Party, Party Identification, Ideology,
<b>ROLE OF MEDIA IN ELECTIONS AND VOTING BEHAVIOUR</b>	<p><b>1. Information Dissemination</b> Every minute detail to public spread awareness. Disclose mal practice, hate speech etc.</p> <p><b>2. Enforcement of MCC and other Laws</b> It can expose violations of the MCC such as divisive or hate speeches or unverified allegations in campaigns aimed at influencing electors. Violations reported by media are followed up by the Election Commission as in dealing with formal complaints. The media can sensitise the political functionaries.</p> <p><b>3. Compliance to Election Laws</b> The Election Commission does not regulate media. It has the responsibility to enforce the provisions of law or Court directions. These laws are mentioned below:</p> <ol style="list-style-type: none"> <li>a) <b>Section 126A Act, 1951:</b> It stops exit poll and dissemination of their results during the mentioned period.</li> <li>b) <b>Section 126 Act, 1951:</b> It prohibits displaying any election matter by mean of cinematograph, television or other similar apparatus.</li> </ol>

c) **Section 127A Act, 1951:** The printing and publication of election pamphlets, posters, etc. is governed by its provisions.

d) **Section 171H of the Indian Penal Code:** It prohibits incurring of expenditure on, inter alia, advertisement without the authority of the contesting candidate.

#### 4. Voter Education

There is scope for a much larger and committed partnership from media in the crucial area of voter awareness and participation. This is one of the most promising areas of the Election Commission–media relationship.

There is a gap between what the voters ‘should know’ and what they ‘actually know’ in important areas like registration, EPIC/ identity proofs, Polling Station location, use of EVMs, timings of the poll.

Commission expects that Media should volunteer to take up this task of informing, motivating and facilitating citizens.

#### 5. Responsibility of Government Media

In broadcast of election related news, Public Service Broadcasters are expected to lead by example in terms of neutrality and objectivity, and adhere to various guidelines including their own.

## CHAPTER- 75 : COALITION GOVERNMENT

<b>Meaning</b>	<p>Coalition – Latin term – “coalition” meaning “to grow together”</p> <ul style="list-style-type: none"> <li>• Politically – Coalition means an alliance of distant political parties.</li> <li>• It occurs usually in modern Parliament when no single political party can muster a majority of votes</li> <li>• Two or more parties who have enough elected members between them to form a majority agree on a common programme to form a government.</li> </ul>
<b>Features</b>	<ol style="list-style-type: none"> <li>1. They are formed for the sake of some reward, material or psychic</li> <li>2. Implies the existence of two partners.</li> <li>3. The underlying principle stands on the simple fact of temporary conjunction of specific interest</li> <li>4. Coalition government works on the basis of a minimum programme which may not be ideal for each partner of coalition</li> <li>5. The purpose is to seize power</li> </ol>
<b>Merits</b>	<ol style="list-style-type: none"> <li>1. There is an accommodation of diverse interests in the functioning of govt. – coalition - channel to meet the expectations and redress grievances of different groups of people</li> <li>2. Represents broader spectrum of public opinion than the single party government.</li> <li>3. There is a consensual decision-making.</li> <li>4. Decisions are made in a more balanced way</li> </ol>
<b>Demerits</b>	<ol style="list-style-type: none"> <li>1. Unstable and prone to fall at any time</li> <li>2. Members of the government do not assume responsibility for the administrative failure and lapses – play blame games</li> <li>3. There is a problem of distribution of portfolio as well as proper coordination among the members.</li> </ol>

## CHAPTER- 76 : ANTI-DEFECTION LAW

<b>Introduction</b>	<p>52<sup>nd</sup> Amendment Act, 1985 – disqualification of members of Parliament and the state legislatures on the ground of defection from one political party to another.</p> <ul style="list-style-type: none"> <li>• Changes in four articles and add a new schedule-10<sup>th</sup> schedule.</li> <li>• Act often referred to as anti-defection law</li> </ul> <p>91<sup>st</sup> Amendment Act, 2003 – omitted disqualification on ground of defection <b>does not apply in case of split</b></p>
<b>Provision of the Act</b>	<p>10<sup>th</sup> Amendment:</p> <p><b><u>Disqualification:</u></b></p> <ol style="list-style-type: none"> <li>1. Member of the house belonging to a political party becomes disqualified if:             <ol style="list-style-type: none"> <li>a. Voluntarily gives up his membership of such political party.</li> <li>b. He votes or abstains from voting in such house contrary to any direction issued by his political party without obtaining prior permission</li> </ol> </li> <li>2. An independent member of a house becomes disqualified to remain a member of the house if he joins any political party after such a election</li> <li>3. Nominated members becomes disqualified if he joins any other party after the expiry of six months from the date on which he takes a seat</li> </ol> <p><b><u>Exception:</u></b></p> <ol style="list-style-type: none"> <li>1. If a member goes out of his party as a result of a merger of the political party with another.</li> <li>2. If a member after being elected as presiding officer of the house voluntarily gives up the membership of his political party and joined another – after he ceases to hold that office</li> </ol> <p><b><u>Deciding Authority:</u></b></p> <ul style="list-style-type: none"> <li>• Any question regarding disqualification arising out of defection - to be decided by the presiding officer of the House - KihotoHollohan case (1993), the Supreme Court declared this provision as unconstitutional.</li> </ul> <p><b><u>Rule-Making Power:</u></b></p> <ul style="list-style-type: none"> <li>• Presiding officer - empowered to make rules to give effect to the provisions of the Tenth Schedule</li> </ul>
<b>Advantages</b>	<ol style="list-style-type: none"> <li>1. The stability and body politic by checking propensity of legislator to change parties.</li> <li>2. Facilitates democratic realignment.</li> <li>3. Reduces corruption.</li> <li>4. Clear-cut constitutional recognition to the existence of political parties</li> </ol>
<b>Criticism</b>	<ol style="list-style-type: none"> <li>1. Does not make a distinction between dissent and defection.</li> <li>2. Individual defection and group defection distinction is irrational</li> <li>3. Does not provide for expulsion of legislator from his party - outside the legislator</li> <li>4. Discrimination between an independent member and a nominated member is illogical.</li> <li>5. Vesting of decision making authority in the presiding officer is criticised</li> </ol>
<b>91<sup>st</sup> Amendment Act, 2003</b>	<p><b><u>Provisions:</u></b></p> <ol style="list-style-type: none"> <li>1. Limit the size of the Council of ministers.</li> <li>2. Debar defectors from holding public offices.</li> </ol>

3. And strengthen the anti-defection law

## CHAPTER- 77 : PRESSURE GROUPS

<b>Meaning</b>	<ul style="list-style-type: none"> <li>• Also called interest groups or vested groups.</li> <li>• Originated in USA.</li> <li>• Concerned with specific programmes in issues and their activities are confined to the protection and promotion of the interest of their members by influencing the government</li> <li>• They influenced the policy-making and policy implementation by a methods like:             <ol style="list-style-type: none"> <li>a. lobbying,</li> <li>b. correspondence,</li> <li>c. publicity,</li> <li>d. propagandisation,</li> <li>e. petitioning,</li> <li>f. public debating,</li> <li>g. maintaining contacts with legislators</li> </ol> </li> </ul>
<b>Technique</b>	<p><i>Odegard</i> suggests 3 techniques:</p> <ol style="list-style-type: none"> <li>a. Try to place in public office persons who are favourably disposed towards the interest they seek to promote – engineering</li> <li>b. They can try to persuade public officers, whether they are initially favourable disposed towards them or not – lobbying</li> <li>c. Try to influence public opinion and thereby gain any direct influence over the government – propagandisation.</li> </ol>
<b>Pressure Groups in India</b>	<p>Categories:</p> <ol style="list-style-type: none"> <li>a. Business Groups</li> <li>b. Trade Unions</li> <li>c. Agrarian Groups</li> <li>d. Professional Associations</li> <li>e. Student Organisation</li> <li>f. Religious Organisation</li> <li>g. Caste Groups</li> <li>h. Tribal Organisations</li> <li>i. Linguistic Groups</li> <li>j. Ideology Based Groups</li> <li>k. Anomic Groups</li> </ol>



## CHAPTER- 78 : NATIONAL INTEGRATION

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Definition – Dr. R. S. Radhakrishna “National integration is not a house which could be built by mortar and bricks. It is not an industrial plan too which could be discussed and implemented by experts. Integration, on the contrary, is a thought which means to go into the heads of people. It is the consciousness which must awaken the people at large.”</li> <li>• It involves: political, economic, social, cultural and psychological dimensions and inter-relations between them.</li> </ul>
<b>Obstacles</b>	<ol style="list-style-type: none"> <li>1. Regionalism</li> <li>2. Communalism</li> <li>3. Casteism</li> <li>4. Linguism</li> </ol>
<b>National Integration Council</b>	<ul style="list-style-type: none"> <li>• Constituted in 1961</li> <li>• Following a decision taken at a national conference on ‘unity in diversity’, convened by the Central government, at New Delhi.</li> <li>• It consisted of the prime minister as chairman, central home minister, chief ministers of states, seven leaders of political parties, the chairman of the UGC, two educationists, the commissioner for SCs and STs and seven other persons nominated by the prime minister.</li> <li>• The council was directed to examine the problem of national integration in all its aspects and make necessary recommendations to deal with it.</li> <li>• The council made various recommendations for national integration.</li> </ul> <p>16<sup>th</sup> meeting of the NIC was held - 2013</p> <ul style="list-style-type: none"> <li>• A Resolution was passed in the meeting to: <ol style="list-style-type: none"> <li>a. condemn violence,</li> <li>b. take all measures to strengthen harmonious relationship between all communities,</li> <li>c. to resolve differences &amp; disputes among the people within the framework of law,</li> <li>d. to condemn atrocities on SC/ST,</li> <li>e. to condemn sexual abuse &amp; to ensure that all women enjoy the fruits of freedom</li> <li>f. to pursue their social and economic development with equal opportunities,</li> <li>g. to safeguard their right of movement in the public space at any time of the day or night.</li> </ol> </li> </ul>
<b>National Foundation for Communal Harmony</b>	<ul style="list-style-type: none"> <li>• Set up in 1992</li> <li>• Vision: “India free from communal and all other forms of violence where all citizens especially children and youth live together in peace and harmony.”</li> <li>• Mission: <ol style="list-style-type: none"> <li>a. Promoting communal harmony,</li> <li>b. strengthening national integration and fostering unity in diversity through collaborative social action,</li> </ol> </li> </ul>

- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>c. awareness programs,</li><li>d. reaching out to the victims of violence especially children,</li><li>e. encouraging interfaith dialogue for India's shared security, peace and prosperity.</li></ul> |
|--|--|

## CHAPTER- 79 : FOREIGN POLICY

<b>Introduction</b>	Regulates India's relations with other states of the world in promoting its national interests
<b>Principles of Foreign Policy</b>	<ol style="list-style-type: none"> <li>1. Promotion of World Peace</li> <li>2. Anti-Colonialism</li> <li>3. Anti-Racialism</li> <li>4. Non-Alignment</li> <li>5. Panchsheel</li> <li>6. Afro-Asian Bias</li> <li>7. Links with Commonwealth</li> <li>8. Support the UNO</li> <li>9. Disarmament</li> </ol>
<b>Objectives</b>	<ol style="list-style-type: none"> <li>1. Protect India's core national interests and concerns in the rapidly changing international environment-foster support and understanding</li> <li>2. Preserve autonomy of decision making process - establishment of stable, prosperous and secure global order</li> <li>3. Strengthen international campaign against terrorism.</li> <li>4. Build an international environment supportive to India's rapid growth.</li> <li>5. Work closely with P5 countries.</li> <li>6. Work for the realisation of SAARC, BIMSTEC, IBSA, IOR-ARC, UNSC goals.</li> <li>7. Intensify and stand in ties with neighbours through mutually beneficial cooperation.</li> <li>8. Ensure cross-border terrorism is brought to an end.</li> </ol>
<b>Gujral Doctrine</b>	Advocates that India, being the biggest country in South Asia, should extend unilateral concessions to smaller neighbours.
<b>Nuclear Doctrine</b>	A posture of "No First Use" - nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere.
<b>Connect Central Asia Policy</b>	<ul style="list-style-type: none"> <li>• This policy is aimed at strengthening and expanding of India's relations with the Central Asian countries.</li> <li>• These countries include Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.</li> <li>• India's "Connect Central Asia" policy is a broad-based approach including political, security, economic and cultural connections.</li> </ul>
<b>Act East Policy</b>	"A new era of economic development, industrialization and trade has begun in India. Externally, India's 'Look East Policy' has become 'Act East Policy'".

## CHAPTER- 80: NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• Set up by a resolution of GOI – 2000</li> <li>• 11 member commission – headed by MN Venkatachaliah</li> <li>• No agenda before it, 11 areas of study self-identified:             <ol style="list-style-type: none"> <li>1. Strengthening of the institutions of parliamentary democracy</li> <li>2. Electoral reforms; standards in political life.</li> <li>3. Pace of socio-economic change and development under the Constitution (assurance of social and economic rights: how fair? how fast? how equal?).</li> <li>4. Promoting literacy; generating employment; ensuring social security; alleviation of poverty.</li> <li>5. Union-State relations.</li> <li>6. Decentralization and devolution; empowerment and strengthening of PRI.</li> <li>7. Enlargement of Fundamental Rights.</li> <li>8. Effectuation of Fundamental Duties.</li> <li>9. Effectuation of Directive Principles and achievement of the Preambular objectives of the Constitution.</li> <li>10. Legal control of fiscal and monetary policies; public audit mechanism.</li> <li>11. Administrative system and standards in public life.</li> </ol> </li> </ul>
<b>50 years of working of the Constitution</b>	<p>Observations from 1950-2000</p> <ol style="list-style-type: none"> <li>a. Political Accomplishments</li> <li>b. Economic infrastructure – impressive performance</li> <li>c. Social infrastructure-achievements.</li> <li>d. Political failures.</li> <li>e. Economic failures</li> <li>f. Social figures</li> <li>g. Administrative failures</li> <li>h. Gender justice and equality failures</li> <li>i. Judicial system failures</li> </ol>
<b>Recommendations of the Commission</b>	<p>Made 249 recommendations:</p> <ul style="list-style-type: none"> <li>• 58 involving amendments to the Constitution</li> <li>• 86 involving legislative measures</li> <li>• 105 recommendations could be accomplished through executive action</li> </ul> <p>Areas of recommendations:</p> <ol style="list-style-type: none"> <li>a. Fundamental rights.</li> <li>b. Right to property.</li> <li>c. Directive principles.</li> <li>d. Fundamental duties.</li> <li>e. Parliament and state legislators.</li> <li>f. Executive and administration</li> <li>g. Centre state and interstate relations.</li> <li>h. Judiciary.</li> <li>i. Pace of socio-economic change and development.</li> </ol>

- j. Decentralisation – panchayats and municipalities.
- k. Institutions in Northeast India.
- l. Electoral processes.
- m. Political parties.
- n. Anti-defection law

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