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# POLITY

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INDIA & ASSAM



# ACS

**Academy of Civil Services**

# Historical Background of Indian Constitution

## The British East India Company Rule

### Regulating Act 1773

- It was the **first attempt by the British government to regulate British East India Company**

### Features of the Act

- New office of **Governor General of Bengal** and his executive council was introduced with **4 members**  
First Governor General of Bengal was **Warren Hastings**
- **Supreme Court at Calcutta** was established with Chief Justice and 3 judges (1774)

### Pitt's India Act 1784

- It is named after the British Prime Minister **William Pitt, the Younger**
- Separated between commercial and political functions of the company
- **Court of directors** was made to look after **commercial affairs**
- **Board of Control** was constituted to manage **political affairs**

### Charter Act 1793

- It is also known as **The East India Company Act 1793**
- **The British East India Company** was empowered to **grant licenses** to both individuals and company employees to trade in India

### Charter Act 1813

- **Company's monopoly over Indian trade** terminated except in **tea and opium or trade with China**
- Indian trade was **thrown open to all British subjects** (Free Trade started)
- **Missionaries were allowed to preach in India**
- It provided for the spread of **western education among the inhabitants of the British territories in India.**

## Charter Act 1833

- **Made Governor General of Bengal as Governor General of India**
- First Governor General of India was **Willian Bentick (He was also last Governor General of Bengal)**
- **Ended monopoly of British East India Company** as a commercial body
- It became purely **administrative body**
- **Open competition for civil services** was suggested. But it was not implemented because of the **opposition from court of directors**

## Charter Act 1853

- **Formed Indian (Central) Legislative Council** which functioned as a mini parliament
- **Open competition for civil services** was introduced for first time
- **Macaulay Committee (The First committee on Indian Civil Services)** was set up in 1854 consequently
- Extended company rule over India **without mentioning any period**
- **Introduced local representatives in Indian (Central) legislative council**
- Out of **6 new members**, **4 were nominated by governments of Madras, Bombay, Bengal and Agra**

## The Crown Rule

## Government of India Act 1858

- Known as **act for good government of India**
- **Abolished the rule of British East India Company and the administration of India was transferred to British Crown (Queen Victoria was there at this time)**

## Features of the Act

- Governor General of India was converted to **Governor General cum Viceroy**
- **Canning** was the first Governor General cum Viceroy
- **Abolished Board of Control and Court of Directors (Double Government is abolished)**
- New office of **Secretary of State and his council (15 members)** was constituted

- **Stanley** was the first Secretary of State for India

### **Indian Councils Act 1861**

- Viceroy should **nominate some Indians as non-official members in his council**
- Accordingly, Canning nominated **3 members in 1862**
  - Raja of Benaras**
  - Maharaja of Patiala**
  - Sir Dinakar Rao**
- **Established new legislative councils in Bengal, North West Frontier Provinces and Punjab**
- **Portfolio System was introduced**
- **Viceroy was given power to issue ordinance** with a validity of 6 months

### **Indian Councils Act 1892**

- **Power to discuss the budget and ask questions** were given to the members
- Introduced **nomination of some members to legislative Councils**
  - By Viceroy to Central Legislative Council** on the recommendation of Provincial legislative councils and Bengal Chamber of Commerce
  - By Governor to Provincial legislative council** on the recommendation of the **district boards, municipalities, universities, trade associations, zamindars and chambers.**
- The act made a limited and indirect provision for the **use of election in filling up some of the non-official seats both in the Central and provincial legislative councils.**
- The word “election” was, however, not used in the Act. The process was described as **nomination made on the recommendation of certain bodies**

### **Indian Councils Act 1909 or Morley- Minto Reforms**

- **Official members were majority in Central LA**
- **Non-Official members were majority in Provincial LA**
- **Power to ask supplementary questions** were given to the members
- For first time, **Indians were allowed to be in the executive council** of the viceroy
  - Satyendra Prasad Sinha** was the first person included as **law minister**
- **Separate communal electorate was given to Muslims**

Hence, **Minto** is called as the **father of communal electorate in India**

## Government of India Act 1919 or Montague Chelmsford Reforms

- Separate list of **Central and Provincial Functions** were introduced
- Provincial functions were further divided into 2
  - Transferred Subjects:** Administered by Governor with the **aid of ministers responsible to legislative council**
  - Reserved Subjects:** Administered by **Governor** General without being responsible to legislative councilThe system is known as **diarchy**
- **Bicameralism started in India**
  - Upper House: Council of States
  - Lower House: Legislative Assembly
- It also introduced the **direct election in India for first time. The majority of members of both the Houses were chosen by direct election**
- **3 out of 6 executive members in Viceroy's council should be Indians**
- **Separate Communal electorate for Sikhs, Indian Christians, Anglo Indians and Europeans** were introduced
- **Granted Franchise** to certain classes based on property, tax and education
- **New office of High Commission of India** was started in London and transferred to him some of the functions hitherto performed by the Secretary of State for India.
- **Established Central Public Service Commission** which was set up in 1926
- **Separated between Central budget and Provincial budget**
- There would be a **statutory commission** to inquire into the implementation of this act **after 10 years**

## Simon Commission, 1927

- **It was 7 members commission** to inquire implementation of the GOI Act 1919
- Chairman: **Sir John Simon**
- **As all members were English**, all Indian political parties boycotted Simon Commission
- **3 Round Table conferences** were held to discuss proposals of Simon Commission
- After the discussion in 3 RTCs, **White Papers** were prepared on the constitutional reforms
- The recommendations of the **white paper were incorporated in GOI Act 1935**

## Communal Award

- **Ramsay Mac Donald** issued communal electorate for Dalits in 1932
- Gandhi observed **fast unto death in Yarvada Jail in Pune**
- **Poona Pact** was signed between Caste Hindus and Dalits by the reserving the double the number of seats to Dalits

## Government of India Act 1935

- The Act marked a second milestone towards a completely responsible government in India.
- Suggested All Indian Federation with provinces and princely states as units
- Introduced 3 lists (Federal List (59), Provincial list (54) and Concurrent List (36))
- Residuary powers were given to the Viceroy.
- However, the federation never came into being as the princely states did not join it
- Abolished Diarchy in Provinces and introduced 'provincial autonomy' in its place
- The Act introduced responsible Governments in provinces, that is, the Governor was required to act with the advice of ministers responsible to the provincial legislature. This came into effect in 1937 and was discontinued in 1939
- Adopted Diarchy at Centre but was not implemented
- Bicameralism started 6 out of 11 provinces
- They are Bengal, Bihar, Bombay, Madras, Assam and United Provinces
- Separate Electorate for SC, Women and Laborers
- Abolished Council of India in London and Secretary of State was provided with a team of advisors
- Extended Franchise to 10 percent of the total population
- Established Reserve Bank of India
- Established Federal PSC, Provincial PSC and Joint PSC
- Established Federal Court in 1937

## Indian Independence Act 1947

- Independence for India from August 15, 1947
- Partition of India to India and Pakistan
- Abolished office of Viceroy

- **Suggested one Governor General for each India and Pakistan**
- **Established 2 constituent assemblies** for each dominion
- **Abolished office of Secretary of State**
- **Given freedom to princely states** either to join India or Pakistan or to remain independent (**Instrument for Accession**)
- **Dropped the title Emperor of India from the King of England**
- **Civil Servants appointed before 1947 would continue in the office**

### Previous Questions

**The Supreme court was set up under the (2016)**

- a) **Regulating Act, 1773**
- b) Pitt's India Act, 1784
- c) Indian Councils Act, 1861
- d) Indian Councils Act, 1892

**By which act, was the governance of India passes to the British crown? (2015)**

- (a) Rowlatt Act, 1919
- (b) Dominion Lands Act, 1872
- (c) Government of India Act, 1858**
- (d) Official Secrets Act, 1923

**Which Act transferred power from the company to the Crown in India? (2011)**

- (a) Act of 1861
- (b) Act of 1862
- (c) Act of 1858**
- (d) Act of 1853

**The principle of communal representation in India was first introduced by (1998)**

- (a) The Indian councils act, 1861
- (b) The Indian councils act, 1892
- (c) The Indian councils act, 1909**
- (d) The Government of India act, 1919

## Making of the Indian Constitution

### Introduction



- The idea of Constituent Assembly was put forward by **MN Roy for first time in 1934**
- In 1935, **Indian National Congress officially demanded** for Constituent Assembly
- **In 1938, Jawaharlal Nehru, on behalf the INC declared** that ‘the Constitution of free India must be framed, without outside interference, by a **Constituent Assembly elected on the basis of adult franchise**’.
- **August Offer 1940** accepted the demand
- **Sir Stafford Crips came to India in 1942** with the purpose of drafting a constitution for India **which would be adopted after World War II**
- **Cabinet Mission was sent to India to** constitute a constituent assembly for India
- **They constituted a constituent Assembly of India in 1946**

### Constituent Assembly as Formed in 1946

- Total number of members was **389. Of these, 296 seats were to be allotted to British India and 93 seats to the princely states (Congress 208, Muslim League 73, small groups 15 and Princely states 93)**
- **Hindus, Muslims, Sikhs, Parsis, Anglo Indians, Indian christians, SCs, STs and Women** had representation in the Constituent Assembly
- **Gandhi and Jinnah were not members of the CA**
- **First Meeting of the constituent assembly was held on 9<sup>th</sup> December 1946**
- **The meeting was, thus, attended by only 211 members as Muslim League boycotted the meeting.**
- **Sachidananda Sinha (the oldest member)** was the person who presided over the first meeting of the constituent assembly which elected **Dr. Rajendra Prasad as president (Following the French practice)**
- **Dr. Rajendra Prasad** was the president of CA
- **HC Mukharjee and V.T. Krishnamachari** were the two vice-presidents
- **Sir. BN Rao** was the constitutional advisor

### Objectives Resolution of Indian Constitution

- It was later incorporated in the constitution as its **preamble**
- It was the basic philosophy of Indian constitution presented **by Jawaharlal Nehru** in the constituent assembly in 1946
- It was later incorporated in the constitution as its **preamble**



- This Resolution was unanimously adopted by the Assembly on January 22, 1947.
- It influenced the eventual shaping of the constitution through all its subsequent stages

### Changes after Indian Independence Act 1947

- CA also became a **legislative body**  
It became the **first parliament of India**
- Whenever the Assembly met as the Constituent body it was **chaired by Dr. Rajendra Prasad** and when it met as the **legislative body, it was chaired by G.V. Mavlankar**
- **Members of the Muslim League supporting Pakistan withdrew from CA**  
The total number of members was reduced to **299 from 389**  
The strength of the **Indian provinces (formerly British Provinces) was reduced from 296 to 229**  
Number of princely states reduced from **93 to 70**

### Functions Performed by the Constituent Assembly

- Making of the constitution
- Enacting ordinary laws
- Ratified **India's membership of commonwealth in May 1949**
- **Adopted National Flag** designed by P. Venkaiah and hoisted first time in 1929 Lahore session of Indian National Congress (July 22, 1947)
- **Adopted National Anthem** (January 24, 1950)
- **Adopted National Song** (Vande Mataram written by Bankim Chandra Chatterjee (January 24, 1950)
- **Elected Dr. Rajendra Prasad as the first President of India** (January 24, 1950)
- **Held 11 sessions in 2 years, 11 months and 18 days**
- Referred constitution of **60 countries**
- Total expenditure was **64 lakhs**
- **On January 24, 1950, the Constituent Assembly held its final session.**
- It, however, did not end, and continued as the **provisional parliament of India** from January 26, 1950, till the formation of new Parliament after the first general elections in 1951–52.
- **Elephant was adopted as the symbol (seal) of the Constituent Assembly**

## Major Sub-Committees of Constituent Assembly

- **Total 8 major committees were there**
- **Union Power Committee headed by Jawaharlal Nehru**
- **Union Constitution Committee under Jawaharlal Nehru**
- **Provincial Constitution Committee by Patel**
- **Drafting committee under Dr. Ambedkar**
- **Total 7 members** were there in the drafting committee including chairman
- **They are:**
  1. **KM Munshi** (Ex. Home Ministr, Bombay)
  2. **Alladi Krishna Swamy Iyer**(Ex. Advocate General in Madras)
  3. **N Gopalaswami Ayenger**(Ex. PM J&K)
  4. **BL Mitter** (Ex. Advocate General of India) (N. Madhava Rao replaced him due to ill health)
  5. **Muhammed Saadullah** (Ex. CM of Assam)
  6. **DP Khaitan** (Lawyer) (TT Krishnamachari replaced him as Khaitan died)
- **Prepared the first draft of the Constitution of India which was published in February 1948.**
- **The people of India** were given **eight months** to discuss the draft and propose amendments.
- In the light of the public comments, criticisms and suggestions, the **Drafting Committee** prepared a second draft, which was published in **October 1948.**
- The Drafting Committee took **less than six months to prepare its draft. In all it sat only for 141 days.**
- **Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas - Sardar Patel.**
- **This committee had the following five sub-committees:**
  - (a) **Fundamental Rights Sub-Committee - J.B. Kripalani**
  - (b) **Minorities Sub-Committee - H.C. Mukherjee**
  - (c) **North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee -Gopinath Bordoloi**
  - (d) **Excluded and Partially Excluded Areas (other than those in Assam) Sub Committee - A.V. Thakkar**
  - (e) **North-West Frontier Tribal Areas Sub-Committee**

- **Rules of Procedure Committee - Dr. Rajendra Prasad**
- **States Committee (Committee for Negotiating with States) – Jawaharlal Nehru**
- **Steering Committee - Dr. Rajendra Prasad**

## **Enactment of the Constitution**

- Constitution was **adopted on November 26 in 1949** and received the signatures of the **members and the president.**
- That constitution included preamble, **22 parts, 395 articles and 8 schedules**
- **The Preamble was enacted after the entire Constitution was already enacted**
- At present, there are **25 parts and 12 Schedules in the constitution**
- **Ambedkar** is known as the **father of Indian Constitution**
- He also the **chief architect of the constitution**
- He is also known as the **Modern Manu**
- **On 24<sup>th</sup> January 1950** constitution was finally signed by the members of constituent assembly
- **Out of a total 299 members of the Assembly, only 284 were actually present on that day and signed the Constitution.**

## **Enforcement of the Constitution**

- Some provisions of the Constitution pertaining to **citizenship, elections, provisional parliament, temporary and transitional provisions and short title** came into force on November 26, 1949, itself.
- The remaining provisions (the major part) of the Constitution came into force on January 26, 1950. This day is referred to in the Constitution as the ‘date of its **commencement**’ and **celebrated as the Republic Day.**

## **Hindi Text of The Constitution (Article 394A)**

- Originally, the Constitution of India did not make any provision with respect to an **authoritative text of the Constitution in the Hindi language.**

- Later, a provision in this regard was made by the **58<sup>th</sup> Constitutional Amendment Act of 1987**
- This amendment inserted a new **Article 394-A** in Part XXII

## First General Election in India

- It was held from **25<sup>th</sup> October 1951 to 21<sup>st</sup> February 1952**
- Election was held for **489 seats** in Lok Sabha
- **BR Ambedkar** was prominent person who got defeated in this election

### Previous Questions

**When was the 'National Anthem' adopted by the Government? (2016)**

- a) 15<sup>th</sup> August, 1947
- b) 26<sup>th</sup> January, 1947
- c) **24<sup>th</sup> January, 1950**
- d) 14<sup>th</sup> August, 1947

**When did the Constituent Assembly of India have its first meeting? (2013)**

- a) **December 9, 1946**
- b) July 18, 1947
- c) August 14, 1947
- d) August 15, 1947

**The Constituent Assembly was set up according to the proposal of (2013)**

- a) Mountbatten Plan
- b) Wavell Plan
- c) Cripps Mission Plan
- d) **Cabinet Plan**

**The first general election in independent India was held in (2001)**

- a) **1951**
- b) 1952
- c) 1953
- d) 1954

**The inaugural meeting of the constitution Assembly of India was presided over by (2001)**

- a) **Dr Rajendra Prasad**

- b) Dr B. R. Ambedkar
- c) Dr Sachidananda Sinha**
- d) B. N. Rao

**Who among the following was not a member of the Drafting committee of the constitution? (2001)**

- a) B. R. Ambedkar
- b) K. M. Munshi
- c) Jawaharlal Nehru**
- d) Mohd. Saadullah

**The Constituent Assembly was set up according to the proposal of the (2001)**

- a) Cripps Mission Plan
- b) Cabinet Mission Plan**
- c) Wavell Plan
- d) Mountbatten Plan

**Which amendment provides for an authoritarian version of the constitution in Hindi? (1998)**

- a) 56<sup>th</sup> amendment
- b) 58<sup>th</sup> amendment**
- c) 60<sup>th</sup> amendment
- d) 61<sup>st</sup> amendment

**Which of the following is wrongly matched? (1998)**

- a) December 9, 1947 - First meeting of the Constituent Assembly**
- b) November 26, 1946 - People of India enacted and gave to themselves the constitution
- c) January 24, 1950 - the constitution was finally signed by the members of the constituent assembly
- d) January 26, 1950 - date of commencement of the constitution

## **The Preamble of Indian Constitution**

- First constitution to have a preamble was the **American constitution**

- It is known as the **identity card of the constitution**(N.A. Palkhivala)
- It is based on **Objectives Resolution** presented by Jawaharlal Nehru in the constituent assembly
- It is known as the **horoscope of our sovereign democratic Republic**
- It is the **key to constitution**
- It is also known as the **jewel set in the constitution**
- According to the judgement of the Supreme court in the Berubari Union Case. 1960, Preamble **was not considered as a part of the constitution**
- Later, Supreme Court reversed the judgment in the Kesavanantha Bahrati Case, 1973 and declared that **Preamble is a part of the constitution**
- Preamble **can be amended** except the **Basic Structure** of the constitution included in the preamble

### Text of Preamble

**WE, THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all its citizens:

**JUSTICE**, social, economic and political;

**LIBERTY** of thought, expression, belief, faith and worship;

**EQUALITY** of status and of opportunity; and to promote among them all

**FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation;

**IN OUR CONSTITUENT ASSEMBLY**, this twenty sixth day of November 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

### Four Components in the Preamble

- Source of authority is **people of India**
- Nature of State is **sovereign, socialist, secular, democratic and Republican**
- Objectives of the constitution is **Justice, Liberty, Equality and Fraternity**
- Date of adoption is **26<sup>th</sup> November 1949**

### Amendment of the Preamble

- **42<sup>nd</sup> Amendment Act (1976)** added three words: **Socialist, Secular and Integrity**

## Key Words in the Preamble

### Sovereign

- The word 'sovereign' implies that **India is neither a dependency nor a dominion of any other nation, but an independent state**
- Being a sovereign state, **India can either acquire a foreign territory or cede a part of its territory in favour of a foreign State**

### Socialist

- The concept of socialism was already there in the **Directive Principles of State Policy even before we added to preamble by 42<sup>nd</sup> Amendment Act 1976**
- Moreover, the Congress party itself adopted a solution to establish a '**socialistic pattern of society**' in its **Avadi session**

### Secular

- The term '**secular**' too was added by the **42<sup>nd</sup> Constitutional Amendment Act of 1976**
- Indian Secularism means that there is **no official religion for the state of India**
- The state will maintain **an equal distance towards all religions**

### Democratic

- Democratic polity is based on **popular sovereignty**

### Republic

- In a republic, the head of the state **is always elected directly or indirectly for a fixed period**
- A republic also means two more things:
- One, **vesting of political sovereignty in the people** and not in a single individual like a king;
- Second, **the absence of any privileged class and hence all public offices** being opened to every citizen without any discrimination.

### Justice

- The term '**justice**' in the Preamble has three distinct forms—**social, economic and political**

### Liberty

- Liberty means **freedom with reasonable restrictions and providing opportunities** for the development of individual personalities.



- The Preamble secures to all citizens of India **liberty of thought, expression, belief, faith and worship, through their Fundamental Rights**

## Equality

- The term 'equality' means the **absence of special privileges to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.**
- The Preamble secures to **all citizens of India equality of status and opportunity**

## Fraternity

- Fraternity means **a sense of brotherhood.**

### Previous Questions

**At the time of enactment of the Constitution, which one of the following ideals was not included in the Preamble? (2015)**

- a) Liberty
- b) **Socialism**
- c) Equality
- d) Justice

**Which one of the following words was not originally included in the Preamble to the Constitution of India? (2013)**

- a) Sovereign
- b) Socialist
- c) **Secular**
- d) Republic

**The term secular was added to the Preamble of the Constitution of India by the (2013)**

- a) 40th Amendment
- b) 41st Amendment
- c) **42nd Amendment**
- d) 43rd Amendment

**One of the elements of direct democracy is (2011)**

- a) **Referendum**
- b) Equality
- c) Free and fair election

- d) Universal adult franchise

**Relating to the nature of the Indian Policy, the Preamble is (1998)**

- a) Merely declaratory
- b) To idealistic
- c) Beautifully vague
- d) **Part of the constitution**

## Union and its Territory

### Union of States

- The term Federalism or Federation are not used anywhere in the constitution of India
- As per Dr. BR Ambedkar, **India is not a Federation established by an agreement among the states (It is not a Coming together Federation)**
- India is a **holding together federation** and hence centre should have power than the states
- This system of Quasi Federalism is similar to that of **Canada**

<b>Art. 1</b>	<p><b>India i.e. Bharat is a union of states</b></p> <p><b>Constitution has nowhere used the term “Federation”</b></p> <ol style="list-style-type: none"> <li>1. According to Article 1, the territory of India can be classified into three categories:</li> <li>2. Territories of the states</li> <li>3. Union territories</li> <li>4. Territories that may be acquired by the Government of India at any time.</li> </ol> <p><b>First Schedule</b> of the Indian constitution discusses the names and boundaries of the states</p>
<b>Art.2</b>	<p><b>Admission or Establishment of new States.</b></p> <p><b>Parliament can by law admit or establish a new state in India</b></p> <p>Admission of a new state can be implemented by passing a bill in this regard in the parliament with a <b>simple majority</b></p>
<b>Art. 3</b>	<p><b>Formation of a new state</b></p> <ul style="list-style-type: none"> <li>• Article 3 authorises the Parliament to:             <ol style="list-style-type: none"> <li>1. <b>Form a new state by separation of territory from any state or by uniting two or more states or parts</b></li> </ol> </li> </ul>

	<p>of states or by uniting any territory to a part of any state</p> <ol style="list-style-type: none"> <li>2. Increase the area of any state</li> <li>3. Diminish the area of any state</li> <li>4. Alter the boundaries of any state; and</li> <li>5. alter the name of any state.</li> </ol> <ul style="list-style-type: none"> <li>• For introduction of such bill, <b>prior permission of the President is mandatory</b></li> <li>• <b>Before recommending the bill</b>, the President has to refer the same to the state legislature concerned for <b>expressing its views within a specified period.</b></li> <li>• <b>In case of a union territory, no reference need be made to the concerned legislature</b></li> <li>• <b>Parliament needs to pass this bill only with simple majority</b></li> </ul>
<b>Art. 4</b>	<p><b>Laws made under articles 2 and 3 to provide for the amendment of the first and fourth schedule of the Indian constitution.</b></p> <p><b>Fourth Schedule includes allocation of the seats to States in Rajya Sabha.</b></p>

### 100<sup>th</sup> Constitutional Amendment Act, 2015

- The 100th Constitutional Amendment Act (2015) was enacted to give effect to the **acquiring of certain territories by India and transfer of certain other territories to Bangladesh** in pursuance of the agreement and its protocol entered into between the Governments of India and Bangladesh.
- Under this deal, **India transferred 111 enclaves to Bangladesh, while Bangladesh transferred 51 enclaves to India.**
- For these three purposes, the amendment modified the provisions relating to the territories of four states (**Assam, West Bengal, Meghalaya and Tripura**) in the **First Schedule of the Constitution**

### Evolution of States and Union Territories

- In 1947, **552 princely** states were existing in India

- **Sardar Patel** played a key role in integrating the princely states to the Indian union
- Out of them, **549 joined India** and three (Hyderabad, Kashmir and Junagarh) did not join voluntarily
- **Hyderabad** was merged with **Police action**, **Junagarh** by **referendum** and **Kashmir** by **Instrument of Accession**
- **Maharaja Hari Singh of Kashmir** princely state signed Instrument of accession with Government of India and agreed to join India as per the clauses of India Independence Act, 1947
- In 1950, there were 29 states and territories in India classified into four categories (A, B, C and D)
- Part A states comprised **nine erstwhile governor's provinces of British India**.
- Part B states consisted of **nine erstwhile princely states with legislatures**.
- Part C states consisted of **erstwhile chief commissioner's provinces of British India and some of the erstwhile princely states**.
- These Part C states (in all 10 in number) were centrally administered.
- **The Andaman and Nicobar Islands** were kept in **the Part D**

### Dhar Commission and JVP Committee

- In 1948 **Linguistic Provinces Commission** was appointed under the chairmanship of **Justice SK Dhar**
- It recommended to form new states based on **administrative convenience** (Not languages)
- **JVP Committee** (Jawaharlal Nehru, Vallabhbhai Pattel and Pattabi Sitramayya) approved the **recommendations of Justice Dhar**
- Protest started in **Andhra** for forming a new state for Telugu speaking people and **Potty Sri Ramlu** declared a fast unto death for a new state for them.
- He died after prolonged fast for 56 days and it created riots in different parts of Andhra.
- Due to the protest, **Andhra became the first state** to be formed based on language (With Kurnool as capital) in 1953

### Fazl Ali Commission

- In 1953, GOI Appointed **Fazal Ali Commission** as first **State Reorganisation Commission**
- Members in the committee were **KM Panikkar and HN Khunzru**
- It suggested the reorganisation of the states **based on linguistic and cultural homogeneity**
- **But it rejected the idea of One Language, One State**

- **7<sup>th</sup> Amendment Act** was passed in 1956 creating **14 states** and **6 Union Territories** on **November 1, 1956**
- In 1960, **Bombay states** was bifurcated into **Gujarat and Maharashtra**
- **Telangana** was the last state to be formed in India
- At Present, we have **28 states** and **8 Union Territories**
- **Union Territories of Kashmir and Ladakh** were newly created in 2019
- In 2020, the Union Territories of **Dadra Nagar Haveli and Daman and Diu** were merged to a single union territory

### History of States in North East India

- In 1963, **Nagaland** was separated from **Assam** and made the 16<sup>th</sup> State of India
- In 1972, Two Union Territories of **Manipur and Tripura** and the sub-state of **Meghalaya** got the statehood
- **22<sup>nd</sup> Constitutional Amendment of 1969** had created **Meghalaya** as a Sub-state inside the state of **Assam**
- In the same year two new **Union Territories Mizoram and Arunachal Pradesh** were formed out of **Assam**
- **Sikkim** became a state of India in 1975 with **36<sup>th</sup> Amendment Act** of the constitution
- It was ruled by **Chogyal dynasty** before that
- In 1987, **Mizoram and Arunachal Pradesh** were formed as states
- Mizoram was accorded the statehood as a result **Mizoram Peace Accord** between **Central Government** and **Mizo National Front**

### Change of Names for States

- In 1950 **United Provinces** changed the name to **Uttar Pradesh**
- In 1969 **Madras** was renamed to **Tamil Nadu**
- In 1973, **Mysore** was renamed to **Karnataka**
- In the same year, **Laccadive, Minicoy and Aminidivi Islands** was renamed to **Lakshadweep**
- In 1992, **UT of Delhi** was renamed to **NCT of Delhi** by **69<sup>th</sup> AA, 1991**
- In 2006, **Uttaranchal** was renamed to **Uttarakhand**
- In the same year, **Pondicherry** was renamed to **Puducherry**
- In 2011, **Orissa** was renamed to **Odisha**

## Previous Questions

**Who was the ruler of Kashmir at the time of India's independence? (2021)**

- (A) Farooq Abdullah
- (B) Sheikh Abdullah
- (C) Karan Singh
- (D) Hari Singh**

**Identify the National leader and efficient administrator who played an extraordinary role in the integration of the Indian States (2021)**

- (A) Chakravarti Rajagopalachari
- (B) Jawaharlal Nehru
- (C) Rajendra Prasad
- (D) Sardar Vallabhbhai Patel**

**How many states are there in the Indian Union? (2014)**

- a) 25
- b) 26
- c) 28**
- d) 29

**Identify the correct chronological order in which of the following states of India were created (2014)**

- I. Punjab
- II. Andhra Pradesh
- III. Mizoram
- IV. Meghalaya

- a) II, III, IV, I
- b) II, I, IV, III**
- c) II, I, III, IV
- d) I, II, IV, III

**Which of the following is the legal document created in 1947 that allowed the Princely states to join either India or Pakistan? (2013)**

- a) The Act of Accession, 1947
- b) Instrument for Accession**
- c) Legal Document for Accession
- d) None of the above

**When was Mizoram converted into a Union Territory? (2011)**

- a) 1969
- b) 1972**
- c) 1949
- d) 1951

**How many states are there in India at present? (2006)**

- a) 25
- b) 26
- c) 27
- d) 28**

**Which of the following is the first state to have been formed on the linguistic basis? (2006)**

- a) Gujarat
- b) Andhra Pradesh**
- c) Punjab
- d) Karnataka

**The smallest state in India from the viewpoint of geographic area (1998)**

- a) Goa**
- b) Sikkim
- c) Nagaland
- d) Tripura

**‘....the though India was not to be a federation, the federation was not the result of an agreement by the states to join in a federation, and that the federation not being the result of an agreement, no State has the right to secede from it. The federation is a Union because it is indestructible’. Who made the statement during Constituent Assembly debated? (1998)**

- a) Jawaharlal Nehru
- b) Rajendra Prasad**



- c) Sardar Patel
- d) Dr B R Ambedkar

## Citizenship in India

- **Part II of the constitution (Art.5-11)** deals with citizenship in India

<b>Art. 5</b>	<b>Citizenship at the commencement of the constitution</b>
<b>Art. 6</b>	<b>Rights of Citizenship for certain persons who have migrated to India from Pakistan</b> <b>July 19, 1948 was the cut off date for migration</b>
<b>Art. 7</b>	<b>Rights of citizenship of certain migrants to Pakistan</b> <b>Those who migrated to Pakistan after March 1, 1947 and returned to India with permission from Indian authority can get the citizenship</b>
<b>Art. 8</b>	<b>Rights of Citizenship of certain persons of Indian origin residing outside India.</b> <b>He/she has to register with the embassy or consulate</b>
<b>Art. 9</b>	<b>Persons voluntarily acquiring citizenship of a foreign state would lose Indian citizenship</b>
<b>Art. 10</b>	<b>Continuance of the rights of citizenship. All the above-mentioned categories will continue to be the citizens of India</b>
<b>Art. 11</b>	<b>Parliament can regulate the rights of citizenship by law</b> <b>According to Art.11 parliament enacted Citizenship Act 1955</b> <b>Citizenship Act 1955 talks about the conditions for acquiring the citizenship of India</b>

### Ways to Acquire Citizenship in India

- **By Birth:** All those born India between 26<sup>th</sup> January 1950 and 1<sup>st</sup> July 1987 irrespective of the nationality of the parents  
Everyone born after 1<sup>st</sup> July 1987 if either of the parents is a citizen of India

After 3<sup>rd</sup> December 2004, the babies born to an **illegal migrant** (either father or mother) will not get citizenship in India

- **By Decent:** If father is an **Indian** (from January 26, 1950 to December 10, 1992)

**If either of the parents is an Indian** (After 10<sup>th</sup> December 1992)

Birth must be **registered at an Indian consulate with one year** (Condition added in December 3, 2004)

- **By Registration:**

- It is given to different classes of people like those foreigners married to Indian Citizens and Persons of Indian Origin after a residence of 7 Years in India

- 7 years Criteria of the stay in India is as follows

- Continuously for 12 months preceding the date of application and 6 years within the 8 years before the 12 months

- A person shall be deemed to be of Indian origin if he, or either of his parents, was born in undivided India or in such other territory which became part of India after the August 15, 1947.

- All the above categories of persons must take an oath of allegiance before they are registered as citizens of India

- **By Naturalisation:**

- To apply for citizenship through naturalization, one person needs to stay in India or to be in the service of government of India for **12 years** (12 months continuously preceding to the date of application and 11 years within 14 years before that)

- Adequate knowledge of a language specified in 8<sup>th</sup> Schedule is also needed

- **By Incorporation of a Territory**

Eg: Citizenship for people of Goa, Puducherry and Sikkim

## Loss of Citizenship

- The Citizenship Act (1955) prescribes three ways of losing citizenship
- They are renunciation, termination and deprivation

## By Renunciation

- Any citizen of India of full age and capacity can make a declaration **renouncing his Indian citizenship**
- if such a declaration is made **during a war in which India is engaged, its registration shall be withheld by the Central Government.**

- When a person renounces his Indian citizenship, every minor child of that person also loses Indian citizenship.
- When such a child attains the age of eighteen, he may resume Indian citizenship

### **By Termination**

- When an Indian citizen voluntarily acquires the citizenship of another country, his Indian citizenship automatically terminates
- This provision does not apply during a war in which India is engaged.

### **By Deprivation**

- It is a compulsory termination of Indian citizenship by the Central government in the following situations
  1. The citizen has obtained the citizenship by fraud
  2. The citizen has shown disloyalty to the Constitution of India
  3. The citizen has unlawfully traded or communicated with the enemy during a war;
  4. The citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years
  5. The citizen has been ordinarily resident out of India for seven years continuously.

### **Assam Accord and Citizenship**

- The Citizenship (Amendment) Act, 1985, added certain special provisions as to citizenship of persons covered by the Assam Accord
  1. All persons of Indian origin who came to Assam before the January 1966 from Bangladesh and who have been ordinarily residents in Assam since the date of their entry into Assam shall be deemed to be citizens of India as from the January 1, 1966.
  2. Every person of Indian origin who came to Assam on or after the January 1, 1966 but before the March 25, 1971 from Bangladesh shall be deemed to be a citizen of India for all purposes after expiry of a period of ten years from the date of detection as a foreigner. But, in the intervening period of ten years, he shall have the same rights and obligations as a citizen of India except the right to vote

### **CITIZENSHIP AMENDMENT ACT (CAA)**

- **Citizenship Amendment Act (CAA), 2019** was recently enacted by the Parliament that seeks to amend the Citizenship Act, 1955.
- Citizenship (Amendment) Act, 2003 provided that **‘illegal migrants’ will not be eligible to apply for citizenship by either registration or naturalization.**
- The amendment provides that illegal migrants who fulfil four conditions will not be treated as illegal migrants under the Act. The conditions are:
  - ✓ They are **Hindus, Sikhs, Buddhists, Jains, Parsis or Christians**
  - ✓ They are **from Afghanistan, Bangladesh or Pakistan**
  - ✓ They entered India on or **before December 31, 2014** they are not in certain tribal areas of **Assam, Meghalaya, Mizoram, or Tripura** included in the Sixth Schedule to the Constitution, or areas under the **“Inner Line” permit, i.e., Arunachal Pradesh, Mizoram, Nagaland and Manipur (Newly added)**
    - These tribal areas include Karbi Anglong (in Assam), Garo Hills (in Meghalaya), Chakma District (in Mizoram), and Tripura Tribal Areas District.
- **All legal proceedings against above category of migrants in respect of their illegal migration or citizenship will be closed.**
- **The period of naturalization has been reduced from 11 years to 5 years for above category of migrants.**
- The amendment provides that the central government may cancel registration of OCIs, if **the OCI has violated Citizenship Act or any other law so notified by the central government.** Also, the cardholder has to be given an opportunity to be heard.

## Overseas Citizenship of India

- The idea of Overseas Citizenship of India was recommended by **LM Singhvi Committee 2000-2002**
- The Citizenship (Amendment) Act, 2003, made provision for acquisition of **Overseas Citizenship of India (OCI)** by the **PIOs of 16 specified countries**
- Later, the **Citizenship (Amendment) Act, 2005**, expanded the scope of grant of OCI for **PIOs of all countries except Pakistan and Bangladesh** as long as their home countries allow dual citizenship under their local laws.

## Citizenship

**The Concept of Dual Citizenship in the Union of India to 'the Persons of Indian Origin (PIO)' belonging to some specified countries was recommended by the (2021)**

- A. Ashok Mehta Committee
- B. L.M.Singhvi Committee.**
- C. Rajamannar Committee
- D. Balwant Rai Mehta Committee.

**Which Article of the Indian Constitution has empowered the parliament to regulate the citizenship matters? (2013)**

- a) 5
- b) 6
- c) 7
- d) 11

**Which of the following methods is not provided by the Citizenship Act, 1955 to acquire Indian citizenship? (2011)**

- a) By birth
- b) By descent
- c) By registration
- d) By exercising right to vote**

### **Fundamental Rights (Art. 12 to Art. 35)**

- Borrowed from **Bill of Rights in the US Constitution**
- They are known as **Magna Carta of India**
- **Fundamental Rights are justiciable rights**
- The Fundamental Rights are meant for promoting the ideal of **political democracy**.

### **Characteristics of Fundamental Rights**

- The state can impose reasonable restrictions on them.
- Whether such restrictions are reasonable **or not is to be decided by the courts.**

### **Classification of Fundamental Rights**

- Originally, the Constitution provided for **seven Fundamental Rights viz,**
  1. **Right to equality (Articles 14–18)**
  2. **Right to freedom (Articles 19–22)**
  3. **Right against exploitation (Articles 23–24)**
  4. **Right to freedom of religion (Articles 25–28)**
  5. **Cultural and educational rights (Articles 29–30)**
  6. **Right to property (Article 31)**
  7. **Right to constitutional remedies (Article 32)**
- The **right to property was deleted from** the list of Fundamental Rights by the **44th Amendment Act, 1978.**
- It is made a legal right under Article 300-A in Part XII of the Constitution.
- At present, there are **only six Fundamental Rights**

## Article 12: Definition of State

- **Art. 12** discusses the **definition of state**  
State means following institutions
  1. GOI and Parliament
  2. GOSs and Legislative Assemblies of the State
  3. All Local authorities (Panchayats and Municipalities etc)
  4. All statutory and non-statutory authorities
  5. A private body working as an instrument of the state

## Art. 13: Laws Inconsistent with Fundamental Rights

- All laws that are inconsistent with Fundamental Rights shall be void
- Fundamental Rights can only be violated by an amendment act of the constitution
- The amendment Act also should not violate the basic structure

## Right to Equality (Art 14-18)

### Art 14: Equality Before Law and Equal Protection by Law

- State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

- The concept of ‘equality before law’ is of British origin while the concept of ‘equal protection of laws’ has been taken from the American Constitution

### **Rule of Law and Article 14**

- The concept of ‘equality before law’ is an element of the concept of ‘Rule of Law
- Rule of law is a basic structure of the Indian constitution
- Hence, it cannot be destroyed even by an amendment.

### **Exceptions**

1. **President of India and Governor of State** could not be arrested in criminal cases (Civil case proceedings can be initiated after giving a 2 months’ notice to them)
2. **No Court proceedings against members of parliament of state legislature for statements and votes in the house**
3. **Foreign rulers, ambassadors and UN Officials**

### **Art. 15: Prohibits Discrimination Based on Religion, Race, Caste, Gender and Place of Birth**

- First of Article 15 provides that the State shall not discriminate against any citizen on grounds **only of religion, race, caste, sex or place of birth**
- The second provision of Article 15 says that no citizen shall be subjected to any **disability, liability, restriction or condition on grounds only of religion, race, caste, sex, or place of birth with regard to**
  - (a) **access to shops, public restaurants, hotels and places of public entertainment; or**
  - (b) **the use of wells, tanks, bathing ghats, road and places of public resort maintained wholly or partly by State funds or dedicated to the use of general public.**
- This provision prohibits discrimination both by the State and private individuals, while the former provision prohibits discrimination only by the State

### **Art. 16: Equality of Opportunity in Public Employment**

- No citizen can be discriminated against or be ineligible for any employment or office under the State on grounds of **only religion, race, caste, sex, descent, place of birth or residence**

### **Mandal Commission and Reservation for OBCs**

- In 1979, the Morarji Desai Government appointed the **Second Backward Classes Commission under the chairmanship of B.P. Mandal** (The first Backward Classes Commission was appointed in 1953 under the chairmanship of Kaka Kalelkar)



- The commission submitted its report in **1980** and identified as many as **3743** castes as **socially and educationally backward classes. (52% of the population)**
- The commission recommended for **reservation of 27% government jobs for the Other Backward Classes (OBCs)** so that the total reservation for all ((SCs, STs and OBCs) amounts to **50%**.
- It was after ten years in 1990 that the **V.P. Singh Government** declared **reservation of 27% government jobs for the OBCs.**
- Again in 1991, the **Narasimha Rao Government** **introduced two changes**
- **(a) preference to the poorer sections among the OBCs in the 27% quota**
- **(b) reservation of another 10% of jobs for poorer (economically backward) sections of higher castes who are not covered by any existing schemes of reservation.**
- **In the famous Mandal case (1992) or Indra Swahney Vs Union of India Case, the scope and extent of Article 16(4), which provides for reservation of jobs in favour of backward classes, has been examined thoroughly by the Supreme Court.**
- **Government took following actions to implement the Supreme Court Judgement**
  - 1. Ram Nandan Committee to identify the creamy layer among the OBCs**
- **National Commission for Backward Classes was established in 1993 by an act of Parliament. Later, the 102<sup>nd</sup> Amendment Act of 2018 conferred a constitutional status (Article 338B)**

#### **Art. 17: Abolition of untouchability**

- Parliament enacted **Civil Rights Act, 1955** for implementing it
- Punishment for violation is imprisonment up to 6 months, fine up to rupees 500 or both and disqualification from contesting in the election
- The term 'untouchability' has not been defined either in the Constitution or in the Act

#### **Art. 18: Abolition of Titles**

- **Military and academic titles** can be used
- **Title from a foreign country** cannot be used
- **Padma awards** are valid. But it could not be used as prefix or suffix with the name of awardee

- From the above, it is clear that the hereditary titles of **nobility like Maharaja, Raj Bahadur, Rai Bahadur, Rai Saheb, Dewan Bahadur**, etc, which were conferred by colonial States are banned by Article 18 as these are against the principle of equal status of all.

## Art. 19 Right to Freedom

- **Article 19 guarantees to all citizens the six rights. These are**
  - a. Freedom of Speech and Expression**
  - b. Right to assemble peacefully without arms**
  - c. Right to form association**
  - d. Freedom move anywhere in India**
  - e. Freedom to reside anywhere in India**
  - f. Deleted**
  - g. Freedom to do employment anywhere in India**
- Originally, Article 19 contained seven rights. **But, the right to acquire, hold and dispose of property was deleted by the 44th Amendment Act of 1978.**

## Freedom of Speech and Expression

- Supreme Court has extended the freedom of speech and expression into the following freedoms in different judgements
  - a. Right to propagate one's views as well as views of others.
  - b. Freedom of the press.
  - c. Freedom of commercial advertisements.
  - d. Right against tapping of telephonic conversation.
  - e. Right to telecast, that is, government has no monopoly on electronic media.
  - f. Right against Bandh by political parties
  - g. Right to know about government activities (RTI)
  - h. Freedom of Silence
  - i. Right against pre-censorship on Newspapers
  - j. Right to demonstrate and picketing without right to Strike

## Freedom of Assembly

- **Section 144 of CrPC** can be issued by the magistrate if the assembly is violent
- **Section 141 of Penal Code** can be used for dispersing an illegal assembly of five or more people

## Art. 20 Protection in Respect of Conviction of Offences

- **Art. 20** gives three protections in this regard

### **1. No ex-post facto application of criminal legislation**

It means that criminal laws cannot be implemented with retrospective effect. A person can be punished for any criminal offence only on the basis of existing law at the time of conviction of the offence

It is only applicable to criminal laws. Civil laws can be implemented retrospectively (Like taxes and reservation)

### **2. No Double Jeopardy for a single offence**

It means that no persons can be punished more than one time for a single offence

Departmental action for the government servants would not be considered as double jeopardy

It is protected only against judicial actions

### **3. No Self Incrimination**

It means that no person can be forced to be witness against himself in any offence

It would not include following matters

- a. Compulsory production of material objects
- b. Compulsion to **give thumb impression, specimen signature and blood sample**
- c. Compulsory exhibition of the body

## **Art. 21: Protection of Life and Personal Liberty**

- Article 21 declares that **no person shall be deprived of his life or personal liberty except according to procedure established by law.**
- This right is **available to both citizens and non-citizens**

**In Menaka Case, The SC added following rights to the Right to Life**

- **Right to life with dignity**
- Right to decent environment including pollution free water and air and right against hazardous industry
- Right to livelihood
- Right to privacy
- Right to shelter
- Right to Health
- Right to free education upto 14 years of age
- Right to free legal aid
- Right against solitary confinement
- Right to speedy trial

- Right against handcuffing
- Right against inhuman treatment.
- Right against delayed execution.
- Right to travel abroad.
- Right against bonded labour.
- Right against custodial harassment.
- Right to emergency medical aid.
- Right to timely medical treatment in government hospital.
- Right not to be driven out of a state.
- Right to fair trial.
- Right of prisoner to have necessities of life.
- Right of women to be treated with decency and dignity.
- Right against public hanging.
- Right to road in hilly areas.
- Right to information.
- Right to reputation.
- Right of appeal from a judgement of conviction
- Right to family pension
- Right to social and economic justice and empowerment
- Right against bar fetters
- Right to appropriate life insurance policy
- Right to sleep
- Right to freedom from noise pollution
- Right to sustainable development
- Right to Opportunity
- Right to marry the person of one's choice was added in Hadiya Case 2018

### **Article 21 A: Right to Education**

- State shall provide **free and compulsory education to all children** of the age of six to **fourteen years in such a manner as the State may determine.**
- This provision was added by the **86<sup>th</sup> Constitutional Amendment Act of 2002**
- **Originally, Right to Education was a directive principle under Article 45**

- In pursuance of Article 21A, the Parliament enacted the **Right of Children to Free and Compulsory Education (RTE) Act, 2009.**

## **Art. 22 Protection Against Arrest and Detention**

- A person arrested under **ordinary law** will have the following rights:
  - a. **Right to be informed of the ground of arrest**
  - b. **Right to be defended by an advocate**
  - c. **Right to be produced in front of the magistrate within 24 hours of the arrest (Excluding the time for journey to the office of magistrate)**
  - d. **Right to be released after 24 hours unless the magistrate authorises further detention**
- A person arrested under **Preventive Detention Act** will have following rights
  - a. Detention should not last more than 3 months **unless an advisory board advises sufficient cause for extension** (Parliament can extend more than 3 months in any special Act as seen in UAPA Amendment Act, 2008)
  - b. Grounds of arrest should be informed to the detainee  
The facts considered to be against the public interest need not be disclosed
  - c. Should be afforded an opportunity to make a representation against the detention order

## **Right Against Exploitation**

### **Art. 23: Prohibition of human trafficking and Beggar**

- Human trafficking means selling and purchasing of human beings for any purpose
- **The practice of Devedasi is banned under this article**
- Beggar means bonded labour or slavery
- **Compulsory service imposed by the state is not included in this protection**

### **Art. 24 Prohibition of Child Labour**

- Article 24 prohibits the employment of children below the age of 14 years in any **factory, mine or other hazardous activities like construction work or railway**
- But it **does not prohibit their employment in any harmless or innocent work.**
- National Commission for Protection of Child Rights is the authority to speed up the trial

## **Right to Freedom of Religion**

### **Art. 25: Freedom of Conscience and Free Profession, Practice and Propagation of Religion (Individual Freedom)**

- Article 25 also contains two explanations
- One, wearing and carrying of kirpans is to be included in the profession of the Sikh religion
- Two, Hindus, in this context, include Sikhs, Jains and Buddhists.

### **Art.26: Freedom to Manage Religious Affairs (Collective Freedom)**

### **Art. 27: Freedom from Taxation for Promotion of a Religion**

### **Art. 28: Freedom from Attending Religious Instructions in Educational Institutions**

## **Cultural and Educational Rights**

### **Art. 29: Protection of Interests of Minorities**

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

### **Art. 32 Right to Constitutional Remedies**

- Article 32 is also known as “**Soul and Heart of Indian Constitution**” (Dr. Ambedkar)
- Under Article 32 Supreme court can issue following writs for protecting the Fundamental Rights
- The same powers are given to the **High Courts under Article 226**
- These writs are borrowed from English law where they are known as ‘prerogative writs’.

#### **1.Habeas Corpus (to have the body of)**

It is issued for releasing an individual who is kept in illegal confinement

It is known as the bulwark of individual liberty

It can be issued against a public body or a private individual

## **2.Mandamus (We command)**

It is issued for asking a public body to perform its duty

It cannot be issued against President of India, Governor of a state and against the Chief Justice of a High Court

## **3.Prohibition (to forbid)**

Issued by a higher court to a lower court/tribunal for exceeding their jurisdiction

## **4.Certiorari (to be certified or to be informed)**

It is issued by a higher court to a lower court to transfer or quash a case

It may be due to the use of excess jurisdiction or lack of jurisdiction

## **5.Quo Warranto (By What Authority)**

It is issued as a part of inquiry by a court into the legality of the claim of a person to a public office

It cannot be issued against ministerial office or private office

Unlike the other four writs, **this can be sought by any interested person and not necessarily by the aggrieved person.**

## **Armed Forces and Fundamental Rights Article 33**

- **Art. 33** tells that Parliament can make restrictions on Fundamental Rights for armed forces
- The laws made in this regard would be applicable to all members of the armed forces including **barbers, carpenters, cooks, religious instructors etc.**

## **Martial Law and Fundamental Rights Article 34**

- **Art. 34** tells that Restrictions on the Fundamental Rights can be implemented when a territory is under martial law
- Martial law has been borrowed from English common law and is not defined anywhere in the constitution

## **Effecting Fundamental Rights Article 35**

- Art 35 tells **parliament can make laws for implementing Fundamental rights**
- **There is no such power for the State Legislative Assembly**

## **Right to Property Article 300A**

- **Originally, the right to property was one of the seven fundamental rights under Part III of the Constitution.**
- **It was dealt by Article 19(1) (f) and Article 31.**



- The 44th Amendment Act of 1978 abolished the right to property as a Fundamental Right by repealing Article 19(1) (f) and Article 31 from Part III.
- Instead, the Act inserted a new Article 300A in Part XII under the heading 'Right to Property'.
- It provides that no person shall be deprived of his property except by authority of law
- Thus, the right to property still remains a legal right or a constitutional right

### Other Points on Fundamental Rights

- Fundamental Rights can be amended by the Parliament except Basic Features included in FRs
- Fundamental Rights are **Justiciable rights**
- Fundamental Rights are **Bedrock of Democracy**
- Except the fundamental rights under the **article 15,16,19,29 and 30** all the fundamental rights are available to both citizens and foreign **nationals (Except Enemy Aliens)**

#### Fundamental Rights

**Equal opportunity in matters of public employment is guaranteed under Article (2021)**

- A. 14
- B. 15
- C. 16
- D. 17

**Which of the following Fundamental Rights are available only to the Citizens of India? (2021)**

1. Right to equality of opportunity in matters of public employment
2. Equality before law
3. Right to freedom of religion
4. Right to freedom under Article 19.

**Choose the correct answer**

- A. 1,2,3 and 4
- B. 1 and 4

C. 1,2and 3

D. 2and 4.

**Which articles of the Indian constitution deal with Right to Equality? (2018)**

**A. Articles 14 to 18**

B. Articles 19 to 22

C. Articles 22 to 24

D. Articles 25 to 30

**Right to Education is a fundamental right under the Article(2018)**

A. 22 (A)

**B. 21 (A)**

C. 23 (A)

D. 24 (A)

**The Right to Education belongs to which of the following categories? (2015)**

a) Directive Principles

**b) Fundamental Rights**

c) Fundamental Duties

d) Legal Rights

**Which of the following is not a Fundamental Right in India? (2014)**

**a) Right to Property**

b) Right to Equality

c) Right to Freedom

d) Right to Constitutional Remedies

**The Mandal Commission to recommend the reservation for Other Backward Class of people was set up in the year (2014)**

a) 1977

**b) 1979**

c) 1980

d) 1983

**Habeas Corpus writ is associated with (2011)**

a) Anticipatory bail

b) Quashing the order of an administrative authority

c) An order of freedom of speech

d) **Production of person before the court**

**Equality before law and equal protection of law is dealt with in Article (2001)**

- a) 13 of the Constitution
- b) 14 of the Constitution**
- c) 15 of the Constitution
- d) 16 of the Constitution

## **Directive Principles of State Policy**

- It is discussed in **Part IV** of the constitution in **Articles 36 to 51**
- It is borrowed from the **Irish Constitution**
- Irish constitution has borrowed it from the **constitution of Spain**
- Ambedkar called it as **Novel Features**
- They are **Fundamental in governance of the country** as explained in the constitution (Article 37)
- FRs and DPSPs together are called the **Philosophy of the constitution and the soul of the constitution**
- Both together are also called as the **conscience of the constitution**
- The phrase 'Directive Principles of State Policy' **denotes the ideals that the State should keep in mind while formulating policies and enacting laws.**
- The Directive Principles resemble the '**Instrument of Instructions**' enumerated in the **Government of India Act of 1935**
- It aims to **create welfare state** and ensures the economic democracy in India
- They are **non-justiciable**

### **DPSPs in Detail**

- **Art. 36:** "The State" has the same meaning as given in the Part III (FRs)
- **Art. 37:** DPSPs are **not enforceable** by any court of law
- **Art. 38:** State Shall secure a social order in which **Justice, social, political and economic** shall be available

The State shall also **minimize the inequalities among individuals as well as groups**

- **Art. 39:** The State shall **direct the policy towards securing**
  - a. Adequate means of livelihood**

- b. **Equitable distribution of resources**
  - c. **Prevents concentration of wealth**
  - d. **Equal pay for men and women**
  - e. **Preserve health and strength of children and workers**
  - f. **Preserve health of and protect the children against exploitation**
- **Art. 39A: Equal justice and free legal aid**
- **Art. 40 Organization of Village Panchayats** (Implemented with 73<sup>rd</sup> Amendment Act, 1992)
- **Art. 41: Right to Work**, to education and to public assistance in certain cases
 

Certain cases mentioned in the article are unemployment, old age, sickness and disablement

Mahatma Gandhi National Rural Employment Programme partially fulfills this directive principle
- **Art.42: Provision for just and humane conditions of work** and maternity relief
- **Art 43: Living wage, decent standard of life and promotion of cottage industries by the state.**
- **Art. 43 A: Participation of the workers in the management** of the industry
- **Art. 43 B:** Promote voluntary formation, autonomous functioning and professional management of **cooperative societies**
- **Art. 44: Uniform Civil Code for the citizens**

Personal laws relate to marriage, divorce, maintenance, succession and adoption
- **Art. 45:** State shall endeavor to provide **early childhood care and education** for children until they complete the age of 6 years (Changed in 86<sup>th</sup> AA, 2002)
- **Art. 46:** Promotion of educational and economic interests of **Scheduled Castes, Scheduled Tribes and other weaker sections**
- **Art. 47: Raise the level of nutrition** and standard of living and improve public health
 

**Prohibition of intoxicating drugs** except for medicinal purpose
- **Art. 48: Organization of agriculture and animal husbandry** on modern lines
 

Take steps to improve the breeds and **prohibit cow slaughter**
- **Art. 48A:** Protection and improvement of **environment and safeguarding forests and wild life.**
- **Art.49: Protection of monuments** and places and objects of national importance
- **Art. 50: Separation of Judiciary from Executive**

- **Art.51: Promotion of International peace and security**

## Classification of DPSPs

### 1. Socialistic DPSPs

Art. 38, Art. 39, Art.39A, Art. 41, Art.42, Art. 43, Art. 43A and Art. 47 (improve public health)

### 2. Gandhian Principles

Art. 40, Art. 43 (Cottage Industries), Art. 43B, Art.46, Art.47 (prohibition of Drugs), Art. 48 (Prohibition of cow slaughter)

### 3. Liberal and Intellectual Principles

Art. 44, Art.45, Art.48, Art 48A, Art.49, Art.50, Art. 51

## DPSPs added by amendments

- **42<sup>nd</sup> Amendment Act** added 4 DPSPs
  1. Art. 39 (Secure opportunities for healthy development of children) Art. 39 A, Art. 43A, Art.48A
  2. **44<sup>th</sup> Amendment Act** added One  
**Art. 38:** Minimize inequalities of income, status and opportunity
  3. **86<sup>th</sup> Amendment Act 2002** changed **Art.45**
  4. **97<sup>th</sup> Amendment 2011** added **43B**

### Previous Questions

**Which part of the Indian constitution provides for establishing India as a Welfare State? (2015)**

- a) Fundamental Rights (Part III of the Constitution)
- b) Schedule IV of the Indian Constitution
- c) The Preamble of the Constitution
- d) **Directive Principles of State policy (Part IV of the Constitution)**

**Which one of the following is not a part of the Directive Principles of the State Policy? (2013)**

- a) **Right against exploitation**
- b) Right to work

- c) Right to education
- d) Right to public assistance in the case of unemployment

**Which one of the following is not correct? (2001)**

- a) Directive Principles aim at economic reconstruction
- b) Directive Principles aim at establishment of welfare State
- c) Directive Principles aim at separation of executive from Judiciary.
- d) **Directive Principles aim at safeguarding the freedom of speech and expressions**

## **Fundamental Duties**

- It was **not there in the original constitution**
- Added later by the **42<sup>nd</sup> Amendment Act, 1976**
- It is discussed in **Article 51 A in Part IV-A of the constitution**
- Borrowed from the constitution of the USSR
- **Fundamental Duties are confined to citizens only and do not extend to foreigners**
- **Fundamental duties are non justiciable.**
- It was recommended by **Sardar Swaran Singh Committee (Appointed by the INC during national emergency)**
- Though the Swaran Singh Committee suggested the incorporation of **eight** Fundamental Duties in the Constitution, the 42nd Constitutional Amendment Act (1976) included **ten Fundamental Duties.**
- Some of the recommendations of the committee was not included in the FDs
  1. **Punishment for non-compliance**
  2. **Non-question ability of any law imposing penalty for non-compliance**
  3. **Duty to pay tax**
- **Justice Verma Committee** was appointed to find out existing legal provisions for implementing some of the FDs. They were also recommended to suggest the ways for teaching fundamental duties to the citizens

### **Art. 51A List of Fundamental Duties**

1. **To abide by the constitution** and respect its ideal and institutions; the National Flag and the National Anthem
2. **To cherish and follow the noble ideals** which inspired our national struggle for freedom;
3. **To uphold and protect the sovereignty**, unity and integrity of India;
4. **To defend the country** and render national service when called upon to do so;
5. **To promote harmony and the spirit of common brotherhood** amongst all the people of India transcending religious, linguistic and regional diversities, to renounce practices derogatory to the dignity of women;
6. **To value and preserve the rich heritage of our composite culture;**
7. **To protect and improve the natural environment** including forests, lakes, rivers, and wild-life and to have compassion for living creatures;
8. **To develop the scientific temper, humanism and the spirit of inquiry and reform;**
9. **To safeguard public property** and to abjure violence;
10. **To strive towards excellence in all spheres of individual and collective activity**, so that the nation constantly rises to higher levels of endeavour
11. Who is a parent or guardian, **to provide opportunities for education to his child**, or as the case may be, ward between the age of six and fourteen years. (Added by the 86<sup>th</sup> Amendment Act, 2002)

### Important Duties Not Included in Fundamental Duties

- a. **Duty to cast vote**
- b. **Duty to pay tax**
- c. **Duty to follow family planning**

### Previous Questions

**Which Amendment incorporated the Fundamental duties in the Indian constitution? (2018)**

- A. 40<sup>th</sup> Amendment
- B. 42<sup>nd</sup> Amendment**
- C. 44<sup>th</sup> Amendment
- D. None of the above

**Fundamental Duties were appended to the constitution of India by the 42nd amendment on the recommendation of (2013)**

- a) **Swaran Singh Committee**
- b) Dr. B.R. Ambedkar Committee
- c) K. C. Pant Committee
- d) C. D. Deshmukh Committee

**The Fundamental duties were incorporated into the constitution of India on the basis of the recommendation of (2011)**

- a) S. V. Singh Committee
- b) **Swaran Singh Committee**
- c) C. Hanumantha Rao Committee
- d) None of the above

**Which one of the following is not included as the Fundamental Duty of the Indian citizen? (2001)**

- a) To abide by the constitution and respect its ideals and institutions
- b) To uphold and protect the sovereignty and integrity of India
- c) **To develop romper temper**
- d) To defend the country and render national service when called upon to do so.

**Fundamental duties of Indian citizens are provided by (2001)**

- a) 41<sup>st</sup> amendment
- b) **42<sup>nd</sup> amendment**
- c) 43<sup>rd</sup> amendment
- d) 44<sup>th</sup> amendment

### **President of India (Art. 52)**

- President is the **nominal or de-jure head of the executive**
- **Article 52 to 78 in part V** of the constitution deal with the **union executive**
- Union executive consists of the **President, Vice President, the Prime Minister, the council of ministers and the Attorney General of India.**
- The President is the **first citizen of India.**
- He acts as the **symbol of unity, integrity and solidarity of India**

### **Election of the President of India Article 54**

- Electoral College for the election of the President of India includes following members



1. The elected members of both the houses of parliament
  2. The elected members of the legislative assemblies of the state.
  3. The elected members of the legislative assemblies of the union territories of Delhi and Pondicherry.
- If an **assembly is dissolved** and the state is under President's rule, **the members are not qualified to vote** in the election of the president
  - Value of the votes of **MLAs and MPs are calculated on the basis** of the population they represent.

#### Values of vote of an MLA (Art. 55)

$$\frac{\text{Total Number of Population in the State}}{\text{Total numbers of elected members in the state legislative assembly}} \times \frac{1}{1000}$$

- The total Population of state is as per **1971 census**

#### Value of vote of an MP

$$\frac{\text{Total value of votes of all MLAs of all states}}{\text{Total numbers of elected members of parliament}}$$

- **Art. 55:** Manner of election of president is “**Proportional representation by means of single transferable vote**”. (Borrowed from Ireland)
- The successful candidate must get **more than 50 percent of the total value of the votes**
- **Highest percentage** of votes ever secured by any President of India was by **Dr. Rajendra Prasad (99.35%)** when he was elected second time as President of India in 1957.
- The lowest ever was secured by **VV Giri in 1969 (50.22%)**
- Droupadi Murmu **secured 64 percent votes**
- Droupadi Murmu is the **15<sup>th</sup> President of India.**
- The only President of India who was **elected unopposed** was **Neelam Sanjeeva Reddy**
- Droupadi Murmu the **youngest president of India** (64 years old)
- Droupadi Murmu is the **first tribal President of India**
- **Pratibha Patil was the first woman President of India**
- **KR Narayanan** was the oldest person when he assumed the office of President of India

- The vote cast by a voter is **transferable to his second or third option if the need arises**
- **All doubts and disputes** about the election of the President are inquired and decided by the **Supreme Court only.**

### Term of office of president (Article 56)

- President hold his office for a term of **5 years**
- He can **resign by the addressing resignation to the vice-president.**
- Notification for new election will **come before 60 days of the completion of the term of president.**
- He can continue in the office even **after 5 years until the new successor assumes the office**
- He is **eligible for re-election (Article 57)**
- He can be removed from the office by an **impeachment procedure**

### Qualifications of the President (Article 58)

1. **He should be a citizen of India**
2. **He should be have completed 35 years of age**
3. **He should be qualified for election as a member of the Lok Sabha.**
4. **Should not hold any office of profit.**

A sitting president, Vice President, Governor of a state and Minister of Union or states are not considered as office of profit for this purpose.

- Nomination of a candidate to the President must be **subscribed by 50 electors as proposers and another 50 electors as seconders**
- Every candidate has to deposit **15000 rupees with RBI as a security amount**
- It will be forfeited if the candidate fails to secure at least **1/6 of the total votes polled.**

### Condition of the office of president (Article 59)

- Not a member of **Rajya Sabha and Lok Sabha**
- Should **not hold any office of profit**
- He can use the **Rashtrapathi Bhawan**
- Emoluments and Allowance of president **shall not be diminished during his term in office.**
- Present salary of the President is **5 lakh Indian Rupees**
- He is **immune from all criminal proceedings during his official tenure**

- **Civil proceedings** can be initiated only after giving a **2 months' notice**

### **Oath and Affirmation (Article 60)**

- Oath of the president is **administered by the Chief Justice of India.**
- In his absence it is done by the **senior most judge of the supreme court.**

### **Impeachment of president (Article 61)**

- The only ground for impeachment is the **violation of the constitution**
- Impeachment charge can be **initiated by either house of the parliament.**
- The charges should be signed **by one fourth members** of the house which initiates the charge.
- **14 days' notice** should be given to the President
- Both the houses have to pass this resolution by **2/3 majority of the total membership after an investigation**
- The President has the right **to appear and represent at the time of such investigation**
- **All members of Lok Sabha and Rajya Sabha will vote removal** of the president (Including nominated members)
- There is **no role for MLAs in the removal procedure**
- 
- 

### **Vacancy in the president's office**

- On the expiry of his tenure
- By resignation
- Removal by impeachment
- By his death
- When President's election is declared void, the vacancy should be filled **within 6 months.** (Art. 62)
- If the office of President is vacant, **Vice President assumes the office** until new is elected
- If both office of President and Vice President become vacant together, then **Chief Justice of India assumes the office of the President**
- **Justice M Hidayatullah assumed** office of President in **1969** when President Zakir Hussain died, and the vice President **VV Giri** resigned to contest as President of India

## Powers and Functions of the President of India

### Executive Powers

1. All executive actions are taken in his name(Art. 53)
2. He can make rules for more convenient transaction of business in the government.
3. Appoints Prime Minister and other minister
4. Appoints CAG, the chief election commissioner and other election commissioner, chairman and members of UPSC, governors of states, chairman and members of finance commission.
5. He can require the PM to submit, for consideration of the council of minister, any matter on which decision has been taken by a minister but which has not been considered by the council of Ministers
6. He can appoint commission to investigate into the condition of SC, ST and OBC.
7. He directly administers the UTs through administrators appointed by him.
8. Can declare any area as scheduled area.
9. He can promulgate ordinance when parliament is not in session.

### Legislative Powers

1. He can summon and prorogue parliament and dissolve Lok Sabha. He can also summon a joint sitting of the parliament
2. He can address parliament any time
3. He can nominate 12 members to Rajya Sabha
4. His prior permission is needed to introduce certain bills in the parliament
5. A bill becomes an act when he assents it
6. He can promulgate ordinance when the parliament is not in session
7. He can address first session of a parliament after a fresh election and first session every year

## Ordinance Making Power of the President

- Art. 123 of the Indian constitution empowers the President to promulgate ordinance during the recess of the parliament
- It is temporary law
- The same ordinance must be passed by the parliament within 6 weeks after the first day of the immediate next session of the parliament
- Otherwise, it will be automatically invalidated

- Then maximum life of an ordinance is **6 months (the maximum gap between 2 sessions of the parliament) and 6 weeks**
- The President's satisfaction to promulgate ordinance is justiciable on the ground of malafide.
- **President** can also **withdraw the ordinance any time if the government advises so.**

### **Financial Powers**

1. **Prior permission to introduce a money bill (Article 110)**
2. Cause to laid before the parliament the **annual financial statement (Budget) (Article 112)**
3. **No demand for grant** without his recommendation(**Article 113**)
4. **Make advance out of contingency fund of India.(Article 267)**
5. **Constitute a finance commission after every five years (Article 280)**

### **Judicial Powers**

1. **Appoints CJI and judges of Supreme Court and high court.**
2. **Seek advice from supreme court**
3. **He has pardoning power to the criminals**

### **Diplomatic Power**

1. **Negotiation and conclusion of international treaty and agreements** are done in his name
2. He sends and receives **diplomats**

### **Military powers**

1. **Supreme commander of the defense forces of India**
2. **Can declare war and conclude peace**
3. **Appoints chief of Army, Navy and Air force.**

### **Emergency Powers**

1. **National Emergency- Article 352**
2. **Presidents Rule –Article 356**
3. **Financial Rule- Article 360**

### **Veto power of the president**

- President of India has **different veto powers** over a bill passed by the parliament as mentioned below.
1. **Absolute veto:** It is the power to **withhold assent to the bill** passed by the legislature

It is exercised by the President in a **Private Bill** (A bill introduced by a member other than a Minister)

It can also be exercised by the President in a **Government Bill** (Introduced by a Minister) if the cabinet resigns before his assent and the new government requests him to withhold the assent

2. **Suspensive Veto:** The power of the president to **return a bill passed by the parliament** only for one time. The same bill, if passed by a simple majority again, President has to give his assent

President cannot exercise suspensive veto in Money Bills

3. **Pocket Veto:** It is the power of the president to **take no action on a bill** passed by the parliament

- **President of India does not have** the authority to use **Qualified Veto**. Qualified veto means that President can return a bill. **If he returns so, the bill has to be passed Special Majority.**
- President cannot use **any of the above veto powers in the constitution amendment bill.**
- **24<sup>th</sup> Amendment Act, 1971** made it obligatory for the President to assent a constitution amendment act passed by the parliament
- President has also all the **three veto powers over a state bill if the bill is reserved by the Governor of a state for the consideration of the president**
- In a state bill, **President can return a state bill any number of times.**

### **Pardoning Power of the President (Article 72)**

According to **Article 72**, President of India can give his pardon to the following persons convicted of an offence

- **Pardon:**Release the convict from all punishment and makes him free
- **Commutation:**Reducing from death penalty to rigorous imprisonment
- **Remission:**Reducing the quantity of punishment without changing the character of punishment. For example, a rigorous punishment for 2 years is reduced into rigorous punishment to one year.
- **Respite:**Awarding a lesser punishment due to some special reason like disability or pregnancy of women.
- **Reprieve:** Staying the execution of the punishment for a temporary period to enable the convict to apply for pardon from President

- **Governor of a state also has pardoning power with two restrictions**
  1. **Governor cannot pardon a sentence awarded by court martial**
  2. **Governor cannot pardon death sentence**
- **President can use this power only on the advice of Union cabinet**

### **Discretionary Powers of the President**

- Discretionary powers are those powers of the President on which **President can act on his discretion that is, without the advice of the ministers.**
- Though the **President has no constitutional discretion**, he has some **situational discretion.**
  1. **Appointment of Prime Minister when no party has a clear majority in the Lok Sabha or when the Prime Minister in office dies suddenly and there is no obvious successor.**
  2. **Dismissal of the council of ministers when it cannot prove the confidence of the Lok Sabha.**
  3. **Dissolution of the Lok Sabha if the council of ministers has lost its majority.**
  4. **Case of a caretaker government**
  5. **Case of no sitting of both houses for six months**
  6. **President can seek information from Prime Minister (Article 78)**
  7. **Assenting a bill or using veto powers**

### **Article related to president of India.**

<b>Article 52</b>	<b>The President of India</b>
<b>Article 53</b>	<b>Executive Power of the Union</b>
<b>Article 54:</b>	<b>Election of the President</b>
<b>Article 55</b>	<b>Manner of the election of president</b>
<b>Article 56</b>	<b>Term of office of president</b>
<b>Article 57</b>	<b>Eligible for re-election</b>
<b>Article 58</b>	<b>Qualification for election as president</b>



<b>Article 59</b>	<b>Condition of President's office</b>
<b>Article 60</b>	<b>Oath and affirmation of the president</b>
<b>Article 61</b>	<b>Procedure for Impeachment</b>
<b>Article 62</b>	<b>Time of holding election to fill vacancy in the office of the President</b>
<b>Article 65</b>	<b>Vice- President to act as President or to discharge his function</b>
<b>Article 70</b>	<b>Parliament can decide on discharge of President's function in situations not discussed in the constitution</b>
<b>Article 71</b>	<b>Matters relating to election of president shall be decided by the SC</b>
<b>Article 72</b>	<b>Pardoning power of president</b>
<b>Article 74</b>	<b>Council of ministers to aid and advice the president</b>
<b>Article 75</b>	<b>Other provisions as to ministers to like appointment, term, salaries etc.</b>
<b>Article 76</b>	<b>Attorney General of India is appointed by the President.</b>
<b>Article 77</b>	<b>Conduct of Business of the govt. of India. All executive actions of the government are taken in the name of the President of India</b>
<b>Article 78</b>	<b>Duties of prime minister in respect to furnishing of information to the president etc.</b>
<b>Article 79</b>	<b>Parliament of India will consist of President, Lok Sabha and Rajya Sabha</b>
<b>Article 80</b>	<b>Composition of Council of States (Rajya Sabha)</b>  <b>Maximum number of elected members in Rajya Sabha is 238 and 12 members would be nominated by the President of India</b>
<b>Article 85</b>	<b>Sessions of parliament, prorogation and dissolution.</b>
<b>Article 86</b>	<b>Right of the President to address and send message to the 2 Houses</b>
<b>Article 87</b>	<b>Special address of the President at the first session after a general election and the first session every year</b>



<b>Article 103</b>	<b>Power of the President to disqualify any member of the parliament</b>
<b>Article 111</b>	<b>Assent to bills passed by the parliament.</b>
<b>Article 112:</b>	<b>Union budget (Annual financial statement). President causes that to be laid in the house</b>
<b>Article 123</b>	<b>Power of president to promulgate ordinances.</b>
<b>Article 143</b>	<b>Power of president to consult Supreme Court.</b>

### **Previous Questions**

**Which of the following can initiate the process of impeachment of the President of India? (2015)**

- a) Only Lok Sabha
- b) Any House of the Parliament**
- c) Only Rajya Sabha
- d) The Supreme court of India

**Who administer the oath of office for the President of India and the Governor of a state respectively? (2014)**

- a) The Speaker of the Lok Sabha and the Speaker of the State Legislative Assembly
- b) The Solicitor General of India and the Advocate General of the State
- c) The Chief Justice of the Supreme Court of India and the Chief Justice of High Court of the state**
- d) None of the above

**Which of the following can initiate the process of impeachment of the President of India? (2011)**

- a) Any house of the Parliament**
- b) The Lok Sabha alone
- c) The Rajya Sabha alone
- d) The Supreme court of India

**The first President of India to be elected unopposed was (2001)**

- a) S. Radhakrishnan
- b) Dr. Rajendra Prasad**

c) **N. Sanjiva Reddy**

d) V. V. Giri

**The conditions of President's Office to laid down in Article (2001)**

a) 57 of the Constitution

b) 58 of the Constitution

c) **59 of the Constitution**

d) 60 of the Constitution

### **VICE-PRESIDENT(Article 63)**

- Vice President occupies the **2<sup>nd</sup> Highest office in the country**
- This office is modelled on the lines of **American Vice- President**

### **Election of Vice President(Article 66)**

- Electoral college includes **both elected and nominated members of the two houses parliament**
- It does **not include MLAs.**
- The system of election is **proportional representation by means single transferable vote**
- **Doubts and disputes** regarding the election of the Vice President are inquired into and decided by the **Supreme Court.**

### **Qualifications of the Vice President**

1. **Should be a citizen of India**
2. **Should have completed 35 years of age**
3. **Should be qualified for election as a member of the Rajya Sabha.**
4. **Should not hold any office of profit.**

**A sitting president, Vice President, Governor of a state and Minister of Union or states are not considered as office of profit for this purpose.**

- Nomination of candidate must be **subscribed by at least 20 electors as proposers and 20 electors as seconders.**
- Security deposits of **Rs. 15,000 has to be done in the RBI.**
- The amount will be forfeited if the candidate **fails to secure 1/6 of the votes polled**
- **Oath is administered by the president of India.**

- He is **eligible for reappointment** any number of times
- He gets a salary of **4 lakh Indian rupees**
- Terms of office is **5 years and he is eligible for re-election**
- He can resign from the office by addressing a **resignation letter to the President of India**
- He can **be removed by a resolution of Rajya Sabha passed by the majority of the total membership of the house and agreed to by the Lok Sabha**
- Before, moving such a resolution, **Vice President should be given a 14 days' notice**
- **No ground** for removal has been mentioned in the constitution
- If the office becomes vacant, **election to fill the vacancy should be held as soon as possible**
- The newly elected **Vice President continues in the office for a full-term of 5 years**

### **Powers and Function of the Vice President**

- He acts as **ex-officio chairman of Rajya Sabha**
- He acts as **president when vacancy occurs in the office of the President**

### **Article related to Vice President of India**

<b>Article 63</b>	<b>The Vice President of India</b>
<b>Article 64</b>	<b>The Vice President to be the ex-officio Chairman of the Council of States</b>
<b>Article 65</b>	<b>The Vice President to act as President or discharge his functions during the vacancy or absence of President</b>
<b>Article 66</b>	<b>Election of the Vice President</b>
<b>Article 67</b>	<b>Term of Office of Vice President</b>
<b>Article 68</b>	<b>Time of holding election to fill the vacancy of in the office</b>
<b>Article 69</b>	<b>Oath or Affirmation by the Vice President</b>
<b>Article 70</b>	<b>Discharge of President's function under other contingencies</b>
<b>Article 71</b>	<b>Matters related to the election of Vice President would be decided by the SC</b>

### Previous Questions

**By whom the Vice - President of India is elected? (2014)**

- a) The President of India
- b) Members of the Parliament**
- c) Members of the Rajya Sabha
- d) Members of the Parliament and Members of the Legislative Assemblies of States

### Prime Minister of India

- Prime minister is the **real or de-facto head of the executive**
- Prime Minister shall be **appointed by the President (Article 75)**
- **President appoints the leader of the majority party** in Lok Sabha as the Prime Minister
- When there is no majority for any party, **President can use his discretion** to choose a Prime Minister
- Then the appointed **person has to prove the majority in the house**
- A person who is not a member of either house can be appointed as the Prime Minister for **6 months**
- Prime Minister **can be either a member of Lok Sabha or Rajya Sabha**
- Term of the Prime Minister is the **pleasure of the President**. It means that a person can continue to be the Prime Minister of India as long as he enjoys the majority in the house
- **Salary and allowances of the Prime Minister are decided by the parliament from time to time**

### Powers of the Prime Minister

- He **recommends other ministers**
- He **can dismiss any minister**
- He **can allocate portfolios for ministers**
- He **advices President to summon, prorogue and dissolve the parliament**
- He can recommend dissolution of the Lok Sabha to President at anytime

## Article related to the Prime Minister of India

Article 74	Council of Ministers to aid and advice President
Article 75	Prime Minister shall be appointed by the President and other Ministers on the recommendation of the PM
Article 78	Duties of Prime Minister as respect to furnishing of information to the President

### Central Council of Ministers

- Prime Minister is the head of Central Council of Ministers
- 2 Articles in the Indian constitution discusses the Central Council of Ministers
- They are Article 74 and Article 75

#### Article 74

- There **shall be a Council of Ministers** with the Prime Minister at the head to aid and advice the President
- The advice tendered by the Ministers to the President shall not be inquired in any court
- The 42<sup>nd</sup> and 44<sup>th</sup> Constitutional Amendment Acts have made the advice binding on the President

#### Article 75

- Prime Minister shall be **appointed by the President** and other Ministers on the recommendation of the PM
- Maximum number of ministers in the union council of ministers can be **15% of the total** membership of the house (91<sup>st</sup> AA, 2003)
- A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. (Added by the 91<sup>st</sup> Amendment Act of 2003)
- **Council of ministers shall be collectively responsible to Lok Sabha**
- **The ministers shall hold office during the pleasure of the President**

- A minister can continue in the office without becoming a member of any house for a **maximum period of 6 months**

#### **Article 88–Rights of Ministers as Respects the Houses**

- Every minister shall have the right to speak and take part in the proceedings of either House, any joint sitting of the Houses and any Committee of Parliament of which he may be named a member. But he shall not be entitled to vote

#### **Previous Questions**

**The council of ministers includes(2018)**

- A. The cabinet ministers
- B. The state ministers
- C. The deputy ministers
- D. **All of them**

**The Constitution of India has not provided for which of the following Legislative Officers? (2014)**

- a) Home Minister
- b) **Deputy Prime Minister**
- c) Minister of Parliamentary Affairs
- d) Speaker of the Lok Sabha

#### **Parliament of India**

- Parliament is the **legislative organ of the Union Government**
- Parliamentary mode of government is also known as the **‘Westminster’ model** of government
- The unique feature of Parliamentary form of Government is that the **Executive remains responsible to Legislature**
- In India, the **Government can continue in power only if it has the confidence of majority members of Lok Sabha**
- **Articles 79 to 122 in Part V of the Constitution** deal with the organisation, composition, duration, officers, procedures, privileges, powers and so on of the Parliament.
- Parliament of India consists of three parts; **the President, the Council of States and the House of People**

- Rajya Sabha is also known as **Upper House, Council of States, Second Chamber and House of Elders**
- Lok Sabha is also known as **Lower House, House of People, First Chamber and Popular House**
- President of India is considered as a part of parliament because the bill passed by the parliament can be an act if it is assented by the President

## Rajya Sabha

### Composition of Rajya Sabha

- Maximum strength of Rajya Sabha is **250 (238 are elected and 12 are nominated)**
- Present strength is **245 (233 are elected from states (229) and UTs(4) and 12 are nominated by the President)**
- **4<sup>th</sup> Schedule** of the constitution deals with allocation of the seats in Rajya Sabha to states and UTs
- **Highest number of Rajya Sabha seats are in the state of Uttar Pradesh (31 Seats)**
- MPs from states to Rajya Sabha are **elected by the MLAs on the basis of proportional representation by means of single transferable vote**
- Among Union Territories, **only Puducherry, Delhi and Jammu and Kashmir** have Rajya Sabha members
- President of India nominates **12 members** to Rajya Sabha from people who have **special knowledge or practical experience in art, literature, science and social service(Article 80)**

### Duration of Rajya Sabha

- Rajya Sabha is a **permanent body**
- It was first constituted in **1952**
- **One third of its members retire every 2 years**
- The constitution has **not fixed any term** for the member of Rajya Sabha
- However, **Representation of People's Act 1951** has fixed a **6 years** term for the members of Rajya Sabha
- In the first Rajya Sabha, it **was decided by lottery** that whom have to resign after 2 years and 4 years

## Qualifications for the Membership of Rajya Sabha

- Following are the qualifications to be elected as a member of Rajya Sabha
  1. Must be a **citizen of India**
  2. Must take an **oath before a person authorized by the Election Commission**
  3. Must be not less **than 30 years age**
  4. Must possess **qualifications prescribed by the parliament**
  5. He must be **registered as a voter in any constituency in India**
  6. He must **be a member of a Scheduled caste or Scheduled tribe** in any state or UT if he wants to contest from a seat reserved for them

## Presiding Officer/Chairman of Rajya Sabha

- **Vice President of India** is the **ex-officio chairman** of Rajya Sabha
- When vice president acts as **President, he will not be the chairman** of Rajya Sabha
- His powers are **almost equal to the Speaker of Lok Sabha**
- However, speaker has **2 extra powers** than chairman of Rajya Sabha
  1. **Speaker certifies the money bill**
  2. **Speaker presides over a joint sitting of Lok Sabha and Rajya Sabha**
- Unlike speaker, **chairman is not a member of the house**
- However, **Chairman can also do a casting vote when** there is an equality of votes in the house on any matter
- Vice President cannot preside over a sitting of Rajya Sabha **when it considers a resolution for the removal of himself**
- However, he **can participate in such session and speak without the right to vote** (In the case of speaker, he/she can vote in such a situation)
- Salaries and allowances of the chairman is **fixed by the parliament**
- While **acting as President**, he will get the **salary of the president of India**
- **Sarvepalli Radhakrishnan was the first Chairperson of Rajya Sabha**
- **Present Chairperson of Rajya Sabha is .....**

## Deputy Chairman of Rajya Sabha

- Deputy chairman is **elected by Rajya Sabha itself from amongst its members**



- He can be removed by a resolution passed by **the majority of total membership of Rajya Sabha after 14 days' notice**
- While presiding a session, **he can do only casting vote** to break a tie.
- While considering a **resolution of the removal** of the vice chairman, **he cannot preside over the session**
- **SV Krishnamoorthy Rao was the first Deputy Chairman of Rajya Sabha**
- Present Deputy Chairman of Rajya Sabha is .....

### Panel of the Vice-Chairpersons of Rajya Sabha

- Chairman nominates a **panel vice chairmen from amongst the members of Rajya Sabha**
- Any of them will preside the session when both chairman and vice chairman are **absent**
- They cannot preside the session when the office of chairman and vice chairman are **vacant**
- At such a situation, President will appoint a person to preside the session

## Lok Sabha

### Composition of Lok Sabha

- The maximum strength of Lok Sabha is **550**
- **530 members** are to be elected from states, **20 members** are to be elected from UTs
- The present strength is **543 (530 from states, 13 from Union Territories)**
- **Highest number of Lok Sabha seats is in the state of Uttar Pradesh (80 seats)**
- **Highest number of Lok Sabha seats reserved for Scheduled Castes is in Uttar Pradesh (17 Seats)**
- **Highest number of Lok Sabha seats reserved for Scheduled Tribes is in Madhya Pradesh (6 Seats)**
- Allocation of seats in Lok Sabha to states and UTs are done based on the population in the **census of 1971**
- Allocation of the seats reserved for **scheduled caste and scheduled tribes** in Lok Sabha is given based on their population in the **census of 2001**

### Duration of Lok Sabha

- Term is **5 years after the first meeting of the Lok Sabha after general election**
- President can **dissolve Lok Sabha** any time before finishing five years also.

### Qualifications for the Membership of Lok Sabha

- Following are the qualifications to be elected as a member of Lok Sabha
  1. Must be a **citizen of India**
  2. Must take an **oath before a person authorized by the Election Commission**
  3. Must be not less than **25 years age**
  4. Must possess **qualifications prescribed by the parliament**
  5. He must be **registered as a voter** in any constituency in India
  6. He must **be a member of a Scheduled caste or Scheduled tribe** in any state or UT if he wants to contest from a seat reserved for them

### Presiding Officer/ Speaker of Lok Sabha

- Speaker is **elected by the Lok Sabha from amongst its members** as soon as possible after its first meeting
- Speaker is the **head of Lok Sabha** and hence his decisions are final.
- **Date for the election of speaker is fixed by the President**
- He can be removed by a resolution passed **by the majority of total membership of Lok Sabha after 14 days' notice**
- The motion for removal of the speaker can be considered only if it is supported by **50 members of the house**
- While **considering a resolution of the removal of the speaker**, he **cannot preside** over the session
- However, **he can speak and take part in the proceeding and cast the vote in the first instance itself.**
- In the normal sessions speaker can only do a casting vote to break a tie.
- When Lok Sabha is dissolved, Speaker continues in the office until the first meeting of the **newly elected Lok Sabha**
- He **adjourns the house during a session**

- He presides over the **joint sitting of two houses** of the parliament
- He **suspends the meeting if there is no quorum** to meet a session (**1/10 of the total members of Lok Sabha is the quorum**)
- He can allow **secret sitting** of the house **if the leader of the house demands so**
- He **certifies a money bill** and his decision in this regard is final
- He is the authority **to disqualify a member on the basis of defection**. Decision of the speaker in this regard is **subject to judicial review**
- He **appoints the chairperson of all parliament committees of Lok Sabha**
- He himself is the **chairman of Business Advisory Committee, Rules Committee and General-Purpose Committee**
- His rank is equal to that of the **Chief Justice of India**
- **GV Mavalankar** was the first speaker of Indian Lok Sabha
- **Present Speaker is .....**

### Deputy Speaker of Lok Sabha

- He is also elected by the Lok Sabha from amongst its members
- He is **elected after the election of the speaker** and the **date for election is fixed by the speaker**
- He can be removed by a resolution passed **by the majority of total membership of Lok Sabha after 14 days' notice**
- He performs the functions of the Speaker **when the officer of Speaker is vacant or the speaker is absent from the session**
- He also **presides over the joint sitting of the parliament if the speaker is absent**
- Deputy speaker has a privilege that whenever he is appointed as a member of any parliamentary committee, **he automatically becomes the chairman of that committee**
- While presiding a session, **he can do only casting vote**
- He **cannot preside over a session which considers a resolution for his own removal**
- After 10<sup>th</sup> Lok Sabha, there is a convention that **Deputy Speaker is normally selected from the opposition party**
- **Government of India Act 1919** used the terms President and Vice president for speaker and Deputy Speaker

- **Government of India Act 1935** used the terms speaker and deputy speaker
- However, practically the terms President and Vice President continued till independence of India
- **Ananthasayanam Ayyangar** was the first Deputy Speaker of Lok Sabha
- Present Deputy Speaker is .....

### Panel of Chairpersons of Lok Sabha

- Speaker nominates a panel of not more than **10 members from Lok Sabha as chairpersons**
- Any one from them will preside over the session of Lok Sabha **in the absence of speaker and Deputy Speaker**
- The election for **new speaker is held as soon as possible**

### Speaker Pro Tem

- President appoints a **member of a newly elected Lok Sabha as Speaker Pro Tem** to preside over the first session of Lok Sabha
- **President administers the oath of Speaker Pro Tem**
- **Speaker Pro Tem administers the oath of newly elected members of Lok Sabha**
- He also **enables the house to elect a speaker**
- When the new speaker is elected, the office of Speaker Pro Tem ceases to exist.
- Conventionally, the senior most member of Lok Sabha is appointed as Speaker Pro Tem
- **Pro Tem Speaker of 17<sup>th</sup> Lok Sabha was Virendra Kumar**

## Common Features of Lok Sabha and Rajya Sabha

### Disqualification of the Members of Parliament

**Following are the disqualifications mentioned in the constitution**

**President of India** is the authority to disqualify in these circumstances

- **If he holds any office of profit**
- **If he is declared by a court as unsound mind**
- **If he is an undischarged insolvent**
- **If he acquires the citizenship of a foreign country**
- **If he is disqualified under any law made by the parliament**

### Following are the disqualifications mentioned in the Representation of Peoples Act (1951)

- He must not have been found **guilty of certain election offences**
- He must not have been found **guilty of any offence resulting in imprisonment for two years or more**
- He must **not hold any office of profit in any company** in which government has at least **25% share**
- He must not **have been dismissed from government service** for corruption or disloyalty to the state
- He must not **have been convicted for promoting enmity between different communities**
- He must not have been **convicted for preaching and practicing social crimes like untouchability, sati and dowry**

### Disqualification on the Ground of Defection

- **Tenth Schedule** of Indian constitution includes provision for disqualification of a member for defection or changing the party
- A member would be disqualified **by the presiding officer** of the house for following reasons
- Decision of the presiding officer in this regard can be questioned in the court and it is subject to **judicial review**
  1. If he **voluntarily gives up the membership of the party** through which he was elected
  2. If he **votes or abstains from voting in the parliament contrary to the direction** of his party
  3. If any **independent member joins any political party**
  4. If any **nominated member joins any political party after the expiry of 6 months**

### Vacating Seats in the Parliament

Following are the cases of vacating seats in Lok Sabha and Rajya Sabha

#### 1. Double Membership

- If a person is elected to both **Rajya Sabha and Lok Sabha**, he has to choose either of them **within 10 days**. Otherwise, his **seat in Rajya Sabha becomes vacant**

- If a sitting member of one house is also elected to the other house, his seat in the first house becomes vacant
- If a person is elected to 2 seats in a single house, he should choose one. Otherwise both seats become vacant
- If a person is elected to both parliament and state legislative assembly, he has to resign either of them within 14 days. Otherwise, his seat in parliament becomes vacant.

2. Disqualification (mentioned above in detail)

3. **Resignation** by writing to **chairman of Rajya Sabha or speaker of Lok Sabha**

4. **Absence:** If a member becomes absent for sixty days without permission, his seat becomes vacant

### Oath and Affirmation

- Members of parliament have to take oath in front of president or a person appointed by him
- In the case Lok Sabha, normally president appoints speaker Pro tem for this purpose
- There is fine of 500 rupees per day if a member sits in the house without taking oath

### Salaries and Allowances

- It is decided by the parliament
- Present salary is 1 Lakh Indian rupees

### Leaders in Parliament

- Leader of house in Lok Sabha is the Prime Minister if he is a member of Lok Sabha. If the Prime Minister is not from Lok Sabha, then a member from Lok Sabha nominated by the PM
- The same is the case with Rajya Sabha also
- A deputy leader would also be nominated by the leader of the house

### Leader of the Opposition

- **Under Mavalankar's rule**, the single largest opposition party must have a strength of at least **10 percent of the total strength of the House in order to designate its leader as the Leader of Opposition.**
- **They have salary, allowance and other facilities equivalent to a cabinet minister**
- **The statutory recognition was accorded to the post of leader of opposition through the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.**

## Whip

- It is the leader of **each and every political party in the house**
- He is in charge of **ensuring the attendance of his party members in the house** and securing their support to support or oppose a decision in the house

## Sessions of the Parliament

Following are the terms related to the sessions of the parliament

### 1. Summoning

- It is the call by **president to start a session**
- **Maximum gap** between two sessions of the parliament can be **6 months**
- Usually, Indian parliament has 3 sessions
  - 1) **Budget Session (February to May)**
  - 2) **Monsoon Session (July to September)**
  - 3) **Winter Session (November to December)**
- **Session** is the time between summoning and prorogue of a house
- The time between prorogue and next summoning is known as **Recess**

### 2. Adjournment

- It is the **suspension of the work in a sitting of the house for a specific time** which may be **hours, days or weeks**
- It is done by the **Presiding officers of the houses**

### 3. Adjournment Sine Die

- It is the termination of the **sitting of a parliament for an indefinite period**

- Normally, it is exercised when the scheduled business of the house ends
- It is also done by **the presiding officer**

#### 4. Prorogation

- It is the **official termination of session** declared by the **president of India**

#### 5. Dissolution

- **Only Lok Sabha** is subject to dissolution
- Dissolution is the **end of the life of existing Lok Sabha**
- **Automatic dissolution happens** when Lok Sabha finishes five years
- **Dissolution can be done by the president** before the expiry of the term also
- Following are the results of Dissolution
  - 1) A **Bill pending in Lok Sabha lapses** (whether originating in Lok Sabha or transferred to it by Rajya Sabha after passing)
  - 2) A **Bill passed by Lok Sabha but pending in Rajya Sabha also lapses**
  - 3) A **bill not passed by the two houses** due to disagreement and if the president has notified a joint sitting before the dissolution, **does not lapse**
  - 4) A **bill pending in Rajya Sabha**, but not passed by **the Lok Sabha does not lapse**
  - 5) A **Bill passed by both the houses**, but **pending the assent of the president**, **does not lapse**
  - 6) A **bill passed by the both houses** but **returned by the president for reconsideration does not lapse**

#### Quorum

- **Quorum is the minimum number** of members to be present in the house for transacting the business
- **It is 1/ 10 of the total** members in the house

#### Language in Parliament

- Constitution declares **Hindi and English** as to be the languages for transacting business in the parliament
- **Presiding officer can permit a member to address the house in his mother tongue**

#### Lame-Duck Session



- It refers to **the last session of existing Lok Sabha after a new Lok Sabha has been elected**
- **Those members of Lok Sabha who could not get elected into the new Lok Sabha are called as Lame-Duck Members**

## Devices of parliamentary Proceedings

### 1) Questions Hour

- It is the **first hour of every parliamentary sitting**
- Usually members **would ask their questions and ministers reply**
- 3 types of parliamentary questions are there
  - a) **Starred Question.** It is distinguished by an **asterisk mark**  
Such questions require an **oral reply** and hence supplementary questions can follow. It is printed in Green Color
  - b) **Unstarred Question:** It requires a **written answer** and hence supplementary questions cannot follow. It is printed in white color
  - c) **Short Notice Question:** It is a question asked by giving a short notice of less **than 10 days**. It is answered orally. It is printed in **light pink color**
- **If the question was addressed to a private member, it was printed in yellow color**

### 2) Zero Hour

It is an **opportunity for the members to raise a matter in the house without any prior notice**

**It is an Indian innovation** in the parliamentary procedure

### 3) Motions

A discussion on a **matter of public importance can take place through a motion** with the consent of the presiding officer

The house **expresses its opinion through adoption or rejection** of the motion

There are 3 categories of motions

- A. **Substantive Motion:** It is a self-contained **independent proposal** dealing with a very important decision like impeachment of President or removal of Election commissioner
- B. **Substitute Motion:** It is a motion **moved to replace an original motion** and proposes an alternative to it. If it is adopted by the house, it suspends the original motion

**C. Subsidiary Motion:** It is a **supporting motion to an original motion**

It is normally moved to modify or substitute only any part of the original motion

**4) Closure Motion**

It is a motion moved by a member to **cut short the discussion on** a matter in the house.

If the motion is accepted, the debate should be stopped, and the matter would be put for voting in the house

**5) Privilege Motion**

It is concerned with the **breach of parliamentary privileges by a minister**

It is moved **by a member if he feels that a minister has committed breach of privilege in the house** by withholding some facts of a case or by giving wrong or distorted facts

**6) Calling Attention Motion**

It is introduced by a member to **call the attention of a minister to a matter of urgent public importance**

It is also an **Indian innovation like zero hour**

**7) Adjournment Motion**

It is introduced in the parliament to **draw attention of the house to a definite matter of urgent public importance**

It needs support of **50 members to get admitted**

It is permitted **in Lok Sabha only**. It aims to postpone the scheduled business of the house and discuss the urgent matter

One motion **can cover only one subject matter**

It needs the **permission from the speaker**

**8) No-Confidence Motion**

**Article 75 of the Constitution** says that the council of ministers shall be collectively responsible to the Lok Sabha

It is a motion through **which Lok Sabha can remove the ministry from office** by passing it with simple majority

The motion needs the support of 50 members to be admitted.

**9) Censure Motion**

It can be issued against **an individual minister or a group of ministers**

**It is moved for censuring the council of ministers** for their specific policies and actions

**If it is passed in Lok Sabha the council of ministers need not resign** as in the case of no-confidence motion

**10) Motion of Thanks**

There will an address from President of India in the **first session after a general election** and in the **first session of every year**

The address of President is discussed with this motion

**11) No Day Yet Named Motion**

It is a **motion admitted by the speaker, but no date has been fixed for discussion**

**12) Dilatory Motion**

**It is a motion for the adjournment of the debate on a bill / motion / resolution etc. or a motion to retard or delay the progress of a business under consideration of the House.**

**It can be moved by a member at any time after a motion has been made**

**13) Point of Order**

A member **can raise a point of order when the proceedings of the house do not follow the normal rules of procedure**

**14) Half an Hour Discussion**

It is meant for **discussing a matter of sufficient public importance**

The discussion **is to bring clarity on a matter which has been discussed earlier also in the house**

**15) Short Duration Discussion**

It is also known as **two-hour discussion** in the house as the maximum time allotted for such a discussion is two hours

It is also to **raise a matter of urgent importance**

**16) Special Mention**

It is the **device available only in Rajya Sabha to raise an urgent issue**

**17) Resolutions**

It is moved by the **members to draw the attention of the house or the government to matters of general public interest**

The discussion on a resolution is **strictly relevant to and within the scope of the resolution**

Three types of resolutions are there

- A. **Private Member's Resolution:** It is a resolution moved by a member other than a minister
- B. **Government Resolution:** it is a resolution moved by a minister
- C. **Statutory Resolution:** It can be moved by either a private member or a minister

It is always tabled to pursue a provision of the constitution or an act of parliament

### 18) **Yielding the Floor**

The speaker can ask a member of the House to stop speaking and let another Member speak.

## **Money Bill (Article 110)**

- **Money Bill:** Article 110 discusses the money bill

It is a bill which is **related to money in different ways** like levying taxes and making expenditure out of different funds of India

If any question comes on whether a bill is money bill or not, the decision of **Lok Sabha speaker is the final**

His decision in this **regard cannot be questioned in any court of law**

**Money Bill can only be introduced in Lok Sabha** and that also with the prior permission of President of India

If Money Bill is passed by Lok Sabha, **Rajya Sabha cannot reject it**. Rajya Sabha has to pass it **within 14 days**

After being passed by both the houses, if the bill goes to president for his assent, **he can either give his assent or withhold his assent. But he cannot return**

## **Joint Sitting of Two Houses (Article 108)**

- It is summoned **by the President to resolve the deadlock on any Bill**

- It is **not permitted in the case of a money bill** or a **constitution amendment bill**
- **Speaker of Lok Sabha presides** over the joint sitting
- If speaker is absent, then **deputy speaker of Lok Sabha presides** over the sitting
- If both Speaker and Deputy speaker are absent, then **Deputy chairman of Rajya Sabha presides over the session**
- The quorum of joint sitting is **1/10 of total members of two houses**
- **So far 3 joint sittings of the parliament were held**
  - I. Dowry Prohibition Bill 1960**
  - II. Banking Services Commission (Repeal) Bill 1977**
  - III. Prevention of Terrorism Bill 2002**

### **Budget in Parliament (Article 112)**

- **Article 112 deals** with Annual Financial Statement of the government or the Budget
- The term **'budget'** has nowhere been used in the Constitution
- It is the estimated **receipts and expenditure of the Government of India for the financial year**
- **The budget contains the following:**
  - 1. Estimates of revenue and capital receipts**
  - 2. Ways and means to raise the revenue**
  - 3. Estimates of expenditure**
  - 4. Details of the actual receipts and expenditure of the closing financial year and the reasons for any deficit or surplus in that year**
  - 5. Economic and financial policy of the coming year, that is, taxation proposals, prospects of revenue, spending programme and introduction of new schemes/projects.**
- **If the budget is not passed by the Lok Sabha, then the government has to resign**
- Till 2017, Government of India had **two budgets; General Budget and Railway Budget**
- In 2017, Government merged **Railway Budget with General Budget**
- Railway Budget was separated from **General Budget during the British time in 1921** as per the recommendations of **Acworth Committee**
- Budget is normally prepared by the **Department of Economic Affairs** and presented by the **Finance Minister**

### **Funds**

- The Constitution of India provides for the following three kinds of funds for the Central government:

1. Consolidated Fund of India (Article 266)
2. Public Account of India (Article 266)
3. Contingency Fund of India (Article 267)

### **Consolidated Fund of India**

- It is a fund to which all receipts are credited and all payments are debited.
- No money out of this fund can be appropriated (issued or drawn) except in accordance with a parliamentary law.

### **Public Account of India**

- All other public money (other than those which are credited to the Consolidated Fund of India) received by or on behalf of the Government of India shall be credited to the Public Account of India
- This includes provident fund deposits, judicial deposits, savings bank deposits, departmental deposits, remittances and so on
- This account is operated by executive action, that is, the payments from this account can be made without parliamentary appropriation

### **Contingency Fund of India**

- The Constitution authorised the Parliament to establish a 'Contingency Fund of India', into which amounts determined by law are paid from time to time.
- Accordingly, the Parliament enacted the contingency fund of India Act in 1950.
- This fund is placed at the disposal of the president, and he can make advances out of it to meet unforeseen expenditure pending its authorization by the Parliament.
- The fund is held by the finance secretary on behalf of the president.
- Like the public account of India, it is also operated by executive action

### **Special Powers of Rajya Sabha**

- It can authorise the Parliament by two third of present and voting members to make a law on a subject enumerated in the State List (Article 249).

- It can authorise the Parliament by two third of present and voting members to create new All-India Services common to both the Centre and states (**Article 312**)
- **It alone can initiate a move for the removal of the vice-president.** In other words, a resolution for the removal of the vice-president can be introduced only in the Rajya Sabha and not in the Lok Sabha (Article 67)
- If a proclamation is issued by the President for imposing national emergency or president's rule or financial emergency at a time when the Lok Sabha has been dissolved or the dissolution of the Lok Sabha takes place within the period allowed for its approval, then the proclamation can remain effective even if it is approved by the Rajya Sabha alone (Articles 352, 356 and 360).

### Special Powers of Lok Sabha

- **A Money Bill can be** introduced only in the Lok Sabha and not in the Rajya Sabha.
- **A financial bill**, not containing solely the matters of Article 110, also can be introduced only in the Lok Sabha and not in the Rajya Sabha. But, **with regard to its passage, both the Houses have equal powers**
- **The Speaker of Lok Sabha presides over the joint sitting of both the Houses**
- **Rajya Sabha can only discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the Lok Sabha)**
- **A resolution for the discontinuance of the national emergency can be passed only by the Lok Sabha and not by the Rajya Sabha.**
- **The Lok Sabha can remove the council of ministers by passing a no-confidence motion**

### Vote on Account (Article 116)

- **Vote on Account is a grant in advance to enable the government to carry on until the voting of demands for grants and the passing of the Appropriation Bill and Finance Bill.**
- **Vote on Account was frequently used until 2016 when the Budget was presented on the last working day of February**
- **However, since 2017, the budget presentation date was advanced to February 1.**
- **Hence, since 2017, Vote on Account is not usually used as part of the government budgeting process**
- **In an election year, interim budget is presented by the government instead of the vote on account**

## **Parliamentary Committees**

### **Standing Committees**

#### **Financial Committees**

- (a) Public Accounts Committee**
- (b) Estimates Committee**
- (c) Committee on Public Undertakings**

#### **Departmental Standing Committees (24)**

#### **Committees to Inquire**

- (a) Committee on Petitions**
- (b) Committee of Privileges**
- (c) Ethics Committee**

#### **Committees to Scrutinize and Control**

- (a) Committee on Government Assurances**
- (b) Committee on Subordinate Legislation**
- (c) Committee on Papers Laid on the Table**
- (d) Committee on Welfare of SCs and STs**
- (e) Committee on Empowerment of Women**
- (f) Joint Committee on Offices of Profit**

#### **Committees Relating to the Day-to-Day Business of the House**

- (a) Business Advisory Committee**
- (b) Committee on Private Members' Bills and Resolutions**
- (c) Rules Committee**
- (d) Committee on Absence of Members from Sitzings of the House**

#### **House-Keeping Committees or Service Committees (i.e., Committees concerned with the Provision of Facilities and Services to Members):**

- (a) General Purposes Committee**
- (b) House Committee**



(c) Library Committee

(d) Joint Committee on Salaries and Allowances of Members

## **Important Committees**

### **Public Accounts Committee**

- This committee was set up first in 1921 under the provisions of the Government of India Act of 1919 and has since been in existence
- At present, it consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha)
- The members are elected by the Parliament every year from amongst its members according to the principle of proportional representation by means of the single transferable vote
- The term of office of the members is one year.
- A minister cannot be elected as a member of the committee
- The chairman of the committee is appointed from amongst its members by the Speaker.
- Until 1966 - '67, the chairman of the committee belonged to the ruling party.
- However, since 1967 a convention has developed whereby the chairman of the committee is elected invariably from the Opposition
- The function of the committee is to examine the annual audit reports of the Comptroller and Auditor General of India (CAG)

### **Estimates Committee**

- The origin of this committee can be traced to the standing financial committee set up in 1921.
- It is composed of 30 members of Lok Sabha (Largest Committee of the parliament)
- The Rajya Sabha has no representation in this committee
- These members are elected by the Lok Sabha every year from amongst its own members, according to the principles of proportional representation by means of a single transferable vote.
- The term of office is one year
- A minister cannot be elected as a member of the committee.

- The chairman of the committee is appointed by the **Speaker** from amongst its members and he is invariably from the **ruling party**.
- The function of the committee is **to examine the estimates included in the budget and suggest 'economies' in public expenditure**.
- Hence, it has been described as a '**continuous economy committee**'

### **Committee on Public Undertakings**

- This committee was created in **1964 on the recommendation of the Krishna Menon Committee**.
- It has **22 members (15 from the Lok Sabha and 7 from the Rajya Sabha)**
- The members of this committee are elected according to the principle of **proportional representation by means of a single transferable vote**.
- The chairman of the committee is appointed by the Speaker from amongst its members who are drawn from the Lok Sabha only
- Major function of the committee is to examine the reports and accounts of public undertakings

### **Departmental Standing Committees**

- **24 departmental standing committees are there at present**
- They also assist the Parliament in debating the budget more effectively
- The **24 standing committees cover under their jurisdiction all the ministries / departments of the Central Government**
- Each standing committee consists of **31 members (21 from Lok Sabha and 10 from Rajya Sabha)**.
- Members are nominated by the presiding officers of Lok Sabha and Rajya Sabha
- The term of office of each standing committee is one year from the date of its constitution.
- Out of the 24 standing committees, **8 work under the Rajya Sabha and 16 under the Lok Sabha**

### **Business Advisory Committee**

- This committee regulates the programme and time table of the House.
- The Lok Sabha committee consists of **15 members including the Speaker as its chairman**.
- In the Rajya Sabha, it has **11 members including the Chairman as its ex officio chairman**.

## Rules Committee

- This committee considers the matters of procedure and conduct of business in the House and recommends necessary amendments or additions to the rules of the House.
- The Lok Sabha committee consists of 15 members including the Speaker as its ex-officio chairman.
- In the Rajya Sabha, it consists of 16 members including the Chairman as its ex officio chairman

## Articles related to the parliament of India

<b>Article 79</b>	Parliament consists of President and two houses
<b>Article 80</b>	Composition of the council of states/ Rajya Sabha
<b>Article 81</b>	<b>Composition of the House of People/ Lok Sabha</b>
<b>Article 82</b>	<b>Readjustment after each census</b>
<b>Article 83</b>	<b>Duration of the Houses of Parliament</b>
<b>Article 84</b>	<b>Qualifications for the membership of parliament</b>
<b>Article 85</b>	<b>Summoning Sessions of Parliament, prorogation and Dissolution</b>
<b>Article 86</b>	<b>Right of the President to address and send messages to the parliament</b>
<b>Article 87</b>	<b>Special Address by the President after each general election and at the beginning of each year</b>
<b>Article 88</b>	<b>Rights of Ministers and Attorney General in the Houses</b>
<b>Article 89</b>	<b>The chairman and Deputy Chairman of Rajya Sabha</b>

<b>Article 90</b>	<b>Vacation and resignation of and removal from the office of Deputy Chairman</b>
<b>Article 91</b>	<b>Power of Deputy chairman to act as Chairman</b>
<b>Article 92</b>	<b>The chairman and Deputy Chairman would not preside a sitting which considers their removal</b>
<b>Article 93</b>	<b>The Speaker and Deputy Speaker of the House of People</b>
<b>Article 94</b>	<b>Vacation, resignation and removal of the speaker and deputy speaker</b>
<b>Article 95</b>	<b>Power of Deputy speaker to act as speaker</b>
<b>Article 96</b>	<b>Speaker and deputy speaker cannot preside over a sitting which considers his removal</b>
<b>Article 97</b>	<b>Salaries and allowances of Chairman and Deputy Chairman of Rajya Sabha and Speaker and Deputy speaker of Lok Sabha</b>
<b>Article 98</b>	<b>Secretariat of the Parliament</b>
<b>Article 99</b>	<b>Oath and Affirmation of the members of parliament</b>
<b>Article 100</b>	<b>Voting in the house, power of house to act notwithstanding vacancies and quorum</b>
<b>Article 101</b>	<b>Vacation of Seats in the house</b>
<b>Article 102</b>	<b>Disqualifications of membership</b>
<b>Article 103</b>	<b>Decision on the question of disqualification of members</b>
<b>Article 104</b>	<b>Penalty for sitting and voting before making oath or affirmation under Article 99 or when not qualified or when disqualified</b>
<b>Article 105</b>	<b>Powers, privileges of the houses of parliament and the members of committees thereof</b>
<b>Article 106</b>	<b>Salaries and allowances of members</b>

<b>Article 107</b>	<b>Provisions related to introduction and passing a bill in the house</b>
<b>Article 108</b>	<b>Joint Sitting of both houses</b>
<b>Article 109</b>	<b>Special procedure in respect of money bills</b>
<b>Article 110</b>	<b>Money Bill</b>
<b>Article 111</b>	<b>Assent of Bills by the president</b>
<b>Article 112</b>	<b>Annual Financial Statement</b>
<b>Article 113</b>	<b>Procedure in the parliament with respect to estimates</b>
<b>Article 114</b>	<b>Appropriation Bills</b>
<b>Article 115</b>	<b>Supplementary, Additional or Excess grants</b>
<b>Article 116</b>	<b>Votes on account</b>
<b>Article 117</b>	<b>Special provisions as to financial bill</b>
<b>Article 118</b>	<b>Rules of procedure in the house</b>
<b>Article 119</b>	<b>Regulation by law of the procedure in parliament in relation to financial business</b>
<b>Article 120</b>	<b>Language to be used in parliament</b>
<b>Article 121</b>	<b>Restrictions on discussion in parliament</b>
<b>Article 122</b>	<b>Courts cannot make inquiry on the proceedings of the parliament</b>
<b>Article 331</b>	<b>Two Anglo Indians would be nominated by the President to the House of People</b>

### **Previous Questions**

**Who was the first speaker of the Lok Sabha of the Indian Parliament? (2021)**

A. Hukum Singh

B. K.S.Hegde.

C. M.A.Ayyangar.

**D. G.V.Mavalankar.**

**The Constitution of India is parliamentary because(2018)**

- A. There is an elected president
- B. There is a supreme court
- C. There is a parliament
- D. The executive is responsible to the Legislature**

**The quorum of the Parliament is fixed at (2016)**

- a) One-tenth of the membership of the house**
- b) Two-thirds of the membership of the house
- c) One-third of the membership of the house
- d) One-eighth of the membership of the house

**The speaker can ask a member of the House to stop speaking and let another Member speak. This is known as(2016)**

- a) Decorum
- b) Crossing the floor
- c) Interpretation
- d) Yielding the floor**

**The state which has the largest number of seats reserved for the Schedules tribes in the Lok Sabha is(2016)**

- a) Bihar
- b) Gujarat
- c) Uttar Pradesh**
- d) Madhya Pradesh

**If any question arises whether a Bill is a Money bill or not, whose decision shall be the final? (2016)**

- a) The Supreme court of India
- b) The President of India
- c) The Speaker of the Lok Sabha**
- d) The Joint Parliamentary Committee

**Area-wise, which one of the following is the largest Lok Sabha constituency? (2016)**

- a) Kutch**

- b) Kangra
- c) Patna Sahib
- d) Ladakh**

**Which one of the following Committees of the Parliament of India has no members of the Rajya Sabha? (2016)**

- a) The Public Accounts Committee
- b) The Estimates Committee**
- c) The Public Undertakings Committee
- d) Departmentally Related Standing Committee on Finance

**Who among the following is the ex officio chairman of the Rajya Sabha? (2015)**

- a) The President of India
- b) The Prime Minister of India
- c) The Vice President of India**
- d) The Lt. Governor of Delhi

**Which one of the following departments is responsible for the preparation and presentation of the Union Budget to the Parliament? (2015)**

- a) Finance
- b) Revenue
- c) Expenditure
- d) Economic affairs**

**Which one of the following Articles empowers the President to nominate not more than two members of the Anglo-Indian community to the Lok Sabha? (2015)**

- a) Article 79
- b) Article 114
- c) Article 331**
- d) Article 334

**What is the maximum strength of the Lok Sabha provided by the constitution of India? (2015)**

- a) 552**
- b) 545
- c) 530
- d) 500

**What is the maximum permissible time gap between two Sessions in the parliament? (2015)**

- a) 3 months
- b) 6 months**
- c) 9 months
- d) 12 months

**The most essential feature of the Parliamentary form of government is the (2015)**

- a) Sovereignty of the parliament
- b) Written constitution
- c) Accountability of the executive to the legislature**
- d) Independent judiciary

**Which Lok Sabha Election resulted in Hung Parliament? (2014)**

- a) 9th Lok Sabha Election (1989)
- b) 10th Lok Sabha Election (1991)
- c) 11th Lok Sabha Election (1996)**
- d) 12th Lok Sabha Election (1999)

**What is the maximum gap of time between two sessions of the Parliament and also the State Legislative Assembly House? (2014)**

- a) No such rule exists
- b) Six months**
- c) One year
- d) None of the above

**Who presides over the joint session of both the Houses of the Parliament in India? (2014)**

- a) The President of India
- b) The Prime Minister of India
- c) The Vice President of India
- d) The Speaker of the Lok Sabha**

**The Rajya Sabha has exclusive jurisdiction in (2013)**

- a) Creation and abolition of States
- b) Approving a proclamation of emergency
- c) the election of the Vice President
- d) authorizing Parliament to legislate on a subject in the State list**



**The President of India does not deny his consent to a Money Bill because (2013)**

- a) it is urgent in nature
- b) it is initiated by the Finance Minister
- c) **it is initiated by the Finance Minister on the recommendation of the President**
- d) it is initiated in the Lok Sabha

**Which of the following is not a Money Bill? (2013)**

- a) Budget
- b) Appropriation Bill
- c) Bill seeking Vote on Account
- d) **Finance Bill**

**Article 80 of the Indian constitution deals with the formation of the (2011)**

- a) **Rajya Sabha**
- b) Lok Sabha
- c) Legislative Council
- d) District Council

**The power to nominate 12 members to the Rajya Sabha is laid down in Article (2001)**

- a) 79 of the Constitution
- b) **80 of the Constitution**
- c) 81 of the Constitution
- d) 82 of the Constitution

## **Judiciary- Supreme Court**

- Thus, **India has a unified or integrated judiciary unlike the US system**
- This system was adopted from the Government of India Act 1935

### **Supreme Court**

- The Supreme Court of India was **inaugurated on January 28, 1950**
- It succeeded the **Federal Court** of India established **under Government of India Act, 1935**
- **Article 124 to 147 in Part V** of the constitution deals with organization, independence, jurisdiction, powers and procedures of the Supreme Court

## Organization of Supreme Court

- At present, Supreme Court of India consists of **34 judges including Chief Justice of India**
- Originally, the strength of Supreme Court was **8 judges including Chief Justice of India**

## Judges

### Appointment of Judges

- **Judges of the Supreme Court** are appointed by **the President**
- Chief Justice is appointed by the president **after consultation with such judges of the Supreme Court and High Courts as he deems necessary**
- **Other Judges** of the Supreme Court are appointed by the President **after consultation with Chief Justice and such judges of Supreme Court and High Courts as he deems necessary**
- The **consultation with Chief Justice is obligatory** in the appointment of judges other than Chief Justice

### Cases Related to Appointment of Judges

- The Supreme Court has given **different interpretation on the word ‘consultation’** mentioned in the constitution related to appointment of Judges
  1. **First Judges Case, 1982 (SP Gupta Vs Government of India):** Supreme Court held that **consultation does not mean concurrence** and it only implies exchange of views. Then, it is **not mandatory for the President to follow the opinion** expressed by the judges during the consultation
  2. **Second Judges Case 1993 (Advocates on Records Case):** The Supreme Court **reversed the earlier ruling** and changed the meaning of the word **consultation to concurrence**.

Thus, it made **compulsory for the President to accept the advice** tendered by the Chief Justice.

Chief Justice would tender his advice after consulting **2 seniors most judges of Supreme Court**

In this case, Supreme Court also ruled that the **senior most judge of the Supreme Court should be appointed as the Chief Justice**
  3. **Third Judges Case 1998 (President Seeking Advice of Supreme Court under Article 143):** It again reiterated that **consultation is concurrence**. But Chief Justice

of India should consult with a collegium of **4 Judges instead of 2 as mentioned in Second Judges Case**. The advice of the Chief Justice is **binding on the President**

#### **4. Fourth Judges Case**

The **99<sup>th</sup> Amendment Act of 2014** and **National Judicial Appointments Commission Act 2014** replaced the collegium of Judges with a new body called as **National Judicial Appointments Commission**

**In 2015**, Supreme Court ruled **99<sup>th</sup> Constitutional Amendment and National Judicial Appointments Commission** as unconstitutional and void

### **National Judicial Appointments Commission**

- Established by **99<sup>th</sup> Amendment Act of Indian constitution, 2014**
- It includes **Chief Justice of India, 2 senior most judges of the Supreme Court, Union Minister of Law and 2 eminent persons**
- **Two eminent persons would be selected by a committee composed of Chief Justice of India, the Prime Minister and the leader of opposition in Lok Sabha or the leader of largest opposition party**
- **It was declared void by the Supreme Court in 2015**

### **Qualifications of Judges**

- **He should be a citizen of India**
- **He should have been a Judge of High court for five years**  
**Or He should have been an advocate in High Courts for 10 years**
- **He should be a distinguished jurist in the opinion of the President**
- **There is no minimum age to be the Judge of Supreme Court**

### **Oath or Affirmation**

- Oath is taken **before the President of India or** some person appointed by the President for this purpose

### **Tenure of Judges**

- Tenure of the judge of Supreme Court has **not been fixed by the constitution**
- Constitution tells that he holds office until he attains **65 years of age**
- Any question regarding his age is determined **by an authority as provided by the Parliament**

- He can **resign his office by writing to President**

## Removal of Judges

- He can be removed by **an order of President**
- President can remove the Judge **only after an address in the parliament passed by Special majority of each house of parliament**
- The grounds of removal are **proved misbehavior or incapacity**
- **The Judges Enquiry Act, 1968** regulates the procedure relating to the removal of the judge of Supreme Court by the process of impeachment. It is as follows
  1. The removal motion signed by **100 members of Lok Sabha or 50 members of Rajya Sabha** is to be given to the presiding officer
  2. Presiding officer **may admit the motion or refuse to admit it**
  3. If it is admitted, the Presiding officer has to constitute a **3-member committee to investigate the charges**
  4. The committee should consist of
    - a) **Chief Justice or a Judge of Supreme Court**
    - b) **Chief Justice of a High Court**
    - c) **A distinguished Jurist**
  5. If the committee finds the judge to be guilty, each house has to pass it with **special majority**
  6. Then, the address is presented to the President for removal of the Judge
  7. Then the President passes an order removing the Judge
- The first case of impeachment was the case of **Justice V Ramasamy of the Supreme Court (1991 to 1993)**. The Enquiry Committee found him guilty, but the motion was not passed by Lok Sabha. The Congress abstained from voting

## Salaries and Allowances

- Salaries and allowances of the Judges of Supreme Court **are determined by the parliament from time to time**
- It **cannot be decreases except during a financial emergency**
- Present salary of Chief Justice is **2.8 lakh Indian rupees** and that of Judges is **2.5 lakh rupees**
- **50 percent salary is the pension for them**

## Acting Chief Justice

- President of India can appoint a judge of Supreme Court as acting CJI in following situations
  1. The office of CJI is vacant
  2. The CJI is temporarily absent
  3. The CJI is unable to perform his duties

## Ad Hoc Judge

- Chief Justice of India can appoint a judge of High Court as ad hoc judge of Supreme Court when there is lack of judges in Supreme Court
- He can do so after consulting the Chief Justice of concerned High court and prior consent of President
- Such judges enjoy the jurisdiction, powers and privileges of the judge of a Supreme Court

## Acting Judge of Supreme Court

- Chief Justice of India can request a retired judge of Supreme Court or High Court (He should be qualified to be a judge of SC) to act as the judge of Supreme Court for a temporary period
- Such judges enjoy the jurisdiction, powers and privileges of the judge of a Supreme Court

## Seat of Supreme Court

- Constitutionally Delhi is the seat of Supreme Court
- Constitution also authorizes the Chief Justice of India to fix other places as seat of Supreme Court
- It can be done only on the prior approval of the President

## Jurisdiction and Powers of Supreme Court

- Following are the types of Jurisdiction of the Supreme Court
  1. Original Jurisdiction
  2. Writ Jurisdiction
  3. Appellate Jurisdiction
  4. Advisory Jurisdiction

## 5. A Court of Record

## 6. Judicial Review

### Original Jurisdiction

- It includes **disputes between centre and one or more states or and between the states**
- Any matter related to the **election of President and Vice President**
- In such cases Supreme Court has **exclusive original jurisdiction** (No other court can decide such a matter)

### Writ Jurisdiction

- It is to **protect Fundamental Rights of the Citizens**
- **Supreme Court can issue five writs mentioned in Article 32**
- This jurisdiction is **not exclusive** as the High Courts can also issue them
- **High courts can also issue Writs for other rights other than Fundamental Rights.** But Supreme Court can issue writs only for enforcing Fundamental Rights

### Appellate Jurisdiction

Following are the appellate jurisdiction of the Supreme Court

- **Appeals in constitutional matters:** If the High Court certifies that the case involves a **substantial question of law** that requires the interpretation of the constitution.
- **Substantial question of law** means a question on which two or more High Courts have differed
- **Appeals in Civil Matters:** If the High Court certifies that the case involves a **substantial question of law of general importance** and the question needs to be decided by the Supreme Court.
- **Substantial question of law of general importance means** that the case holds interest for a wider section of the society
- **Appeals in Criminal Matters:** If the High Court has on appeal **reversed an order of acquittal of an accused person and sentenced him to death or life imprisonment or imprisonment for 10 years**

- Or if the **High Court** has taken before itself any case from any subordinate court and convicted the accused person and sentenced him to death or life imprisonment or imprisonment for 10 years

Or **High Court** certifies that the case is fit for appeal to the **Supreme Court**

- **Appeals by Special Leave (Article 136):** Supreme court can give special leave to appeal from any judgement in any matter **passed by any court or tribunal in India except military tribunal and court martial**

This provision has four following aspects

- It is exercised in extra ordinary circumstances

### Advisory Jurisdiction

- It is the power of **President under article 143** to seek the advice of Supreme Court
- The advice of Supreme Court **is not binding on the President**
- So far President has made **15 references to the Supreme Court under this provision**

### A Court of Record

Supreme Court has powers under this provision

1. **The judgements, proceeding and acts of the Supreme Court are recorded for perpetual memory and testimony**
  - These records have **evidentiary value** and cannot be questioned when produced before any court
  - They are considered as **legal reference**
2. It has power **to punish for contempt of any court** either with **simple imprisonment up to 6 months** or with **fine up to 2000 rupees** or with both
  - Contempt of **court may civil or criminal**
  - **Civil contempt** means wilful disobedience to any judgement or order of a court
  - **Criminal contempt** means publication of any matter or doing an act which scandalizes and lowers the authority of a court or obstructs the administration of justice by a court

### Judicial Review

- It is the power **of the Supreme Court to examine the constitutionality of legislative enactment and executive orders of both central and state governments**



- Supreme Court can declare the **acts and orders as unconstitutional and void** if they are **found to be violative of the constitution**

### Other Powers of the Supreme Court

- Supreme Court is the **authority to make investigation for the purpose of removal of different constitutional and non-constitutional authorities**
- Supreme Court can **correct its own judgement**(Article 137)
- It can **withdraw cases pending before High Courts and dispose them itself**
- It can **transfer a case from one High Court to another High Court**
- Its law is **binding on all courts in India**
- Its decree or order is **enforceable throughout the country**
- All authorities (Civil and Judicial) in the country should act in aid of Supreme Court
- It is the ultimate interpreter of the constitution

### Public Interest Litigation

- **Justice Krishna Iyer, in Mumbai Kamgar Sabha v Abdulbhai Faizullabhai (1976)** used the expression PIL for the first time. Justice **Bhagavathi** added momentum to PIL in the late seventies.
- But PIL, the victims of violation of constitution and law may be weak vulnerable and illiterate.
- Hence, there is **no need to have locus standi for the person** or the organization which files the case on behalf of them
- There are many cases in which the SC and the HCs ruled for popular welfare tightening norms for the **blood banks**; coming to the rescue of the **under -trials who were imprisoned without trial for unduly long periods**, setting guidelines for introduction of **CNG based buses etc.**; in **Delhi**; cleaning **Yamuna etc.**; directing **Delhi industrial units to take care of the child labourers**, in 2009, the Supreme Court asked the Union Government to respond to the PIL accusing it of inaction in bringing back black money kept secretly in foreign banks by Indians.
- Public Interest Litigation is the power **given to the public by courts through judicial Activism**. It is a case of **judicial activism** as the judiciary activates the public to approach the courts in social interest.
- PIL is an example of **epistolary jurisdiction** of the Supreme Court of India



## Alternate Dispute Redressal (ADR) Mechanism

- **Lok Adalat:** They are constituted under the **Legal Services Authorities Act, 1987**. It is a form of a public conciliation, supervised by **few people who are judges or advocates with experience**. They have been given powers of a civil court upto a limited extent.
- Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.
- **Nayaya Panchayats:** A **Nyaya Panchayat** is a system of dispute resolution at village level in the Indian subcontinent. Nyaya panchayats can be endowed with functions based on broad principles of natural justice and can tend to remain procedurally as simple as possible. They can be given civil and minor criminal jurisdiction.

## Articles Related to Supreme Court

Article 124	Establishment and constitution of Supreme Court
Article 124 A	National Judicial Appointment Commission
Article 124 B	Functions of National Judicial Appointment Commission
Article 124 C	Power of parliament to make law on Appointment of Judges
Article 125	Salaries and Allowances of Judges of SC
Article 126	Appointment of acting Chief Justice
Article 127	Appointment of ad hoc judges
Article 128	Attendance of retired judges at sitting of the SC
Article 129	Supreme court to be a court of records
Article 130	Seat of SC
Article 131	Original Jurisdiction
Article 132	Appellate Jurisdiction of SC in appeal from High Court in certain cases

<b>Article 133</b>	<b>Appellate Jurisdiction of SC in appeal from High Court in regard to civil matters</b>
<b>Article 134</b>	<b>Appellate Jurisdiction of SC in regard to criminal matters</b>
<b>Article 134 A</b>	<b>Certificate for appeal to SC</b>
<b>Article 135</b>	<b>Jurisdiction and Powers of Federal Court under existing law to be exercisable by the SC</b>
<b>Article 136</b>	<b>Special Leave Petition</b>
<b>Article 137</b>	<b>Review of Judgements and orders by the SC</b>
<b>Article 138</b>	<b>Enlargement of the jurisdiction of the SC</b>
<b>Article 139</b>	<b>Parliament may confer on the SC powers to issue certain writs</b>
<b>Article 139 A</b>	<b>Transfer of certain cases</b>
<b>Article 140</b>	<b>Parliament may confer ancillary powers of the SC</b>
<b>Article 141</b>	<b>Law declared by SC is binding on all other courts</b>
<b>Article 142</b>	<b>Enforcement of decrees and orders of SC throughout India</b>
<b>Article 143</b>	<b>Power of President to seek advice of SC</b>
<b>Article 144</b>	<b>Civil and judicial authorities to act in aid of SC</b>
<b>Article 145</b>	<b>Supreme court makes Rules of court with approval of the President</b>
<b>Article 146</b>	<b>Officers and servants and expenses of the SC</b>
<b>Article 147</b>	<b>Interpretation of terms in this part</b>

### **PREVIOUS YEARS QUESTIONS**

- 1. Who/which among the following is the custodian of the constitution of India?  
(2016)**

- (a) The President of India
  - (b) The Prime Minister of India
  - (c) The Lok Sabha secretariat
  - (d) The Supreme court of India**
- 2. Which of the following jurisdictions of the Indian judiciary covers Public Interest Litigation? (2016)**
- (a) Appellate jurisdiction
  - (b) Original jurisdiction
  - (c) Advisory jurisdiction
  - (d) Epistolary jurisdiction**
- 3. The power of Supreme court of India to decide disputes between the Centre and state falls under its(2016)**
- (a) Writ jurisdiction
  - (b) Advisory jurisdiction
  - (c) Original jurisdiction**
  - (d) Appellate jurisdiction
- 4. Under which article, the Supreme Court has the power to review its own judgement or order? (2016)**
- (a) Article 137**
  - (b) Article 254
  - (c) Article 256
  - (d) Article 142
- 5. Disputes regarding election of the President and the Vice President of India are decided by which one of the following? (2015)**
- (a) The Election Commission of India
  - (b) The Parliament
  - (c) The Supreme court of India**
  - (d) The Rajya Sabha
- 6. Which documents is conventional placed before the Indian Parliament on the last working day of the month of February? (2014)**
- (a) The Five Year Plan Document
  - (b) The Union Budget
  - (c) The Economic Survey

## Governor of a State

- **Article 153 to 167 of Part VI** of the Indian constitution deals with the **state executive**
- State executive consists of the **Governor, Chief Minister, the council of ministers and the advocate general**
- **Governor** is the **chief executive head of the state** and like president he also is a **nominal head**
- Governor also **acts as the agent of central government**

### Appointment of the Governor

- **Governor is not elected**, and he is appointed by the president by warrant under his hand and seal
- The system of governor being appointed by the President/central government was **adopted from Canada**
- Constitution lays **down only two qualifications for the Governor**
  1. **He should be a citizen of India**
  2. **He should have completed 35 years of age**

### Conditions of Governor's Office

- He should **not hold any office of profit**
- He is entitled to use **Raj Bhavan without paying any rent**
- His emoluments, **privileges and allowances are determined by the parliament**
- When a single person is appointed as governor of two states, his emoluments and allowances are **shared between the two states**
- Present salary of the governor is **3.5 lakh Indian Rupees**
- Like President, Governor is also **immune from criminal proceedings**
- Civil proceedings can be initiated after a notice of **2 months in respect of his personal affairs**
- The oath of Governor is administered before the **Chief Justice of the concerned High Court**

### Term of Office

- **A governor holds office for maximum five years.** However, his term of five years is subject to **pleasure of the President**
- Supreme court has ruled that pleasure president is not justiciable. Hence, Governor has no secured term of office
- **Governor can continue in the office after 5 years until the new successor comes to power**
- **A governor can be reappointed by the President** for the same state or any other state
- He can **resign any time by submitting resignation letter to the President**

## **Powers and functions of the Governor**

### **1. Executive Powers**

- **All executive actions** are taken in his name
- He can **make rules for more convenient transaction of business in the State Legislative Assembly.**
- Appoints **Chief Minister and other ministers.** There should be a **Tribal Welfare Minister in Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha.**
- He Appoints **the Advocate General of the State and determines his conditions of service and tenure.**
- He Appoints **the Election Commissioner of the State and determines his conditions of service and tenure.** However, **State Election commissioner can be removed only like the manner of removal of a judge of High Court**
- He Appoints **the Chairman and members of State Public Services Commission.** **They can be removed only by the President**
- He acts as the **chancellor of universities** in the state. He also appoints the Vice-Chancellors

### **2. Legislative Powers**

- He can **summon, prorogue and dissolve** the state legislative assembly.
- He can **address state legislature any time**
- He can **send messages to the house**
- He can **address the state legislature at the commencement of each assembly and at the beginning of every year**
- **He nominates 1/6 of the members to State Legislative Council** from people who are expert science, literature, art etc.

- His **prior permission** is needed to introduce **Money Bill**
- A bill becomes an act when he **assents it**
- He can **promulgate ordinance** when the legislative assembly is not in session
- In a Bill he has four options
  1. **Assent a Bill**
  2. **Withhold Assent**
  3. **Return (Not in Money Bill)**
  4. **Reserve for the consideration of the President**

### 3. Financial Powers

- **Prior permission to introduce a money bill**
- Cause to be laid before the parliament the **annual financial statement (Budget)**
- **No demand for grant** without his recommendation
- **Make advance out of contingency fund of the state.**
- **Constitute a state finance commission after every five years to review financial position of Panchayats and Municipalities**

### 4. Judicial Powers

- He is **consulted by the President while appointing judges of high court.**
- He has **pardoning power to the criminals**
- He **cannot pardon a death sentence and cannot pardon a sentence awarded by a court martial**
- He **appoints district judges in consultation with state high court**
- He also appoints other judges selected through judicial services of the state

## Discretionary Powers of the Governor

### Constitutional Discretion

- **Reservation of a bill** for the consideration of the President.
- Recommendation for the imposition of **the President's Rule in the state.**
- While exercising his functions as the **administrator of an adjoining union territory** (in case of additional charge).

- Determining the amount payable by the **Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council** as royalty accruing from licenses for mineral exploration
- Seeking information from the **chief minister with regard to the administrative and legislative matters of the state.**

### **Situational Discretion**

- **Appointment of chief minister when no party** has a clear-cut majority in the state legislative assembly or when the chief minister in office dies suddenly and there is no obvious successor.
- **Dismissal of the council of ministers when it cannot prove the confidence of the state legislative assembly.**
- **Dissolution of the state legislative assembly if the council of ministers has lost its majority.**
- **Case of a caretaker government**
- **Case of no sitting of both houses for six months**
- **Assenting a bill or using veto powers**

### **Special Powers of Some Governors**

- **Maharashtra:** Governor has special power in **establishment of separate development boards for Vidarbha and Marathwada**
- **Gujrat:** Governor has special power in **establishment of separate development boards for Saurashtra and Kutch.**
- **Nagaland:** Governor has special powers **with respect to law and order** in the state for so long as the internal disturbance **in the Naga Hills- Tuensang Area continues**
- **Assam:** Governor has special powers with respect to **administration of tribal areas.**
- **Manipur:** Governor has special powers with respect to **administration of hill areas**
- **Sikkim:** Governor has special powers for ensuring **social and economic advancement of different sections of the population**
- **Arunachal Pradesh:** Governor has special powers with respect to **law and order in the state**
- **Karnataka:** Governor has special power in **establishment of separate development boards for Hyderabad-Karnataka region.**

## Articles Related to the Governor

<b>Article 153</b>	<b>Governors of States</b>
<b>Article 154</b>	<b>Executive Powers of the state are vested in the Governor</b>
<b>Article 155</b>	<b>Governor is appointed by the President</b>
<b>Article 156</b>	<b>Term of office of Governor is pleasure of the President</b>
<b>Article 157</b>	<b>Qualifications of the Governor</b>
<b>Article 158</b>	<b>Conditions of Governor's Office</b>
<b>Article 159</b>	<b>Oath or Affirmation by the Governor</b>
<b>Article 160</b>	<b>Discharge of the functions of the Governor in certain circumstances. President will take a decision in this regard</b>
<b>Article 161</b>	<b>Power of the Governor to grant pardon</b>
<b>Article 162</b>	<b>Extend of Executive Power of the state</b>
<b>Article 163</b>	<b>Council of Ministers to aid and advice Governor</b>
<b>Article 164</b>	<b>Other provisions as to ministers like appointment, term, salaries and others</b>
<b>Article 165</b>	<b>Advocate General of a state is appointed by the Governor</b>
<b>Article 166</b>	<b>Conduct of the business of the government of a state. All executive actions are taken in the name of the Governor</b>
<b>Article 167</b>	<b>Duties of the Chief Minister regarding furnishing information to the Governor</b>



<b>Article 174</b>	<b>Summoning Sessions of the legislature, prorogation and dissolution</b>
<b>Article 175</b>	<b>Right of the Governor to address and send messages to the state legislature</b>
<b>Article 176</b>	<b>Special address by the Governor</b>
<b>Article 200</b>	<b>Assent to the Bills and veto powers of the Governor</b>
<b>Article 201</b>	<b>Bills reserved by the Governor for consideration of the President</b>
<b>Article 213</b>	<b>Power of Governor to Promulgate Ordinance</b>
<b>Article 217</b>	<b>Governor being consulted by the President in the matter of the appointments of the Judges of the High Courts</b>
<b>Article 233</b>	<b>Appointment of the district judges by the Governor</b>
<b>Article 234</b>	<b>Appointment of persons (other than district judges) to the judicial service of the state by the Governor</b>

### **PREVIOUS YEARS QUESTIONS**

- 1. In India, who appoints the District Judges? (2018)**
  - (a) The Governor**
  - (b) The Judges of High Court
  - (c) The Chief Minister
  - (d) The President
- 2. The Governor of which state has been vested with special powers regarding the Scheduled Tribal Areas? (2016)**
  - (a) Arunachal Pradesh
  - (b) Assam**
  - (c) Maharashtra
  - (d) West Bengal
- 3. The Governor of a state is an integral part of the (2014)**
  - (a) State Cabinet**

- (b) Parliament
- (c) **State Legislature**
- (d) State Public Service Commission

**4. Who administer the oath of office for the President of India and the Governor of a state respectively? (2014)**

- (a) The Speaker of the Lok Sabha and the Speaker of the State Legislative Assembly
- (b) The Solicitor General of India and the Advocate General of the State
- (c) **The Chief Justice of the Supreme Court of India and the Chief Justice of High Court of the state**
- (d) None of the above

## **Chief Minister**

- Chief Minister is the **real or de facto executive of the state**

### **Appointment of the Chief Minister**

- **Article 164** says that the Chief Minister shall be appointed by the Governor
- When no party has majority, Governor can use his **discretion in appointing the CM**
- In such situations, the appointed CM has to prove the **majority support in the house within one month**
- A person who is not a member of state legislature can **continue as CM for 6 months**
- A **member of Legislative Council of the state can also be appointed as CM**

### **Oath, Term and Salary**

- His oath is administered by **the Governor**
- His term is the **pleasure of the governor** which means the **support of majority members in the state legislative assembly**
- **Salary and allowances** of the CM is **determined by the state legislature**

### **State Council of Ministers**

- **Article 163 and 164** of the Indian Constitution discusses the state council of ministers

## Article 163

- There shall be a **Council of Ministers** with the Chief Minister at the head to aid and advice the Governor
- If any question arises whether a matter falls within Governor's discretion or not, **decision by the Governor shall be final**
- The advice tendered by the Ministers to the Governor shall not be inquired in any court

## Article 164

- Chief Minister shall be **appointed by the Governor** and other Ministers on the recommendation of the CM
- Maximum number of ministers in the state council of ministers can be **15% of the total membership of the house**
- **At the same time, the number of ministers in any state including the Chief Minister shall not be less than 12**
- **Council of ministers shall be collectively responsible to state legislature**
- A minister can continue in the office without becoming a member of any house for a **maximum period of 6 months**

## State Legislature

- Most of the features of state legislature is similar to Lok Sabha
- **6 states in India have both Legislative Assembly (Vidhan Sabha) and Legislative Council (Vidhan Parishad)**
- They are **Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra and Karnataka**
- **The size of the State Legislative Council cannot be more than one third of the membership of the State Legislative Assembly.**
- **However, its size cannot be less than 40 members**

## Composition of the Legislative Council

- **1/3 are elected by the members of local bodies** like municipalities in the state
- **1/3 are elected by the members of legislative assembly**
- **1/12 are elected by graduates of 3 years standing** residing in the state

- **1/12 are elected by teachers of 3 years standing** in the state not lower than secondary school level
- **Remaining people are nominated by the Governor** (it will be 1/6 of total members)

### Duration of Legislative Council

- Legislative council is a **permanent body like Rajya Sabha**
- Term is **6 years and 1/3 of the members are elected every 2 years**
- A person must be **above 30 years** to be elected as member of legislative council (For **MLA it is 25**)
- Other provisions of legislative assembly are similar to Lok Sabha

### PREVIOUS YEARS QUESTIONS

- 1. The maximum permissible period between two sessions of a State Legislative Assembly is(2016)**
  - (a) One year
  - (b) Six months**
  - (c) Three months
  - (d) Indefinite
- 2. If in an election to a State Legislative Assembly the candidate who is declared elected loses his deposit, then it means that(2015)**
  - (a) Polling was very poor
  - (b) The election was for a multi-member constituency
  - (c) The elected candidate's victory over his nearest rival was very marginal
  - (d) A very large number of candidates contested in the election**

### High Courts

- **Articles 214 to 231 in part VI** of the constitution deal with the **organization, independence, jurisdiction, powers and procedures of the High Courts**
- High courts operate below the Supreme Court and above subordinate courts
- High court occupies top position in the judicial administration of a state
- High courts **were set up in India first time in 1862 at Calcutta, Bombay and Madras**
- Fourth High Court of India was established in **Allahabad in 1866**

- **Guwahati High Court** was established on **March 1 1948**
- Constitution demands a **High Court for each state**
- But, **7<sup>th</sup> Amendment of the constitution in 1956** authorised the parliament to **establish a High Court for two or more states**
- For example, **Guwahati High Court** functions for **Assam, Nagaland, Mizoram and Arunachal Pradesh**
- At present, there are **25 High Courts in India**
- **Andhra Pradesh High Court** was the **25<sup>th</sup> High Court** (Established in 2019)
- **Delhi and Jammu and Kashmir** are the only two **Union Territories** which have their own High Court
- **Number of judges in each High Court** is fixed by the **President** from time to time

## Judges

### Appointment of Judges

- **Judges of the High Court** are appointed by **the President**
- The **collegium** for appointment of High Court judges includes **Chief Justice of India** and **2 senior most judges of the Supreme Court (3<sup>rd</sup> Judges Case)**

### Qualifications of Judges

- He should be a **citizen of India**
- He should have held a **judicial office in the territory of India for 10 years**  
Or He should have been an **advocate in High Courts for 10 years**
- There is **no minimum age** to be the **Judge of High Court**
- There is **no provision** for appointment of **distinguished jurist** as a **judge of High Court** (It is only in the case of **Supreme Court**)

### Oath or Affirmation

- Oath is taken **before the Governor of the state** or some person appointed by the Governor for this purpose

### Tenure of Judges

- Tenure of the judge of **High Court** has **not been fixed by the constitution**

- Constitution tells that he holds office until he attains **62 years of age**
- He can **resign his office by writing to President**

### Removal of Judges

- It is similar to the removal of the judge of SC (Mentioned in the chapter of Supreme Court)

### Salaries and Allowances

- Salaries and allowances of the Judges of High Court **are determined by the parliament from time to time**
- It **cannot be decreased except during a financial emergency**
- Present salary of Chief Justice is **2.5 lakh Indian rupees** and that of Judges is **2.25 lakh Indian rupees**
- **50 percent salary is the pension for them**

### Acting Chief Justice of High Court

- **President of India can appoint** a judge of a High Court as acting Chief Justice of the High Court in following situations
  1. **The office of Chief Justice is vacant**
  2. **The Chief Justice is temporarily absent**
  3. **The Chief Justice is unable to perform his duties**

### Additional and Acting Judge of High Court

- **The President** can appoint duly qualified person as **additional judge of High Court** for a temporary period **not exceeding 2 years** if there is **too much work** in the High Court
- **The President** can also appoint duly qualified person as an **acting judge** of High Court when **a judge of that High Court is unable to perform his duties**
- **Both additional and acting judges cannot hold office after attaining the age of 62 years**

### Retired Judges

- **Chief Justice of a High Court can request a retired judge of any High Court to act as the judge of High Court for a temporary period**

- It can be **done only on the prior consent of the President and the person** who is going to be appointed
- **Such judges enjoy the jurisdiction, powers and privileges of the judge of a High Court**
- But he will not be deemed to be a judge of High Court

## **Jurisdiction and Powers of High Courts**

- Following are the types of **Jurisdiction of High Courts**
  1. **Original Jurisdiction**
  2. **Writ Jurisdiction**
  3. **Appellate Jurisdiction**
  4. **Supervisory Jurisdiction**
  5. **Control over subordinate Courts**
  6. **Court of Record**
  7. **Judicial Review**

## **Original Jurisdiction**

- Original jurisdiction of the High Courts extends to the following matters
  - a) **Matters of marriage, divorce, company law and contempt of court**
  - b) **Disputes relating to election** of members of parliament and state legislature
  - c) **Regarding revenue matter or an act related to revenue collection**
  - d) **Enforcement of Fundamental Rights**
  - e) **Cases ordered to be transferred from a subordinate court** involving the interpretation of the constitution
  - f) **Four High Courts (Calcutta, Bombay, Madras and Delhi) have original civil jurisdiction in cases of higher value**

## **Writ Jurisdiction**

- **Article 226 empowers High Courts** to issues all five writs mentioned under Article 32 for Supreme Court
- It is to **protect Fundamental Rights of the Citizens and for any other purpose**
- Hence, writ jurisdiction of the High Court is **wider than that of the Supreme Court**

- High Court can issue writs against a person or authority **even outside its territorial jurisdiction** if the cause of action arises within the territorial jurisdiction of the High Court
- **Writ Jurisdiction of Supreme Court and High Courts** are part of basic structure of the constitution

### Appellate Jurisdiction

- **High court is primarily a court of appeal**
- Hence it takes both criminal and civil matters on appeal from lower courts

### Supervisory Jurisdiction and Control over Subordinate Courts

- High Court has **superintendence over all courts and tribunals functioning in its territorial jurisdiction except military courts or tribunals**
- High Courts also **have administrative control over subordinate courts**
- High court is consulted by the Governor in matters of appointment and promotion of **district judges and in the appointment of the persons** to the judicial service of the state
- It can **withdraw a case pending in subordinate court** if it involves a substantial question of law that requires interpretation of the constitution
- A law of High Court is **binding on all subordinate courts functioning within its territorial jurisdiction**

### A Court of Record

High Courts have following powers under this provision

- **The judgements, proceeding and acts of the High Courts are recorded for perpetual memory and testimony**
- These records have **evidentiary value** and cannot be questioned when produced before any subordinate court
- They are considered as **legal reference**
- It has power **to punish for contempt of court** either with **simple imprisonment** or with **fine or with both**
- Contempt of court may civil or criminal
- **Civil contempt** means wilful disobedience to any judgement or order of a court



- **Criminal contempt** means publication of any matter or doing an act which scandalizes and lowers the authority of a court or obstructs the administration of justice by a court

## Judicial Review

- It is the power of the **High Courts to examine the constitutionality of legislative enactment and executive orders of both central and state governments**
- **High Courts can declare the acts and orders as unconstitutional and void if they are found to be violative of the constitution**
- **The phrase Judicial review has nowhere mentioned in the constitution**
- However, the provisions of **Article 13 and 226 explicitly confer the power of judicial review on a High Court**

## Articles Related to High Courts

<b>Article 214</b>	<b>High Courts for states. There should a High Court for each state</b>
<b>Article 215</b>	<b>High Courts to be court of records</b>
<b>Article 216</b>	<b>Constitution of High Courts (Number of Judges in the High Court is fixed by the president from time to time)</b>
<b>Article 217</b>	<b>Appointment and conditions of the office of a judge of High Court</b>
<b>Article 218</b>	<b>Application of certain provisions relating to Supreme Court to High Courts</b>
<b>Article 219</b>	<b>Oath or Affirmation of judges of High Courts</b>
<b>Article 220</b>	<b>Restriction on practice after being a permanent judge</b>
<b>Article 221</b>	<b>Salaries and allowances of judges of High Courts</b>
<b>Article 222</b>	<b>Transfer of a judge from one High Court to another</b>
<b>Article 223</b>	<b>Appointment of acting chief justice</b>
<b>Article 224</b>	<b>Appointment of additional and acting judges</b>

<b>Article 224 A</b>	<b>Appointment of retired judges at sitting of High Courts</b>
<b>Article 225</b>	<b>Jurisdiction of existing High Courts</b>
<b>Article 226</b>	<b>Power of High Courts to issue certain writs</b>
<b>Article 227</b>	<b>Power of superintendence over all courts by the High Court</b>
<b>Article 228</b>	<b>Transfer of certain cases to High Court</b>
<b>Article 229</b>	<b>Officers and servants and the expenses of High Courts</b>
<b>Article 230</b>	<b>Extension of jurisdiction of High Courts to union territories</b>
<b>Article 231</b>	<b>Establishment of a common High Court for two or more states</b>

### **PREVIOUS YEARS QUESTIONS**

1. Under which of the following articles, additional and acting judges can be appointed in the High Courts? (2016)
  - (a) Article 220
  - (b) Article 229
  - (c) **Article 224**
  - (d) Article 231

### **Union Territories**

- It is discussed in Articles between 239 to 242 in Part VIII of the constitution
- **Ministry of Home Affairs** is the nodal ministry for all affairs of the Union Territories
- **Himachal Pradesh, Manipur, Tripura, Mizoram, Arunachal Pradesh and Goa** were earlier Union Territories and later converted into statehood.
- At present, there are **8 Union Territories**
- They are as follows with their capital cities
  1. **Andaman and Nicobar: Port Blair**
  2. **Delhi: Delhi**
  3. **Lakshadweep: Kavarati**
  4. **Dadra and Nagar Haveli and Daman and Diu: Daman**

5. **Puducherry: Puducherry**
6. **Chandigarh: Chandigarh**
7. **Jammu and Kashmir: Jammu and Srinagar**
8. **Ladakh: Leh and Kargil**

## **Administration of Union Territories**

- **Article 239 to 241 in part VIII** of the constitution deal with the Union Territories
- All union territories are administered by the **President through administrators appointed by him**
- At present the agent of President to Delhi, **Puducherry, Andaman and Nicobar Islands, Jammu and Kashmir and Ladakh** is known as **Lieutenant Governor**
- He is known as **administrator in the case 3 remaining UTs**
- **Union Territory of Delhi, Puducherry and Jammu and Kashmir** have legislative assemblies and ministry
- **Parliament can make laws for all 8 Union Territories on any item in State List and Concurrent List**
- **Legislative Assembly of Puducherry can also make laws on any item in State List and Concurrent List**
- **Legislative Assembly of Delhi can make laws on any item in Concurrent List and State List except police, public order and land**
- **Delhi and Jammu and Kashmir are the UTs which have a High Court of its own**
- **Dadra and Nagar Haveli and Daman and Diu come under Bombay High Court**
- **Andaman and Nicobar Islands comes under Calcutta High Court**
- **Chandigarh is under Punjab High Court**
- **Lakshadweep is under Kerala High Court**
- **Puducherry is under Madras High Court**
- **Ladakh is under Jammu and Kashmir High Court**

## **Special Provisions for Delhi**

- **69<sup>th</sup> Amendment Act of 1991** provided a special status to the **UT of Delhi**
- The act re-designated it as **National Capital Territory of Delhi**
- The strength of assembly is fixed at **70 members**
- Election would be conducted by the **Election Commission of India**

- The strength of council of **ministers is fixed at 10 percent of the total members (it is 7)**
- The Chief Minister and other ministers of Delhi are **appointed by the President**
- The ministers hold the office **during the pleasure of the President**
- Lt. Governor of Delhi **can also promulgate ordinance**

<b>Article 239</b>	<b>Administration of Union Territories</b>
<b>Article 239A</b>	<b>Creation of Local legislatures or council of ministers or both for certain Union Territories</b>
<b>Article 239AA</b>	<b>Special Provisions with respect to Delhi</b>
<b>Article 239AB</b>	<b>Provision in respect of failure of constitutional machinery</b>
<b>Article 239B</b>	<b>Power of administrator to promulgate ordinances</b>
<b>Article 240</b>	<b>Power of President to make regulations for Union Territories</b>
<b>Article 241</b>	<b>High Courts for Union Territories</b>

### **PREVIOUS YEARS QUESTIONS**

**1. Administration of Union Territories is dealt with in (2001)**

- (a) Part VIII of the Constitution
- (b) Part IX of the Constitution
- (c) Part X of the Constitution
- (d) Part XI of the Constitution

### **Panchayat Raj**

- It is mentioned in **Article 40 of the directive principles**
- It was constitutionalized through **73<sup>rd</sup> Amendment Act 1992**
- **Chola dynasty of south India** was the first people in India to implement Panchayat Raj Institutions
- In the modern Indian History, **Ripon's resolution 1882** was the first attempt to establish Panchayat Raj Institutions
- Hence **Ripon** is known as the **father of Local Self-government System in India**

## Evolution of Panchayat Raj

### Balwant Rai Mehta Committee

- In 1957, Government of India appointed a committee under Balwant Rai Mehta to review National Development Programme (1952) and National Extension Service (1953)

#### Recommended Suggestions

1. Establishment of a **three tier Panchayat Raj system**  
**Gram Panchayat at village level**  
**Panchayat Samiti at block level**  
**Zila Parishad at district level**
  2. **Direct election for village panchayat and indirect election for other two levels**
- **Rajasthan** was the first state to establish Panchayat Raj according to these recommendations
  - The scheme was inaugurated by Nehru on **2<sup>nd</sup> October 1959 in Nagaur District**
  - **Andhra Pradesh** was **second** state to adopt the system
  - Although many states constituted the system, the pattern was different in all the states

### Ashok Mehta Committee

- It was appointed by **Janata Government in 1977**
- It submitted **132 recommendations to revive Panchayat Raj System**
- Major recommendations are as follows
  1. Replace the three-tier system with **two tier systems with Zila Parishad at district level and Mandal Panchayat below that**
  2. There should be official participation of **political parties in panchayat elections**
  3. **Chief electoral officer of the state** should conduct elections in consultation with election commission of India
  4. **A minister for Panchayat Raj** should be appointed in the state council of ministers
  5. **Seats for SC and ST should be reserved** in proportion to their population

### Dantwala Committee Report 1978

- It advocated for **Block level planning**

### GVK Rao Committee

- The committee was **appointed in 1985 by the Planning Commission** to review rural development and poverty eradication
- Following recommendations were made by the committee for strengthening Panchayat Raj institutions
  1. Suggested a new post of **District Development Commissioner** for managing development activities in the district
  2. There should be **regular election to Panchayat Raj institutions**

### Hanumantha Rao Committee

- It was for **district level planning**
- It advocated for **separate district level planning bodies under district collector or a minister**

### LM Singhvi Committee

- **Rajiv Gandhi government appointed** this committee in 1986 for revitalization of panchayat raj institutions
- Recommendations are as follows
  1. Panchayat Raj institutions should **be constitutionally recognized by adding a chapter in the constitution**
  2. **Nyaya Panchayats should be established** for a cluster of villages
  3. It emphasized on the importance of **Gram Sabha and giving power to the local people**
  4. **A judicial tribunal should be established in each state** to adjudicate cases related to election to Panchayat institutions

### Thungon Committee

- It was **constituted in 1988 to examine political and administrative structure in the districts** for the purpose of district planning

- Following are the recommendations
  1. The **Panchayat Raj bodies should be constitutionally recognized**
  2. **Three tier Panchayat system** with village, block and district level
  3. **Zilla Parishad should act as planning and development agency** in the district
  4. Panchayat bodies should **have a fixed tenure of 5 years**
  5. **A state planning commission** should be set up under the **Minister of Planning and with presidents of Zilla Parishads as members**
  6. There should be **reservation for women in Panchayat Raj institutions**
  7. **A state finance commissions** should be set up for devolution of finances to Panchayat Raj institutions
  8. **District Collector should be Chief Executive Officer of Zilla Parishad**

### Gadgil Committee

- It was **constituted by the Congress party in 1988 under VN Gadgil**
- Committee made following suggestions in this regard
  1. **Constitutional status** should be bestowed on Panchayat Raj Institutions
  2. **Three tier Panchayat Raj system** with village, block and district levels
  3. **Fixed term of five years** for Panchayat Raj Institutions
  4. The members of Panchayat Raj Institutions at three levels **would be elected**
  5. **Reservation for SC, ST and Women**
  6. **Establishment of State Finance Commission** for allocation of resources to the Panchayat Raj Institutions
  7. **Establishment of State Election Commission** for conducting elections to Panchayat Raj Institutions

### 73<sup>rd</sup> Amendment Act 1992

- It added a new **Part IX in the constitution** titled as **‘The Panchayats’**
- It consists of **Articles 243 to 243 O**
- The act has also added **11<sup>th</sup> Schedule to the constitution** which contains **29 functions of Panchayats as explained in 243 G**
- Provisions of the act can be grouped into **mandatory and voluntary**. It is compulsory for the state governments to include the mandatory provisions and the voluntary provisions are at the discretion of the states

## Salient Features of the Act

### 1. Gram Sabha Article 243A

- Gram Sabha is the **foundation of Panchayat Raj System**
- It is composed of **all persons whose name appears in the electoral roll** of the village
- **State Legislative Assembly determines the powers and functions** of Gram Sabha

### 2. Three-tier System 243B

- Every state should implement a **three-tier system at village, intermediate and district levels**
- A state with a population not exceeding **20 lakhs may not constitute intermediate level**

### 3. Election of Members and Chairpersons 243C

- All members in **three levels shall be directly elected by the people**
- **Chairpersons at intermediate and district levels shall be indirectly elected** by the elected members from amongst them
- **Chairperson at village panchayat level** shall be elected in such manner as the **state legislature determines**

### 4. Reservation of Seats 243D

- The act provides **reservation for SC and ST at all three levels of Panchayats in proportion to their population** to the total population in the Panchayat area
- State legislature shall provide for **reservation of offices of chairpersons in any level for the SCs and STs**
- There should be a reservation of **not less than one third of seats to women including women of SC and ST**
- **Not less than one third of the total seats for chairpersons** in all three levels should also be reserved for women
- **State legislature may provide reservation for any other backward class in the state**

### 5. Duration of Panchayats 243E

- The act provides **five-year term for all levels**
- In case of earlier **dissolution before 5 years**, election should be held **within 6 months**



- The new body will continue in the office for the remaining period (Not for full 5 years)
- If the reminder period is less than six months, there is no need to conduct a bye election

## **6. Disqualifications 243F**

- A member can be disqualified under any law which is in force for the election of the state legislature concerned
- He can also be disqualified under any law made by the state legislature for Panchayat Raj institutions
- Minimum age to be a member of Panchayat Raj institutions is 21

## **7. Powers and Functions of Panchayats 243G**

- State legislature may endow powers and functions for Panchayats
- It includes preparation of plans for economic development and social justice, the implementation of government schemes
- 29 functions are listed in eleventh schedule

## **8. Finances 243H**

- State legislature may authorize a panchayat to levy, collect and appropriate taxes, duties, tolls and fees
- State legislature may also assign some taxes collected by the state government
- May also provide grants in aid to Panchayats
- May make provisions for providing credit to Panchayats

## **9. Finance Commission 243I**

- Governor of a state constitutes Finance Commission every five years to review financial position of Panchayats
- It provides suggestion for distribution of net proceeds of taxes, duties and tolls levied by the state between state government and panchayats
- The governor places the recommendations of the commission before state legislature

## **10. Audit of Accounts 243J**

- State legislature makes provisions for maintenance and audit of accounts

## **11. State Election Commission 243K**

- State election commission performs all functions related to the election of Panchayats

- **State Election Commissioner is appointed by the Governor**
- **He can be removed only on the manner of removal of the judge of a High Court**

## **12.Application to Union Territories 243L**

- **The President of India may direct that the provision of this act may apply to any UT with some modifications and exception the president may suggest**

## **13.Exempted States and Areas 243M**

- **The act does not apply to following states**  
**Jammu and Kashmir**  
**Nagaland**  
**Meghalaya**  
**Mizoram**  
**Scheduled areas and Tribal areas in states**  
**Hill area of Manipur for which a district council exists**  
**Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists**  
**However, parliament may extend the act to Scheduled areas and Tribal areas with modifications**

## **14.Continuation of Existing Laws and Panchayats 243N**


- **All the exiting state laws relating to Panchayats shall continue for one year after 73<sup>rd</sup> Amendment act.**
- **The state has to adopt new system within one year of the act**
- **All existing panchayats in different states at that time would continue until the expiry of their term or dissolution by the state government**

## **15.Bar to interference of Courts in Election Matters 243O**

- **Any law relating to delimitation of constituencies or allotment of seats cannot be questioned in any court**
- **No election to Panchayats can be questioned except by an election petition presented to prescribed authorities**

## **Eleventh Schedule of the Constitution**

- **It contains following 29 functions of Panchayats**  
**1) Agriculture and agricultural extension**

- 
- 2) Land improvement and implementation of land reforms
  - 3) Minor irrigation and water management
  - 4) Animal husbandry, dairying and poultry
  - 5) Fisheries
  - 6) Social forestry and farm forestry
  - 7) Minor forest products
  - 8) Small scale industries including food processing industry
  - 9) Khadi village and cottage industries
  - 10) Rural Housing
  - 11) Drinking water
  - 12) Fuel and fodder
  - 13) Roads, Culverts, bridges, ferries, waterways and other means of communication
  - 14) Rural electrification including distribution of electricity
  - 15) Non-conventional energy sources
  - 16) Poverty alleviation programme
  - 17) Education including Primary and secondary schools
  - 18) Technical training and vocational education
  - 19) Adult and non-formal education
  - 20) Libraries
  - 21) Cultural activities
  - 22) Markets and fairs
  - 23) Health and sanitation including hospitals, primary health centre and dispensaries
  - 24) Family welfare
  - 25) Women and child development
  - 26) Social welfare including welfare of handicapped and mentally retarded
  - 27) Welfare of the weaker sections especially SCs and STs
  - 28) Public distribution system
  - 29) Maintenance of community assets

### **Compulsory and Voluntary Provisions of the Act**

- Following are the Compulsory provisions of the act
  1. Organization of Gram Sabha
  2. Establishment of Panchayats at three levels

3. Direct election to fill all seats at 3 levels
  4. Indirect election for the post of chairperson at intermediate and district levels
  5. 21 years as minimum age for candidate
  6. Reservation of seats (both members and chairperson) for SCs and STs at all three levels
  7. Reservation of one third seats (both members and chairperson) for women at all three levels
  8. Fixed tenure of 5 years
  9. State Election Commission
  10. State Finance Commission
- Following are the voluntary provisions
    1. Giving representation to MPs and MLAs/MLCs in panchayats falling within their constituencies
    2. Providing reservation for backward classes
    3. Making panchayats autonomous bodies
    4. Devolution of powers to Panchayats to prepare plan for economic development and social justice
    5. Granting powers to Panchayats to levy and collect certain taxes, duties etc.

### **Provisions of Panchayat (Extension to Scheduled Areas) Act/ PESA Act, 1996**

- According to constitution, **provision of part IX is not applicable to Schedule V areas**
- However, **parliament can extend** these provisions with certain modifications
- Accordingly, parliament extended these provisions to **Scheduled areas with PESA Act, 1996**
- At present 10 states have schedule V areas. They are **Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan**

### **Features of the Act**

- State legislation for Panchayats in Scheduled areas should be **in conformity with customary laws**
- **Gram Sabha has the authority to approve the plans, programmes and projects for social and economic development**

- **Gram Sabha is responsible for identification of beneficiaries** under Poverty alleviation programmes
- **Reservation for Scheduled tribes should not be less than half of the seats**
- **All seats of Chairpersons at all three levels** should be reserved for **Scheduled Tribes**
- **Gram Sabha should be consulted** while acquiring **land for development projects and rehabilitating the affected people**
- **Permission of Gram Sabha** is needed for giving license for mining of minor minerals in their area
- Following powers are endowed to panchayats
  1. **To enforce prohibition of intoxicating drugs**
  2. **Ownership of Minor forest produces**
  3. **To prevent alienation of tribal lands**
  4. **To manage village markets**
  5. **To control money lending**

### Articles Related to Panchayats

<b>Article 243</b>	<b>Definitions</b>
<b>Article 243A</b>	<b>Gram Sabha</b>
<b>Article 243B</b>	<b>Constitution of Panchayats at three levels</b>
<b>Article 243C</b>	<b>Composition of Panchayats</b>
<b>Article 243D</b>	<b>Reservation of Seats for SC, ST and Women</b>
<b>Article 243E</b>	<b>Duration of Panchayats</b>
<b>Article 243F</b>	<b>Disqualification of Membership</b>
<b>Article 243G</b>	<b>Powers, authority and Responsibility of Panchayats</b>
<b>Article 243H</b>	<b>Powers to impose taxes</b>
<b>Article 243I</b>	<b>State Finance Commission</b>
<b>Article 243J</b>	<b>Audit of accounts of Panchayats</b>

<b>Article 243K</b>	<b>Elections to the panchayats</b>
<b>Article 243L</b>	<b>Application to UTs</b>
<b>Article 243M</b>	<b>Part not to apply to certain areas</b>
<b>Article 243N</b>	<b>Continuance of existing laws and Panchayats</b>
<b>Article 243O</b>	<b>Bar to interference by courts in electoral matters</b>

### **PREVIOUS YEARS QUESTIONS**

1. **Who was India's Prime Minister when the Government introduced the modern Panchayat Raj system by the 73<sup>rd</sup> Constitutional Amendment Act and gave it a constitutional status? (2021)**
  - (a) P.V. Narasimha Rao
  - (b) Vishwanath Pratap Singh
  - (c) Atal Bihari Vajpayee
  - (d) Chandra Shekhar
2. **Which of the following is not a feature of Panchayati Raj system? (2018)**
  - (a) Three-tier structure
  - (b) Direct election
  - (c) Reservation of seats
  - (d) None of the above
3. **What is the proportion of seats reserved for women as the Chairperson in the Gram Panchayat? (2018)**
  - (a)  $\frac{1}{2}$
  - (b)  $\frac{1}{3}$
  - (c)  $\frac{2}{3}$
  - (d)  $\frac{1}{4}$
4. **'Panchayati Raj' was first introduced in India in October, 1959 in which of the following States? (2015)**
  - (a) Rajasthan

- (b) Tamil Nadu
- (c) Kerala
- (d) Karnataka

**5. Who is known as the 'Father of Local Self Government' in India? (2014)**

- (a) Lord Amherst
- (b) Lord Ripon**
- (c) Lord Lytton
- (d) Lord Bentinck

**6. Ashok Mehta Committee stated that (2013)**

- (a) the Zila Parishad should be made responsible for planning at the district level**
- (b) in all States, there shall be a Gram Sabha
- (c) periodic elections are to be held
- (d) one-third of the total seats should be reserved for women

**7. Decentralized planning on the basis of Panchayati Raj institutions was recommended by (2013)**

- (a) Ashok Mehta Committee**
- (b) Gadgil Committee
- (c) Mahalanobis Committee
- (d) Balwant Rai Mehta Committee**

**8. Under decentralized planning, a planning committee is set up at which level? (2013)**

- (a) Block
- (b) Subdivision
- (c) District
- (d) Gaon Panchayat**

**9. Lord Ripon is known as the father of (2001)**

- (a) Local self-government in India**
- (b) All India Services
- (c) Hill administration in India
- (d) State Administration in India

**10. Three-tier Panchayati Raj system was recommended by (2001)**

- (a) Sarkaria commission**

(b) **Balwant Rai Mehta committee**

(c) Ashok Mehta Committee

(d) Administrative Reforms Commission

**11. Community Development Programme is based on the philosophy of (2001)**

(a) **Jawaharlal Nehru**

(b) B. R. Ambedkar

(c) Gopinath Bordoloi

(d) Mahatma Gandhi

**12. Which one of the following deals with the Panchayats? (2001)**

(a) Part VII of the Constitution

(b) **Part IX of the Constitution**

(c) Part IX (A) of the Constitution

(d) Part X of the Constitution

**13. Panchayati Raj Institutions became constitutionalized bodies under (1998)**

(a) Art 12 of the constitution

(b) Art 40 of the constitution

(c) The 64th Amendment Bill of 1989

(d) **The 73rd and 74th amendments (1992) to the constitution**

**14. Subjects entrusted to the care of the Panchayats are listed in (1998)**

(a) **Eleventh schedule**

(b) Twelfth schedule

(c) State list

(d) Seventh schedule

## **Municipalities**

- There are **8 types of urban local bodies in India**

1) **Municipal Corporation** (for administration of big cities)

2) **Municipality**(for administration of small cities)

3) **Notified area committee** (for administration of a fast-developing town which does not fulfill conditions for a municipality)



- 4) **Town area committee** (for administration of small towns)
- 5) **Cantonment board** (Municipal administration for civilian population in cantonment areas)
- 6) **Township** (it is urban government established by large public enterprise to provide civil amenities to its staff)
- 7) **Port trust** (for administration of port areas)
- 8) **Special purpose agency** (they are government bodies for different purposes like Housing boards)

- The system was **constitutionalized through 74<sup>th</sup> amendment act, 1992**
- Following **ministries** at the center oversee **urban local bodies**

**Ministry of Urban Development created in 1985**

**Ministry of Defense in cantonment boards**

**Ministry of Home Affairs in the case of UTs**

## History of Urban Bodies

- **First Municipal Corporation in India** was set up by the British in **Madras** in 1687-88
- In 1726, Municipal corporations were set up **Bombay and Calcutta**
- **Viceroy Mayo's Resolution in 1870** visualized **financial decentralization** for local self-governments
- **Viceroy Ripon's Resolution** is known as the **magna carta of local self-government**
- **Ripon** is also known as the **father of local self-government in India**
- **Local self-government** was included as a **transferred subject** in **Government of India Act 1919**
- In 1924, **Cantonment Act** was passed by the central legislature
- In **Government of India Act, 1935**, local self-government was declared as a **provincial item**

## 74<sup>th</sup> Amendment Act, 1992

- The act has added a new **part IX A** with the title '**The Municipalities**'
- It consists of articles **243P to 243 ZG**
- The act also added **12<sup>th</sup> Schedule** which elaborates the functions of municipalities. It deals with Article **243 W**

## Salient Features of 74<sup>th</sup> Amendment Act

### **1. Three Types of Municipalities 243Q**

- A Nagar panchayat for a transitional area between rural and urban area
- A Municipal Council for a smaller urban area
- A Municipal corporation for a larger urban area

### **2. Composition 243R**

- All members are directly elected by the people of each ward
- The state legislature may provide the manner of election of chairperson of a municipality

### **3. Wards Committees 243S**

- Wards committee should be constituted for one or more wards together in a municipality with population of 3 lakh or more
- State legislature may make provisions related to composition, territorial area and the manner of election to wards committees

### **4. Reservation of Seats 243T**

- The act provides reservation for SC and ST at all Municipalities in proportion to their population to the total population in the Municipal area
- State legislature shall provide for reservation of offices of chairpersons for the SCs and STs
- There should be a reservation of not less than one third of seats to women including women of SC and ST
- Not less than one third of the total seats for chairpersons should also be reserved for women
- State legislature may provide reservation for any other backward class in the state

### **5. Duration of Municipalities 243U**

- The act provides five-year term
- In case of earlier dissolution before 5 years, election should be held within 6 months
- The new body will continue in the office for the remaining period (Not for full 5 years)
- If the remaining period is less than six months, there is no need to conduct a bye election

### **6. Disqualifications 243V**

- **A member can be disqualified under any law which is in force for the election of the state legislature concerned**
- **He can also be disqualified under any law made by the state legislature for Municipality institutions**
- **Minimum age to be a member of Municipality is 21**
- **State legislature decides the authority to consider the cases related to disqualification**

## **7. Powers and Functions of Municipalities 243W**

- **State legislature may endow powers and functions for municipalities**
- **It includes preparation of plans for economic development and social justice and the implementation of government schemes**
- **18 functions are listed in twelfth schedule**

## **8. Finances 243X**

- **State legislature may authorize municipalities to levy, collect and appropriate taxes, duties, tolls and fees**
- **State legislature may also assign some taxes collected by the state government to Municipalities**
- **May also provide grants in aid to Municipalities**
- **May make provisions for providing credit to Municipalities**

## **9. Finance Commission 243Y**

- **Finance commission constituted for Panchayats shall also function for Municipalities**

## **10. Audit of Accounts 243Z**

- **State legislature makes provisions for maintenance and audit of accounts**

## **11. State Election Commission 243ZA**

- **State election commission performs all functions related to the election of Municipalities**

## **12. Application to Union Territories 243ZB**

- **The President of India may direct that the provision of this act may apply to any UT with some modifications and exception the president may suggest**

## **13. Exempted Areas 243ZC**

- **The act does not apply to following areas**

**Scheduled areas and Tribal areas in states**

**Darjeeling district of West Bengal for which Darjeeling Gorkha Hill Council exists**

#### **14. District Planning Committee 243ZD**

- Every state shall constitute a district planning committee at district level
- It consolidates the plans prepared by the panchayats and Municipalities in the district and prepares a draft development plan for district
- State legislature may make provisions related the following:
  - 1) Composition of District Planning Committee
  - 2) Manner of election of members
  - 3) Functions of this committee
  - 4) The manner of election of chairperson
- The chairperson shall forward the district plan to the state government

#### **15. Metropolitan Planning Committee 243ZE**

- Metropolitan means an area having more than 10 lakh population
- State legislature may make provisions related the following:
  - 1) Composition of Metropolitan Planning Committee
  - 2) Manner of election of members
  - 3) Representation of central and state governments in such committees
  - 4) Functions of this committee
  - 5) The manner of election of chairperson
- The chairperson shall forward the plan to state planning commission

#### **16. Continuation of Existing Laws and Municipalities 243ZF**

- All the existing state laws relating to Municipalities shall continue for one year after 74<sup>th</sup> Amendment act.
- The state has to adopt new system within one year of the act
- All existing municipalities in different states at that time would continue until the expiry of their term or dissolution by the state government

#### **17. Bar to interference of Courts in Election Matters 243ZG**

- Any law relating to delimitation of constituencies or allotment of seats cannot be questioned in any court

- No election to Municipalities can be questioned except by an election petition presented to prescribed authorities

## 12<sup>th</sup> Schedule of the Constitution

- It contains following 18 functional items related to municipalities
  - 1) Urban Planning including town planning
  - 2) Regulation of land use and construction of buildings
  - 3) Planning for economic and social development
  - 4) Roads and bridges
  - 5) Water supply for domestic, industrial and commercial purposes
  - 6) Public health, sanitation and solid waste management
  - 7) Fire services
  - 8) Urban forestry and protection of environment
  - 9) Safeguarding interests of weaker sections including handicapped and mentally retarded
  - 10) Slum improvement
  - 11) Urban poverty alleviation
  - 12) Provision for urban amenities like parks, gardens and playgrounds
  - 13) Promotion of cultural and educational aspects
  - 14) Burials and burial grounds
  - 15) Cattle ponds and prevention of cruelty to animals
  - 16) Statistics like registration of births and deaths
  - 17) Public amenities like street lighting, parking slots and bus stops
  - 18) Regulation of slaughter house and tanneries

## Articles Related to Municipalities

Article 243P	Definitions
Article 243Q	Constitution of Municipalities
Article 243R	Composition of Municipalities
Article 243S	Constitution and Composition of Wards Committees
Article 243T	Reservation of Seats

<b>Article 243U</b>	<b>Duration of Municipalities</b>
<b>Article 243V</b>	<b>Disqualifications for membership</b>
<b>Article 243W</b>	<b>Powers, authority and responsibilities of municipalities</b>
<b>Article 243X</b>	<b>Powers to impose taxes by municipalities</b>
<b>Article 243Y</b>	<b>Finance Commission</b>
<b>Article 243Z</b>	<b>Audit of accounts of municipalities</b>
<b>Article 243ZA</b>	<b>Elections to the Municipalities</b>
<b>Article 243ZB</b>	<b>Application to UTs</b>
<b>Article 243ZC</b>	<b>Part not to apply to certain areas</b>
<b>Article 243ZD</b>	<b>Committee for district planning</b>
<b>Article 243ZE</b>	<b>Committee for Metropolitan planning</b>
<b>Article 243ZF</b>	<b>Continuance of existing laws and municipalities</b>
<b>Article 243ZG</b>	<b>Bar to interference by courts in electoral matters</b>

### **PREVIOUS YEARS QUESTIONS**

1. Under Art 243 ZD, a District Planning Committee forwards the draft development plan for the district as a whole covering Panchayats and Municipalities (after consolidating their plans) to (1998)
  - (a) The Planning Commission
  - (b) Governor of the state
  - (c) The Government of the state
  - (d) Union Finance Minister

## **Electoral System in India**

**Election Commission of India**

- **Art 324** discusses the election commission of India (**Part XV**)
- **Election Commission of India** manages the elections to the office of the President of India, Vice President, the two houses of the parliament, State Legislative Assemblies and State Legislative Councils
- The commission recognizes the political parties and resolves the disputes relating to splits/mergers of recognized political parties.
- Chief Election Commissioner and the commissioners are **appointed by the President of India**
- **Number of election commissioners** are fixed by the president of India from time to time
- **From 1993**, the body is constituted by **Chief Election Commissioner and 2 Commissioners**
- **Salary is equal to that of the Judge of Supreme Court**
- Term of the CEC is **6 years or 65 years of age whichever is earlier**
- The Constitution **has not specified the term of the members of the Election Commission.**
- **Procedure for removal** of the CEC is **similar to that of Judge of Supreme Court of India (Can be removed only by Special Majority of both houses of the Parliament)**
- **There is no procedure for the removal of Election Commissioners**
- The ground for removal is **proved misbehavior and incapacity**
- It needs to be **voted by the parliament with special majority**
- For removing ECs and Regional Commissioners, **the recommendation of CEC is mandatory**
- Present Chief Election Commissioner is .....
- Present Election Commissioners are .....

### **National and State Parties**

- **Election Commission of India registers** the political parties and recognizes them as National or State parties

### **Conditions for Recognition as National Party/ All India Party**

1. It secures at least **6 percent of the votes polled in 4 or more states in Lok Sabha or State Legislative Assembly**

- In addition to that it also **wins 4 or more seats to Lok Sabha from any of the states**
2. If a party secures **2 percent of total seats to Lok Sabha (it is 11 seats) from three different states**
  3. If the party is recognized as a state party in four states

### Conditions for Recognition as State party/ Regional party

1. If a party secures **6 percent of votes polled to a state legislative assembly election and wins at least two seats in the state legislative assembly**
  2. If it secures **6 percent of valid votes into the Lok Sabha election from the state and at least wins one seat to Lok Sabha from the same state**
  3. If the party secures **3 percent of the seats to state legislative assembly or wins 3 seats in the state legislative assembly whichever is more**
  4. If the party **wins one Lok Sabha seats for each 25 Lok Sabha seat from the state**
  5. If the party secures **8 percent of the total valid votes in an election in the state for Lok Sabha or State Legislative Assembly (Added in 2011)**
- Recognized national parties in India are **Bahujan Samaj Party, Bharatiya Janata Party, Communist Party of India, Communist Party of India Marxist, Indian National Congress, Nationalist Congress Party and All India Trinamool Congress**

### Elections in India

- **Article 324 to 329 in Part XV of the constitution deals with election system in India**

<b>Article 324</b>	<b>Election Commission of India</b> It conducts <b>election to Parliament, state legislature, president of India and Vice President</b>
<b>Article 325</b>	There is <b>one general electoral roll for each constituency</b>  <b>No person is ineligible for inclusion</b> in the electoral roll on the basis of religions, caste, gender or any of them
<b>Article 326</b>	The election is based on the principle of universal adult franchise. Every citizen who is <b>above 18 has the voting right</b>



<b>Article 327</b>	<b>Parliament makes provisions in matters related to election</b> to the parliament and state legislative assemblies like preparation of electoral rolls and delimitation of constituencies
<b>Article 328</b>	<b>State Legislative assemblies can also make laws supplementing the law</b> made by the parliament in matters related to election to state legislative assembly
<b>Article 329</b>	<p><b>Law relating to delimitation and allotment of seats to these constituencies cannot be questioned in any court</b></p> <p><b>Election to the parliament and state legislature cannot be questioned except</b> by an election petition submitted to such authority and in such manner as explained in the concerned legislation</p>

- **Article 323 B empowers the parliament and state legislature to establish election tribunals to adjudicate election cases**
- **No such tribunal has been constituted so far**

## **Election Machinery**

- **Election Commission of India** is at the top of the system
- **Chief Electoral Officer** is the supervisor of the election in a state or UT. He is under the supervision of the Election Commission
- **District Election Officer** supervises election in the district and works under Chief Electoral Officer of the state
- **Returning Officer** is the officer in charge of conducting election in a constituency. He is appointed by Election Commission of India
- **Electoral Registration Officer** is responsible for preparation of electoral rolls for each constituency
- He is also appointed by Election Commission of India
- **Presiding Officer** is conducts the poll at a polling station. The District Election Officer appoints the presiding officer

## **Electoral Reforms in India**

- Following Committees have studied electoral reforms in India

1. **1971: Joint Parliamentary Committee to election law headed by Jaganath Rao**
2. **1974: Tarakunde Committee set up by Lok Nayak Jai Parakash Narayan**
3. **1990: Dinesh Goswami Committee**
4. **1994: VK Krishna Iyer Committee**
5. **1998: Indrajit Gupta Committee**
6. **1999: 15<sup>th</sup> Law Commission of India**

### **Model Code of Conduct**

- It was brought into **force in 1967**
- **Political parties in India agreed** it unanimously in a discussion with Election Commission of India
- It is declared by the **election Commission of India before the election**
- If model code of conduct comes into force **government cannot declare any new project or misuse official power for securing the favour of the people**

### **Delimitation Commission**

- Delimitation is the process of **fixing limits or boundaries of territorial constituencies in a country to represent changes in population.**
- **After every census, the Parliament will enact a Delimitation Act, as per Article 82.**
- **As per Article 170, the states also get classified into territorial constituencies after every census, according to the said Act.**
- **The Delimitation Commission is appointed by the President of India.**
- **Following are the members of the Delimitation Commission**
- **A retired judge of the Supreme Court**
- **The Chief Election Commissioner**
- **State Election Commissioners (of the respective states)**
- **Its orders cannot be questioned in a court of law.**
- **The copies of the orders are laid before the Lok Sabha and the legislative assemblies concerned, but no change is permitted in them.**
- **The Commission also identifies the seats to be reserved for the scheduled castes and scheduled tribes communities**
- **If the members of the Commission have differing opinions, then the decision of the majority will be taken into consideration.**

## Common Factor regarding Election in India

- **Ladakh is the largest** Lok Sabha constituency (In terms of area) in India
- **Chandni Chowk in Delhi is the smallest Lok Sabha** constituency (In terms of area)
- **Malkajgiri in Telangana is the constituency** with largest number of voters
- **Lakshadweep is the constituency with smallest** number of voters

## PREVIOUS YEARS QUESTIONS

1. **To be recognized as a National party, a political party, must be a recognized party in at least(2015)**  
(a) 6 states  
(b) **4 states**  
(c) 5 states  
(d) 10 states
2. **Which of the following is condition for political party to be approved as National Party according to the Election Commission of India's regulations? (2014)**  
(a) **It must have a minimum of 11 seats in the Lok Sabha from at least three states**  
(b) It must have an office in every state capital  
(c) It must have a minimum of 6 seats in the Lok Sabha from at least two states  
(d) It must be at least 10 years old
3. **The Dinesh Goswami committee was concerned with (1998)**  
(a) De-nationalization of banks  
(b) **Electoral reforms**  
(c) Insurgency in the North-east  
(d) The problem of the Chakmas

## Emergency Provisions

- **Art. 352, Art. 356 and Art. 360** discusses 3 types of emergencies in India
- **Art.352: National Emergency**
- **Art.356: State Emergency (President's Rule)**
- **Art. 360: Financial Emergency**

## National Emergency (Art.352)

- Grounds for declaring national emergency are **War, External aggression and armed rebellion**
- **President of India** is the authority to declare it
- **Union cabinet** must communicate the president of India the decision to declare emergency **in writing**
- Emergency declared due to **war and external aggression** is known as **external emergency**
- Emergency declared due to **armed rebellion** is known as **internal emergency**
- In the original constitution, the third ground for national emergency was **internal disturbances**
- It was replaced with the word armed rebellion in **44<sup>th</sup> Amendment Act, 1978** after the misuse of the clause **by Indira Gandhi in declaring emergency**
- The Supreme Court held that the proclamation of a national emergency can be challenged in a court on the ground of malafide
- Once the emergency is declared, it must be **approved by the two houses** of parliament **within 30 days** with **special majority** (In original constitution it was **2 months** and was reduced to one month in **44<sup>th</sup> AA**)
- Once declared, the national emergency will remain for **six months**. It can be extended by another six months if approved by the parliament with **special majority**. (**44<sup>th</sup> AA**)

## Revocation of the Emergency

- A proclamation of emergency may be revoked by the President at any time by a subsequent proclamation. Such a proclamation does not require the parliamentary approval
- Lok Sabha can pass a resolution **with simple majority** in this regard if **1/10 of the members** gives a written notice to the speaker in this regard (**44<sup>th</sup> AA**)
- **Rajya Sabha does not have this power**
- **President of India** is the authority to revoke it

## Effects of National Emergency

- Life of Lok Sabha and State Legislative Assembly **can be extended by one year at one time** (life of **5<sup>th</sup> LS** was extended by one year 1971-77). It can continue for any period

- Extension cannot continue beyond 6 months after the discontinuation of the emergency

## Effects on the FRs

- **Art. 358:** Art. 19 will be automatically suspended if the emergency is due to war and external aggression (the condition added by 44<sup>th</sup> AA)
- **Art. 359:** All the fundamental rights except Art. 20 and 21 can be suspended by a presidential order (Exception was added by 44<sup>th</sup> AA)
- Suspension under Article 359 may be for the entire period of emergency or for a period less than that also

## National Emergencies Declared so far

- **1962 to 1968:** Due to Chinese aggression
- **1965:** Pakistan attacked when we were already in emergency
- **1971-1977:** Due to external aggression from Pakistan
- **1975-1977:** Due to internal disturbances by **Indira Gandhi** (**Fakrudheen Ali Ahmed** was the President)
- Janata party which came to power after the emergency during Indira Gandhi's era appointed **Justice Shah Commission** to investigate about the emergency
- It also introduced 44<sup>th</sup> AA in 1978 to control the declaration of emergency in future

## Art: 356: President's Rule

- Article 355 imposes a duty on the Centre to ensure that **the government of every state is carried on in accordance with the provisions of the Constitution**
- Article 356 empowers the President to issue a proclamation, if he is satisfied that a situation has arisen in which the **government of a state cannot be carried on in accordance with the provisions of the Constitution**
- Article 365 again says that **whenever a state fails to comply with or to give effect to any direction from the Centre, it will be lawful for the president to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.**
- It is known as **state emergency or constitutional emergency**
- The declaration of the emergency must be **approved by the parliament within 2 months by simple majority**

- Once declared, it lasts for 6 months
- It can be extended up to a **maximum period of 3 years**
- **44<sup>th</sup> AA added two conditions** for extending beyond one year
  1. **National emergency should be existing in the country**
  2. **Election commission must certify that it is impossible to conduct election in such a situation**
- **Revocation of President's rule can be done by a declaration of the president and that does not need the approval of the parliament**
  - First state to face state emergency was **Punjab in 1951**
  - **In Assam, President's Rule was declared four times so far (1980, 1982, 1983 and 1991)**
  - During the president's rule in 1991, **Operation Bajrang** was against ULFA
  - **Dr. Ambedkar told that Art.356 would remain as a dead letter** and would be used as a last resort.
  - **In Bommai Case, 1994** Supreme court has declared that **judiciary can review the decision of the president to declare President's Rule**
  - **The state legislative assembly should be dissolved only after the Parliament has approved the presidential proclamation.**

## Financial Emergency

- Declaration of the financial Emergency **by the president** has to be **approved by the parliament within 2 months by simple majority**
- Once declared, this emergency continues **until it is revoked**
- **It can be revoked by the president at any time**
- **Salaries and allowances of all government officers can be reduced** including judges of SC and HCs
- **Reservation of all Money Bills for the approval of President** after passed by State Legislative Assembly.

<b>Art. 352</b>	<b>President of India can proclaim national Emergency</b>
<b>Art. 353</b>	<b>Effects of national Emergency on executive and legislative powers</b>

<b>Art. 354</b>	<b>Application of provisions relating to distribution of revenues while a proclamation of emergency is in operation</b>
<b>Art. 355</b>	<b>Duty of the Union to protect states against external aggression and internal disturbances</b>
<b>Art. 356</b>	<b>Provisions in case of failure of constitutional machinery in States</b> <b>State Emergency</b>
<b>Art. 357</b>	<b>Exercise of legislative powers under State Emergency</b>
<b>Art. 358</b>	<b>Suspension of Art.19 during emergency</b>
<b>Art. 359</b>	<b>Suspension of Fundamental Rights (Except Art. 20 and 21 during emergency</b>
<b>Art. 360</b>	<b>Financial Emergency</b>

### **PREVIOUS YEARS QUESTIONS**

- Which article of the Indian constitution gives authority to impose central rule if there has been failure of the constitutional machinery in any state of India? (2018)**
  - Article 356**
  - Article 352
  - Article 2
  - Article 3
- When was the first National Emergency declared in India? (2014)**
  - 1962**
  - 1965
  - 1971
  - 1975
- During national emergency, the President can suspend the judicial enforcement of the Fundamental Rights except the two Articles which are (2013)**
  - 15, 16
  - 18, 19
  - 20, 21**

(d) 32, 33

**4. The President can proclaim emergency under (1998)**

- (a) Article 353
- (b) Article 355
- (c) Article 365
- (d) **Article 356**

### **Amendment of the Constitution**

- The procedure for the amendment is discussed in **Art 368 and part XX**
- The Parliament cannot amend those provisions which form the 'basic structure' of the Constitution.
- This was ruled by the Supreme Court in the Kesavananda Bharati case (1973).
- Indian Constitution is **neither flexible nor rigid but a synthesis of both**
- Amending any part of the constitution under Art.368 requires to be **passed by Lok Sabha and Rajya Sabha separately with special majority**
- There is **no provision for holding a joint sitting** of the two Houses for the purpose of passing an amendment bill
- **The president must give his assent to the bill.** He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament. (The 24<sup>th</sup> Constitutional Amendment Act of 1971)

### **Amendments Outside Art. 368 (Can be passed by Simple Majority)**

- Admission and formation of new state (**Art.2 and Art.3**)
- Abolition and creation of Legislative Councils. (**Art. 169 parliament does that if the concerned state legislative assembly passes a resolution in this regard with special majority**)
- **Second Schedule:** Emoluments, allowances and privileges of President, Vice- President, Speaker, Governor and Judges etc.
- **Quorum in Parliament.**
- **Salaries and allowances of MPs**
- Privileges of the Parliament, its members and its committees



- Rules of procedure in the parliament
- Use of English in the parliament
- Number of **puisne judges in the Supreme court**
- Conferring **more jurisdiction on the SC**
- **Acquisition and termination of citizenship**
- **Elections to Parliament and state legislatures**
- **Delimitation of constituencies**
- **Union Territories**
- **Change in 5<sup>th</sup> Schedule and 6<sup>th</sup> Schedule**

### **Amendment by Special Majority**

- Special majority of the Parliament is a **majority of the total membership of each House and a majority of two-thirds of the members of each House present and voting.**
- Fundamental Rights
- Directive Principles of State Policy
- Fundamental Duties
- All other provisions not included in the first and 3<sup>rd</sup> category

### **Amendment by Special Majority and Consent of Half of the states**

- **All federal matters**
- **Election of President of India**
- Extend of the **executive power of the Union and states**
- **Supreme court and High Courts**
- **Distribution of legislative power of union and states**
- Any item of the lists in the seventh schedule
- **Representation of states in the parliament**
- **Power of the parliament to amend the constitution**
- **Goods and Services Tax Council**
- **The Constitution does not prescribe the time frame within which the state legislatures should ratify or reject an amendment submitted to them**

### **Basic Structure of the Constitution**

- The concept was introduced in **Kesavananda Bharati Case, 1973**

- Parliament does not have the power to amend the matters included in the **Basic structure**
- **Supreme court** is the authority to add any part of the constitution to the basic structure
- Following are the elements added so far:
  1. **Supremacy of the constitution**
  2. **Sovereign democratic republic**
  3. **Secular state**
  4. **Separation of power between legislature, executive and judiciary**
  5. **Federal character**
  6. **Unity and integrity**
  7. **Welfare state**
  8. **Judicial review**
  9. **Freedom and dignity of individual**
  10. **Rule of law**
  11. **Parliamentary system**
  12. **Harmony and balance between fundamental rights and DPSPs**
  13. **Principle of equality**
  14. **Free and fair election**
  15. **Independence of judiciary**
  16. **Limited power of parliament to amend constitution**
  17. **Effective access to justice**
  18. **Principles of reasonableness**
  19. Powers of supreme court under **Art.32, Art. 136** (Special Leave Petition), **Art.141** (Laws declared by the supreme court are binding on all courts in India) and **Art.142** (orders of the supreme court are enforceable throughout the territory of India)  
(Will be discussed in detail in the class on Supreme Court)
  20. **Powers of the High Courts under Articles 226 and 227**

### Important Amendments of Indian Constitution

- **The Constitution (104th Amendment) Act,2020:** It extended the reservation of seats for SCs and STs in the Lok Sabha and states assemblies.

- The act has provisions for amending article 334 and extending reservation only for Scheduled castes (SC) and Scheduled Tribes (ST) to Lok Sabha and legislative bodies till 25th January 2030 (which was expiring in 2020).
- Article 334 originally provided that reservation of seats and special representation would cease 10 years after the commencement of Constitution. But this was extended every 10 years (8th,23rd,45 th,62nd,79th and 95th amendments).
- **103<sup>rd</sup> Amendment Act:** It has given 10 percent reservation for economically backward people among the General Category
- **102<sup>nd</sup> Amendment Act:** It has given constitutional status for the National Commission for Backward Classes (Article 338 B was added)
- **101<sup>st</sup> Amendment Act, 2016** introduced Goods and Services Tax (GST)
- **100<sup>th</sup> Amendment Act,2015** was enacted to give effect to the acquiring of territories by India and transfer of certain territories to Bangladesh
- **97<sup>th</sup> Amendment Act,2011:** Added the new Directive Principle Art. 43 B
- **92<sup>nd</sup> Amendment Act, 2003:** Added four languages more into the 8<sup>th</sup> Schedule of the Indian constitution  
They are **Bodo, Dongri, Maithili and Santhali.**  
Then total number of languages in the 8<sup>th</sup> schedule increased from **18 to 22**
- **91<sup>st</sup> Amendment Act, 2003:** Limited the number of ministers into 15% of the total membership of the house.  
A person **disqualified for defection will also be disqualified to be a minister** until he is elected again to the house
- **89<sup>th</sup> Amendment Act, 2003:** Bifurcated Article 338 into two.  
**Art 338: National Commission for SC**  
**Art.338 A: National Commission for ST**
- **86<sup>th</sup> Amendment Act, 2002:** Added a new article **Art. 21 A** in the Fundamental Rights (Right to Education)  
**Substituted Article 45** with early childhood care for children below 6 years old
- **74<sup>th</sup> Amendment Act, 1992:** A new **part IX-A** was incorporated in the constitution relating to **Municipalities (Implementation of Article 40)**
- **73<sup>rd</sup> Amendment Act, 1992:** A new **Part IX** was incorporated in the constitution relating to **Panchayats (Implementation of Article 40)**

- **71<sup>st</sup> Amendment Act, 1992:** Konkani, Nepali and Manipuri were added to the Eighth Schedule of Indian constitution.
- **61<sup>st</sup> Amendment Act, 1989:** Reduced the age for voting from 21 to 18
- **52<sup>nd</sup> Amendment Act, 1985:** Anti-Defection law and 10<sup>th</sup> Schedule were added to the constitution.
- **44<sup>th</sup> Amendment Act, 1978:** Right to property was removed from FRs and it was made an ordinary constitutional right under Art. 300 A

Art. 352 was amended to replace Internal disturbances with Armed Rebellion as a ground for declaring National Emergency in India.

### 42<sup>nd</sup> Amendment Act, 1976

- It is called as **Mini Constitution** because it changed many parts of the Indian constitution
- These amendments were recommended by Swaran Singh Committee in 1976
- Added the words Socialist, Secular and Integrity into the preamble of India
- All DPSPs are given precedence over FRs
  - Amended Art. 39 and included the clause on **Preservation health of and protect the children against exploitation**
- **Inserted Article 39 A, 43 A and 48 A**
- **Inserted Part IV A- FDs**
- Use Census figures **of 1971 for election purpose till 2000 AD**
- Added Articles **323 A and 323 B** to establish administrative and other tribunals
- There shall be no limitation on the constituent power of the parliament to amend the constitution (it was repealed by Minerva Mills case 1980)
- Amendment to the **7<sup>th</sup> schedule of Indian constitution**. Transferred Education, Forest, Weights and measures, protection of wild animals and birds and administration of justice, constitution and organization of all courts except SC and HCs from SL to CL
- **9<sup>th</sup> Amendment Act, 1960:** it was enacted to hand over some territories to Pakistan. In **Berubari case**, Supreme court ruled that ceding a territory of India can only be done by an amendment of the constitution.
- **7<sup>th</sup> Amendment Act, 1956:** it was enacted to form new states in Indian as per the recommendations of the **State Reorganization Commission** headed by **Justice Fazal Ali**.
- **1<sup>st</sup> Amendment Act, 1951:** it inserted two new articles Art. 31A and Art. 31 B as well as 9<sup>th</sup> Schedule of Indian constitution for bringing some restrictions on Right to property.

## **PREVIOUS YEARS QUESTIONS**

- 1. When did first amendment of the Indian Constitution take place?**
  - (a) June 18, 1951**
  - (b) June 18, 1952
  - (c) July 18, 1953
  - (d) July 18, 1954
  
- 2. Under Article 368, the Parliament has no power to repeal the Fundamental Rights because (2021)**
  - (a) Integral part of basic structure of the Constitution.**
  - (b) Integral part of human rights
  - (c) Enshrined under Part 3
  - (d) All of the above
  
- 3. Through which Constitution Amendment Act, reservation of students belonging to SC / ST / OBC in admission to private unaided educational institutions is provided? (2015)**
  - (a) 92<sup>nd</sup> in 2003
  - (b) 93<sup>rd</sup> in 2005**
  - (c) 94<sup>th</sup> in 2006
  - (d) 95<sup>th</sup> in 2009
  
- 4. The first amendment to the constitution of India was made in (2001)**
  - (a) 1951**
  - (b) 1954
  - (c) 1957
  - (d) 1960
  
- 5. The Supreme court ruled Parliament had no power to change the basic structure of the constitution in (1998)**
  - (a) Golaknath case
  - (b) Minerva Mills case
  - (c) Keshavananda Bharati case**
  - (d) Gopalan Case

## Constitutional Bodies

### Union Public Service Commission

- **Art. 315 to Art 323** discusses the Public Service Commission (Part XIV)
- UPSC is composed of **Chairman and such number of members as decided by the President of India**
- At present, there are **10 members in UPSC**
- Half of the total members should have served as government officers **at least for 10 years**
- Term of the office is **6 years or 65 years of age whichever is earlier (Art. 316)**
- Chairman and members **can be removed for misbehavior by president of India after an inquiry by the Supreme Court finds him guilty (Art. 317)**
- Chairman of the UPSC **cannot receive any further office under the government of India after retirement**
- Members of UPSC **cannot take any further office except chairmanship of UPSC or any other State PSC**
- Chairman of SPSC **cannot receive any further office except as chairman of any other SPSC or Member or chairman of UPSC**
- Member of any SPSC **cannot receive any public office except as chairman of SPSC or member or chairman of UPSC**
- **Additional functions to UPSC can be given by the parliament**
- UPSC is known as the **watchdog of merit system in India**
- **Present Chairman of UPSC is .....**

### State Public Services Commission

- Chairman and members are **appointed by the Governor**
- But they **can be removed only by the President of India after a Supreme Court inquiry**
- Term of office is **6 years or 62 years of age whichever is earlier**
- They **can be suspended by the Governor during the time of the inquiry by the SC**
- Number of members is also **decided by the Governor**
- Half of the members should have the experience in working under the State Government
- **Additional powers can be given by State Legislative Assembly**

### Articles Related to UPSC and SPSC

<b>Article 315</b>	<b>Public Service Commission for union and states</b>
<b>Article 316</b>	<b>Appointment and Term of Office of Members</b>
<b>Article 317</b>	<b>Removal and Suspension of a member of Public Service Commission</b>
<b>Article 318</b>	<b>Power to make regulations as to conditions of service of members and staff of commission</b>
<b>Article 319</b>	<b>Prohibition as to the holding of office by members of commission on ceasing to be such members</b>
<b>Article 320</b>	<b>Functions of Public Service Commission</b>
<b>Article 321</b>	<b>Power to Extend functions of public service commission (For UPSC with parliament and SPSC with State Legislative Assembly)</b>
<b>Article 322</b>	<b>Expenses of Public Service Commission</b>
<b>Article 323</b>	<b>Report of Public Service Commission</b>

### **Joint Public Services Commission**

- It is **not a constitutional body**
- It is a **statutory body set up when more than one state demand so**
- **Punjab and Haryana had a JPSC for a short period**
- Term of office is **6 years or 62 years of age whichever is earlier**
- Chairman and member are **appointed by the President**
- They **can be suspended or removed only by the President**
- They **submit the annual report to each governor**

### **Finance Commission of India**

- **Art. 280** describes the Finance Commission of India (Part XII)
- **FC is a quasi-judicial body**
- It is **comprised of Chairman and 4 members**
- It is **set up in every five years by the President of India**
- **Parliament decides the qualifications and manner of election of the members**

- **FC (Miscellaneous Provisions) Act, 1951** tells that **chairman should be a person having experience in Public affairs**
- Members would be chosen from the following categories
  1. **A Judge of HC** or qualified to be so
  2. **A person with special knowledge in the finance** and accounts of GOI
  3. **A person with special knowledge of economics**
  4. **A person with experience in financial matters and administration**

### **Functions of the FC**

1. Distribution of **net proceeds of taxes**
  2. **Distribution of other resources between center and states**
- **Recommendations of FC is only advisory** and it is not binding on the Government
  - **Present Chairman is .....**
  - **Members are .....**

### **Comptroller and Auditor General of India**

- It is discussed in the **Art.148 to 151**
- He is **appointed by the President of India**
- His term is **6 years or 65 years of age** whichever is earlier
- Removal is **equal to that of the judge of SC** on the ground of **misbehavior and incapacity**
- **He cannot accept any further office** under the government after the retirement
- **No minister can represent CAG in the parliament**
- He **submits the report to the President of India and Governors of states**
- He is known as the **friend, philosopher and Guide of Public Accounts Committee of the parliament**
- **Present CAG is .....**

<b>Articles Related to CAG</b>	
<b>Article 148</b>	<b>Comptroller and Auditor General of India</b>
<b>Article 149</b>	<b>Duties and Powers of Comptroller and Auditor General of India</b>
<b>Article 150</b>	<b>Form of Accounts of Union and of the states</b>



### Attorney General of India

- **Art. 76** discusses the AG
- He is appointed **by the President of India**
- He should **have the qualifications of a judge of SC**
- Term of office is the **pleasure of the President of India**
- **He gives legal advice to GOI and** represent the GOI in the cases
- He represents President of India while he seeks the advice of the SC under **Art.143**
- He has the **right of audience in any court in India**
- **He can participate and speak in Lok Sabha and Rajya Sabha without right to vote**
- **He can be made member of any parliamentary committee without right to vote** in the meetings of the committee
- He enjoys **privileges and immunities of an MP**
- **Present Attorney General of India is .....**

### Advocate General of the State

- He is appointed under **Art. 165**
- He is **appointed by the Governor**
- He is the **highest law office of the state**
- He should be **qualified to be a judge of HC**
- His term is the **pleasure of the Governor**
- He can take part and **speak in State Legislative Assembly and State Legislative Council without right to vote**
- He enjoys the **privileges of an MLA**

### Inter State Council

- **Art 263** tells that President of India can establish an Inter State Council any time
- Basic function of Inter State Council is **to make inquiry and advice on disputes between states**
- First time, **Inter State Council was set up in India in 1990**

- The council in its first meeting discussed the recommendations of **Sarkaria Commission on interstate relations**

### Composition of Inter State Council

- **Prime Minister is the chairperson**
- **Six Cabinet Ministers** nominated by the Prime Minister
- **Two Cabinet Ministers** nominated by the Prime Minister as **permanent invitees**
- **Chief Ministers of all states and UTs of Delhi and Puducherry**
- **Administrators** of other union territories

### Special officer for linguistic Minorities

- Constitutional Body under **article 350-B in part XVII** of Indian constitution
- The article was added by **7<sup>th</sup> Amendment act of 1956**
- He is appointed by the **president of India**
- He will investigate all matter related to safeguards provide for linguistic minorities in the constitution
- He will submit **the report to the President** of Indian and president will place these reports in the parliament
- Headquarter of the commission is at **Prayagraj**
- The commission has 3 regional offices at following locations
  1. **Belgaum (Karnataka)**
  2. **Chennai (Tamil Nadu)**
  3. **Kolkata (West Bengal)**
- Regional offices are headed by assistant commissioners
- The commission falls under **Ministry of Minority Affairs**

### National commission for schedule caste

- Constitutional body set up under **article 338**
- It was constituted first time in **1978**
- Earlier it was named as “**National commission for SCS and STS**”
- **89<sup>th</sup> Amendment act of 2003 bifurcated into two:**
  - National commission for Scheduled Caste (**Art. 338**)
  - National commission for Scheduled Tribe (**Art. 338A**)

- The separate national commission for Scheduled Castes **came into existence in 2004**
- The commission is composed **a chairperson, one Vice Chairperson and 3 members**
- Present Chairperson is .....
- Present Vice Chairman is .....
- Commission presents **annual report to the president of India**
- President places the report in front of parliament of India

### **National Commission for Schedule Tribes**

- Established by article **338-A** added by **89<sup>th</sup> Amendment Act, 2003**
- The new was establish in 2004 with **Kunwar Singh as first chairman**
- The Commission is composed of **a chairman, one vice chairman and 3 members**
- Commission presents **annual report to the president of India**
- President places the report in front of parliament of India
- Present chairperson of the commission is .....
- Present vice chairperson is .....

### **National Commission for Backward Classes**

- **In 1992**, the Supreme Court in **Indra Sawhney case** had directed the government to create a permanent body to entertain, examine and recommend the inclusion and exclusion of various Backward Classes for benefits and protection.
- Parliament passed **National Commission for Backward Classes Act in 1993** and constituted the National Commission for Backward Classes as a statutory body
- **In 2018, Parliament of India has given constitutional status to the commission through 102<sup>nd</sup> Amendment Act**
- **Art 338 B** describes the National Commission for Backward Classes
- The Commission shall consist of a **Chairperson, Vice-Chairperson and three other Members**
- Conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members shall be determined by the President of India.
- The Chairperson, Vice-Chairperson and other **Members of the Commission shall be appointed by the President.**
- **The annual report of the commission must be presented in front of President of India**
- **President presents the report to the parliament of India**

- The Present Chairperson is.....

## Goods and Services Tax Council

- Article 279-A in the Constitution empowered the President to constitute a GST Council by an order
- It was added by the 101<sup>st</sup> Amendment Act 2016
- **Composition: Union Finance Minister (Chairman)**
- Union Minister of State for Revenue
- Finance Ministers of States
- The members of the Council from the states have to choose one amongst themselves to be the Vice-Chairperson of the Council. They can also decide his term.
- It has been decided that the Finance Minister of state by rotation will be the deputy chairman
- The Union Cabinet also decided to include the **Chairperson of the Central Board of Excise and Customs (CBEC) as a permanent invitee (non-voting)** to all proceedings of the Council.
- **Quorum to hold the meeting is 50%**
- Decision can be taken by **75% of the votes of members present and voting**
- Weightage of votes: **1/3 is for centre and 2/3 is for all states collectively**

## PREVIOUS YEARS QUESTIONS

1. On 23<sup>rd</sup> March 2019, the first Lokpal of India was appointed. Identify the first Lokpal from the options given below: (2021)
  - (a) Dr. Soumya Swaminathan.
  - (b) Ms. Reema Sand.
  - (c) Shri. N.R. Modi.
  - (d) Shri Pinaki Chandra Ghose.
2. Which of the following Articles empower the Government to appoint the Chairman and other members of a State Public Service Commission? (2021)
  - (a) Article 314.

- (b) Article 315.  
(c) **Article 316.**  
(d) Article 317.
3. Which statement among the following is not true about the GST Council? (2021)  
(a) It is a statutory body.  
(b) **It is chaired by the Prime Minister of India.**  
(c) It decides the rates of taxes on goods and services except some items.  
(d) It was constituted by the President of India.
4. The Union of India has accepted the recommendation of the Fourteenth Finance Commission for raising the devolution of net central taxes by (2015)  
a) 42%  
b) 45%  
c) 33%  
d) 37%
5. Which of the following Articles of the constitution of India is related to the independence of the Union Public Service Commission? (2011)  
(a) **Article 323**  
(b) Article 324  
(c) Article 325  
(d) Article 326
6. Functions of the Public Service Commission are dealt with in Article (2001)  
(a) 317 of the constitution  
(b) 318 of the constitution  
(c) 319 of the constitution  
(d) **320 of the constitution**

## Non- Constitutional Bodies

### Central Bureau of Investigation (CBI)

- Set up in 1963 by resolution of the ministry of home affairs
- It is not a statutory body and it is an executive body.
- It was later transferred to the Ministry of personnel and training under the office of Prime Minister of India

- **Special police establishment (set up in 1941)** which was earlier considering vigilance cases was merged with the CBI
- Also Recommended by **Santhanam committee** on prevention of corruption (1962-64)
- It derives its powers from **Delhi Special Police Establishment Act 1946**
- **‘Industry, Impartiality and Integrity’** is the motto of CBI
- **CBI academy** is established at **Ghaziabad (1996)** to give training to the CBI officers
- There are **3** regional training centers at **Kolkata, Mumbai and Chennai**
- **CBI has a director and Deputy Director**
- **Present Director is .....**
- Director is appointed **by the central government** on the recommendation of a **3-member committee**
- The three members are **PM, Leader of Opposition in LS and CJI or the Judge of SC nominated by CJI**
- If there is no Leader of Opposition in LS, then the **leader single largest party** would be the member in the committee
- Removal of the CBI director can be done by the majority decision of the three member selection committee (Alok Verma Case, 2018)

## **Lokpal and Lokayuktas act, 2013**

### **Background**

- The term Lokpal was coined **by Dr. LM Singvi** in 1963 when he was an MP in parliament
- **Justice Pinaki Chandra Ghose** was the first Lokpal of India appointed in March 2019
- **Present Chairperson of Lokpal is .....**

### **Features of the Act**

- It established **Lokpal at Centre and Lokayuktas at the states**

### **Jurisdiction of Lokpal**

- Jurisdiction of Lokpal extends to the **Prime Minister, Ministers, MPs and Groups A, B, C and D officers**
- The act enhanced the **maximum punishment** under Prevention of Corruption Act **into 10 years imprisonment from the earlier 7 years.**
- **Lokpal cannot suo motu proceed against any public servant** without receiving any complaint.

- **Complaints of corruption has to be filed within 7 years of occurrence.** Complaints older than 7 years will not be accepted by Lokpal.

### **Composition, Term and Conditions of Lokpal**

- Composition of Lokpal is **one chairperson, maximum 8 members (4 must be judicial members)**
- **Half of the members in Lokpal should come from SC, ST, OBCs, minorities and women**
- The committee to select chairperson and members of Lokpal includes following as authorities
  - **Prime Minister (chairperson)**
  - **Speaker of Lok Sabha**
  - **Leader of opposition of Lok Sabha**
  - **Chief Justice of India or a person nominated by him**
  - **One eminent jurist nominated by the President of India on the recommendation of the four members mentioned above**
- **Term of Chairman and members is 5 years/70 years of age whichever is earlier**
- **Salary and allowances of the chairperson is equivalent to that of Chief justice of India and for members equivalent to the judge of Supreme Court.**

### **Independence of Lokpal**

- **After retirement, Chairperson and members cannot be appointed government positions and following positions**
  - Re-appointment as chairperson or member of Lokpal
  - Diplomatic posts
  - Administrator of Union Territory
  - Any constitutional or statutory post in which appointment is made by the president
  - Any other office under Government of India
  - Cannot contest for the election of President, Vice President, MP, MLA, MLC or local bodies for five years after relinquishing the post
  - **Chairperson and members can be removed by the president after an inquiry by Supreme Court finds him guilty of misbehavior.**

- For this purpose, **reference to the president has to be made** by a petition signed by at least **100 MPs**.

- **Qualifications of chairperson**

- **Either former Chief Justice of India or former judge of Supreme Court**
- **Eminent person with 25 years' experience in anti-corruption activities**

## **Lokayuktas**

- **Lokayuktas are set up in each state** by a legislation passed by the concerned state legislative assembly.

## **Central Vigilance Commission**

- CVC is the main body for **preventing corruption in the central government**
- CVC was **established in 1964** by an executive resolution of the central Govt
- Recommended by **committee on prevention of corruption** headed by **K. Santhanam**
- **CVC was given statutory status in 2003** by CVC Act, 2003
- **Nittoor Srinivasa Rau** was the first CV commissioner
- **Present CVC is.....**
- Composition, Appointment and Term of CVC
  - **One Central Vigilance commissioner**
  - Not more than **2 commissioners**
  - They **are appointed by the President of India**
  - The selection is done by a **three-member committee**
  - The members in the selection committee are the **Prime Minister, Union Home Minister and the Leader of Opposition in Lok Sabha**
  - The term is **4 years or 65 years of age whichever is earlier**
  - **After the retirement, they are not eligible for further employment** under central or any state government.
- Chief Vigilance Commissioner and the vigilance commissioners **can be removed by president of India for proved misbehavior or incapacity.**
- However, removal can be done by the president of India **after an inquiry by the Supreme Court finds him guilty.**
- President **may suspend him/her during inquiry**
- Headquarters of CVC is in **Delhi**



## Central Information Commission

- Central Information Commission was set up by **the central government of India in 2005** as a statutory body under the provisions of **Right to Information Act**.
- It looks complaints related to non-availability of information from any government office under Right to Information Act, 2005.
- The commission consists of **one chief information commissioner and not more than 10 Information Commissioners (ICs)**
- They are **appointed by the President** of India on the recommendation of a selection committee with following members
  - **Prime Minister (Chairperson)**
  - **Leader of opposition in LS**
  - **One cabinet minister appointed by the Prime Minister**
- They should be **persons of eminence in public life with special knowledge**.
- They should **not be an MP or MLA** and should not hold any office of profit
- They should not be connected to any political party or any business enterprise
- There is **no fixed term for the CIC or ICs. Government of India can decide the term**
- At present Government has fixed it as **3 years or 65 years of age whichever is earlier**
- They are **not eligible for reappointment in the same post**
- President of India **can remove any of them on the ground of proved misbehaviour after a Supreme Court inquiry finds him guilty**
- **Salary and allowances are fixed by Government of India**
- The commission has the power of a **civil court** while taking a complaint connected to any information from a government body
- **Central Information Commission falls under the Ministry of Personnel**  
**Present CIC is.....**

## State Information Commissioner

- The State Information Commission also **consists of one chief information commissioner and not more than 10 Information Commissioners (ICs)**
- They are appointed **by the Governor of the state** on the recommendation of a selection committee with following members
  - **Chief Minister (Chairperson)**

- **Leader of opposition in State Legislative Assembly**
- **One cabinet minister appointed by the CM**
- There is **no fixed term for the CIC or ICs. Government of India can decide the term**
- At present Government has fixed it as **3 years or 65 years of age whichever is earlier**
- They should be **persons of eminence in public life with special knowledge.**
- They should **not be an MP or MLA** and should not hold any office of profit
- They should **not be connected to any political party** or any business enterprise
- **Governor of the state can remove any of them** on the ground of proved misbehaviour after a Supreme Court inquiry finds him guilty
- Salary and allowances of **State Information Commissioner and members are fixed by Central Government**
- They cannot be reappointed in the same post

### **National Human Rights Commission**

- Established in **1993 under Protection of Human Rights Act, 1993**
- Hence, it is a **statutory body**
- The commission is composed of **One Chairman and 5 members**
- Chairman should be a **retired Chief Justice of India or retired judge of Supreme Court**
- Members should be from the following categories
  - **Serving or retired judges of the Supreme Court**
  - **Serving or retired judges of a High Court**
  - **3 Experts in Human Rights(One must be woman)**
- Beyond the chairman and 4 members mentioned above, there are 7 ex-officio members in the National Human Rights Commission
  - **The chairman of the National commission for SCS**
  - **The chairman of the National commission for STS**
  - **The chairman of the National commission for Women**
  - **The chairman of the National commission for minorities**
  - **National Commission for Backward Classes**
  - **National Commission for the Protection of Child Rights**
  - **Chief Commissioner for Persons with Disabilities**
- The chairman and members are **appointed by the President** on the recommendation of a selection committee

- Selection Committee includes following 6 members
  - **The Prime Minister (Chairman)**
  - **The Speaker of Lok Sabha**
  - **The Deputy Chairman of Rajya Sabha**
  - **Leaders of Opposition in Both Houses of Parliament**
  - **Central Home Minister**
- Term of office for chairman and members is **3 Years 70 years** of age whichever is earlier
- After their tenure they are **not eligible for reappointment in any office under central or state governments.**
- President of India can **remove any of them on the ground of proved misbehavior after a Supreme Court inquiry finds him guilty**
- Salaries and allowances of the chairman and members are **decided by the central government of India**
- Headquarters of NHRC is in **New Delhi**
- It also has the powers of a **civil court**
- Commission is not empowered to investigate any case of violation of human rights **after the expiry of one year of the incidence.**
- Present chairman of the commission is .....

### State Human Rights Commission

- Established under **Human right Act, 1993**
- So far, 25 states have constituted State Human Rights Commission
- State Human Rights Commission **can inquire violation of any rights mentioned in State List and Concurrent list** of seventh schedule of Indian constitution
- The commission is **composed of One Chairman and 2 members**
- Chairman should be **a retired Chief Justice of any High Court in India or a retired judge of any High Court in India**
- Members should be from the following categories
  - **Serving or retired judge of the High Court or a district judge in the state with minimum 7 years' experience**
  - **1 Expert in Human Rights**
- The chairman and members are **appointed by the Governor** on the recommendation of a selection committee

- Selection Committee includes following 6 members
  - **The Chief Minister (Chairman)**
  - **The Speaker of Legislative Assembly**
  - **Leader of Opposition in State Legislative Assembly**
  - **Home Minister of the state**
  - **Chairman of State Legislative Council if it is present**
  - **Leader of Opposition in State Legislative Council if it is present**
- Term of office for chairman and members is **3 Years 70 years** of age whichever is earlier
- After their tenure they are **not eligible for reappointment in any office** under central or state governments.
- Only **President of India can remove** any of them on the ground of proved misbehavior after a Supreme Court inquiry finds him guilty
- Salaries and allowances of the chairman and members are **decided by the state government**
- It also has the powers of a **civil court**
- Commission is not empowered to investigate any case of violation of human rights after the **expiry of one year of the incidence.**

### **NITI Aayog (National Institution for Transforming India)**

- **In August 2014 the Government of India Scrapped Planning Commission**
- Established on **January 1, 2015**
- **It is an Executive Body** established by an executive resolution of the Union government
- It is the **premier policy Think Tank** of Government of India
- It is based on **Bottom-up planning** and policy approach instead of Top- Bottom approach
- One of the major objectives of NITI Aayog is **cooperative federalism**

### **Composition of NITI Aayog**

#### **2. Full time Organizational framework includes following authorities**

##### **1. Chairperson is Prime Minister**

2. **Vice chairperson** is appointed by the Prime Minister. He enjoys the rank of cabinet minister

Present Vice Chairperson is .....

##### **3. Full time Members** They enjoy the rank of Minister of State

They are

1. ....
2. ....
3. ....
4. **Part-time Members.** Maximum 2 members are selected from leading universities and research organizations.
5. **Ex- officio members:** Maximum 4 members of **Union Council of Ministers** as nominated by the Prime Minister
6. **Chief Executive officer.** He is appointed by the Prime Minister for a fixed tenure in the rank of secretary to the Government of India  
Present CEO of NITI Aayog is .....
7. **Secretariat: As deemed necessary**
  - NITI Aayog has 3 wings for different functions
    1. **Research Wing**
    2. **Consultancy Wing**
    3. **Team India Wing**

**Following are the Key objectives of NITI Aayog**

- Key involvement of states in the **development process**
- Fostering **co-operative federalism**
- Economic **progress of weaker sections of society**
- Long term **policy framework**
- Aim at **village level and grassroots level development**

**National Commission for Protection of children Rights**

- It is a **statutory body** established under the **Commission for Protection of Child Rights Act ,2005.**
- It started **Functioning in 2007.**

The present head of National Commission for Protection of Child Rights is .....

**National Commission for Women**

- The National Commission for Women was set up as **statutory body in January 1992 under the National Commission for Women Act, 1990**

- The Commission is composed of **one chairperson, five members and one Member Secretary**
- One Member each shall be from amongst persons belonging to the **Scheduled Castes and Scheduled Tribes respectively**
- Chairperson and members are appointed for a **term of 3 years**
- **The Present Chairperson is .....**

### **National Commission for Minorities**

- It is a statutory body set up under the **National Commission for Minorities (NCM) Act, 1992**
- Six religious communities, viz; **Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains** have been notified in Gazette of India as minority communities by the Union Government all over India
- The commission is composed of a **Chairperson, a Vice Chairperson and Five Members** to be nominated by the Central Government from amongst persons of eminence, ability and integrity; provided that five members including the
- Chairperson shall be from **amongst the minority communities**
- The Chairperson and every Member shall hold office **for a term of three years**
- The present chairperson is.....

### **National Investigation Agency (NIA)**

- **The National Investigation Agency (NIA) was constituted in 2009 under the provisions of the National Investigation Agency Act, 2008 (NIA Act).**
- It is the central **counter-terrorism law enforcement agency in the country**
- NIA has a separate specialised cell known as **Terror Funding and Fake Currency (TFFC) Cell dealing with the subjects of fake currency notes and terror funding**
- **The NIA is headed by a Director-General who is appointed by the central government**
- **The NIA works under the administrative control of the Ministry of Home Affairs**
- **NIA can investigate the offenses list in the schedule of the NIA Act**

### **National Disaster Management Authority**

- **Disaster Management Act, 2005 was passed by the parliament of India after the Tsunami disaster in December 2004**

- The Act provided for the creation of the National Disaster Management Authority (NDMA) to spearhead and implement a holistic and integrated approach to disaster management in the country
- The NDMA consists of a chairperson and not more than 9 members
- The Prime Minister is the ex-officio chairperson of the NDMA.
- The other members are nominated by the chairperson of the NDMA
- The chairperson of the NDMA designates one of the members as the vice chairperson of the NDMA
- The vice-chairperson has the status of a Cabinet Minister while the other members have the status of a Minister of State

### **State Disaster Management Authority**

- Every state government should establish a State Disaster Management Authority (SDMA) for the state
- The SDMA consists of a chairperson and not more than 9 members
- The Chief Minister of the state is the ex officio chairperson of the SDMA.
- The chairperson of the SDMA designates one of the members as the vice chairperson of the SDMA.

### **District Disaster Management Authority**

- Every state government should establish a District Disaster Management Authority (DDMA) for every district in the state
- A DDMA consists of a chairperson and other members, not exceeding seven

### **PREVIOUS YEARS QUESTIONS**

1. NITI in NITI Aayog stands for(2015)
  - (a) National Institution for Transforming India
  - (b) New Initiative for Transforming India
  - (c) New Indian Thinking Initiative
  - (d) National Initiative for Transforming India
2. The Planning Commission in India was established by (2011)
  - (a) An act of the Parliament
  - (b) The constitution of India

(c) Resolution of the Central government

(d) Presidential order

**3. In India, Planning commission is a - (2001)**

(a) Constitutional body

**(b) Extra-constitutional body**

(c) Executive body

(d) Mandatory body

**4. In which year the Government of India constituted the Minorities Commission to provide institutional safeguards for the minorities? (2001)**

(a) 1968

(b) 1978

(c) 1988

**(d) 1998**

**5. To prevent the spreading of social cancer i.e. corruption CBI has been entrusted with the task of exposing the truth. In which year CBI institution was formed? (1998)**

(a) 1995

(b) 1985

**(c) 1963**

(d) 1970

## **5<sup>th</sup> and 6<sup>th</sup> Schedules of the Indian Constitution**

- Article 244 and Article 244A in Part X describe the provisions related to Schedule 5 and Schedule 6 of the Indian Constitution
- **Article 244: Administration of Scheduled areas and Tribal Areas**
- **Article 244A: Formation of autonomous state comprising certain tribal areas in Assam**

### **5<sup>th</sup> Schedule of the Constitution**



- It discusses the administration of scheduled areas and scheduled tribes **in any state except Assam, Meghalaya, Mizoram and Tripura**
- **Central government gets more power** in the administration of these regions

### Features of the 5<sup>th</sup> Schedule

- **Declaration of Scheduled Area** is done by the **President of India**
- **He is the authority to increase or decrease the area** in consultation with the governor of the state
- **Governor of the state has some special powers and responsibilities** in administering these areas
- **Governor submits report to the President on the administration**
- **Centre can give directions to the state on the administration**

### Tribal Advisory Council

- Each state having schedule V area **has to set up Tribal Advisory council**
- **20 members would be there in it**
- $\frac{3}{4}$  **should be the MLAs from Scheduled Tribes**
- **Council can also be set up in a state which does not have schedule V areas if the President directs so**

### Application of Laws to Schedule V areas

- **Governor directs that any act of parliament or SLA is not applicable** to Scheduled Areas or would be applied with modification
- **He can make regulations for peace and good governance** after consulting with **Tribal Advisory Council** in the following matters
  - Prohibition of transfer of land**
  - Regulate allotment of land to STs**
  - Regulate money lending**
  - Repeal or amend any act of parliament or State Legislative Assembly**
- **President of India is obliged to appoint a commission after 10 years of the commencement** of the constitution to look into the development in the Scheduled Areas
- Hence appointed **UN Debar commission in 1960**
- Second commission in this regard was **Dilip Singh Bhuria Commission in 2002**

- 10 states in India have so far created schedule V areas
- They are **Andhra Pradesh, Telangana, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Odisha and Rajasthan**

### 6<sup>th</sup> Schedule or Tribal Areas

- It discusses the **administration of tribal districts in Assam, Meghalaya, Tripura and Mizoram**
- Scheduled Tribes in these states are **not much assimilated**

### Features of Schedule 6 Areas

- **Autonomous districts fall inside the executive authority** of the state government
- **Governor is the authority to organize or reorganize autonomous districts** and increase or decrease the area

### Autonomous District Councils

- **30 members**
- **4 members are nominated by the government**
- **26 are elected by voting this area**
- **Term of the council is 5 years for 26 elected members and pleasure of the governor for 4 nominated members**
- **Regional council would be set up for each autonomous region**
- Autonomous District Councils can make laws on the following matters
  1. **Land, forest, canal water, shifting cultivation**
  2. **Village administration**
  3. **Inheritance of the property**
  4. **Marriage and divorce**
  5. **Social Custom etc.**
- All such laws require the **assent of the governor**
- **ADCs and RCs can constitute following bodies**
  1. **Village Councils to trial the cases between tribes**  
**Jurisdiction of the HC over these cases is specified by the Governor**
  2. **Primary Schools**
  3. **Dispensaries**

**4. Markets, ferries, fisheries and roads**

**5. Regulate money lending and trade by non-tribes** (this decision requires assent of the governor)

- Autonomous District Councils and Regional Councils **can assess and collect land revenue and impose certain taxes**
- Acts of parliament and State Legislative Assembly **would not be applied in these areas or would apply with modifications**
- **Governor can appoint a commission to report on these areas**
- **Governor can dissolve any such area on the recommendation of such commission**

## **7<sup>th</sup>, 8<sup>th</sup> Schedules of the Indian Constitution**

### **7<sup>th</sup> Schedule of the Indian Constitution (State List, Union List and Concurrent List)**

#### **◆ Union List**

- **100 items are there (original constitution had 97)**
- Major items are following  
**Defense, banking, foreign affairs, currency, atomic energy, insurance, communication, inter-state trade, commerce, census, audit etc.**

#### **◆ State List**

- Includes **61 items (original it was 66)**
- **Important items are Public order, police, health, sanitation, agriculture, prison, local government, fisheries, market, theaters, gambling etc.**

#### **◆ Concurrent List**

- **52 items are there (Original was 47)**
- **Criminal law and procedure, civil procedure**
- **Marriage and divorce, population control and family planning**
- **Drugs, newspapers, books and printing etc.**

### **42<sup>nd</sup> AA transferred 5 subjects from SL to CL**

- **Education, Forest, Weights and measures, protection of wild animals and birds and administration of justice, constitution and organization of all courts except SC and HCs**

## 8<sup>th</sup> Schedule of Indian Constitutions or Scheduled Languages

- Government has to give **special consideration for these languages**
- **All India competitive examinations can be written** in any of these languages
- Following is the list of 22 languages

1. Assamese
2. Bengali
3. Bodo
4. Dogri
5. Gujarati
6. Hindi
7. Kannada
8. Kashmiri
9. Konkani
10. Maithili
11. Malayalam
12. Meitei (Manipuri)
13. Marathi
14. Nepali
15. Odia
16. Punjabi
17. Sanskrit
18. Santhali
19. Sindhi
20. Tamil
21. Telugu
22. Urdu



### **PREVIOUS YEARS QUESTIONS**

1. Which among the following schedules of the Indian constitution is related with the distribution of powers between the Union and States? (2021)
  - (a) Schedule VIII
  - (b) Schedule VII

(c) Schedule XI

(d) Schedule XIV

**2. Which of the following schedules deals with the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram? (2018)**

(a) Fifth Schedule

**(b) Sixth Schedule**

(c) Seventh Schedule

(d) Eighth Schedule

**3. Which of the following is not included in the State list in the Constitution of India? (2015)**

(a) Police

(b) Law and Order

(c) Prisons

**(d) Passport**

**4. The three lists - Union List, State List and Concurrent List are mentioned in which one of the following? (2015)**

(a) Vth schedule

(b) VIth schedule

**(c) VIIth schedule**

(d) VIIIth schedule

**5. Which one of the following is not included in the state list in the constitution of India? (2013)**

**(a) Criminal Procedure Code**

(b) Police

(c) Law and order

(d) Prison

**6. The Sixth Schedule of the Indian Constitution deals with (2013)**

(a) administration of OBC/MOBC population

(b) State reorganization based on language

**(c) the provisions for administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram**

(d) welfare of the SC/ST population

7. The division of power between Centre and States is contained in the Constitution of India in the (2013)
- (a) Third Schedule
  - (b) Fifth Schedule
  - (c) **Seventh Schedule**
  - (d) Eighth Schedule
8. Which of the following state does not have an autonomous district? (2013)
- (a) **Arunachal Pradesh**
  - (b) Meghalaya
  - (c) Mizoram
  - (d) Tripura
9. Which of the following schedules to the Constitution of India related to languages? (2011)
- (a) 7<sup>th</sup> schedule
  - (b) **8<sup>th</sup> schedule**
  - (c) 9<sup>th</sup> schedule
  - (d) 10<sup>th</sup> schedule
10. The Sixth schedule to the Constitution of India provides for - (2001)
- (a) Panchayati Raj Institutions
  - (b) District councils
  - (c) **Bodo Autonomous Council**
  - (d) North-eastern council

### **Article 370: Special Provision for Jammu and Kashmir**

- Article 370 of the Indian Constitution was a '**temporary provision**' which granted special autonomous **status to Jammu and Kashmir**
- **It was revoked in 2019**

### **Article 35A**

- It was incorporated into the Constitution in 1954 by a **Presidential order** issued under Article 370 (1) (d) of the Constitution.
- **It was also revoked in 2019**

- It empowered J&K legislature to define state's **"permanent residents"** and their **special rights and privileges** without attracting a challenge on grounds of violating the **Right to Equality of people from other States or any other right under the Constitution.**

### **PREVIOUS YEARS QUESTIONS**

- 1. The State of Jammu and Kashmir was accorded special status under (2016)**
  - (a) Article 356 of the constitution
  - (b) Article 370 of the constitution**
  - (c) Article 356 and 370
  - (d) None of the above
- 2. In which of the following states Article 360 is not applicable? (2001)**
  - (a) Nagaland
  - (b) Jammu and Kashmir**
  - (c) Manipur
  - (d) Mizoram

### **Right to Information Act, 2005**

- The Right to Information Act came into force on 12th October, 2005.
- The act extends to the **whole India except Jammu and Kashmir**
- It is the right to **access any information or document** from a Government office
- Some strategically important information is exempted from the Act.
- **File Noting is excluded** from the purview of the act
- **File noting means the discussions** held during a decision-making process

### **Exempted Bodies and Organisations**

- **Central Intelligence Bureau**
- Security agencies specified like **IB, Research and Analysis Wing, Enforcement Directorate and Aviation research centre**
- Special Frontier forces like **BSF, CRPF, ITBP, Assam Rifles etc**

### **Information Exempted**

- Information affecting **sovereignty and integrity of India**

- Information **forbidden by any court of law**
- Information which includes any **intellectual property and copy right**
- Information received in **confidence from any foreign country**
- **Cabinet papers**

### **Public Information Officer**

- He is the officer designated by public **authorities to receive application and provide information under Right to Information Act**
- Public Information Officer is liable for a fine of **250/day up to a maximum of 25000 rupees** for not providing information or giving wrong information

### **Time Limit to Get Information**

- **30 days** from the date of application in **normal applications**
- **48 hours** if the information is related to the **life and personal liberty of a person**
- **35 days** if the application is given to **Assistant Public Information Officer**
- **40 days** if the interest of a **third party is involved**

### **PREVIOUS YEARS QUESTIONS**

**1. In India, the RTI act came into force on (2018)**

- (a) 15<sup>th</sup> June, 2005
- (b) 15<sup>th</sup> August, 2005
- (c) 12<sup>th</sup> October, 2005**
- (d) 1<sup>st</sup> November, 2005

### **Inter State Water Disputes**

- **Article 262** of the constitution empowers the parliament to make laws for the adjudication of inter-state water disputes
- Accordingly, parliament enacted **The Inter State Water Disputes (ISWD) Act 1956**
- Under the act, Government of India can set up tribunals for adjudicating interstate water disputes



- Such tribunals will have **3 members** who should be judges of Supreme Court or High Courts and they are appointed by the Chief Justice of India
- An amendment bill to the act is pending in the parliament

## **Indian Federalism**

### **Federal Features of the Constitution**

#### **Dual Polity**

- The Constitution establishes a dual polity consisting the Union at the Centre and the states at the periphery

#### **Written Constitution**

- Constitution of India specifies the structure, organisation, powers and functions of both the Central and state governments and prescribes the limits within which they must operate.
- Thus, it avoids the misunderstandings and disagreements between the two

#### **Division of Powers**

- The Constitution divided the powers between the Centre and the states in terms of the Union List, State List and Concurrent List in the Seventh Schedule

#### **Supremacy of the Constitution**

- The Constitution is the supreme (or the highest) law of the land.
- The laws enacted by the Centre and the states must conform to its provisions

#### **Rigid Constitution**

- The Constitution is rigid to the extent that those provisions which are concerned with the federal structure (i.e., Centre-state relations and judicial organisation) can be amended only by the joint action of the Central and state governments.
- Such provisions require for their amendment a special majority of the Parliament and also an approval of half of the state legislatures.

#### **Independent Judiciary**

- The Constitution establishes an independent judiciary headed by the Supreme Court for two purposes: one, to protect the supremacy of the Constitution by exercising the power of judicial review; and two, to settle the disputes between the Centre and the states or between the states

## **Bicameralism**

- The Constitution provides for a bicameral legislature consisting of an Upper House (Rajya Sabha) and a Lower House (Lok Sabha).
- The Rajya Sabha represents the states of Indian Federation, while the Lok Sabha represents the people of India as a whole

## **Sources of Indian Constitution**

Sources	Features
Government of India Act 1935	<ul style="list-style-type: none"> <li>• Federal Scheme,</li> <li>• Office of the Governor,</li> <li>• Judiciary,</li> <li>• Public Services Commissions,</li> <li>• Emergency Provisions, and</li> <li>• Administrative Details</li> </ul>
British Constitution	<ul style="list-style-type: none"> <li>• Parliamentary Government,</li> <li>• Rule of Law,</li> <li>• Legislative Procedure,</li> <li>• Single Citizenship,</li> <li>• Cabinet System,</li> <li>• Prerogative Writs,</li> <li>• Parliamentary Privileges and</li> <li>• Bicameralism</li> </ul>
The US Constitution	<ul style="list-style-type: none"> <li>• Fundamental Rights,</li> <li>• Independence of Judiciary,</li> <li>• Judicial Review,</li> <li>• Impeachment of the President,</li> <li>• Removal of SC and HC Judges and</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Post of Vice President</b></li> </ul>
<b>Irish Constitution</b>	<ul style="list-style-type: none"> <li>• <b>Directive Principles of State Policy,</b></li> <li>• <b>Nomination of Members to Rajya Sabha,</b></li> <li>• <b>Method of Election of President</b></li> </ul>
<b>Canadian Constitution</b>	<ul style="list-style-type: none"> <li>• <b>Federal with strong Centre,</b></li> <li>• <b>Residuary powers to the Centre,</b></li> <li>• <b>Appointment of State Governors by the Centre and</b></li> <li>• <b>Advisory Jurisdiction of the Supreme Court</b></li> </ul>
<b>Australian Constitution</b>	<ul style="list-style-type: none"> <li>• <b>Concurrent List,</b></li> <li>• <b>Freedom of Trade, commerce and intercourse,</b></li> <li>• <b>Joint Sitting of the Parliament</b></li> </ul>
<b>Weimar Constitution of Germany</b>	<ul style="list-style-type: none"> <li>• <b>Suspension of Fundamental Rights during Emergency</b></li> </ul>
<b>Soviet Constitution (the USSR)</b>	<ul style="list-style-type: none"> <li>• <b>Fundamental Duties and</b></li> <li>• <b>The ideal of Justice (Social, Economic and Political) in the Preamble</b></li> </ul>
<b>French Constitution</b>	<ul style="list-style-type: none"> <li>• <b>Republic and</b></li> <li>• <b>The Ideals of Liberty, Equality and Fraternity in the Preamble</b></li> </ul>
<b>South African Constitution</b>	<ul style="list-style-type: none"> <li>• <b>Procedure for Amendment of the constitution and</b></li> <li>• <b>Election of Members of Rajya Sabha</b></li> </ul>
<b>Japanese Constitution</b>	<ul style="list-style-type: none"> <li>• <b>Procedure Established by Law</b></li> </ul>

### **PREVIOUS YEARS QUESTION**

**1. In the Indian Constitution, the method of election of President of India is taken from which country? (2021)**

- (a) Ireland
- (b) England
- (c) USA

(d)Australia

### **Parts of Indian Constitution**

<b>Part I</b>	<b>The Union and its territory</b>	<b>Art. 1 to 4</b>
<b>Part II</b>	<b>Citizenship</b>	<b>Art. 5 to 11</b>
<b>Part III</b>	<b>Fundamental Rights</b>	<b>Art. 12 to 35</b>
<b>Part IV</b>	<b>Directive Principles</b>	<b>Art. 36 to 51</b>
<b>Part IVA</b>	<b>Fundamental Duties</b>	<b>Art. 51A</b>
<b>Part V</b>	<b>The Union</b>	<b>Art. 52 to 151</b>
<b>Part VI</b>	<b>The States</b>	<b>Art. 152 to 237</b>
<b>Part VII</b>	<b>Repealed by Const. (7th Amendment) Act, 1956</b>	
<b>Part VIII</b>	<b>The Union Territories</b>	<b>Art. 239 to 242</b>
<b>Part IX</b>	<b>The Panchayats</b>	<b>Art. 243 to 243O</b>
<b>Part IXA</b>	<b>The Municipalities</b>	<b>Art. 243P to 243ZG</b>
<b>Part IXB</b>	<b>The Co-operative Societies</b>	<b>Art. 243ZH to 243ZT</b>
<b>Part X</b>	<b>The Scheduled and Tribal Areas</b>	<b>Art. 244 to 244A</b>
<b>Part XI</b>	<b>Relations between the Union and the States</b>	<b>Art. 245 to 263</b>
<b>Part XII</b>	<b>Finance, Property, Contracts and Suits</b>	<b>Art. 264 to 300A</b>
<b>Part XIII</b>	<b>Trade, Commerce and Intercourse within the Territory of India</b>	<b>Art. 301 to 307</b>
<b>Part XIV</b>	<b>Services under the Union and the States</b>	<b>Art. 308 to 323</b>
<b>Part XIVA</b>	<b>Tribunals</b>	<b>Art. 323A to 323B</b>

<b>Part XV</b>	<b>Elections</b>	<b>Art. 324 to 329A</b>
<b>Part XVI</b>	<b>Special provisions Relating to certain classes</b>	<b>Art. 330 to 342</b>
<b>Part XVII</b>	<b>Official Language</b>	<b>Art. 343 to 351</b>
<b>Part XVIII</b>	<b>Emergency Provisions</b>	<b>Art. 352 to 360</b>
<b>Part XIX</b>	<b>Miscellaneous</b>	<b>Art. 361 to 367</b>
<b>Part XX</b>	<b>Amendment of the Constitution</b>	<b>Art. 368</b>
<b>Part XXI</b>	<b>Temporary, Transitional and Special Provisions</b>	<b>Art. 369 to 392</b>
<b>Part XXII</b>	<b>Short title, commencement, authoritative text in Hindi and repeals</b>	<b>Art. 393 to 395</b>

## **Schedules to Indian Constitution**

### **Schedules 1 to 12**

<b>First schedule</b>	<b>List of states and union territories and their borders</b>
<b>Second schedule</b>	<b>Provisions as to the president, governors of states, speaker and the deputy speaker of the house of the people and the chairman and the deputy chairman of the council of states and the speaker and the deputy speaker of the legislative assembly and the chairman and the deputy chairman of the legislative council of a state, the judges of the supreme court and of the high courts and the comptroller and auditor-general of India.</b>
<b>Third schedule</b>	<b>Forms of oaths or affirmations</b>
<b>Fourth schedule</b>	<b>Provisions as to the allocation of seats in the council of states</b>
<b>Fifth schedule</b>	<b>Provisions as to the administration and control of scheduled areas and scheduled tribes.</b>

<b>Sixth schedule</b>	<b>Provisions as to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.</b>
<b>Seventh schedule</b>	<b>The union list, state list and the concurrent list</b>
<b>Eighth schedule</b>	<b>The list of recognised languages.</b>
<b>Ninth schedule</b>	<b>Provisions as to validation of certain acts and regulations.</b>
<b>Tenth schedule.</b>	<b>Provisions as to disqualification on ground of defection</b>
<b>Eleventh schedule</b>	<b>The powers, authority and responsibilities of panchayats.</b>
<b>Twelfth schedule</b>	<b>The powers, authority and responsibilities of municipalities.</b>

### **List of Prime Ministers and the Major events since 1947**

<b>Prime Minister</b>	<b>Major Events/Initiatives</b>
<b>Pandit Jawaharlal Nehru</b> (15th Aug 1947- 27th May 1964)	<ul style="list-style-type: none"> <li>• Jawaharlal Nehru authorised the development of a nuclear programme headed by Homi Bhabha.</li> <li>• The Atomic Energy Act of 1948</li> <li>• Constitution of India came into force on 26th January 1950</li> <li>• First General Election in India</li> <li>• Integration of Princely States including Kashmir</li> <li>• Fazal Ali Commission (SRC)</li> <li>• Panchsheel Agreement, 1954</li> <li>• The States Reorganisation Act, 1956</li> <li>• Established Khadi and Village Industries Commission, Life Insurance Corporation of India, Planning Commission and Launching of five-year plans</li> <li>• The Armed Forces (Special Powers) Act of 1958 was passed</li> </ul>

	<ul style="list-style-type: none"> <li>• Formation Non-Aligned Movement (NAM)</li> <li>• Goa Liberated from the Portuguese occupation in 1961</li> <li>• Set up premier institutions like IITs, IIMs, AIMMS etc.</li> <li>• <b>1962 Indo-China War</b></li> </ul>
Gulzarilal Nanda (Acting)	<ul style="list-style-type: none"> <li>• <b>India's first acting Prime Minister</b></li> </ul>
Lal Bahadur Shastri (June 1964 - January 1966)	<ul style="list-style-type: none"> <li>• He laid the foundation of the Prime Minister's Office</li> <li>• The Agricultural Prices Commission (APC) was set up</li> <li>• Food Corporation of India (FCI) came into being</li> <li>• National seeds corporation was set up</li> <li>• Central Bureau of Investigation was established in 1993</li> <li>• Indo-Pak war of 1965 &amp;</li> <li>• He addressed the nation by giving the slogan "Jai Jawan, Jai Kisan" – a tribute to the farmers fighting the food crisis and soldiers fighting at the border.</li> <li>• Tashkent declaration/Agreement, 1966</li> <li>• He was nicknamed "The man of peace"</li> <li>• The IAS training institute in Mussoorie is named in honour of him- Lal Bahadur Shastri National Academy of Administration (LBSNAA)</li> </ul>
Indira Gandhi (January 1966- March 1977) (before Emergency)	<ul style="list-style-type: none"> <li>• First woman Prime Minister of India</li> <li>• Punjab in its present form came into existence on 1<sup>st</sup> November, 1966</li> <li>• Indira Gandhi made the <b>Green Revolution</b> a key government priority</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• <b>Indian Space Research Organisation</b>, formed in 1969</li> <li>• Abolition of Privy Purse: It was abolished through the <b>26th Amendment to the Constitution of India in 1971.</b></li> <li>• Nationalised 14 largest banks in India in 1969</li> <li>• <b>Bangladesh liberation war in 1971</b></li> <li>• <b>Indo-Soviet Treaty of Peace, Friendship and Cooperation, 1971</b></li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Shimla Declaration, 1972</b></li> <li>• <b>Delhi Agreement, 1973</b></li> <li>• <b>Nationalised the Oil Companies in 1973</b></li> <li>• Kesavananda Bharati Case, 1973</li> <li>• <b>“Operation Smiling Buddha” – 1<sup>st</sup> Nuclear Test, 1974</b> (formally called the ‘Peaceful Nuclear Explosive)</li> <li>• <b>Declaration of National Emergency in 1975.</b></li> <li>• <b>The 42<sup>nd</sup> Amendment to the Constitution of India was passed.</b></li> <li>• In 1975, the Soviet Union launched India’s first indigenously made satellite, <b>Aryabhata.</b></li> <li>• <b>The Twenty Point Programme</b> was launched by Indira Gandhi in <b>1975</b> and was subsequently restructured in 1982 and again in 1986.</li> <li>• The emergency was withdrawn on March 21, 1977.</li> </ul>
Morarji Desai (March 1977 – July 1979)	<ul style="list-style-type: none"> <li>• He was the first Non Congress Prime Minister of India</li> <li>• <b>The 44<sup>th</sup> Amendment to the Constitution of India</b> was passed</li> <li>• The High Denomination Bank Notes (Demonetisation) Act 1978: Issued demonetisation of 1000, 5000 and 10000 rupee notes in a bid to combat corruption and black money</li> <li>• The <b>Mandal Commission</b>, the Socially and Educationally Backward Classes Commission was established in 1979</li> </ul>
Charan Singh (28th July 1979- 14th January 1980)	<ul style="list-style-type: none"> <li>• During his term as Prime Minister the Lok Sabha never met.</li> <li>• <b>Kisan Ghat</b> is the memorial of Charan Singh, a renowned farmer leader. His fight was focused on the benefit of the farmers of North India.</li> <li>• He was the author of several books and pamphlets, including ‘Abolition of Zamindari’, ‘Co-operative Farming X-rayed’, ‘India’s Poverty and its Solution’, ‘Peasant Proprietorship or Land to the Workers’ and ‘Prevention of Division of Holdings below a Certain Minimum’.</li> </ul>



Indira Gandhi (14th January 1980- 31st October 1984)	<ul style="list-style-type: none"> <li>• Indira Gandhi was the second longest-serving Prime Minister of India, after Jawaharlal Nehru.</li> <li>• Six more banks were nationalised in 1980.</li> <li>• Imperial Bank had been nationalised in 1955, making it the State Bank of India.</li> <li>• <b>“Operation Blue Star”</b>: a military operation was carried out in June 3 to June 8, 1984 to eliminate armed militants who were holed up in the Golden Temple.</li> <li>• On 31 October 1984, two of Gandhi's Sikh bodyguards, shot her with their service weapons in the garden of the prime minister's residence at New Delhi, allegedly in revenge for Operation Blue Star.</li> </ul>
Rajiv Gandhi (October 1984- December 1989)	<ul style="list-style-type: none"> <li>• Modernized the Telecommunications industry</li> <li>• National Policy on Education 1986</li> <li>• Ministry of Environment, Forest and Climate Change was established in 1985</li> <li>• The Environment (Protection) Act was enacted in 1986</li> <li>• Founded the Jawahar Navodaya Vidyalaya System in 1986</li> <li>• Sending Indian troops (Indian Peace Keeping Force or IPKF) for peace efforts in Sri Lanka in 1987</li> <li>• The Indo-Sri Lanka Peace Accord was signed by Rajiv Gandhi and the Sri Lankan President J.R.Jayewardene, in Colombo on 29 July 1987.</li> <li>• With reference to the Shah Bano case, Rajiv Gandhi led Government sought to pass the Muslim Women (Protection of Rights on Divorce) Act in 1986</li> </ul>
Vishwa Pratap Singh (10th November 1990- 21st June 1991)	<ul style="list-style-type: none"> <li>• <b>V. P. Singh also withdrew the IPKF from Sri Lanka</b></li> <li>• He decided to implement the <b>recommendations of the Mandal Commission</b> which suggested that a fixed quota of all jobs in the public sector be reserved for members of the historically disadvantaged so-called Other Backward Classes.</li> </ul>

	<ul style="list-style-type: none"> <li>• The '<b>Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989</b></li> </ul>
Chandra Shekhar (21st June 1991- 16th May 1996)	<ul style="list-style-type: none"> <li>• Chandra Shekhar was prime minister for seven months, the second shortest period after that of Charan Singh.</li> <li>• <b>Writings:</b> 'Meri Jail Diary' and 'Dynamics of Social Change'</li> </ul>
P. V Narasimha Rao (21st June 1991- 16th May 1996)	<ul style="list-style-type: none"> <li>• Father of Indian Economic Reforms</li> <li>• First Non-Hindi Speaking Prime Minister</li> <li>• Introduced Liberalization, Privatisation, and Globalisation (LPG) Reforms in 1991</li> <li>• Look East Policy of India was launched in 1991</li> <li>• India's first anti-terrorist legislation in the Terrorist and Disruptive Activities (Prevention) Act (TADA)</li> <li>• He decided in 1992 to bring into the open India's relations with Israel</li> <li>• The Securities and Exchange Board of India (SEBI) was established as a statutory body in the year 1992</li> <li>• Mid Day Meal Scheme was started in India from 15th August 1995 under the name of 'National Programme of Nutritional Support to Primary Education (NP-NSPE)'.</li> </ul>
Atal Bihari Vajpayee (16th May 1996-1st June 1996)	<ul style="list-style-type: none"> <li>• Vajpayee resigns after thirteen days and replaced by Deve Gowda</li> </ul>
H. D Deve Gowda (1st June 1996- 21st April 1997)	<ul style="list-style-type: none"> <li>• Popularly known as "Mannina Maga" (son of the soil)</li> <li>• India &amp; Bangladesh - Ganges Water Sharing Treaty, 1996</li> </ul>
Inder Kumar Gujral (21st April 1997- 18th March 1998)	<ul style="list-style-type: none"> <li>• He propounded the 'Gujral Doctrine': It is a set of five principles to guide the conduct of foreign relations with India's immediate neighbours.</li> </ul>
Atal Bihari Vajpayee (18th March 1998- 22nd May 2004)	<ul style="list-style-type: none"> <li>• <b>Pokhran-II:</b> In 1998, India led by Atal Bihari Vajpayee carried out nuclear tests in Rajasthan's Pokhran area, away from the prying eyes of America. After the detonation of all</li> </ul>

five warheads on 13 May 1998, India declared itself a full-fledged nuclear state.

- Inauguration of historic **Delhi-Lahore Bus** on February 19, 1999
- **The Kargil War, 1999**
- **The Foreign Exchange Management Act, 1999**
- The Geographical Indications of Goods (Registration and Protection) Act, 1999
- **The Information Technology Act, 2000**
- The 2001 Indian Parliament attack
- **Prevention of Terrorism Act, 2002**
- It was Vajpayee who had first mooted the idea of a common tax structure for goods and services across the country.
- **The Constitution (86<sup>th</sup> Amendment) Act, 2002:** to provide Right to Education for the age of six to fourteen years and early childhood care until the age of six. (Insertion of new article 21A, Substitution of new article for article 45 and Amendment of article 51A)
- Launched **Sarva Shiksha Abhiyan (SSA):** to attain Universal Elementary Education (UEE)
- Launched **Golden Quadrilateral** national Highway Network: made transportation easy, connecting metropolitan cities -- Chennai, Kolkata, Delhi and Mumbai -- through a network of highways
- **Pradhanmantri Gramin Sadak Yojna** launched: Connected distant villages across the country with a network of all-weather roads.
- The Competition Act, 2002 & Competition Commission of India was established in 2003
- The Prevention of Money-Laundering Act, 2002
- The Biological Diversity Act, 2002
- **Fiscal Responsibility and Budget Management Act, 2003**

	<ul style="list-style-type: none"> <li>• <b>The Central Vigilance Commission Act, 2003</b></li> <li>• <b>The Delimitation Act, 2002</b></li> </ul>
Dr Manmohan Singh (22nd May 2004 -17th May 2014)	<ul style="list-style-type: none"> <li>• The <b>National Tiger Conservation Authority</b> was established in December 2005</li> <li>• In 2005, Singh's government introduced the <b>VAT tax</b> that replaced the complicated sales tax.</li> <li>• <b>The Special Economic Zone (SEZ) Act 2005</b></li> <li>• The <b>National Statistical Commission (NSC)</b> was constituted in 2005 (under the recommendation of Rangarajan commission)</li> <li>• <b>The Right to Information Act in 2005</b></li> <li>• <b>Indo-US Nuclear Deal</b> or the India Civil Nuclear Agreement: Under the agreement, India agreed to separate its civil and military nuclear facilities and that all civil nuclear facilities would be placed under the International Atomic Energy Agency (IAEA). The agreement was signed in 2005.</li> <li>• The <b>National Rural Health Mission (NRHM)</b> was launched in 2005</li> <li>• <b>The Disaster Management Act, 2005</b></li> <li>• The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (<b>MGNREGA</b>)</li> <li>• <b>The Assam Rifles Act, 2006</b></li> <li>• The Prohibition of Child Marriage Act, 2006</li> <li>• <b>The Food Safety and Standards Act, 2006</b></li> <li>• In 2007, India's first commercial space rocket is launched, carrying an Italian satellite.</li> <li>• In 2007, <b>Pratibha Patil becomes first woman to be elected president of India.</b></li> <li>• In 2008, India successfully launches its first mission to the moon, the unmanned lunar probe <b>Chandrayaan-1.</b></li> <li>• Mumbai attacks, 2008</li> </ul>

	<ul style="list-style-type: none"> <li>• National Investigation Agency Act 2008 &amp; NIA was established in the year 2008</li> <li>• The Right of Children to Free and Compulsory Education Act (2009)</li> <li>• India hosted the 2010 Commonwealth Games</li> <li>• The Foreign Contribution (Regulation) Act, 2010</li> <li>• The Nalanda University Act, 2010</li> <li>• The National Green Tribunal Act, 2010</li> <li>• The National Food Security Act, 2013</li> <li>• The Pension Fund Regulatory and Development Authority Act, 2013</li> <li>• The Lokpal and Lokayuktas Act, 2013</li> <li>• The Andhra Pradesh Reorganisation Act, 2014 – Telangana state was formed.</li> <li>• The Whistle Blowers Protection Act, 2014</li> </ul>
Narendra Modi (Since May 2014- Incumbent)	<ul style="list-style-type: none"> <li>• <b>Mann Ki Baat:</b> A regular conversation between the leader of the nation and the common public was introduced with Mann Ki Baat, a monthly radio programme.</li> <li>• <b>Launched the Swachh Bharath Mission in 2014</b></li> <li>• <b>Act East Policy was launched in 2014</b></li> <li>• <b>National Mission for Clean Ganga</b> launched in 2014</li> <li>• With India's push, the <b>United Nations declared June 21 as International Yoga Day</b> in 2014</li> <li>• Launched Atmanirbhar Bharat Abhiyan or Self-reliant India Mission</li> <li>• Launched Make in India, FDI, Startup India &amp; Mudra Yojna</li> <li>• The <b>National Health Protection Scheme</b>, also known as <b>Ayushman Bharat</b>, aims to provide an Rs 5-lakh medical insurance cover to 50-crore low-income citizens.</li> <li>• The Digital India programme launched in 2015</li> <li>• <b>India and Bangladesh signed a landmark border deal in 2015 (Land Boundary Agreement)</b></li> </ul>

- The **Nagaland Peace Accord** is a peace treaty, signed in 2015, to end the insurgency in the state of Nagaland in Northeast India.
- **The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016**
- The Insolvency and Bankruptcy Code, 2016
- The Compensatory Afforestation Fund Act, 2016
- On November 8, 2016, Prime Minister Narendra Modi had announced '**demonetisation**' to weed out black money from the country. The move, which saw the currency notes of Rs 500 and Rs 1,000 denominations getting banned.
- **The Goods and Services Tax (GST) introduced** (The Constitution (One Hundred and First Amendment) Act, 2016 – It was instrumental in conducting in India's GST)
- **Housing for All (Pradhan Mantri Awas Yojana) schemes launched**
- **The Fugitive Economic Offenders Act, 2018**
- **The 103rd Constitutional Amendment Act, 2019** – provides for a 10% quota to economically weaker sections (EWS).
- The Modi government **revoked Article 370** which gave special status to Jammu and Kashmir and proposed that the state be bifurcated into two union territories, Jammu and Kashmir and Ladakh.
- **The Citizenship Amendment Act, 2019** was passed to grant citizenship to a class of migrants belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian communities from Afghanistan, Bangladesh or Pakistan.
- **The Muslim Women (Protection of Rights on Marriage) Act, 2019:** made talaq-e-biddat or any other similar form of talaq having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband void and illegal.
- **The government established a new Ministry of Jal Shakti (Water)**

- **Fit India Movement in 2019** is a nation-wide movement in India to encourage people to remain healthy and fit by including physical activities and sports in their daily lives.
- **The Covid-19 pandemic in 2020**
- **India-China Faceoff at Galwan Valley in 2020**
- The government has launched an umbrella programme "**Azadi Ka Amrit Mahotsav**"
- **Operation Devi Shakti** was launched in Afghanistan to rescue stranded Indians after the Taliban took over Afghanistan.
- **Operation Ganga'**: It is the initiative launched by the government of India to bring back Indians stranded in Ukraine.

### **PREVIOUS YEARS QUESTIONS**

1. India's Look East Policy was started by the Prime Minister (2014)
  - (a) Indira Gandhi
  - (b) Rajiv Gandhi
  - (c) **P. V. Narasimha Rao**
  - (d) Atal Bihari Vajpayee
2. China acknowledged Sikkim as the integral part of India during the Prime Ministership of (2014)
  - (a) Indira Gandhi
  - (b) Rajiv Gandhi
  - (c) P. V. Narasimha Rao
  - (d) **Atal Bihari Vajpayee**
3. The first Non Congress Prime Minister of India was (2014)
  - (a) **Morarji Desai**
  - (b) Choudhury Charan Singh
  - (c) Atal Bihari Vajpayee
  - (d) V. P. Singh
4. **Which government remained in power in India for the shorted period? (2013)**

- (a) Charan Singha Government
- (b) Chandrashekhar Government
- (c) Gujral Government
- (d) **Vajpayee Government in 1996**

**5. China acknowledged Sikkim as the integral part of India during the Prime minister tenure of (2006)**

- (a) Dr Manmohan Singh
- (b) **Atal Bihari Vajpayee**
- (c) Rajiv Gandhi
- (d) Chandra Shekhar

**6. The Sarkaria Commission was appointed during the administration of the Prime Minister (2001)**

- (a) V.P. Singh
- (b) Indira Gandhi
- (c) Narasimha Rao
- (d) **Rajiv Gandhi**

## **ASSAM POLITY**

### **Specific Functions Entrusted to Governors of Certain States**

- These are discretionary powers entrusted to Governors of Maharashtra and Gujarat, Governor of Nagaland, Governor of Sikkim, Governor of Arunachal Pradesh and **Governor of Assam, Meghalaya, Tripura and Mizoram.**
- Any dispute in regard to the state of royalties payable to a District council in Assam or Meghalaya or Tripura or Mizoram by the State government shall be referred to the Governor for determining such share in his discretion.

### **District Administration in Assam**

- The state of Assam is divided into 35 districts for administrative purposes.
- Deputy Commissioner (DC) is the Head of District Administration of Assam.



- DC also acts as District Collector in case of revenue matters, as District Magistrate (DM) in case of maintenance of law and order general administration, as District Election Officer in case of conduct of Election and so on.
- DC is aided by a number of officers like Additional Deputy Commissioner (ADC), Sub-Divisional Officers (SDCs), Circle Officers, Assistant Commissioners and others.
- Assam is divided into five divisions and each division consists of several districts. The officer-in-charge of the division is the Commissioner.

## District Administration

### Revenue Administration

- Revenue Administration has been historically been the primary responsibility of the District Administration.

#### Responsibility:

- Collection and fixing of land revenue
- Registration of the same
- Mutation and overall management in regard to land matters- private and public.
- The Mouzadars under the Circle Officers are responsible for collecting land revenue (Khazana) from land owners (Pattadars).
- All the Circle Officers are required to submit 'doul' (demand of revenue) to DC, and after his approval, Mouzadars are to collect revenue as per demand.

### Local Administration

- For management and implementation of various development schemes, elected bodies are constituted at the level of Corporation, Municipality and Town Committees for Urban areas and the Panchayat Bodies for Rural areas as per the 73<sup>rd</sup> and 74<sup>th</sup> Amendment Act of the Indian Constitution.
- **Gaonbura:** A village usually has a nominal appointed head called the Gaonbura.
- **Block Development Officer:** Rural areas in districts are divided into development blocks for purposes of rural development. It is the lowest unit of community development administration. Each block is in charge of a BDO.

## **Panchayat and Rural Development of Assam**

### **Functions of Gaon Panchayat:**

- Preparation of Annual Plans.
- Preparation of Annual Budget of Gaon Panchayat.
- Mobilization of relief in Natural Calamities.
- Removal of Encroachments on public properties.
- Organizing voluntarily labours and contribution for community works.
- Maintenance of essential statistics of village

### **Functions of Anchalik Panchayat:**

- Preparation and submission of Annual Plans to the Zilla Parishad.
- Consideration and consolidation of Annual Plans of all Gaon Panchayats under it's area.
- Preparation of Annual Budget.
- Performing functions entrusted to it by the Government or by the Zilla Parishad.
- To assist the Government in relief operation during Natural Calamities

### **Functions of Zilla Parishad:**

- Prepare plans for economic development and social justice of the district.
- Ensure the coordinated implementation of such plan.
- Functions related to matters assigned by Government.

### **NOTE:**

- At present, there are 21 Zila Parishads, 185 Anchalik Panchayat and 2201 Gram Panchayats in the State under three-tier PRI systems in 21 Plain Districts, excluding the 6<sup>th</sup> Schedule Districts.
- Three Hill Districts- Karbi Anglong East, Karbi –Anglong West and Dima Hasao- and four Bodoland Territorial Area Districts under Bodoland Territorial Council do not have Panchayati Raj system.

### **North Eastern Council**

- NEC was established under the **North Eastern Council Act, 1971** as an apex level body for securing balanced and coordinated development and facilitating coordination with the States.

- Subsequent to the Amendment of 2002, NEC has been mandated to function as a **regional planning body** for the North Eastern Area and while formulating a regional plan for this area, shall give priority to the schemes and projects benefiting two or more states provided that in the case of Sikkim, the Council shall formulate specific projects and schemes for that State.
- The Union Cabinet, in June 2018, approved the proposal of Ministry of Development of North Eastern Region (**DoNER**) for the nomination of the **Union Home Minister as ex-officio Chairman** of North Eastern Council (NEC). The Cabinet also approved that Minister of State (Independent Charge), Ministry of DoNER would serve as Vice Chairman of the Council.
- **NEC and all the Governors and Chief Ministers of North Eastern States will be Members.**

### PREVIOUS YEARS' QUESTIONS-- APSC

1. The Governor of a state is an integral part of the (2014)
  - a) State Cabinet
  - b) Parliament
  - c) **State Legislature**
  - d) State Public Service Commission
2. Who administer the Oath of Office for the President of India and the Governor of a State respectively? (2014)
  - a) The Speaker of the Lok Sabha and the Speaker of the State legislature Assembly
  - b) The Solicitor General of India and the Advocate General of the State
  - c) **The Chief Justice of the Supreme Court of India and the Chief Justice of High Court of the State**
  - d) None of them.
3. When was Assam detached from Bengal Presidency and was made a separate Chief Commissioner ship?(2020)
  - a) 1870
  - b) 1872
  - c) **1874**

- d) 1876
4. Which of the following Articles empowers the Governor to appoint the Chairman and other members of a State Public Service Commission?(2020)
- a) Article 314
  - b) Article 315
  - c) **Article 316**
  - d) Article 317
5. As per the Tripartite Assam Accord signed among the Government of India, the Government of Assam and the leaders of the Assam Agitation (AASU and All Assam Gana Sangram Parishad) on 15<sup>th</sup> August, 1985, what was set up as the cut-off date for detection and deportation of illegal migrants to Assam? (2020)
- a) 1<sup>st</sup> January, 1951
  - b) 15<sup>th</sup> August, 1967
  - c) 26<sup>th</sup> January, 1970
  - d) **24<sup>th</sup> March, 1971**
6. The maximum permissible period between two Sessions of a State Legislative Assembly is: (2014)
- a) One year
  - b) **Six months**
  - c) Three months
  - d) Ten months
7. Under which of the following Articles, additional and acting judges can be appointed in the High Courts? (2017)
- a) Article 220
  - b) Article 229
  - c) **Article 224**

d) Article 231

8. In India, who appoints the District Judges?(2018)

- a) **The Governor**
- b) The Judges of the High Court
- c) The chief Minister
- d) The President

9. The governor of which state has been vested with special powers regarding ST areas (2015)

- a) Arunachal Pradesh
- b) **Assam**
- c) Maharashtra
- d) West Bengal

10. The capital city of Assam was established at Dispur (Guwahati) in (2015)

- a) **1973**
- b) 1971
- c) 1975
- d) 1978

11. Baksa district of Assam was created from the parts of which of the following districts?(2015)

- a) **Barpeta, Nalbari and Kamrup**
- b) Goalpara and Kokrajhar
- c) Bongaigaon and Kokrajhar
- d) Darrang, Barpeta and Nalbari

12. The Sixth Schedule of the Indian Constitution deals with (2013)

- a) Administration of OBC/MOBC population
- b) Stat reorganization based on language
- c) **The provisions for administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram**
- d) welfare of the SC/ST population

13. When was Assam Provincial Congress formed? (2013)

- a) 1920
- b) **1921**
- c) 1922
- d) 1923

14. Under the Assam Panchayat Act 1994, the quorum for the meeting of the Gram Panchayat is (2011)

- a) One-half of the total number of members
- b) One-half of the total number of members present
- c) **One third of the total number of members**
- d) One-third of the total number of members present

15. Any dispute relating to the validity of the elections of the Vice-President of the Gaon Panchayat under the Assam Panchayat Act, 1994 shall be decided by (2001)

- a) BDO
- b) **Deputy Commissioner**
- c) President of the Gaon Panchayat
- d) Members of the Gaon Panchayat

16. The Sixth Schedule to the constitution of India provides for (2001)

- a) Panchayati Raj Institution
- b) Districts Councils
- c) **Bodo Autonomous Council**
- d) North Eastern Council

17. The Chief Commissionership was introduced in Assam in (2001)

- a) 1873
- b) **1874**
- c) 1875
- d) 1876

18. The total number of Development Blocks in Assam is (2001)

- a) 119
- b) 200
- c) **219**
- d) 180

