

SHORT NOTES

POLITY

INDIA - WORLD - ART & CULTURE

FEATURES

QUICK REVISION BEFORE EXAM

KEYPOINTS HIGHLIGHTED

ORGANISATION OF INFORMATION IN TABLES

**SSC UPSC RAILWAY DEFENSE CDS
NDA TEACHING STATE PSC & OTHERS**



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SHORT NOTES
POLITY &
CONSTITUTION

for

ALL COMPETITIVE EXAMS
SSC/RAILWAY/CDS/NDA/UPSC/IAS
PSC/TEACHING/TET ET C

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EVOLUTION OF THE CONSTITUTION OF INDIA

- A constitution is a document of people's faith and aspirations possessing a special legal sanctity.
- It is the **fundamental** law of the country and all other laws and customs of the country in order to be valid must **conform** to it.
- A constitution sets out the framework and the Principal function of various organs of the Government as well as relations between the Government and its citizens. Various stages which lead to the development of Indian constitution are :

HISTORICAL DEVELOPMENTS

THE REGULATING ACT, 1773

- This act provided for the centralisation of administration of company's territories in India.
- Governor of Bengal became Governor- **General of Bengal** .
- Supreme Court to be set up at Calcutta (**1774**) .

THE PITT'S INDIA ACT, 1784

- Subordinated the **Bombay** and **Madras Presidency** to the **Bengal Presidency** in questions of war, diplomacy and revenues.
- Strength of Governor-General in council reduced to 3.
- It distinguished between the commercial and political functions of the company. It established a system of double government.
- **British Government** was given the supreme control over company's affair and its administration in India.

THE CHARTER ACT, 1793

- This Act gave the power to the **Governor-General** to override his council.

THE CHARTER ACT, 1833

- Governor-General of **Bengal** to be Governor-General of **India** .
- **William Bentick** was the first **Governor-General of India** .
- Government of **Madras** and **Bombay** deprived of legislative powers.
- Law member added to the council of Governor-General.

THE CHARTER ACT, 1853

- The Act for the first time created a separate legislative machinery consisting of

12 members legislative council which came to be known as the **Indian (central) legislative council** .

- It introduced an open competition system of selection and recruitment of **civil servants** .

- **Law member** was made a full member of the Executive Council of the Governor-General.

THE GOVERNMENT OF INDIA ACT, 1858

- It created a new office of Secretary of state for India.

- The Secretary of state was assisted by a **15-member council** .

- Governor-General was to be called as **the Viceroy** .

- A highly centralised administrative structure created.

- It ended the system of double government by abolishing the Board of Control and Court of Directors.

- The act known as the Act for the **Good Government of India** , abolished the East India Company, and transferred the powers of government, territories and revenues to the **British Crown** .

THE INDIAN COUNCIL ACT, 1861

- Government started associating Indians in legislation.

- A fifth member added to the Viceroy's executive council.

- For legislative purposes, executive council of **Viceroy was enlarged by 6 to 12 members** .

THE INDIAN COUNCIL ACT, 1892

- Introduction of indirect elections for the non-official members of the **Imperial and Provincial Legislative Councils** .

- The councils at both levels were to have the power of discussing the **Budget** but not of voting.

THE MORLEY-MINTO REFORMS (THE INDIAN COUNCIL ACT, 1909)

- Provision of indirect elections to the **legislative councils** introduced.

- Additional members in Central Legislative increased to **60** .

- The membership of the Legislative Councils of the different provinces enlarged.

- The members were given the right of discussion and asking **supplementary questions** .

- It introduced a system of communal representation for muslims by accepting concept of "**Separate electorate**" . Thus **Lord Minto** came to be known as the "**Father of Communal Electorate**" .

THE GOVERNMENT OF INDIA ACT, 1919 (MONTAGUE-CHELMSFORD REFORMS)

- Dyarchy system introduced in the provinces.
- The Provincial subjects of administration were to be divided into 'Transferred' and 'Reserved' Subjects.
- Indian legislature became 'bicameral'.
- Communal representation extended to Sikhs, Indian Christians, Anglo-Indians and Europeans.
- It provided for the establishment of a Public Service Commission.
- It separated, for the first time provincial budgets from the Central budget.

THE GOVERNMENT OF INDIA ACT, 1935

- Dyarchy introduced at the centre.
- Provincial dyarchy replaced by provincial autonomy in provinces.
- Provision for the establishment of an All India Federation consisting of the British Provinces and Princely States as units.
- Three fold division of powers—Federal, Provincial and Concurrent Lists.
- It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.

Comparison 1909, 1919, 1935

| | 1909 | 1919 | 1935 |
|---------------------------------|-------------------|--|---|
| Non-official majority (elected) | Only in provinces | Both centre as well as at provinces | Both centre as well as at provinces |
| Element of Federalism | No | Separation of the central and provincial subjects introduced | All-India Federation - three lists—Federal List (for Centre), Provincial List (for provinces) and the Concurrent List |
| Dyarchy at Provinces | No | Yes, by transferred and Reserved Subjects | No, Introduced provincial Autonomy instead |
| Dyarchy at Center | No | NO | Yes, federal subjects were divided into reserved subjects and transferred subjects |
| Direct Elections | No | Yes | Yes |
| Bicameralism at centre | No | Yes | Yes |
| Bicameralism at provinces | No | No | Yes |

INDIAN INDEPENDENCE ACT, 1947

- The British P.M. was Clement Atlee and then Viceroy of India Lord Mountbatten, who had put forth the partition plan. Also became the first Governor General of free India.
- The executive council provided by the 1919 act continued to advise the

Governor General till 1947.

- It abolished the office of **Viceroy**. Also it abolished the office of **secretary of state** for India.
- It declares India as an Independent and sovereign state.
- Established responsible Governments at both the centre and the province.
- Designated the Governor General of India and the Provincial governors as the constitutional heads.
- It assigned dual functions to the constituent assembly and declared this **dominion legislature** as a sovereign body.

INTERIM GOVERNMENT (3 SEPTEMBER, 1946)

| Members | Party | Portfolios Held |
|--------------------------|--------------|--|
| Jawaharlal Nehru | INC | External Affairs and Commonwealth Relations. |
| Sardar Vallabhbhai Patel | INC | Home, Information & Broad casting |
| Dr. Rajendra Prasad | INC | Food and Agriculture |
| Dr. John Mathai | INC | Industries and Supplies |
| Sardar Baldev Singh | INC | Defenc |
| Asaf Ali | INC | Railways and Transport |
| Jagjivan Ram | INC | Laboure |
| C.H. Bhabha | INC | Works, Mines and Power |
| C. Rajagopalachari | INC | Education and Arts |
| I.I. Chundrigar | AIML | Commerce |
| Ghaznafar Ali Khan | AIML | Health |
| Liaquat Ali Khan | AIML | Finance |
| Abdur Rab Nishtar | AIML | Communication (Posts and Air) |
| Joginder Nath Mandal | AIML | Law |

Note : The members of the interim government were members of the Viceroy's Executive council.

FIRST CABINET OF FREE INDIA (1947) :

| Members | Portfolios Held |
|--------------------------|---|
| Jawaharlal Nehru | Prime Minister, External Affairs and Commonwealth Relations, Scientific Research. |
| Sardar Vallabhbhai Patel | Home, Information and Broadcasting, |

| | |
|---------------------------|-------------------------|
| | States |
| Dr. Rajendra Prasad | Food and Agriculture |
| Maulana Abul Kalam Azad | Education |
| Dr. John Mathai | Railways and Transport |
| R.K. Shanmugham Chetty | Finance |
| Dr. B. R. Ambedkar | Law |
| Jagjivan Ram | Labour |
| Sardar Baldev Singh | Defence |
| Rajkumari Amrit Kaur | Health |
| C.H. Bhabha | Commerce |
| Rafi Ahmed Kidwai | Communication |
| Dr. Shyam Prasad Mukherji | Industries and Supplies |
| V.N. Gadgil | Works, Mines and Power. |

IMPORTANT FACTS

- The Constitution of India was formally enacted on **26 November, 1949** .
- The Constitution of India came into force on **26 January, 1950** .
- There were **395 Articles** and **8 Schedules** in the Constitution when it was finally passed.
- At present the Constitution consists of **444 Articles** and **12 Schedules** .
- The constitution of India was framed and adopted by the Constituent Assembly of India.
- As per the **Cabinet Mission Plan of 1946** , the Constituent Assembly was set up in November 1946.
- The members were elected indirectly by the Provincial Assemblies in the ratio of one member per one million population.
- There were a total of **389 members** in the Constituent Assembly of which **296** were elected by the members of the Provincial Assemblies and the rest were nominated by the Princely States.
- The first meeting of the Constituent Assembly was held on 9th **December, 1946** with **Sachidanand Sinha** as the **interim President** .
- Later **Dr. Rajendra Prasad** was elected as the **President** of the Constituent Assembly on 11th December, 1946.
- The historic “**Objective Resolution**” was moved in the Constituent Assembly by Pt. Jawahar Lal Nehru on **13th December, 1946** which ultimately became **the Preamble** of our Constitution.
- The Constituent Assembly formed 13 important committees for framing the

Constitution.

- A **drafting committee** of 7 members was set up on **29th August, 1947**

| Important Committees | Chairman |
|---|--|
| Union Powers Committee | Jawaharlal Nehru |
| Union Constitution Committee | Jawaharlal Nehru |
| Provincial Constitution Committee | Sardar Patel |
| Drafting Committee | Dr. B.R. Ambedkar (Members) N. Gopalaswamy Ayyangar Alladi Krishnaswamy Ayyar Dr. K.M. Munshi Syed M. Sadullah B.L. Mittar/N Madhava Rau (Replaced) D.P. Khaitan/ T.T. Krishnamachari (Replaced) |
| Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas. | Sardar Patel |
| Rules of Procedure Committee | — Dr. Rajendra Prasad |
| States Committee | — Jawaharlal Nehru |
| Steering Committee | — Dr. Rajendra Prasad |
| Ad-Hoc Committee on the National Flag | — Dr. Rajendra Prasad |
| Special Credential Committee to Examine the Draft Constitution | — Alladi Krishnaswamy Iyer |

- The Constituent Assembly worked in three phases.

(i) Ist Phase : As Constituent Assembly under the limitations of Cabinet Mission Plan-6th December, 1946 to 14th August, 1947 .

(ii) 2nd Phase : As Constituent Assembly, a sovereign body + Provisional Parliament – 15th August, 1947 to 26th

(iii) 3rd Phase : As a Provisional Parliament– 27th November, 1949 to March, 1952 .

- The Constituent Assembly took **2 years 11 months and 18 days** to frame the Constitution.

- The design of the **National Flag** was adopted by the Constituent Assembly on **July 22, 1947** .

- The [National Anthem](#) was adopted by the Constituent Assembly on [January 24, 1950](#).
- The first meeting of the Constituent Assembly was boycotted by the [Muslim League](#).
- [Shri B. N. Rau](#) was appointed as the legal Advisor of the Constituent Assembly.
- The song ‘[Jana-gana-Mana](#)’ was adopted by the Constituent Assembly as the National Anthem on [24th January, 1950](#).

BASIC PROVISIONS

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**.

- Idea of Preamble borrowed from Constitution of [USA](#).
- The objectives specified in the Preamble contain the basic structure of our Constitution.
- It is non-justiciable, that is, its provisions are not enforceable in [courts of law](#).
- The basic structure cannot be amended.
- It is a preface or introduction to the Constitution.
- The Supreme Court expressed the view that the “[Preamble is the key to its makers](#)” mind.
- Justice Madhokar said in ‘[Sajjan Singh Vs. Rajasthan State](#)’ case that the preamble is the sum and substance of the Constitution.
- In the ‘[Golaknath Vs. Punjab State](#)’ case, Justice Hidaytullah remarked that the preamble is the synopsis of those principles on which the government has to work upon.
- The objective of the constitution is to secure [Justice](#), [Liberty](#), [Equality](#) and

Fraternity for every citizen.

- The words 'Socialist,' 'Secular' and were added by the 42nd Amendment Act of 1976.

THE INTERPRETATION OF WORDS IN PREAMBLE

- **Sovereign** : The word sovereign means that the state has power to legislate on any subject in conformity with constitutional limitations.

- **Socialist** : Socialist aims to end poverty, ignorance, disease and inequality of opportunity.

This socialist concept ought to be implemented in the true spirit of the constitution.

- **Secularism** : The constitution of India stands for a secular state. The state has no official religion secularism pervades its Provisions which give full opportunity to all persons to profess, practice and propagate religion of their choice.

- **Democratic** : The Indian Constitution provides for representative parliamentary democracy under which the legislature for all its policies and actions, rule of law, independence of judiciary, and absence of discrimination on certain grounds are the manifestations of the democratic character of the Indian polity.

- **Liberty** : The term 'liberty' means the absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of all individuals personalities.

- **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.

- **Fraternity** : Fraternity means a sense of brotherhood . The preamble declares that fraternity has to assure two things-the dignity of the individual and the unity and integrity of the nation.

- The constitution not only guarantees a person's freedom of religion but also ensures freedom for one who has no religion.

- **Republic** : Republic means no room for hereditary ruler.

- The head of the state is always elected directly or indirectly for a fixed period, e.g. USA .

- The term 'republic' in our preamble indicates that India has an elected head

called the **president** .

- **Justice** : There are three types of **justice-social** , **political** and economical.
- **Social justice** enables the
 - (i) to remove economic inequalities;
 - (ii) to provide a decent standard of living to the working people;
 - (iii) to protect the interests of the weaker sections of the society.
- **Political justice** implies that all citizens should have equal political rights, equal access to all political offices and equal voice in the government.
- **Economic justice** denotes the non-discrimination between people on the basis of economic factors.
- It involves the elimination of glaring inequalities in **wealth** , **income** and **property** .
- A combination of social justice and economic justice denotes “**distributive justice**” .

SOURCE OF THE CONSTITUTION

- **Government of India Act, 1935** : Federal Scheme, office of the Governor, power of Federal Judiciary, Public Service Commission, Emergency provisions.
- **USA Constitution** : Fundamental Rights, written constitution, Supreme Court Independence of Judiciary and Judicial Reviews, President as the Executive Head. The Vice- President, Impeachment of the President, Removal of Supreme Court and High Court Judges, Preamble.
- **British Constitution** : Parliamentary system, Rule of law, legislative procedure, Prime Minister, Cabinet System, Single Citizenship, Prerogative writs, Bicameral Parliament, Nominal head- President, provision of speaker
- **Australian Constitution** : The concurrent list, centre-state Relationship, Freedom of trade, commerce and intercourse, Joint sitting of the two Houses of the Parliament, Language of the preamble.
- **Soviet (USSR) Constitution** : Fundamental Duties and ideal of justice, Five year Plan.
- **German/Weimar Constitution** : Emergency provisions and their effect on the Fundamental Rights.
- **Japan Constitution** : Procedure established by the law.
- **Canadian Constitution** : Appointment of state Governor by the centre, Advisory jurisdiction of the Supreme Court, Federation with a strong centre, vesting of residuary powers in the centre.
- **South African Constitution** : Procedure of Amendment of the constitution, Election of the Members of Rajya Sabha.

- **Irish Constitution** : Directive principles of state policy, Nominations of Members of Rajya sabha, method of Election of President.

THE UNION AND ITS TERRITORY

- According to [Article 1](#) - India, that is Bharat, shall be a union of states.
- The states and the territories thereof shall be as specified in the first schedule.
- [The territory of India shall comprise —](#)
 - (i) The territories of the states;
 - (ii) The union territories specified in the First
 - (iii) Such other territories as may be acquired.
- [Section 3\(2\) of the territorial waters](#) , continental shelf, exclusive Economic Zone and other Maritime Zones Act, 1976 now provides, that the limit of the territorial water is the line at which every point is at a distance of [12 nautical miles](#) from the nearest point of the appropriate base line.
- Another notification of the government dated [15 January , 1977](#) has extended the exclusive economic zone of India up to a distance of [200 nautical miles](#) into the sea from the shore base line. This has been done under the Territorial waters, continental shelf, exclusive economic zone and other maritime [zones act, 1976](#) passed as the constitution [40th amendment act 1976](#) .
- Parliament may by law admit into the union, or establish new states on such terms and conditions as it thinks fit.
- Formation of new states and alteration of areas, boundaries or names of existing states.
- [Parliament may by law —](#)
 - (i) form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state
 - (ii) increase the area of any state;
 - (iii) diminish the area of any state;
 - (iv) alter the boundaries of any state;
 - (v) alter the name of any

NEW STATES AND UNION TERRITORIES CREATED AFTER 1956 :

1. Gujarat, Maharashtra [1960](#)
2. Dadara and Nagar Haveli [1961](#)
3. Daman and Diu [1987](#)
4. Puducherry [1963](#)
5. Nagaland [1963](#)
6. Haryana/UT-Chandigarh [1966](#)

7. Himachal Pradesh 1971
8. Manipur, Tripura, Meghalaya 1972
9. Sikkim 1975
10. Mizoram, Arunachal Pradesh 1987 and Goa
11. Chattisgarh, Uttarakhand and 2000 Jharkhand
12. Telangana 2014

CITIZENSHIP

- Every person who has domicile in the territory of India and
 - (i) who was born in the territory of India; or
 - (ii) either of whose parents was born in the territory of India, or
 - (iii) who has been ordinarily resident in the territory of India for not less than five shall be a citizen of India.
- Under the Indian constitution there is **only one domicile** .
- There is no separate domicile for the state.
- Persons who migrated to Pakistan after **March 1, 1947** but returned to India under a permit for resettlement.
- Any person who or either of whose parents or any of whose grand parents was born in India.
- Person who migrated to India from Pakistan before **19th July, 1948** and since then have been ordinarily residing in India.
- Person who migrated to India from Pakistan on or after **19th July, 1948** but got themselves, duly registered as citizens with a competent officer appointed for that purpose.
- When an Indian citizen voluntarily (consciously, knowingly and without duress, undue influence or compulsion) acquires the citizenship of another country, his Indian citizenship automatically terminates.
- **The parliament has enacted the citizenship Act, 1955 which has been amended in 1986, 1992, 2003 and 2005 .**
- The Act provides for the acquisition of Indian citizenship after the commencement of the constitution in five ways, i.e., Birth, Descent, Registration, Nationalisation and Incorporation of territory.

LOSS OF INDIAN CITIZENSHIP UNDER THE ACT :

- **The citizenship Act, 1955** also laydown the three modes by which an Indian citizen whether a citizen at the commencement of the constitution or subsequent to it , **may lose his citizenship** —
 - (i) Renunciation
 - (ii) Termination

(iii) Deprivation

- [Citizenship Amendment Act, 1992](#) : According to this Act, the child who is born outside India and if his mother belongs to India can have the Indian citizenship.
- Before this act, any child born outside India could acquire citizenship only if his father was a citizen of India.

FUNDAMENTAL RIGHTS

- The fundamental Rights are meant for promoting the [ideal of political democracy](#) .
- These are fundamental in the sense, that they are the most essential rights for the allround development ([material, intellectual, moral and spiritual](#)) of the individuals.
- It is also named so because they are guaranteed and protected by the fundamental law of the land i.e. [constitution](#) .
- [Articles 12 to 35](#) deal with the fundamental rights.
- There are six fundamental rights excluding right to basic education .
- The fundamental rights are the freedoms guaranteed but these freedoms are not absolute, but are justiciable.

Justiciable means [judicially enforceable](#) .

- The fundamental rights are different from the legal rights.
- The legal rights are protected and enforced by ordinary law. On the contrary the fundamental right is protected and guaranteed by the constitution.
- [Article 21A](#) is the right to education, was inserted in the year 2002 by the 86th constitutional amendment Act.
- Generally right to education falls under the right to freedom.
- The state may deny some of the fundamental rights to a class of people as armed forces, paramilitary personnel police etc., in the interest of administrative efficiency or National integrity.
- Except the rights mentioned in [articles 20 and 21](#) , President has the power to suspend the enforcement of ➤ The fundamental rights are of two categories —
 - (i) Rights which are provided to the citizens of India
 - (ii) for all other person including foreigners.
- The rights granted under [Articles 15, 16, 19, 29 and 30](#) are available to citizens only while all other rights are available to all persons.
- When there is a Proclamation of emergency under [Article 352](#) on grounds of war or external aggression, the operation of [Article 19](#) remains suspended.

- The President can suspend operation of other rights (excluding art 20 and 21) also by a separate order (issued under Article 359) during the Prevalence of national emergency.
- Initially there were seven fundamental rights in our constitution but the 44th amendment Act 1978 deleted right to property .
- There are six categories of Fundamental Rights :
 1. Right to Equality
 2. Right to Freedom
 3. Right against Exploitation
 4. Right to Freedom of Religion
 5. Cultural and Educational Rights
 6. Right to Constitutional Remedies.

1. RIGHT TO EQUALITY (ARTICLES 14-18)

- (i) **Article 14** : Provides for equality before law or equal protection of law to all persons within the territory
- (ii) **Article 15** : Prohibits 'the state' from discriminating against any citizen on grounds only of religion, race, caste, sex, or place of birth.
- (iii) **Article 16** : Provides for equality of opportunity to all citizens in matters of public employment.
- (iv) **Article 17** : Provides for abolition of untouchability.
- (v) **Article 18** : Provides for abolition of titles.

2. RIGHT TO FREEDOM (ARTICLES 19-22)

- (i) **Article 19** : It guarantees the citizens of India the following six fundamental freedoms —
 - (a) Freedom of speech and expression
 - (b) Freedom of Assembly
 - (c) Freedom of Association
 - (d) Freedom of movements
 - (e) Freedom of residence and settlement
 - (f) Freedom of profession, occupation, trade or business.
- (ii) **Article 20** : Protection in respect of conviction for offences
- (iii) **Article 21** : Protection of life and personal liberty.
- (iv) **Article 22** : Protection against arrest and detention in certain cases.
 - Whenever a person is arrested, he should be informed as soon as may be, of the grounds for his arrest and should be allowed to consult and to be defended by a legal practitioner of his choice and produced before the nearest magistrate within a period of

3. RIGHT AGAINST EXPLOITATION (ARTICLE 23-24)

(i) Article 23 : Prohibition of traffic in human beings and forced labour.

(ii) Article 24 : No child below the age of 14 can be employed.

4. RIGHT TO FREEDOM OF RELIGION (ARTICLE 25-28)

(i) Article 25 : Freedom of conscience and the right to freely profess, practice and propagate religion.

(ii) Article 26 : Freedom to manage religious affairs.

(iii) Article 27 : Prohibits taxes on religious grounds.

(iv) Article 28 : Freedom as to attendance at religious ceremonies in certain educational institutions.

5. CULTURAL AND EDUCATIONAL RIGHTS (29-30)

(i) Article 29 : Protection of interests of minorities.

(ii) Article 30 : Right of minorities to establish and administer educational institutions.

(iii) Article 31 : Omitted by the 44th Amendment Act 1978.

6. RIGHT TO CONSTITUTIONAL REMEDIES.

Article 32 : The right to move to the supreme court in case of violation of fundamental rights.

➤ It has been called the cornerstone of the entire edifice setup by the constitution.

WRITS –TYPES AND SCOPE

The supreme court under [Art 32](#) and the High courts under [Art 226](#) can issue the writs of habeas corpus, mandamus, prohibition, certiorari and quo-warranto.

Habeas corpus : It is a latin term which literally means “[to have the body of](#) ” . It is an order issued by the court to a person who has detained another person, to produce the body of the latter before it. The court then examines the cause and legality of detention. It would set the detained person free, if the detention is found to be illegal. Thus, this writ is a bulwark of individual liberty against arbitrary detention. The writ of habeas corpus can be issued against both public authorities as well as private individuals.

Mandamus : It literally means ‘[we command](#)’ . It is a command issued by the court to a public official asking him to perform his official duties that he has failed or refused to perform. It can also be issued an inferior court, a tribunal or government for the same purpose.

The writ of mandamus cannot be issued

- (a) against a private individual or body
- (b) to enforce departmental instruction that does not possess statutory force.
- (c) when duty is discretionary and not mandatory
- (d) to enforce a contractual obligation.

Prohibition : Literally, it means ‘to forbid’ . It is issued by a higher court to a lower court or tribunal to prevent the latter from exceeding its jurisdiction or usurping a jurisdiction that it does not possess. Thus unlike mandamus that directs activity, the prohibition directs inactivity.

Certiorari : In the literal sense, it means ‘to be certified’ or ‘to be informed’ . It is issued by a higher court to a lower court or tribunal the latter to itself or to squash the order of the latter in a case.

It is issued on the grounds of excess of jurisdiction or lack of jurisdiction or error of law.

Thus, unlike prohibition , which is only preventive, certiorari is both preventive as well as curative.

QUO-Warranto : In the literal sense, it means ‘by what authority or warrant’ . It is issued by the court to enquire into the legality of claim of a person to a public office. Hence, it prevents illegal usurpation of public office by a person. The writ can be issued only in case of a substantial public office of a permanent character created by a statute or by the constitution. It cannot be issued in cases of ministerial office or private office. It can be sought by any interested person and not necessarily by the aggrieved person.

FUNDAMENTAL DUTIES

- The Fundamental Duties are contained in Article 51 A of Part IV A of the Constitution.
- The Fundamental Duties were inserted into the Constitution of India by the 42nd Amendment Act, 1976 .
- These Duties were added on the recommendation of Swaran Singh committee.
- The Fundamental Duties in the Indian Constitution are inspired by the constitution of Russia (former USSR) .
- The basis for Fundamental Duties is the Japanese Model.
- These duties are incorporated with the purpose of making the citizens patriotic and promoting harmony in the country.

- The constitution does not impose penalty for the violation of the duties. It is left to the Legislatures.
- [Japan](#) is the only democratic country in the world which provides for a set of [Fundamental Duties in its constitution](#) .

ELEVEN FUNDAMENTAL DUTIES

1. To abide by the Constitution and respect its ideals 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 or sectional diversities and to renounce practices derogatory to the dignity of women.
6. To value and preserve the rich heritage of our composite cultures.
7. To protect and improve natural environment including forest, lake rivers and wildlife and to have compassion for living creature.
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 for excellence in all spheres of individual and collective activity.
11. To provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

DIRECTIVE PRINCIPLES OF STATE POLICY

- The constitution of India aims to establish not only political democracy but also socioeconomic justice to the people to establish a welfare state.
- These provisions are given in Part IV of Indian Constitution.
- [Directive Principles of state](#) policy are in the form of instructions to the governments at the centre as well as states.
- Though these principles are non justiciable, they are fundamental in the governance of the country.
- The idea of the Directive Principles of State Policy has been taken from the [Irish Republic](#) .

- The Directive Principles of State policy were incorporated in our constitution in order to provide economic justice and to avoid concentration of wealth in the hands of few people.
- The constitution covers from [Article 36 to 51](#) as Directive Principles of State Policy.
- They are unique blend of socialistic, liberal, democratic and Gandhian Principles.
- They describe as the ‘conscience of the constitution’.
- In the “[State of Tamil Nadu etc. Vs L.Abu Kavur Bai](#)” case in 1984 , the Supreme court held that although directive principles of State Policy are not enforceable, yet the court should not avoid them.

CLASSIFICATION OF DPSPS :

1. Socialist Principles
2. Gandhian principles
3. Liberal Principles

Socialist Principles :

These principles reflect the ideology of socialism. They lay down the framework of a democratic socialist state, aim at providing social and economic justice and set the path towards welfare state. The articles which contains socialist principles are :

- **Article 38 :** To promote the welfare of the people by securing a social order permeated by justice- social, economic and political and to minimise inequalities.
in income, status, facilities and opportunities.
- **Article 39 :** To secure
 - (a) the right to adequate means of livelihood for all citizens.
 - (b) the equitable distribution of material resources of the community for the common good;
 - (c) prevention of concentration of wealth and means of production.
 - (d) equal pay for equal work for men and women.
 - (e) preservation of the health and strength of workers and children against forcible abuse, and
 - (f) opportunities for healthy development of children.
- **Article 39(A) :** To promote equal justice and to provide free legal aid to the poor.
- **Article 41 :** To secure the right to work, to education and to public assistance

in cases of unemployment, old age, sickness and disablement.

- **Article 42 :** To make provision for just and humane conditions for work and maternity relief.
- **Article 43 :** To secure a living wage, a decent standard of life and social and cultural opportunities for all workers.
- **Article 43 A :** To take steps to secure the participation of workers in the management of industries.
- **Article 47 :** To raise the level of nutrition and the standard of living of people and to improve

Gandhian Principles :

These principles are based on Gandhian ideology. They represent the programme of reconstruction enunciated by Gandhi during the national movement. In order to fulfill the dreams of Gandhi, some of his ideals were included as Directive Principles. These are.

- **Article 40 :** To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of selfgovernment.
- **Article 43 :** To promote cottage industries on an individual or cooperation basis in rural areas.
- **Article 43 B :** To promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.
- **Article 46 :** To promote the educational and economic interests of SC & ST and other weaker sections of the society and to protect them from social injustice and exploitation.
- **Article 47 :** To prohibit the consumption of intoxicating drinks and drugs which are injurious to health.
- **Article 48 :** To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds.

Liberal Principles :

These principles represent the ideology of liberalism. These are—

- **Article 44 :** The state will try to secure for the citizens a uniform civil code throughout the territory of India.
- **Article 45 :** The state shall endeavour to provide early childhood care and education for all children until they complete the
- **Article 48 :** To organise agriculture and animal husbandry on modern and scientific lines.
- **Article 48 A :** To protect and improve the environment and to safeguard forest and wildlife.
- **Article 49 :** To protect monuments, places and objects of artistic or historic

interest which are declared to be of national importance.

➤ **Article 50 :** The state shall separate the judiciary from the executive in the public services of the state.

➤ **Article 51 :** To promote international peace and security.

— Maintain just and honourable relations between nations.

— To foster respect for international law and treaty obligations — To encourage settlement of international disputes by arbitration.

DIRECTIVE PRINCIPLES ADDED BY 42ND AMENDMENT ACT, 1976

The 42nd Amendment Act of 1976 added four new Directive principles to the original list .

➤ **Article 39 :** To secure opportunities for healthy development of children.

➤ **Article 39A :** To promote equal justice and to provide free legal aid to the poor.

➤ **Article 43A :** To take steps to secure the participation of workers in the management of industries.

➤ **Article 48A :** To protect and improve the environment and to safeguard forests and wildlife.

DIRECTIVE PRINCIPLE ADDED BY 44th AMENDMENT ACT, 1978

➤ **Article 38 :** The state to minimise inequalities in income, status, facilities and opportunities.

DIRECTIVE PRINCIPLE ADDED BY 86th AMENDMENT ACT, 2002

It changed the subject matter of [Art 45](#) and made elementary education a fundamental right under [Art 21A](#) . The amended directive required the state to provide early childhood care and education for all children until they complete the age of six years.

DIRECTIVE PRINCIPLES ADDED BY 97th AMENDMENT ACT, 2011

➤ **Article 43 B :** It requires the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.

DIRECTIVE PRINCIPLES OUTSIDE PART IV OF THE CONSTITUTION

➤ **Article 335 :** The claims of the members of the SCs and the STs shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the union or a state.

➤ **Article 350 A :** It shall be endeavour of every state and every local authority

within the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups.

➤ **Article 351 :** It shall be the duty of the union to promote the spread of the Hindi Language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India.

DIFFERENCE BETWEEN DPSPS AND FUNDAMENTAL RIGHTS

| Fundamental Rights | Directive Principles |
|--|--|
| 1. These are negative as they prohibit the State from doing certain things. | 1. These are positive as they require the State to do certain things. |
| 2. These are justiciable, that is, they are legally enforceable by the courts in case of their violation. | 2. These are non - justiciable, that is, they are not legally enforceable by the courts for their violation. |
| 3. Aim at political democracy. | 3. Aim at social and economic democracy |
| 4. Have legal sanctions. | 4. Have moral and political sanctions. |
| 5. They promote the welfare of the individual. Hence, they are personal and individualistic. | 5. They promote the welfare of the community. Hence, they are sociitarian and socialistic. |
| 6. They do not require any legislation for their implementation. They are automatically enforced. | 6. They require legislation for their implementation. They are not automatically enforced. |
| 7. The courts are bound to declare a law violative of any of the Fundamental Rights as unconstitutional and invalid. | 7. The courts cannot declare a law violative of any of the Directive Principles as unconstitutional and invalid. However, they can uphold the validity of a law on the ground that it was enacted to give effect to a directive. |

Conflict Between FRs and DPSPs

The justifiability of Fundamental Rights and non - justifiability of Directive Principles on the one hand and the moral obligation of State to implement Directive Principles (Article 37) on the other hand have led to a conflict between the two since the commencement of the Constitution.

| Cases/Acts | Status of fundamental rights vs DPSP | Amenability by Parliament |
|------------|--------------------------------------|---------------------------|
| | | |

| | | |
|-----------------------------|-----------|--|
| Champakam Dorairajan case | FR > DPSP | Yes |
| Golaknath & Ors - (1967). | FR > DPSP | No |
| 24th Amendment Act | DPSP > FR | Yes |
| Minerva Mills case - (1980) | FR > DPSP | Yes Without violating basic structure doctrine |

Therefore, the present position is that the Fundamental Rights enjoy supremacy over the Directive Principles. Yet, this does not mean that the Directive Principles cannot be implemented. The Parliament can amend the Fundamental Rights for implementing the Directive Principles, so long as the amendment does not damage or destroy the basic structure of the Constitution.

UNION EXECUTIVE

THE PRESIDENT

- There shall be a President of India ([Article 52](#)) .
- The executive power of the union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this constitution (Article 53).
- Part V, [Articles from 52 to 73](#) , deals with the President and Vice President.
- The President is the first citizen

QUALIFICATION

- Must be a citizen of India.
- Completed 35 years of age.
- Qualified for election as a member of the house of the people (Lok Sabha).
- Must not hold any office of profit under the government of India or the government of any state or any local authority or any other public authority.

Exceptions :

1. President and Vice President
2. Governor of any state.
3. Minister of Union or State is not deemed to hold any office of profit and hence qualified

Conditions of President's Office

- Shall not be a member of either House of Parliament or of a House of the Legislature of any State, and if a member of either house of Parliament or of a

House of the Legislature of any state be elected as President, he shall be deemed to have vacated his seat in that House on the date on which he enters upon his office as president.

- The President shall not hold any other office of profit.
- The President shall be entitled without payment of rent to the use of his official residence.
- Shall be also entitled to such emoluments, allowance and privileges as may be determined by Parliament by law.
- The emoluments and allowances of the President shall not be diminished during his term of office.

Election of President :

➤ **The President** shall be elected by the members of an electoral college consisting of —

- (i) the elected members of both House of Parliament, and
- (ii) the elected members of the Legislative Assemblies of the States

Note : State includes the National Capital Territory of Delhi and the Union Territory of Puducherry.

- The total voting strength of the Parliament is equal to the total voting strength of all state assemblies together.
- The president's election is held in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot.
- This system ensures that the successful candidate is returned by the absolute majority of votes.
- In order to declared elected to the office of President, a candidate must secure a fixed quota of votes.
- The value of vote of each member of Legislative Assembly of a State is determined by the formule as given below :
- ▶ To secure uniformity among states and parity between the Union and states following formula is adopted:

Value of the vote of an MLA =

$$\frac{\text{Total population of the state}}{\text{Elected members of the state legislative assembly}} \times \frac{1}{1000}$$

Value of vote of an MP=

$$\frac{\text{Total value of votes of all MLAs of all state}}{\text{Total Nos. of elected MPs}}$$

- Supreme Court inquires all dispute regarding President's election.

Term of office of President

- The President shall hold office for a term of five years from the date on which he enters upon his office.
- (i) the president may, by writing under his hand addressed to the Vice-President, resign his office;
- (ii) The President may, for violation of the constitution be removed from office by impeachment in the manner provided in article 61;
- (iii) The President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

Re-Election

- Eligible for re-election.

Procedure for Impeachment

- Nature of impeachment is **Quasi- Judicial** .
- Can be impeached only on the ground of violation of constitution.
- The charge shall be preferred by either **House of Parliament** .
- The proposal to prefer such charge is contained in a resolution which has been moved after at least 14 day's notice in writing signed by not less than 1/4th of the total number of members of the House has been passed by a majority of not less than two thirds of the total membership of the house.
- When a charge has been so preferred by either House of Parliament, the other House shall investigate the charge or cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation.
- If a result of the investigation a resolution is passed by a majority of not less than 2/3rd of the total membership of the House by which the charge was investigated, declaring that the charged preferred against the President from his office as from the date on which the resolution is so passed.

Vacancy

- **Office of the President falls vacant due to the following reasons—**
- (i) Completing 5 years terms;
- (ii) Due to resignation;
- (iii) Due to impeachment;
- (iv) Due to death;
- (v) Due to illegal election.

POWERS OF THE PRESIDENT

1. Executive Power :

➤ All executive action of the union must be taken in the name of the President.
(Article 77) ➤ He appoints the followings :

1. Prime Minister
2. Ministers
3. Chief Justice and Judges of Supreme Court and High Courts,
4. Chairman and Members of UPSC.
5. Comptroller and Auditor General (CAG)
6. Attorney General of India (AGI)
7. Chief Election commissioner and other members of election commission.
8. Governors
9. Members of finance commission
10. Ambassadors

➤ He directly administers the union Territories through the Lt. Governor, Commissioner or Administrator.

➤ He can appoint a commission to investigate into the conditions of SCs, STs and OBCs.

➤ He can appoint an inter-state council to promote centre-state relation and for cooperation amongst different states.

2. Legislative Powers :

➤ He can summon and prorogue the session of the two houses.

➤ He can dissolve Lok Sabha (Article 85) .

➤ He can address both the houses jointly or separately.

➤ He addresses the first session after general elections and at the commencement of the first session of each year.

➤ He can send messages to both the houses.

➤ Nominate 12 member to Rajya Sabha and 2 members of Anglo- Indian community in Lok Sabha if they have not receive adequate ➤ Certain bills can be introduced in Parliament only on the recommendation of the President.

➤ Presidential assent is essential before a bill becomes an Act.

➤ He can enact laws through ordinance when the Parliament is in recess. These ordinance must be passed by Parliament with the 6 weeks of reassembly.

➤ Lays the report of the comptroller and Auditor General, the finance commission and others before the Parliament.

➤ When a bill is sent to the President after it has been passed by the Parliament, he can :

(i) give his assent to the bill or

(ii) withhold his assent to the bill or

(iii) Return the bill (if it is not a money bill or constitutional amendment bill) for

reconsideration of the Parliament, although only once.

- Decides on the questions as to the qualifications of the MPs, in consultation with the Election Commission.

3. Financial Powers :

- All money bills can originate in Parliament only on recommendation of President.
- No demand for a grant can be made except on his recommendation.
- He appoints Finance commission after each 5 years that recommends distribution of taxes between union and states.
- The President shall in respect of every financial year cause to be laid before both the Houses of parliament a statement of the estimated receipts and expenditure of the Government of India for that year.

4. Judicial Powers :

- The President shall have the power to grant pardons reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence.
- The President is the only authority for pardoning a sentence of death ([Article 72](#))

5. Diplomatic Powers :

- Represents country in international forum.
- He sends ambassadors and receives diplomats.
- All international treaties and agreements are concluded on his behalf however they are subject to ratification by Parliament.

6. Military Powers :

- He is the supreme commander of the defence forces of India.
- He appoints chief of Army, Navy and Air Force.
- Declare war and concludes peace, subject to the approval of the Parliament.

7. Emergency Powers :

1. National emergency ([Art 352](#))
2. President's rule ([Art 356 & 365](#))
3. Financial emergencies ([Art 360](#))

VICE-PRESIDENT

- According to the Article 63, there shall be a Vice-President.
- Vice-President is ranked 2nd after President.
- He is the ex-officio chairman of Rajya Sabha.

- He is not a member of Rajya Sabha hence he has no right to vote. But he can exercise a vote in the case of tie or equality of votes.
- He entitled the salary and allowances payable to the chairman of [Rajya Sabha](#) not for the post of Vice President.
- He gets Rs. 1,25,000 per months according to the Act of Parliament, 1998.

Election of Vice-President

- [Vice-President](#) is elected by the members of an electoral college consisting of the members of both House of Parliament.
- Election is held in accordance with system of proportional representation by means of the single transferable vote and voting is by secret ballot.
- Thus this electoral college is different from the electoral college for the election of the [President in the following two respects](#) :
 1. It consists of both elected and nominated members of the Parliament (in the case of president, only elected members).
 2. It does not include the members of the state legislative assemblies (in the case of President, the elected members of the state legislative assemblies are included).

Eligibility

- He should be a citizen of India.
- He has completed 35 years of age.
- He should qualified for election as a member of council of states.
- A person holding any office of profit under the government shall not be eligible for election as the [Vice-President](#) .
- The election to the vacancy of the office of the Vice-President is completed before the expiry of his term.
- There is no mandatory provision, like in case of the President, to hold the election within the six months.
- All the doubts and disputes arising out of or in connection with the election of the Vice- President shall be decided by the [Supreme Court](#) .
- When the President is unable to discharge his functions owing to absence, illness or any other case, the Vice President shall discharge his functions until the date on which the President resumes his duties.
- When the [Vice-President](#) acts as the President, he shall exercise all the powers of the President and shall receive the salary and emolument of the President.

ATTORNEY GENERAL OF INDIA

- [Article 76 States](#) that the President shall appoint a person who is qualified to be appointed as a judge of the Supreme Court to be the Attorney General of India.

- He is the first legal officer of the Government of India.
- He holds office during the pleasure of the **President** .
- He can also resign by addressing the resignation letter to President.
- It is a convention that after the change of the Government, the Attorney General of India resigns and the new Government appoints one of its own choice.
- He gives **legal advice** to the Government of India.
- He performs any legal duties assigned by the President of India.
- He discharges any functions conferred on him by the constitution or the President.
- He has right of audience in all courts in the territory of India.
- He is prohibited to take appointment as a Director in any

Qualification of Attorney General of India

- (i) Citizen of India
- (ii) Judge of High Court or High Courts in succession for minimum 5 years of service.
- (iii) Advocate of High Court or High Courts in succession for atleast 10 years or
- (iv) In opinion of the President is a distinguished jurist.
- He shall neither advice nor hold a brief against the Government of India in cases in which he is called upon to advice the government of India.
- He cannot defend accused persons for criminal prosecutions without the permission of the Government of India.
- He represents the union before the courts.
- He is allowed to take up private practice provided, the other party is not the state.
- He is not a member of the either House of the Parliament.
- He has the right to attend and speak in the Parliamentary deleberations and meetings of both the Houses.
- He has no right to vote in Parliament.
- He is not paid salary but a remuneration to be determined by the president.
- He is assisted by two solicitors- General and four additional solicitors-General.
- Appear before the Supreme Court and various **High Courts** in cases involving the Government of India.

SOLICITOR GENERAL OF INDIA

- In addition to the Attorney General, there are other law officers of the Government of India, ➤ They are the **Solicitor General** of India and additional Solicitor General of India. They assist Attorney General in the fulfilment of his

official responsibility.

➤ It should be noted here that only the office of [Attorney General](#) is created by the Constitution not the solicitor General.

COMPTROLLER AND AUDITOR GENERAL (C.A.G.)

➤ The constitution of India provides for the office of CAG under [Articles 148-151](#).

➤ He is appointed by the president having long administrative experience and knowledge of accounts.

➤ He holds office for a full term of [6 years or upto 65 years](#) of his age whichever is earlier.

➤ He can resign from the office by addressing the resignation letter to the President.

➤ The President can remove the [CAG](#) on the same ground and the same manner as the judge of Supreme Court.

➤ The President can remove him on the basis of resolution passed to that effect by both the Houses of Parliament with a special majority.

➤ His salary and allowances are determined by the Parliament.

➤ He is paid a salary equivalent to that of a judge of the Supreme Court.

➤ On retirement, he shall be eligible for an annual pension.

➤ After retirement, he is disqualified for appointment either under the union or the state government.

➤ He is the guardian of the Public Purse.

➤ He is an officer of the Parliament and he is called '[Ears and Eyes](#)' of the Public Accounts ➤ [CAG](#) audits all the transactions related to the Consolidated Fund, Contingency Fund and Public Account Fund of Union and State Governments.

➤ He audits balance sheet, profit and loss accounts of the union and state governments.

➤ Any authority, any person or any account can be audit by him on request of the President or Governor.

➤ He submits the accounts of the Union to the President who place it before the Parliament ([Article 151](#)) ➤ He has no control over the issue of money from the consolidated fund of India or of any state.

THE PARLIAMENT

LOK SABHA: STRUCTRE, COMPOSITION & FUNCTIONS

➤ Parliament is the supreme legislative body of India.

- Article 79 to 122 , Part V deals with the Parliament.
- According to Article 79, the Parliament consists of
 1. The President
 2. House of the people (Lok Sabha)
 3. Council of states (Rajya Sabha) ➤ Though the President is not a member of either House of Parliament. He is an integral part of it.

House of the People (Lok Sabha)

- In the constitution, the strength of the Lok Sabha was provisioned to be not more than 552 .

From the state = 530 From the UTs = 20 From the Anglo Indian = 2 Total seats =

- But at present there are 545 seats (530 + 13 + 2) .
- The 84th amendment Act 2001, extended freeze on Lok Sabha and assembly seats till 2026 by

Tenure of the Lok Sabha

- The normal tenure of the Lok Sabha is 5 years .
- It may be dissolved earlier by the President.
- The life of the Lok Sabha can be extended by the Parliament beyond the five year term during the period of National Emergency Proclaimed under Art 352 .
- But this extension is not more than one year at a time.
- However, such extension shall remain in force for not more than six months after the emergency has been revoked.

Qualification for the membership of Lok Sabha :

- Be a citizen of India.
- Be not less than 25 years of age.
- Be a registered voter in any of the Parliamentary constituency in India.
- Must not hold any office of profit.

Disqualification of the MPs :

- If he holds any office of profit.
- If a competent court declares him to be of unsound mind.
- If he is an undischarged insolvent.
- If his citizenship is found forged.
- If he voluntarily acquires the citizenship of any foreign country.
- If he is so disqualified under any law by the Parliament.
- If he is so disqualified under the tenth schedule.

Seat of MP becomes vacant under these situations :

- If he resigns from the House by writing a letter to the speaker or the chairman.

- Absent for 60 days without permission ➤ Expelled from the house under disciplinary action.
- If he over rules the 'Whip' .
- Elected to the office of President or vice President or Governor of the state.

Powers of the Lok Sabha :

- The money bills and the financial bill can be introduced only in the Lok sabha and not in the Rajya Sabha .
- In case of money bill, the Rajya Sabha has only the right to make recommendations and the Lok Sabha may or may not accept this.
- A money bill must be passed by the Rajya Sabha within a period of 2 weeks or 14 days otherwise the bill shall be deemed to be passed automatically by the house.
- Thus the Lok Sabha enjoys exclusive legislative jurisdiction over the passage of the money bills.
- The council of ministers are responsible to the Lok Sabha.
- Confidence and no confidence motions are introduced in the Lok Sabha only.
- Under Article 352 , the Lok Sabha in a special sitting can disapprove the continuance of the National Emergency Proclaimed by the President.
- The leader of the Lok Sabha is the Prime Minister.

Speaker and Deputy Speaker of Lok Sabha :

- The speaker is the Chief Presiding officer of the Lok Sabha .
- The two officers are elected from amongst the members of Lok Sabha after a new Lok Sabha is constituted.
- In absence of speaker, deputy speaker performs the duties of speaker.
- The speaker continues in the office even after the dissolution of the Lok Sabha till a newly elected Lok Sabha meets.
- Usually the speaker, after his election resign from his party membership and acts in an impartial manner.
- He does not vote in first instance.
- He exercises his casting vote only to remove a deadlock.
- The speaker and Deputy speaker don't subscribe to any separate oaths.
- The speaker and deputy speaker are entitled to salary and allowances fixed by Parliament and charged on consolidated fund of India.
- Speaker can vacate his office earlier, if he resigns by writing to the Deputy speaker. Similarly Deputy speaker can resign office by writing to the speaker.
- The speaker presides over the meetings of the house and his rulings on the proceedings of the house are final.

Powers of the Speaker :

- Whether a bill is a money bill or not, is certified only by the speaker and his decision is final and binding.
- He is the ex-officio chairman of India's Parliamentary group.
- He presides over conference of presiding officers.
- He himself chairs Business Advisory Committee, General Purpose Committee and the Rules Committee.
- The committee of the Parliament function essentially under the speaker and their chairpersons are also appointed or nominated by him.
- Principal spokesperson of the Lok Sabha.
- His decisions are final in all matters of the House.
- Maintain order and decorum in the house for the smooth functioning.
- He can call for the secret sitting of the house on the request of the leader of the house.
- He presides over a joint sitting ➤ He decides the question of disqualification of members of Lok Sabha, arising on the ground of defection under the provisions of the Tenth schedule.

RAJYA SABHA: STRUCTRE, COMPOSITION & FUNCTIONS

The Rajya Sabha or the Council of States :

- The [Rajya Sabha](#) is to consist of not more than [250 members \(238 +12\)](#) .
- The members to be nominated by the President are persons having special knowledge or practical experience in respect of literature, science, art and social service.
- [Rajya Sabha](#) is a permanent body and is not subject to dissolution.
- [One-third of the members retire every two years and are replaced by newly elected members](#) .
- Each member is elected for a term of [6 years](#) .

Qualification

- The person must be a citizen of India.
- The must not be below the age of 30 years.
- He should not hold any office of profit.

Powers of Rajya Sabha

- The powers of Rajya Sabha are in [Articles 67, 249 and 312](#) .
- According to [Article 67](#) a resolution seeking the removal of the Vice-President can originate only in the Rajya Sabha. After passing the resolution by Rajya

Sabha, it goes for approval of the Lok Sabha, but no resolution for the purpose of this clause shall be moved unless at least 14 days notice has been given of the intention to move the resolution.

- If Rajya Sabha has declared by resolution supported by not less than **two-third** of the members present and voting that it is necessary or expedient in the national interest so to do Parliament may by law provide for the creation of one or more all India services (**including an all India Judicial Service**) common to the union and the states and subject to the other provisions of the chapter regulate the recruitment and the conditions of service of persons appointed to any such service.
- The service known at the commencement of this constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article (**Art-312**) . In addition to this another All India Service, i.e. Indian Forest Service was created in **1966** .
- A resolution seeking legislation on any subject of the state list can only originate in the Rajya Sabha, if it thinks that such resolution is necessary or expedient in the national interest (**art-249**) .

Officer's of the Rajya Sabha :

1.Chairman

- The vice President of India is the ex-officio chairman of the Rajya Sabha.
- Unlike the speaker the chairman is not a member of House i.e. Rajya Sabha.
- He Presides over the Proceedings of the Rajya Sabha as long as he does not act as the President of India during a vacancy in the office of the President.
- He can be removed from the office only if he is removed from the office of the **Vice-President** .
- He may be removed from his office by a resolution of the Rajya Sabha passed by a absolute majority of all the then members of the council, which is to be approved by the Lok Sabha by a simple majority. **Such a resolution can only be moved by giving at least 14 day's prior**

Deputy Chairman

- He is elected by the **Rajya Sabha** from amongst its members.
- In the absence of the chairman, Deputy chairman Presides over the functions and proceedings of the house.
- He shall vacate his office if he ceases to be a member of the Rajya Sabha .
- He may resign his office by writing to the chairman ➤ He may also be removed from the office by a resolution of the Rajya Sabha .

LEGISLATIVE PROCEDURE IN PARLIAMENT

The legislative procedure is identical in both the Houses of Parliament. Every bill has to pass through the same stages in each House. A bill is a proposal for legislation and it becomes an act or law when duly enacted.

► Bills introduced in the Parliament are of two kinds: *public bills* and *private bills* (also known as government bills and private members' bills respectively). Though both are governed by the same general procedure and pass through the same stages in the house, they differ in various respects. Public bill can be introduced by a minister which requires seven days notice. Its rejection by the House shows non confidence of ruling party in Parliament and may lead to its resignation while private bill can be introduced by any member of Parliament and requires one month notice. Its rejection has no implication on parliamentary confidence.

► The bills introduced in the Parliament can also be classified into four categories:

1. *Ordinary bills*, which are concerned with any matter other than financial subjects.
2. *Money bills*, which are concerned with the financial matters like taxation, public expenditure, etc.
3. *Financial bills*, which are also concerned with financial matters (but are different from money bills).
4. *Constitution amendment bills*, which are concerned with the amendment of the provisions of the Constitution.

The Constitution has laid down separate procedures for the enactment of all the four types of bill.

Ordinary Bill

This is a bill other than money bill and finance bill. An ordinary bill may originate in either house of the Parliament.

Money Bill (Article 110)

Whether a bill is a money bill or not is decided by the speaker of the Lok Sabha. Art 109 says that a money bill can only be introduced in Lok Sabha and not in Rajya Sabha and only with the prior recommendation of the President. When a money bill is passed by the Lok Sabha, it is sent to Rajya Sabha for its recommendations. Rajya Sabha must return the bill with or without any recommendations, within 14 days from the date of receipt of bill. It is the discretion of the Lok Sabha whether to accept or reject recommendations of Rajya Sabha. The bill now is deemed to be passed by the Lok Sabha and is sent

to the President for his/her assent. President cannot withhold his/her to a money bill (Art 111). There is no provision for a joint sitting in the case of a money bills as the Lok Sabha has a final say in the matter.

Financial Bills

They are of 3 kinds-

- 1 Money bills
2. Other financial bills
3. Bills involving expenditure

A financial bill will deal with matters mentioned in Art 110 (1). A money bill deals with other matters also.

Therefore all money bills are financial bills but all financial bills are not money bills.

All financial bills are introduced only in the Lok Sabha after the recommendations of the President. A financial bill is passed like an ordinary bill. Joint session can be held.

COMPARISONS AMONG DIFFERENT BILLS

| Ordinary Bill | Money Bill | Financial Bill | Constitutional Amendment Bill |
|--|--|------------------------------------|---|
| Can be introduced in either house of parliament. | Only in Lok Sabha. | Only in Lok Sabha. | In either house of parliament. |
| No President recommendation for introduction. | Need President recommendation | Need President recommendation | No need President recommendation |
| Passed by simple majority. | Passed by simple majority. | Passed by simple majority. | Passed by simple or special majority (by both houses separately) and or approval of legislatures of not less than one-half of the states. |
| Equal jurisdiction of both houses of parliament. | RS has only recommendatory power (14 days) | Equal jurisdiction of both houses. | Equal jurisdiction of both houses. |
| Joint session can | Joint session | Joint session can | Joint session cannot |

| | | | |
|---|---|---|--|
| be held. | cannot be held. | be held. | be held because if one house rejects the bill, it comes to an end. |
| President has three options: Absolute veto, suspensive veto, pocket veto. | President has choice of withholding or giving assent to the bill, but by convention he can not withhold the assent. | President has three options: Absolute veto, suspensive veto, pocket veto. | President has to give assent to the bill. |

THE BUDGET

- The budget is contained in [Articles 112 to 117](#) .
- According to [Article 112](#) the President shall in respect of every financial year cause to be laid before both the House of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this part referred to as the 'annual financial statement'.
- It is a statement of the estimated receipts and expenditures both revenue and capital of that financial year.
- The expenditure of government is classified as 'charged' and made from the consolidated fund of India.
- The General Budget is usually presented in the Lok Sabha by Finance Minister on the last working day of February.
- The General Budget is presented with the Budget speech by the Finance Minister.
- The Budget speech has two parts.
- At the end of the Budget speech in Lok Sabha, the Budget is laid in Rajya Sabha.
- [Rajya Sabha](#) can only discuss the budget.
- After the general discussion the house is adjourned for a period of a month.
- During this time the [24 standing](#) committees carry out detailed scrutiny of the budget.
- Voting on demands for grants takes place in Lok Sabha.
- The time allotted for the discussion is decided by the business advisory committee headed by the speaker.
- After the completion of voting on demands for grants appropriation bill

introduced.

- Finance Bill includes taxation Proposals and introduced with the General Budget has to be passed within **25 days** of its introduction.
- No amendments can be moved in appropriation bill to vary the amount or alter the destination which is unlike the finance bill–

FUNDS OF INDIA

Consolidated fund of India (Article 266-a)

- It is the fund into which all receipts and revenues of the government flows.
- All expenditure from it, is authorised by appropriation bill.

Public Account of India (Article 266-b)

- In this account public money is put in and governments acts only as banker.
- It is operated by executive action.

Contingency Fund of India (Article 267)

- It is kept at disposal of President to meet unforeseen expenditure.
- It is opened by secretary, ministry of Finance on behalf of the President.

PARLIAMENTARY COMMITTEES

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

Important standing Committees

1. **Public Account Committee** : This committee was setup first in 1921 under the provisions of the Government of India **Act of 1919** and has since been in existence. At present, it consists of **22 members (15 from the Lok Sabha and 7 from the Rajya Sabha)**. The chairman of the committee is appointed from amongst its members by speaker.

- The function of the committee is to examine the annual audit reports of the Comptroller and Auditor General of India.

2. **Estimate Committee** : The origin of this committee can be traced to the standing financial committee set up in **1921**. Originally, it has 25 members but in **1956** its membership was raised to **30**. **All 30 members are from Lok Sabha only**. The chairman of the committee is appointed from amongst its members by speaker.

The function of the committee is to examine the estimates included in the budget and suggest 'economics' in the public expenditure. Hence, it has been described as a 'Continuous economy committee'.

3. **Committee on Public Undertakings** : This committee was created in 1964 on the recommendation of the Krishna Menon Committee. Originally it had 15 members however in 1974 . Its membership was raised to 22 [15 are from the Lok Sabha & 7 from the Rajya Sabha] .

➤ The functions of the committee are to examine the reports and accounts of public undertakings. Also to examine the reports of the Comptroller and Auditor General on Public Undertakings.

COUNCIL OF MINISTERS

➤ **Article 74** provides that there shall be council of ministers with Prime Minister as its head to aid and advice the President, who shall in exercise of his functions, act in accordance with such advice.

➤ The advice given to President by the council of ministers can't be inquired into by any court of law.

➤ **Article 75** has provisions relating to qualifications, appointment, oath, tenure, responsibilities and salaries and emoluments of the ministers.

➤ The Prime minister shall be appointed by the President and the other ministers shall be appointed by the President on the advice of PM.

➤ The President shall administer the oath and secrecy of the office to the ministers.

➤ The minister shall hold office during the pleasure of the President.

➤ The minister who is not a member of either house, he can't remain minister after 6 months , if he doesnot become the member of it.

➤ Salaries and allowances of the minister are determined by Parliament.

➤ **Article 75** entails the principles of collective and individual responsibilities of ministers.

➤ All ministers are together responsible for their acts to Lok Sabha.

➤ If **Lok Sabha** passes a vote of no confidence motion against council of ministers, all of them had to resign.

THE STRUCTURE OF COUNCIL OF MINISTERS

➤ The council of ministers consist of three categories of ministers—

1. Ministers of cabinet rank

2. State ministers

3. Deputy ministers ➤ Ministers of Cabinet are real policy maker. They attend the meeting of cabinet.

- The word ‘**Cabinet Ministers**’ has been incorporated into the constitution through the 44th amendment Act ➤ **State Ministers** can either hold independent charges or attached to cabinet ministers.
- State ministers assist to cabinet ministers.
- Ministers of state paid the same salary as the cabinet ministers.
- The Prime minister can give charge to the state minister if it needs or if he desires so.
- **Deputy ministers** don't hold the separate charge.
- **Deputy ministers** can't attend the cabinet meetings.
- They are paid lesser salary than the cabinet ministers rank.

PRIME MINISTER

- Prime minister is the leader of the lower House of the Parliament.
- He is the real executive authority.
- He is appointed by the **President** .
- He is the chairman of **Niti Ayog** , National Integration Council and Inter State Council.

POWERS OF PRIME MINISTER

- He presides over the meetings of the council of ministers.
- He can call the meeting of cabinet any time.
- He allocates portfolios.
- He can ask a minister to resign.
- He can get any minister
- He assist the **President** in appointment of all high officials.
- He summons and decides the agenda of the cabinet meetings.
- He has right to call any file from any ministry .
- He advises the **President** with regard to the summoning and proroguing of the sessions of the Parliament.
- He has right to intervene in any debate in the **Parliament** .
- He can give answer in both the house of **Parliament** .
- He can participate in debates of **Parliament** .
- He plays a significant role in shaping the **Foreign Policy** .

THE STATE EXECUTIVE

- In India, **except Jammu and Kashmir** all the states have the same pattern of government as the centre.
- **Articles 153 to 167** deal with the state executive.

- Unlike Vice President at centre, there is no provisions for office of Vice-Governor in the state.

GOVERNOR

- According to [Article 153](#) the constitution provides for an office of the Governor in the states.
- [7th amendment Act, 1956](#) facilitated the appointment of the same person in two or more states.
- A governor is the chief executive head of a state.
- He is the nominal executive head.
- Governor acts as an agent of the central government.
- The office of the governor has a dual role.
- The Constitution lays down the following two qualifications for the appointment of a person as
 - (i) He should be a citizen of India.
 - (ii) He should have completed the age of 35 years.
- The constitution lays down the following conditions for the Governor's office ([Article 158](#)) .
 - (i) He should not be a member of either House of the Parliament or of the House of the [State Legislature](#) .
 - (ii) He should not hold any other office of profit.
 - (iii) His emoluments, allowances and privileges shall be determined by the [Parliament of India](#) .
 - (iv) When the same person is appointed as the Governor of two or more States, the emoluments and allowances payable to him shall be allocated among the States in such proportion as determined by the [President of India](#) .
 - (v) His emoluments and allowances should not be diminished during his term of office.
- The Governor appoints judges of courts below the [High Court](#) .
- While appointing High Court judges, President consults the Governor.
- By [Article 161](#) , the Governor can grant pardons, reprieves, remissions of punishment to persons convicted under state laws.
- The Governor has no power to pardon a sentence of death or remit sentence by court martial.
- [Article 162](#) defines the extent of executive powers of a state.
- [Article 166](#) stipulates that all executive actions of the state are to be taken in the name of the Governor.
- All major appointments of the state are made by the Governor.
- The Governor can recommend ➤ During President's rule, he acts as President'

representative and assumes wide powers.

- He can dismiss a Legislative Assembly if he is convinced it has lost majority support.
- He can dissolve the Legislative Assembly.
- He can reserve certain bills for the consideration of the President.
- He can submit a report to the President in the wake of Constitutional machinery failure in the state.
- [Article 163](#) says that the courts can not call in question the matters in which the Governor chooses to use his discretionary powers.
- He can also nominate one member of the Anglo-Indian community to the Legislative Assembly.
- In states having legislative councils, he has the power to nominate One-sixth members from amongst distinguished persons in art, literature, science and social services ([Article 171](#)).
- [Article 200](#) states that the Governor's assent is necessary for bills passed by the state legislature to become laws.
- [Article 213](#) empowers the Governor to issue ordinance.

FINANCIAL POWERS OF THE GOVERNOR

- According to [Article 203](#), no demand for grant can be made except on the recommendation of the Governor.
- The Governor administers the contingency fund of the state and can advance money out of it to meet unforeseen expenses.

DISCRETIONARY POWERS OF THE GOVERNOR

- Reservation of a bill for the consideration of the President.
- Recommendation for the imposition of the President rule in the ➤ While exercising his functions as the administrator of an adjoining Union Territory (in case of additional charge).
- Appointment of the Chief Minister when no party has clear cut majority in the [State-Legislature](#).
- Seeking information from the [Chief Minister](#) with regard to the administrative and legislative matters of the State.
- Dismissal of the Council of Ministers when it can not prove the confidence of the [State Legislative Assembly](#).
- [Dissolution of the State Legislative Assembly if the Council of Ministers has lost its majority](#).
- Determining the amount payable by the State of Assam to the autonomous Tribal District Council as royalty accruing from licenses for mine exploration.
- The Governor has certain special responsibilities to discharge according to the

directions issued by the President. In this regard, the Governor though has to consult the Council of Ministers, acts finally in his individual judgement and discretion.

SARKARIA COMMISSION REPORT ON THE OFFICE OF GOVERNOR

- The State must be consulted before the appointment of a person to the office of the [Governor](#) .
- The Governor should not belong to the same State.
- He should be an eminent figure in any walk of life.
- He should be a detached figure and not too intimately connected with the local politics of the states.
- He should not have been actively involved in politics in recent past.
- He should not be a politician of the ruling party at the Centre, if the State to which he appointed is ruled by some other party (parties).
- Persons of the minority groups should continue to be given a chance.
- System of sending fortnightly report to the President by the Governor must continue.
- The power of the the Governor to refer any Bill to the Centre for the President's assent must continue.

ARTICLES RELATED WITH GOVERNOR

[Article-153](#) : Provision for the office of the Governor.

[Article-154](#) : Executive powers of Governor.

[Article-155](#) : Appointment of the Governor.

[Article-156](#) : Terms of the office.

[Article-157](#) : Qualifications for the appointment of the Governor.

[Article-158](#) : Conditions for the Governor's office.

[Article-159](#) : Oath of the office to the Governor.

[Article-161](#) : Judicial powers of the Governor.

[Article-164](#) : Appointment of Ministers by the Governor.

[Article-165](#) : Appointment of the Advocate-General.

[Article-166](#) : All executive actions of state are formally taken in his name.

[Article-168](#) : Governor is an integral part of the state legislature.

[Article-174](#) : Right of summoning, proroguing and dissolving.

[Article-200](#) : Reservation of Bill for President's consideration.

[Article-202](#) : Laying of state budget before the legislature.

[Article-213](#) : Power to promulgate Ordinances.

[Article-233](#) : Appointment and posting of District Judges by the Governor.

THE STATE LEGISLATURE

- The Legislature of every State consists of Governor and one or two Houses.
- The Legislatures of Jammu and Kashmir, Bihar, Maharashtra, Telangana, Andhra Pradesh, Karnataka and Uttar Pradesh are bicameral i.e., having both the Legislative Assembly and the Legislative Council . And all the other states having unicameral legislatures i.e., there exists only the State Legislative Assembly.

The Legislative Council (Vidhan Parishad)

- As per the Constitution, the number of members of the Legislative Council is not to exceed one-third of the total strength of the State legislative Assembly. However, its strength should not be less than 40 either .
- The members of the Legislative Council are derived from various sections and streams of the society.
 - (a) Not less than one-third to be elected by the Panchayats, Municipalities, District Boards, etc.
 - (b) Not less than one-third to be elected by the Legislative Assembly.
 - (c) Not less than one-twelfth to be elected by the graduates of three years standing residing in the State.
 - (d) Not less than one-twelfth to be elected by the persons having teaching experience of three years in educational institutions.
 - (e) The remainder one-sixth to be nominated by the Governor from among the distinguished persons of the society in the field of literature, science, arts, co-operative movement and social services.
- Just like the Upper House at the Centre, the Legislative Council in a State is never dissolved. The members are elected for a term of 6 years and One-third of its members retire every two years.
- The council elects a chairman and vice chairman among its members.
- The Parliament, under Article 169 , is empowered to create or abolish the Legislative Council in a State.

Creation and Abolition

- The Parliament under Article 169 , is empowered to create or abolish the Legislative Council in a state.
- If the Legislative Assembly passes a resolution for abolishing or creation of the Legislative Council by a majority of the total membership of the assembly and by a majority of not less than 2/3rd of the members present and voting, the Parliament may approve the resolution by a simple majority.
- A resolution passed by the Legislative Assembly for the creation or abolition of its council is not binding on the parliament.

- The Parliament may or may not approve such resolution

Legislative Assembly (Vidhan Sabha)

- It is also known as lower house, just like the Lok Sabha.
- Consists of not **more than 500 members** and **not less than 60 members** .
- The strength varies according to the population of the state concerned.
- However the Legislative assembly of **Sikkim** has **only 30** members.
- It has a term of **5 years** but can be dissolved by the Governor earlier.
- Its term can be extended by one year during national emergency.
- The Governor may nominate **one member** from the **Anglo-Indian** community to this House, if he thinks that the community is not adequately represented.
- The sessions of the state legislature and its officers as well as their functions are almost similar to those at the union level

CHIEF MINISTER

- Chief Minister is the real executive head of the state governments.
- His position at the state level is analogous to the position of the Prime Minister at the centre.
- He is appointed by the governor.
- Other ministers are appointed by the governor on the advice of Chief Minister.
- The Governor appoints the leader of the party enjoying the majority in the Assembly as the Chief Minister.
- A person who is not a member of state legislature can be appointed, but he has to get himself elected within 6 months otherwise he is removed.
- The governor administers the oath of office and secrecy to the ministers.
- The salaries and allowances of the ministers shall be determined by the state legislature.

Power of Chief Minister

- He advises the Governor.
- He can ask for the resignation of any minister.
- His own resignation brings down the fall of the whole council of ministers.
- Presides over the meetings of the council of Ministers and influences its decisions.
- He advises the governor with regards to the appointment of important officials like **Advocate General, The chairman and members of the state public service commission, the state election commissions etc** .
- He announces Governments policies on the floor of the House.

Council of Ministers in states

- In a Parliamentary form of government, the council of ministers headed by the Chief Minister is the executive authority.
- The states under the Indian constitution are organised on the pattern as that of the centre.
- The Council of Ministers in the state is a replica of the council of Ministers at the centre.
- They resemble in formation, function and role in the administration.
- The constitution provides a broad and general view of the principles of Parliamentary system of Government in [Article 163](#) and [Article 164](#).
- Council of ministers are there to aid and advise the Governor of the state in various matters.

THE ADVOCATE GENERAL

- The [Advocate General](#) is the first law officer of a state.
- His office and functions are comparable to that of the [Attorney General of India](#).
- His remunerations are also determined by the [Governor](#).
- He must be qualified to be a judge of [supreme court](#) in order to be to the office of the [Advocate General](#).
- He has the right to attend and speak in the proceedings of either [Houses of the State legislature](#) without any right to vote.
- He has the right of audience in

COMPARISON BETWEEN PARLIAMENT & STATE LEGISLATURE

| Parliament | State Legislature |
|--|--|
| A. With Regard to Ordinary Bills | |
| 1. Introduced in either house of the Parliament. | 1. Introduced in either House of the state legislature. |
| 2. Introduced either by a minister or by a private member. | 2. Introduced either by a minister or by a private member. |
| 3. A deadlock between the two houses takes place when the second house, after receiving a bill passed by the first House, rejects the bill | 3. A deadlock between the two houses takes place when the Legislative Council, after receiving a bill passed by the Legislative Assembly, rejects the bill or proposes amendments that are not acceptable to the Legislative Assembly or does not pass the bill within three months. |

| | |
|--|---|
| or proposes amendments that are not acceptable to the first House or does not pass the bill within six months. | |
| 4. The Constitution provides for the mechanism of joint sitting of two houses of the Parliament to resolve a deadlock between them over the passage of a bill. | 4. The Constitution does not provide for the mechanism of joint sitting of two houses of the state legislature to resolve a deadlock between them over the passage of a bill. |
| 5. The Lok Sabha cannot override the Rajya Sabha by passing the bill for the second time and vice versa. A joint sitting is the only way to resolve a deadlock between the two houses. | 5. The Legislative Assembly can override the Legislative Council by passing the bill for the second time and vice versa. When a bill is passed by the Assembly for the second time and transmitted to the Legislative Council, if the Legislative Council rejects the bill again or proposes amendments that are not acceptable to the Legislative Assembly, or does not pass the bill within one month, then the bill is deemed to have been passed by both the houses in the form in which it was passed by the Legislative Assembly for the second time. |
| 6. The mechanism of joint sitting for resolving a deadlock applies to a bill whether originating in the Lok Sabha or the Rajya Sabha. If a joint sitting is not summoned by the President, the bill ends and becomes dead. | 6. The mechanism of passing the bill for the second time to resolve a deadlock applies to a bill originating in the Legislative Assembly only. When a bill, which has originated in the Legislative Council and sent to the Legislative Assembly, is rejected by the latter, the bill ends and becomes dead. |
| B. With Regard to Money Bills | |
| 1. Introduced only in the Lok Sabha and not | 1. Introduced only in the Legislative assembly and not in the Legislative Council. |

| | |
|--|--|
| in the Rajya Sabha. | |
| 2. Introduced only on the recommendation of the President. | 2. Introduced only on the recommendation of the governor. |
| 3. Introduced only by a minister and not by a private member. | 3. Introduced only by a minister and not by a private member. |
| 4. It cannot be rejected or amended by the Rajya Sabha & returned to the Lok Sabha within 14 days, either with or without recommendations. | 4. It cannot be rejected or amended by the Legislative Council & returned to the legislative Assembly within 14 days, either with or without amendments. |
| 5. The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha. | 5. The Legislative Assembly can either accept or reject all or any of the recommendations of the legislative council. |
| 6. If the Lok Sabha does not accept any recommendation, the bill is then deemed to have been passed by both the houses in the form originally passed by the Lok Sabha without any change. | 6. If the Legislative Assembly does not accept any recommendation, the bill is then deemed to have been passed by both the houses in the form originally passed by the legislative Assembly without any change. |
| 7. If the Rajya Sabha does not return the bill to the Lok Sabha within 14 days, the bill is deemed to have been passed by both the houses at the expiration of the said period in the form originally passed | 7. If the Legislative Council does not return the bill to the Legislative Assembly within 14 days, the bill is deemed to have been passed by both the houses at the expiration of the said period in the form originally passed by the Legislative Assembly. |

by the Lok Sabha.

SPECIAL STATUS OF JAMMU AND KASHMIR

- The special status of [Jammu and Kashmir](#) is guaranteed in [Article 370](#) of the Constitution.
- This status has been provided on the basis of an agreement concluded at the time of [Jammu and Kashmir's](#) accession to India.
- [Jammu and Kashmir](#) has its own Constitution, apart from the Indian Constitution.

Its Constitution was framed by a Constituent Assembly of its own and came into being on the [26th January, 1957](#) .

- [The Parliament](#) can not make law with regard to [Jammu and Kashmir](#) on subjects in the State List.
- The residuary power lies with the Legislature of [Jammu and Kashmir](#) and not with the Parliament.
- It follows dual citizenship, only the citizens of [Jammu and Kashmir](#) can take part in the elections to the State Assembly and acquire, own and dispose of immovable property in [Jammu and Kashmir](#) .
- Only national emergency proclaimed on grounds of war or external aggression shall have automatic extension to [Jammu and Kashmir](#) . National emergency proclaimed on the basis of armed rebellion shall not be automatically extended to Jammu and Kashmir.
- Apart from the President's rule, Governor's rule can also be imposed for a maximum period of six months, in case of constitutional break-down in the State.
- [The Parliament can not change the name, boundary or territory of Jammu and Kashmir, without the concurrence of the State Legislature](#) .
- The State Government shall be consulted by the Centre before appointing a person as the Governor of Jammu and Kashmir.
- No preventive detention law made by the Parliament can have automatic extension to Jammu and Kashmir.
- [The Union has no power to proclaim a financial emergency to Jammu and Kashmir](#) .

JUDICIARY IN INDIA

THE SUPREME COURT

- The supreme court of India replaced the federal court which was setup under the Government of India [Act, 1935](#) .
- It came into existence on [January 28, 1950](#) .
- It stands at the apex of the judicial systems of India.
- The constitution consists provisions related to the union Judiciary in [Articles 124 to Art. 147](#) in Part V of the constitution.
- It consists of one chief justice and 30 other judges.
- The power to increase or decrease the number of judges in the supreme court rests with the ➤ The senior most [judge](#) of the supreme court is appointed as the chief justice of India.
- [Judges](#) are appointed by the president after consultation with such Judges of the supreme court and of the High court as the president may deem necessary.

Qualification

- Must be a citizen of India.
- Has been for atleast ten years as an advocate of a High Court or of two or more such courts in succession or ➤ is, in the opinion of the president, a distinguished jurist.
- Has been a judge of high court

Term

- [The Chief Justice](#) & other Judges hold office till 65 years of age.

Salary

- [Chief Justice](#) gets 1 lakh per month, other judges get 90 thousands per month ➤ Besides the salary, they are entitled to a rent free accomodation and other allowances.
- During financial emergency salary and other allowances can be reduced.

Removal of Judges :

- A motion seeking the removal of the judge can be preferred before either house of the parliament.
- If it is to be introduced in the [Lok Sabha](#) , it should be signed by not less than 100 members of the Lok Shaba.
- If it is to be introduced in Rajya Sabha, it should be signed by not less than 50 members.
- The resolution should be supported by a majority of total membership of both the houses & by [2/3rd](#) majority of the members present and voting.
- The motion can be moved only after a prior notice of [14 days](#) given to the judge.

- The judge in question has the right to defend himself or through his counsel before the judicial committee.
- The parliament may or may not act upon the report of the judicial committee.

Jurisdiction

- **Original Jurisdiction :** The supreme court settles all disputes between centre state, State - State etc.
- There are certain provisions in the constitution which exclude from the original jurisdiction of the supreme court, certain disputes, the determination of which is vested in other tribunals.
 - Disputes specified in the provisions
 - Complaints as to interference with inter-state water supplies, referred to the statutory tribunal mentioned in [Article 262](#) .
 - Matters referred by the finance commission (Art. 280)
 - Adjustment of certain expenses between the unions and the state ([Art 290](#))

Writ Jurisdiction

- Every individual has the right to move the supreme court directly by appropriate proceedings for the enforcement of his fundamental rights.
- [Article 32](#) imposes duty on the supreme court to enforce the Fundamental rights.

Appellate Jurisdiction

- It is three fold
 - [Constitutional](#) — In constitutional matters an appeal lies to the supreme court if the High court certifies that the case involves a substantial question of law as to the interpretation of the constitution.
 - [Civil](#) – In civil cases, an appeal lies to the Supreme Court if a High Court certifies that the value of the subject matter of the dispute as fit for appeal to the supreme court.
 - [Criminal](#)– In the criminal cases, an appeal lies to the supreme court [if the High Court](#) :
 - has withdrawn for trial before itself any case from any subordinate and has in such trial convicted the accused and sentenced him to death.
 - Certifies that the case is fit for appeal to the supreme court.

Advisory Jurisdiction

- If the president seeks the advice of [Supreme Court](#) . It is duty bound to give its opinion.
- [The Supreme Court's decision is not bound to the president](#) .

Revisory Jurisdiction

- The Supreme court under [article 137](#) is empowered to revive any judgement or order made by it with a view to removing any mistake or error that might have crept in the judgement or order.
- It is a “[court of record](#)” as its decisions are of evidential value & can be used a precedent in any court.
- The Supreme Court also enjoys the power of judicial review as it can ensure that the laws passed by legislature and order issued by the executive do not contravene any provision of the constitutions.
- The supreme court decides disputes regarding the election of the president and the vice president.
- The supreme court recommends the removal of members of UPSC to the president.

HIGH COURT

- According to [Article 214](#) there shall be a High Court for each state.
- The High courts stand at the head of the judiciary in a state.
- [Article 215](#) says that every high court shall be a “Court of Record”.
- Kolkata High Court is the oldest High Court of India.

Appointment of Judges

- According to [Article 216](#) , every High Court consists of a Chief Justice and such other judges as appointed by the president from time to time.
- Our constitution does not fix the number of judges for a High Court.

➤ Eligibility

- (i) He must be a citizen of India.
- (ii) He must have held a judicial office in the territory of India for at least [10 years](#) .
- (iii) Must have been an advocate of a High Court or two or more such Courts in succession
- (iv) He has worked as a judge of a state high court for at least [5 years](#) .
- (v) He should be distinguished jurist in the opinion of the President of India.

Oath : By Governor.

Age of Retirement /tenure :

[62 years](#).

Removal : The judge of the High Courts can be removed from the service in the very same way as that of the Supreme Court.

Salaries & Allowances

- Determined by the Parliament.
- Monthly Pension equal to 50% of his last drawn salary.
- Charged on the consolidated fund of state and are not subject to vote in the state legislature.

Transfer of a Judge

- According to [Article 222](#) , The President may after consultation with the chief justice of India transfer a Judge from one High Court to any other High Court.
- Consultation with the chief Justice of India (act) ➤ The opinion provided by the CJI is the binding on the president.

Jurisdiction of the High Court

Original Jurisdiction

- The High Court of presidency towns ([Bombay, Calcutta & Madras](#)) have both original and appellate jurisdiction.
- Only in matters of admiralty. Probate matrimonial and contempt of court. They have original jurisdiction.

Appellate Jurisdiction

- As courts of appeal all High Courts enter to in appeal in civil and criminal cases from their subordinate courts as well as on their

Writ Jurisdiction

- According to [Article 226](#) , the High Courts are given powers of issuing writs not only for the enforcement of the fundamental Rights, but also for other purposes.
- The High Courts may issue writs, orders and directions under [Article 226](#) .
- The jurisdiction to issue writs under this article is larger in the case of High Courts than the jurisdiction of the supreme court.

COMPARISON BETWEEN SUPREME COURT AND HIGH COURT

| Supreme Court | High Court |
|--|---|
| 1. This is the union court and the apex institution of the united court system. | 1. The High Court is constituted in every State for a group of states. |
| 2. All the Judges of the Supreme Court, retire on attaining the age of 65 years. | 2. The Judge of the High Court retires after attaining the age of 62 years. |
| | |

| | |
|--|--|
| 3. The Judges of the Supreme Court cannot do their practice after retirement. These are also restricted during their tenure. | 3. The Judge of the High Court cannot do his legal practice during his tenure but we can do this after his tenure in any High Court or Supreme Court. He cannot do his legal practices in courts below High Court. |
| 4. The Judges of the Supreme Court cannot be transferred and cannot be promoted. | 4. The Judges of the High Courts are transferrable to the other high courts. They can be promoted upto Judge of the Supreme Court. |
| 5. The Supreme Court is not bounded to obey the decisions of the High Courts or any other courts. | 5. The High Courts are bounded to obey the decision of Supreme Court. |
| 6. The Supreme Court only has the power to take decisions regarding constitutions. | 6. The High Court has no power to take decisions regarding constitution. |
| 7. The cases involving the interpretation of the Constitution are decided only by the Supreme Court. | 8. The cases involving the interpretation of the Constitution are not decided by the High Court. |
| 8. The Supreme Court can issue writs only for the enforcement of fundamental Rights | 9. High Court can issue writs not only for the enforcement of fundamental Rights but also for any other purpose. |
| 9. A remedy under Article 32 in in Itself a Fundamental Right and hence, the Supreme Court may not refuse to exercise its writ jurisdiction. | 10. A remedy under Article 226 is discretionary and hence, a High Court may refuse to exercise its writ jurisdiction. |

CONSTITUTIONAL BODIES

Union Public Service Commission (UPSC)

- The Union Public Service Commission is the central recruiting agency in India. It is an independent constitutional body in the sense that it has been directly created by the constitution.
- [Article 315 to 323](#) in Part XIV of the Constitution contain elaborate provisions

regarding the composition, appointment and removal of members along with the independence, power and functions of the UPSC.

- The chairman and members of the Commission hold office for a term of six years or until they attain the [age of 65](#) years, whichever earlier.
- They can also be removed before the expiry of their term by the president.

State Public Service Commission

- Parallel to the UPSC at the centre, there is a state public service Commission in state under same set of Articles ([i.e., Article 315 to 323](#)) ➤ A SPSC consist of chairman and other members appointed by the governor of the state.
- The chairman and members of the commission hold office for a term of six years or until they attain the age of [62 years](#) .
- The chairman and members of the commission can be removed only by the president (and not by the governor)

The Centre-State Relation

- [Articles 245 -255, part-IX](#) of the constitution contains provisions relating to the legislature relations between centre and states.
- Centre-state relations can be studied under three categories.

The legislative relations

- Our parliament can make laws for the whole or any part of the country.
- The legislature of a state may make laws for the whole or any part of the state.
- No law made by parliament shall be deemed to be invalid on the ground that it would have extraterritorial operation.
- There are three lists under 7th schedule - [The Union list](#) -100 subjects (earlier - 97) [The state list](#) -61 subjects (earlier 66) [The concurrent list](#) -52 subjects (earlier -47)
- [The union list consists of subjects with national importance.](#)
- [Both centre & state can make laws on concurrent list but in case of any conflict between state & centre, the central law will prevail .](#)
- [Article 248](#) vests the residuary Powers in the parliament.
- Parliament has exclusive power to make any law with respect to any matter not enumerated in the concurrent list or the state list.
- According to [Article 249](#) , if the Rajya Sabha passes a resolution, supported by [2/3rd](#) of the members present & voting, that it is necessary or expedient in the national interest that the Parliament should make laws with respect to any matter enumerated in the state list specified in the resolution.
- According to [Article 250](#) , while the Emergency is in operation the make laws for the whole or any part of the territory of India with respect to all matters in the

state list.

- According to [Article 252](#) , if the legislatures of two or more states passes a resolution to the effect that it is desirable to have a law passed by the parliament on any matter in the state list, it shall be lawful for the parliament to make laws regulating that matter.
- According to [Article 253](#) , that empowers the parliament to make any law for the whole or any part of the territory of India for implementing the treaties and international agreements and conventions even if the subject covered by such treaties and agreement fall within the state list.
- According to [Article 356](#) , the Parliament is empowered to make laws with respect to all the matters in the state list when the Parliament declares that the state Governments can't be carried on in accordance with the provisions of the constitution and the parliament assumes all the legislative functions of the states.

Centre's control over the state legislation

- Any legislation passed by the state legislature for the acquisition of private property for public purposes will not become a law unless it has the assent of the Parliament ([Art. 31A](#)) ➤ According to [Article 200](#) the Governor is empowered to reserve a Bill for the president's consideration.
- Under this Article the Governor has been directed to reserve any Bill affecting the dignity any functioning of the High Court for the President's consideration.
- According to [Article 304 \(b\)](#) , the state legislature is authorised to pass Bill regarding the imposition of reasonable restrictions on the freedom of trade, commerce and intercourse within the state in public interest. Any such Bill requires the president's prior approval for its introduction in the House.

Administrative Relations

- Administrative relations are given under [Article 256 to 263, Part IX](#) .
- The executive powers of the state should be so exercised as to ensure compliance with the laws of the union Parliament ([Art 256](#)).
- Powers of the state do not impede or prejudice executive power of the union ([Art. 257](#)) ➤ Under [Article 258\(2\)](#) , the Parliament is given power to use the state machinery to enforce the union laws.
- State governments can suspend officials of All India Services in case of untoward happenings.
- State Government can't take any disciplinary action against the officials of [All India Services](#) .
- The centre can deploy military and paramilitary forces in a state even against the wishes of the state Government.
- Under [Article 262](#) , the Parliament has power to adjudicate in case of disputes

related to inter-state rivers.

➤ **Under Article 263** , the president has power to constitute a council to resolve the disputes or to discuss the matters of common interests between the states or between the state and union.

➤ The president has constituted three such councils so far. these are —

1. Central council of health
2. Central council of Local self Government
3. Transport development council.

Financial Relations

➤ **Articles 268 to 293** in part IX are concerned with financial relations.

➤ The constitution makes a distinction between the legislative powers to levy a tax and the financial power to appropriate the proceeds of the tax.

➤ The residuary powers regarding taxes belongs to the parliament ➤ The state has little power regarding taxes.

➤ The state depends on centre for financial resources.

➤ The chief sources of finance is grants-in-aid from the centre.

➤ **Under article 269** , taxes levied & collected by the union Governments but assigned to the states.

➤ **Under Article 270** , taxes levied & collected by the union and distributed between the union and the states.

➤ Centre has powers to grant loans and provide Grant-in-aids to the states specially for promoting the welfare of SCs & STs

Finance Commission

➤ **Article 280** of the constitution of India provides for a Finance Commission as a quasi-judicial body.

➤ It constituted by the president of India every fifth year or at such earlier time as he considers necessary.

➤ **Finance Commission** consists of a chairman and four other members to be appointed by the president.

➤ **Function of the commission** is to make recommendations to the president of India on **following matters** .

1. The distribution of the net proceeds of taxes to be shared between the centre and the states and the allocation between the states of the respective shares of such proceeds.
2. The principles that should govern the grants-in-aid to the states by Centre.
3. The measures needed to augment the consolidated fund of of the panchayats and the municipalities in the state on the basis of the recommendations made by the state finance commission.

4. Any other matter referred to it by the president in the interests of sound finance.

Inter-state Council

➤ According to [Article 263](#) , If at any time it appears to the President that the Public interests would be served by the establishment of a [council charged with the duty of—](#)

(a) Inquiring into and advising upon disputes which may have arisen during investigating and discussing subjects in which some or all of the states or the union and one or more of the states, have a common interest, or

(b) making recommendations upon any such subject and, in particular, recommendations for the better coordination of policy and action with respect to that subject.

It shall be lawful for the president by order to establish such council, and to define the nature of the duties to be performed by it and its organisation and procedure.

➤ The duty of any such council is to inquire into and advice upon the relevant matters and not one of adjudicating.

➤ [The Sarkaria Commission recommended](#)

[\(1983-87\) that in order to differentiate the inter-state council from other bodies setup under the Article 263 .](#)

➤ It must be called the inter-Governmental Council.

Zonal Councils

➤ [Zonal councils](#) are statutory bodies

(not constitutional) ➤ These councils are established under the Act of parliament

➤ These councils play a very significant ➤ There are [five zonal councils](#) setup under the part III of the state reorganisation, [Act 1956](#) . These are following.

1. [Northern Zonal Council](#) — [Haryana, Himachal Pradesh, Punjab, Jammu and Kashmir, Rajasthan, NCT of Delhi & Chandigarh](#) . Its head office is in [New Delhi](#) .

2. [The Central Zonal Council](#) — [Uttar Pradesh, Uttarakhand, Chhattisgarh, Madhya Pradesh](#) .

Its headquarter is in [Allahabad](#).

3. [The Eastern Zonal Council](#) — [Bihar, Jharkhand, Odisha, West Bengal, Sikkim](#) Its headquarter is in [Kolkata](#) .

4. [The Western Zonal Council](#) — [Goa, Gujarat, Maharashtra, Daman and Diu, Dadra & Nagar Haveli](#) .

Its headquarter is in [Mumbai](#).

5. [The Southern Zonal Council](#) — [Andhra Pradesh, Telangana, Karnataka, Kerala](#)

Tamil Nadu, Puduchery .

Its headquarter is in Chennai

North-Eastern council

➤ **States** — Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, Arunachal Pradesh.

Its functions are same like the zonal councils.

➤ On the recommendations of Sarkaria Commission, under the leadership of V.P. Singh Janata Dal Government established an interstate council in 1990 . Following are the members in it—

(i) Chairman – Prime Minister

(ii) Chief Ministers of all states

(iii) Chief Ministers of Delhi & Puducherry

(iv) Six Union Cabinet Ministers including the Home Minister ➤ The council should hold at least three meetings in a year.

➤ The council has a permanent committee. It is established in 1996 . the committee has the following members —

(i) Chairman – Home Minister

(ii) Five Cabinet Ministers

(iii) Nine Chief Ministers ➤ The council has a secretariat to help it. It is called the inter-state council secretariat. It is established in 1991 .

National Commission for SCs

➤ The National Commission for Scheduled Castes is a constitutional body in the sense that it is directly established by Article 338 of the constitution.

➤ The commission consists of chairperson, a vice chairperson and three other members to be appointed by the president.

➤ The commission investigate all matters relating to the constitutional safeguards for the SCs and to report to the President on their working.

National Commission for STs

➤ Like the National Commission for scheduled castes, the National Commission for schedule Tribes

(STs) is also a constitutional body in the sense that it is directly established by Article 338-A of the constitution.

➤ A separate National Commission for STs by bifurcating the existing combined National Commission for SCs and STs was done by passing the 89th Constitutional Amendment Act of 2003 .

➤ The commission consists of chairperson, a vice-chairperson and three other

members to be appointed ➤ The commission investigates all matters relating to the constitutional safeguards for the STs and to report to the president on their working.

➤ Special officer for Linguistic Minorities mentioned in [Article 350 -B](#) of constitution.

➤ This office works for constitutional safeguards for linguistic minorities and report to the president on their working.

EMERGENCY PROVISIONS

➤ The President is empowered to promulgate three kinds of emergencies—

1. On the ground of threat to the security of India by a war or an external aggression or an Armed rebellion ([Article 352](#)) .

2. On the ground of failure of the constitutional machinery in a state ([Art. 356](#))

3. Financial Emergency ([Art. 360](#))

National Emergency (Article 352)

➤ If the president is satisfied that a grave emergency exists where by the security of India or of any part of the territory thereof is threatened, whether by a war or an external aggression or an armed rebellion, he may proclaim a state of emergency for the whole of India or a part thereof.

➤ A proclamation of emergency can be made by the president even before the actual occurrence of war or external aggression or armed rebellion if he is satisfied that there is an imminent danger.

➤ Such a proclamation of emergency can be varied or revoked by the president subsequently.

➤ The president can issue a proclamation of emergency only when the decision of the union cabinet is conveyed to him only in written.

➤ This proclamation is subject to judicial review and its constitutionality can be questioned in a court of law on the grounds of ➤ The proclamation of emergency must be approved by the parliament within the period of one month. If it is approved it will continue for six months.

➤ It can be extended for an indefinite period with an approval by the parliament for every six months.

➤ It has been proclaimed three times so far— [1962](#), [1971](#) and [1975](#) .

➤ President can suspend the operation of Fundamental Rights during this type of emergency ([Except](#)

[Art. 20 & 21](#)) ➤ Article 19 can only be suspended in case of external emergency

and not in the case of internal emergency.

Effects of the proclamation of Emergency

- During emergency the president is empowered to issue directions to the states as to the manner in which their executive power is to be exercised.
- During emergency, the parliament can enact laws even on the subjects enumerated under the state list .
- Distribution of the power is suspended.
- Parliament can extend the life of the Lok Sabha beyond the five year term for a period not exceeding one year at a time.
- The life of the state legislative Assemblies can also be extended, by law, by the parliament in a similar manner.
- The citizens can't move the courts for this.
- The other fundamental Rights may be suspended.
- Article 20 & 21 can't be suspended .

State Emergency (Article 356)

- If the president, on receipt of report from the Governor of state situation has arisen in which the government of the state can't be carried on in accordance with the provisions of this constitution, he may issue a proclamation.
 - (a) assume to himself all or any of the functions of the Government of the state and all or any of the powers vested in or exercisable by the governor.
 - (b) declare that the powers of the legislature of the state shall be exercisable by or under the authority of parliament.
 - (c) make such incidental and consequential provisions as appear to the president to be necessary or desirable for giving effect to the objects of the proclamation, including provisions for suspending in whole or in part of the operation of any provisions of this constitution relating to any body or authority in the state.
- The parliament can confer on the president the power to make laws for the state.
- If the Lok Sabha is not in session, the president may authorise expenditure from the consolidated fund of the state, pending sanction of such expenditure by the parliament.
- The proclamation of the president's rule should be approved by the parliament within two months.
- If approved, it remains in force for six months from the date of proclamation of the state emergency.
- It can be extended for a maximum period of three years with the approval of the parliament every six months.

Financial Emergency (Article 360)

- The president can proclaim financial emergency if he is satisfied that the financial stability or the credit of India or any part there
- Such a proclamation must be approved by the parliament within two months.
- During financial emergency, the president can issue directions for the reduction of salaries and allowances of all or any class of persons serving under the state.
- Once approved it remains in force till revoked by the president.
- No Emergency under [Article 360](#) has been issued so far.

LOCAL GOVERNMENT

Panchayati Raj : Panchayati Raj is a subject of state list ➤ State Government have right to establish and election of it.

- Part IX of the constitution relates to it.
- It received constitutional status through the [73rd constitutional Amendment Act of 1992](#) .
- At the central level, the ministry of Rural Development looks after the matters relating to the Panchayati Raj.

Balwant Rai Mehta Committee

- The Government of India appointed a committee in [1957](#) .
- This committee was set up to examine the work of community Development Programme ([1952](#)) , and National Extension Service ([1953](#)) .
- The committee submitted its report in [1958](#) .

Recommendations

- This committee recommends [three level](#) of governance viz [zila parishad](#), [Panchayat Samiti \(Block\)](#) and [Gram Panchayat \(village\)](#) .
 - District collector should be a chairperson of [Zila Parishad](#) .
 - The members of Zila Parishad and Panchayat samiti should be elected indirectly while the members of [Gram Panchayat](#) should be elected directly.
 - These recommendation were accepted by [NDC](#) in [Jan 1958](#) .
 - [Rajasthan](#) was the first state to establish the institution of Panchayati Raj.
 - The scheme was inaugurated by the then [PM. Jawahar Lal Nehru](#).
- [On october 2, 1959](#) in Nagaur District in Rajasthan.
- Rajasthan adopted a three tier system.
 - [Tamilnadu](#) accepted a two tier system and west Bengal a four tier system.

Ashok Mehta Committee

- The Janata Government appointed a committee in 1977 on Panchayati Raj institutions under the chairmanship of Ashok Mehta.

Recommendations

- This committee recommends a two tier Panchayati raj system — Zila Parishad & Mandal Panchayat.
- Nyaya Panchayat should be kept as separate body.
- Seats for SCs and STs should be reserved on the basis of their population.
- These recommendations could not be implemented.

G.V. K. Rao Committee

- This committee was appointed by the planning commission in 1985 .

Recommendations

- Zila Parishad should be of pivotal role in the scheme for democratic decentralisation.
- Create the post of district development commissioner.
- He should act as the chief executive officer of Zila parishad .
- Reservation for SCs, STs & women ➤ Recommendations could not be accepted.

L.M. Singhvi Committee

- Appointed by the Rajiv Gandhi Government in 1986 .
- Chairman L.M. Singhvi

73rd Amendment Act of 1992

- The Act gives a constitutional status to the Panchayati Raj institutions.
- The Act has added new part IX and 11th schedule to the constitution.
- It is entitled as “The Panchayats” and consists of provisions from Articles 243 to 243 (O) .
- It consists 29 functional items of the Panchayats and deals with Article 243 (G)
- The compulsory provisions of the Act are to be included in the state laws creating the new panchayati Raj System.
- The voluntary provision may be included at the discretion of the state.

Chief Characteristics

- This Panchayati Raj system is for only those states having population of more than 20 lakhs .
- The tenure of every Panchayat should be 5 years .
- The election of the new Panchayat should be held before the expiry of its

tenure or within 6 months of its dissolution.

- Every Panchayat should have a chairperson.
- The total number of the seats in every panchayat should be filled by direct election.
- Seat should be reserved for SCs & STs.
- 1/3rd of the seats should be reserved for women.
- Panchayat can levy collect and appropriate taxes duties tolls and fees as its suits better.
- State also provide grants-in-aid to Panchayat.
- All elections of Panchayats are conducted, supervised, directed and controlled by the state election commission.
- The state election commissioner is appointed by the Governor .
- He can be removed on the same manner as the judge of the High

Urban Local Government

- The system of urban local government was constitutionalised through the 74th constitutional Amendment Act of 1992 .
- This Act has added a new Part IX-A to the Constitution of India.
- It is entitled 'The Municipalities' and consist of provisions from Article 243-P 243 -ZG .
- This act has added 12th schedule to the constitution.
- This schedule contains eighteen functional items of municipalities.
- The act gave constitutional status to the municipalities.
- The act aims at revitalising and strengthening the urban governments so that they function effectively as units of local government.

Co-operative Societies

- The 97th Constitutional Amendment Act of 2011 gave a Constitutional status and protection to co-operative societies.
- In this context, it made the following three changes in the constitution :
 - (a) It made the right to form cooperative societies a fundamental right.
 - (b) It included a new Directive Principle of state policy on promotion of co-operative societies
 - (c) it added a new Part IX-B in the Constitution which is entitled "The co-operative societies" .

Election Commission

- The Election Commission is a permanent and an independent body.
- It is established by the constitution of India.
- The elections to the Panchayats and the Municipalities in the states are conduc

by state ➤ The election commission consists of one chief election commissioner and two other election commissioners.

➤ The powers of election commissioners have been made equal to those of the chief election commissioner.

Functions :

➤ The election commission works under the overall supervisions of the chief election commissioner.

➤ It conducts and supervises elections.

➤ It fixes the election programme dates, the number of polling booths and the declaration of the results.

➤ It advises the president or the governor on all electoral matters.

➤ It prepares guidelines for a code of conduct for candidates, political parties and voters.

➤ It fixes the limit of election expenses and examines the accounts of the electoral expenditures.

➤ It decides the election symbols for the political parties.

➤ It settles the election disputes and petitions referred to it by the president or the governor.

➤ The term of the chief election commissioner is for 6 years or 65 years of age whichever is earlier .

➤ He can be removed from the office in the same manner as the judges of the supreme court.

➤ He is not eligible for reappointment.

➤ He can't hold any office of profit after his retirement.

➤ His salaries and allowances are met from the consolidated fund of India.

NON CONSTITUTIONAL BODIES

National Human Rights Commission

➤ The National Human Rights Commission is a statutory body.

➤ It was established in 1993 by a legislation enacted by the parliament.

Namely the protection of ➤ The Commission is a multi-member body consisting of a chairman and other four members.

➤ The chairman should be a retired chief justice of India, and members should be serving or retired judges of the supreme court, a serving or retired chief justice of a high court and two persons having knowledge or practical experience with respect to human rights.

- The chairman and members hold office for a term of five years or until they attain the [age of 70 years](#) .
- The commission is the watchdog of human rights in the country, that is the rights relating to life, liberty, equality and dignity of the individual guaranteed by constitution or embodied in the international covenants and enforceable by courts in India.

Central Information Commission

- The central information commission was established by central [government in 2005](#) .
- It was constituted through an official Gazette notification under the provisions of the [Right to Information Act \(2005\)](#) ➤ The Central Information Commission is a high powered independent body which inter alia looks into the complaints made to it and decide the appeals ➤ It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertaking to offices, financial institutions, public sector undertaking etc.
- The commission consist of a Chief Information Commissioner and not more than ten Information Commissioners.
- They appointed by the president for a term of [5 years](#) or until they attain the [age 65 years](#) , whichever

RIGHT TO INFORMATION ACT (RTI)

- It is a statutory (and not a constitutional) Act.
- It was passed in [2005](#) to set out the practical regime of Right to Information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.
- It also provides for the constitution of a central Information commission and states Information Commissions and for matters connected therewith or incidental thereto. [RTI Act, 2005](#) extends to the whole of India except the state of Jammu and Kashmir.

CENTRAL VIGILANCE COMMISSION

- The central vigilance commission ([CVC](#)) is the main agency for preventing corruption in the central government.
- It was established in 1964 by an executive resolution of the central government.
- Its establishment was recommended by the Santhanam Committee on prevention of corruption ([1962-64](#)) originally the CVC was neither a constitutional body nor a statutory

body. Recently, in September 2003 , the Parliament enacted a law conferring statutory status on the CVC.

- The CVC is a multi-member body consisting of a Central Vigilance Commissioner and not more than two vigilance commissioner.
- They are appointed by the president.
- They hold office for a term of four years or until they attain the age of sixty five years , which ever is earlier.

CENTRAL BUREAU OF INVESTIGATION (CBI)

- The Central Bureau of Investigation (CBI) was set up in 1963 by a resolution of Ministry of Home ➤ Later, it was transferred to the Ministry of Personnel and now it enjoys the status of an attached office.
- The establishment of the CBI was recommended by the Santhanam Committee on Prevention of Corruption (1962-64) ➤ CBI is not a statutory body. It derives its power from the Delhi Special Police Establishment Act, 1946 .

LOKPAL AND LOKAYUKTAS LOKPAL

- The Administrative Reforms Commission (ARC) of India (1966- 1970) recommended the setting up of two special authorities designated as Lokpal and Lokayukta for the redressal of citizens grievances.
- The Lokpal would deal with complaints against ministers and secretaries at central and state levels.
- According to the ARC, the Lokpal would be appointed by the president after consultation with the chief justice of India, the speaker of Lok Sabha and the chairman of Rajya Sabha.
- Ist time Lokpal bill was introduced in Parliament in May 1968 , by the Congress Government headed by Indira Gandhi.

LOKAYUKTAS

- According to ARC Report (1966- 70) the Lokaukta (one at the centre and in every state) would deal with the complaints against other specified higher official which is not included in Lokpal.
- Lokayukta was established first in Maharashtra in 1971 . Although Odisha had passed the Act in this regard in 1970, it came into force only in 1983.

ESTABLISHMENT OF LOKAYUKTA IN STATES

- Odisha (1974) , Maharashtra

(1971) , Rajasthan (1973) , Bihar (1974) , Uttar Pradesh (1975) , Himachal Pradesh (1983) , Karnataka (1985) , Gujarat (1986) , Punjab (1995) , Kerala (1999) , Jharkhand (2001) , Chattisgarh (2002) , Haryana (2002) , Uttarakhand (2002) , Goa (2011)

GLOSSARY OF CONSTITUTIONAL TERMS

➤ **Ad hoc committees** : These committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. The principal Ad hoc committees are the select and joint committees on Bills. Examples of Ad hoc committees

(1) Committees on the Draft Five Year Plans (2) Railway convention committee.

➤ **Adjournment Motion** : It is introduced in the parliament to draw attention of the House to a definite matter of urgent public importance, and needs the support of 50 members to be admitted.

As it interrupts the normal business of the House, it is regarded as an extraordinary device.

It involves an element of censure against the government and hence Rajya Sabha is not permitted to make use of this device.

➤ **Adjournment of House** : A session of Parliament Consists of many meetings. Each meeting of a day consists of two sittings, that is, a morning sitting from 11 am to 1 pm and post-lunch sitting from 2 pm to 6 pm. An adjournment suspends the work in a sitting for a specified time, which may be hours, days or weeks.

➤ **Cabinet** : It is the highest decision- making authority in our politico-administrative system and chief policy for mulating body of the central government. It includes the cabinet ministers only.

Thus it is a part of the council

➤ **Censure Motion** : A censure means an expression of strong disapproval or harsh criticism. It can be stern rebuke by a legislature, generally opposition against the policies of Government or an individual minister.

However, it can also be passed to criticise, condemn some act. A censure motion can be moved in lower house of the parliament or in a state assembly in india.

➤ **Chief Whip** : A whip is a official in a political party whose primary purpose is

to ensure discipline in a legislature. Whips are the party's 'enforcers' who ensure that the party members participate according to the official party policy. A whip's role is also to ensure that the elected representatives of their party are in attendance when important votes are taken.

➤ **Coalition Government :** It means alliances of several political parties. This situation arises, if no party on its own can achieve majority in the parliament. To have strong coalitions, it is necessary that political parties must moderate their ideologies and programme.

➤ **Contempt of Court :** It refers to actions which either defy a court's authority, cast disrespect on a court, or impede the ability of the court to perform its function, punishable by fine or imprisonment or both.

➤ **Cut Motion :** It is a power given to the members of the Lok Sabha to oppose a demand in the financial bill discussed by the government.

If a cut motion is adopted by the House and the government does not have the numbers, it is obliged to resign cut motion is of three kinds :

Policy Cut : This type of cut motion aims that the amount of the demand be reduced to Re 1. It represents the complete disapproval of policy underlying the demand.

Economy Cut : This type of cut motion aims that the amount of demand be reduced to certain other amount and it represent that the demand for grants should be altered.

Token Cut : This cut motion aims that the amount of the demand be reduced by Rs 100 in order to ventilate a specific grievance, which is within the sphere of responsibility of the Government of India.

The Cut Motions provide the members maximum opportunity to examine every part of the budget and criticize the Government.

➤ **Confidence Motion :** The rules of parliamentary procedure in India does not provide for a confidence motion. It has come in vogue with the emergence of coalition politics under this, the government itself brings the motion seeking the confidence of the house.

➤ **Deadlock :** When the Houses of parliament finally disagree over the passage of a Bill, where they enjoy equal legislature jurisdiction.

It is called a dead lock between the houses of parliament.

➤ **Discrimination :** It is a difference in treatment of two or more persons or

subject.

- **Dissolution** : Under Article 85, the president dissolves the House of the people as per the procedure fixed by the constitution. The dissolution ends the very life of the existing House and fresh election is essential to form new house.
- **Double jeopardy** : It is an objection of an accused person to repeated trial for the same alleged offence.
- **Electoral college** : It is an intermediary body chosen by elect. to choose the representatives in an indirect election.
- **Electoral Roll** : It is known as voter list in common-parlance, is the basic document on which the whole electoral process is founded.
- **Equality** : It is a state of being equal in political, economic and social rights.
- **Expulsion** : It is the unseating of members for offences committed against the house or for grave misdemeanours.
- **Floor Crossing** : It refers to the defection of a member of parliament from the party, if he was elected to another political party.
- **Fundamental Duties** : These are certain obligations on the part of citizen which he or she follows towards the state so that the individual may not overlook his duties to the community while exercising the fundamental rights.
- **Hung Parliament** : It is parliament wherein no party has won a working majority.
- **Impeachment** : A person found guilty may be removed from his office.
- **Judicial Review** : It is the power of the higher court to review statutes or administrative act and determine their constitutionality.
- **Legislature** : It is the body of persons in a state authorised to make alter and repeal law. It may consist of one or two houses with similiar or different powers.
- **Maiden Speech** : It is one's speech delivered for first time especially in parliament.
- **Money Bill** : It is a Bill which contains provisions dealing with the imposition repeal, remission, alteration or regulation of taxes etc.
- **Migration** : It means coming to India with the intention of residing here

permanently.

➤ **Oath** : It is ritualistic declaration, based on an appeal to God or that one will speak the truth, keep a promise, remain faithful etc.

➤ **Ordinance** : Ordinances are temporary laws that are promulgated by the president of India on the recommendation of the union cabinet. They can only be issued when parliament is not in session. They enable the government to take immediate legislative action.

➤ Ordinances cease to operate either if parliament does not approve of them within six weeks of reassembly or if disapproving resolutions are passed by both Houses.

➤ **Petition** : It is a solemn earnest application or request to a superior or to a person or group in authority.

➤ **Privilege** : It is an exceptional right or advantage.

➤ **Question Hour** : It is the time fixed for asking and answering oral questions in a sitting in a legislature.

It is fixed under the rules of the House or standing orders.

➤ **Quorum** : It is a minimum number required to be present at an assembly before it can validly proceed to transact business.

For example - the presence of 1/ 10 members is required to hold the meetings of parliament. In the absence of quorum, the meeting is adjourned and no business is conducted.

➤ **Vote on account** : It is an estimate of an advance payment to enable Government Departments to carry on their work from beginning of financial year till the passing of Appropriation Act.

➤ **Zero hour** : One hour immediately after the question hour, is called the zero hour because it begins at zero hour ie. 12'o clock. Those question of public importance are asked which can't wait for 10 days advance notice.

Article 368 in Part XX of the Constitution deals with the powers of the Parliament to amend the constitution and its procedure.

1. An amendment of the constitution can be initiated only by the introduction of a bill for the purpose in either House of Parliament and not in the state legislature.

2. The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.

3. The bill must be passed by Houses with special majority that is [two-third \(2/3\)](#) of the members of the House present and voting.
4. In the case of deadlock between the two houses over the bill, there is no provision of joint sitting in this regard.
5. 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.
6. After the president's assent the bill becomes an Act.

IMPORTANT TABLE

Important Institutions

| | Election Commission | UPSC | Finance Commission | SC/ST Commission | CAG | NHRC |
|----------------|--|---|----------------------------------|---|--|--|
| Type | Constitutional | Constitutional | Constitutional | Constitutional | Constitutional | Statutory |
| Article/Act | Article 324 | Articles 315 to 323 | Article 280 | Article 338, 338A | Article 148 | Protection of Human Rights Act, 1993 |
| Composition | chief EC and other ECs as determined by President At present: 1 CEC + 2 ECs | chairman and other members as determined by President | chairman and four other members | chairperson, a vice chairperson and 3 members | Single body | chairman and 4 members |
| Appointed by | By president | By president | By president | By president | By president | by president recommended by 6 - member committee - PM, Speaker, the Deputy Chairman of the RS, LOO in both the Houses, Home Minister |
| Term of Office | 6 years or until age of 65 years | 6 years or until age of 65 years | 6 years or until age of 65 years | 6 years or until age of 65 years | 6 years or until age of 65 years | five years or until they attain the age of 70 years |
| Removal | On the same grounds as a judge of the SC | By president | President | President | On the same grounds as a judge of the SC | President |
| Reappointment | - | not eligible for further employment in the Government of India or a state | Reappointment possible | - | not eligible for further office | not eligible for further office |

AMENDMENT OF CONSTITUTION

Procedure for Amendment of the Constitution Article 368 in Part XX of the Constitution deals with the powers of Parliament to amend the Constitution to the changing conditions and needs. However, the Parliament cannot amend those provisions which form the 'basic structure' of the Constitution, This was ruled by the Supreme Court in the Kesa vananda Bharati case - (1973).

PROCESS FOR AMENDMENT

The procedure for the amendment of the Constitution as laid down in Article 368 is as follows:

1. An amendment bill can be introduced in either House of Parliament and not in the state legislatures.
2. The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
3. The bill must be passed in each House by a special majority, that is, a majority (that is, more than 50 per cent) of the total membership of the House and a majority of two - thirds of the members of the House present and voting.
4. Each House must pass the bill separately. NO joint sitting of the two Houses
5. If the bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority.
6. After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent.
7. 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.
8. After the president's assent, the bill becomes an Act (i.e., a CA act) and the Constitution stands amended in accordance with the terms of the Act.

Categories of Amendments Article 368 provides for two types of amendments, that is, by a special majority of Parliament and also through the ratification of half of the states by a simple majority. But, some other articles provide for the amendment of certain provisions of the Constitution by a simple majority of Parliament, that is, a majority of the members of each House present and voting (similar to the ordinary legislative process). Notably, these amendments are not deemed to be amendments of the Constitution for the purposes of Article 368.

Therefore, the Constitution can be amended in three ways:

- (a) Amendment by simple majority of the Parliament,

- (b) Amendment by special majority of the Parliament, and
- (c) Amendment by special majority of the Parliament and the ratification of half of the state legislatures.

By Simple Majority of Parliament A number of provisions in the Constitution can be amended by a simple majority of the two Houses of Parliament outside the scope of Article 368. These provisions include:

1. Admission or establishment of new states.
2. Formation of new states and alteration of areas, boundaries or names of existing states.
3. Abolition or creation of legislative councils in states.
4. Second Schedule—emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.
5. Elections to Parliament and state legislatures.
6. Delimitation of constituencies.
7. Fifth Schedule—administration of scheduled areas and scheduled tribes.
8. Sixth Schedule—administration of tribal areas.

By Special Majority of Parliament The provisions which can be amended by this way includes: (i) Fundamental Rights;(ii) Directive Principles of State Policy; and (iii) All other provisions which are not covered by the first and third categories.

By Special Majority of Parliament and Consent of States The following provisions can be amended in this way:

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

Evaluation and critics

1. There is no provision for a special body like Constitutional Convention (as in USA) or Constitutional Assembly for amending the Constitution. The constituent power is vested in the Parliament and only in few cases, in the state legislatures.
2. The power to initiate an amendment to the Constitution lies with the

Parliament. Hence, unlike in USA - , the state legislatures cannot initiate any bill or proposal for amending the Constitution except in one case, that is, passing a resolution requesting the Parliament for the creation or abolition of legislative councils in the states. Here also, the Parliament can either approve or disapprove such a resolution or may not take any action on it.

3. Major part of the Constitution can be amended by the Parliament alone either by a special majority or by a simple majority. Only in few cases, the consent of the state legislatures is required and that too, only half of them, while in USA, it is three - fourths of the states.

4. The Constitution does not prescribe the time frame within which the state legislatures should ratify or reject an amendment submitted to them. Also, it is silent on the issue whether the states can withdraw their approval after according the same.

5. There is no provision for holding a joint sitting of both the Houses of Parliament if there is a deadlock over the passage of a CA bill. On the other hand, a provision for a joint sitting is made in the case of an ordinary bill.

6. The process of amendment is similar to that of a legislative process. Except for the special majority, the constitutional amendment bills are to be passed by the Parliament in the same way as ordinary bills.

CONCEPT OF BASIC STRUCTURE OF THE CONSTITUTION

Emergence of the Basic Structure

| | Cases | Supreme court stand | Details |
|---------------|--|-----------------------------|---|
| Supreme Court | Shankari Prasad case (1951) (right to property) | Parliament can amend FR. | The word 'law' in Article 13 - that prohibits the Parliament from making laws that "may take away or abridge the fundamental rights - includes only ordinary laws and not the constitutional amendments |
| Supreme Court | Golak Nath case (1967), 9 th Schedule challenged. | Parliament cannot amend FR. | A CA act is also a law within the meaning of Article 13 and hence, would be void for violating any of the Fundamental Rights. |
| Parliament | 24 th Amendment Act (1971) | Parliament can amend FR. | Parliament amended article 13 and article 368 |

| | | | |
|---------------|--|------------------------------|--|
| Supreme Court | Kesavananda Bharati case (1973) | Parliament can amend FR. | SC Upheld the validity of the 24th Amendment Act (1971). However Supreme Court, laid down a new doctrine of the 'basic structure'. Parliament under Article 368 cannot alter the 'basic structure' of the Constitution. This means that the Parliament cannot amend a Fundamental Right that forms a part of the 'basic structure' of the Constitution |
| Parliament | 42 nd Amendment Act (1976). | Parliament can amend FR. | No limitation on the constituent power of Parliament and no amendment can be questioned in any court on any ground including that of the contravention of any of the Fundamental Rights. |
| Supreme Court | Minerva Mills case - (1980) | Parliament can not amend FR. | Parliament cannot, under article 368, expand its amending power so as to acquire for itself the right to repeal or abrogate the Constitution or to destroy its basic features |

AMENDMENTS OF THE CONSTITUTION

IMPORTANT AMENDMENTS OF THE CONSTITUTION

1. The Constitution First Amendment Act, 1950 – This amendment provided for several new grounds of restrictions to the right to freedom of speech and expression and the right to practise any profession or to carry on any trade or business as contained in [Article 19](#) of the Constitution. These restrictions related to public order, friendly relations with foreign States or incitement to an offence in relation to the right to freedom of speech, and to the prescribing of professional or technical qualifications or the carrying on by the State, etc., of any trade, business, industry or service in relation to the right to carry on any trade or business. The amendment also inserted two new [Articles, 31A](#) and [31B](#) and the Ninth Schedule to give protection from challenge to land reform laws.

2. The Constitution (Second Amendment) Act, 1952 – By this amendment, the scale or representation for election to the Lok Sabha was readjusted.

3. The Constitution (Third Amendment) Act, 1954 – This amendment substituted entry 33 of List III (Concurrent List) of the Seventh Schedule to make it correspond

4. The Constitution (Fourth Amendment) Act, 1955 – Article 31

(2) of the Constitution was amended to re-state more precisely the State's power of compulsory acquisition and requisitioning of private property and distinguish it from cases where the operation of regulatory or prohibitory laws of the State results in “[deprivation of property](#)”. [Article 31A](#) of the Constitution was also amended to extend its scope to cover categories of essential welfare legislation like abolition of zamindaris, proper planning of urban and rural areas and for effecting a full control over the mineral and oil resources of the country, etc. Six Acts were also included in the Ninth Schedule. [Article 305](#) was also amended to save certain laws providing State Monopolies.

5. The Constitution (Fifth Amendment) Act, 1955 – This amendment made a change in Article 3 so as to empower President to specify a time for state legislatures to convey their views on the proposed Central laws affecting areas, boundaries, etc., of the their states.

6. The Constitution (Sixth Amendment) Act, 1956 – This amendment made some changes in [Articles 269](#) and [286](#) relating to taxes on sale and purchase of goods in the merce. A new entry 92 A was added to the Union List of the Seventh Schedule to the Constitution.

7. The Constitution (Seventh Amendment) Act, 1956 – Through this amendment the implementation of State Reorganisation Act, was made possible. Therefore, the then existing categorisation of State into Part A, Part B and Part C was henceforth ceased. Part C states were redesignated as Union Territories. The seats in the Rajya Sabha and in the Union and State Legislatures were reallocated.

It also effected changes with regard to the appointment of additional and acting judges, High Courts and their jurisdictions etc.

8. The Constitution (Eight Amendment) Act, 1960 – Article 344 amended to extend the period of reservation of [SC/ST](#) s in Parliament for a period of ten years.

9. The Constitution (Ninth Amendment) Act, 1960 – To give effect to the

transfer of Berubari Union territories to Pakistan.

10. The Constitution (Tenth Amendment) Act, 1961 – This Act amended [Article 240](#) and the First Schedule in order to include areas of Dadra and Nagar Haveli as a Union Territory and to provide for its administration under the regulation making powers of President.

11. The Constitution (Eleventh Amendment) Act, 1961 – The purpose of this amendment was to amend [Articles 66 and 71](#) of the Constitution to provide that the election of President or Vice President could not be challenged on the ground of any vacancy in the appropriate electoral college.

12. The Constitution (Twelfth Amendment) Act, 1962 – This amendment sought to include Goa, Daman and Diu as a Union Territory and to amend [Article 240](#) for the purpose.

13. The Constitution (Thirteenth Amendment) Act, 1962 – By this amendment, a new Article 371A was added to make special provisions with respect to state of Nagaland in pursuance of an agreement between Government of India and Naga People's Convention.

14. The Constitution (Fourteenth Amendment) Act, 1962 – By this Act, Pondicherry was included in the First Schedule as a Union Territory, and this Act has also enabled the creation of Legislature by Parliamentary law for Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry.

15. The Constitutional (Fifteenth Amendment) Act, 1963 – It raised the age of retirement of a High Court Judge from [60 to 62](#), extended the jurisdiction of a High Court to issue writs under Art. 226 to a Government or authority situated outside its territorial jurisdiction where the cause of action arises within such jurisdiction, modifying the procedure imposed by [Art. 311](#) upon the pleasure of the President.

16. The Constitution (Sixteenth Amendment) Act, 1963 – This effect changes in [Art. 19](#) to enable the Parliament to make laws providing reasonable restrictions on the freedom of expression in the larger interests of sovereignty and integrity of India. It also brought amendment in the form of oath contained in the Third Schedule and emphasised on upholding the sovereignty and integrity of India.

17. The Constitution (Seventeenth Amendment) Act, 1964 – Article 31A was further amended to prohibit the acquisition of land under personal cultivation unless the market value of the land is paid as compensation and the definition of

“estate” as contained in that Article had also been enlarged with retrospective effect. The Ninth Schedule had also been amended to include 44 more Articles.

18. The Constitution (Eighteenth Amendment) Act, 1966 – Article 3 was amended by this Act to specify that the expression “State” will include a union territory also and to make it clear that the power to form a new state under this Article includes a power to form a new state or union territory by uniting a part of a state or a union territory to another state or union territory.

19. The Constitution (Nineteenth Amendment) Act, 1966– [Article 324](#) was amended to effect a consequential change as a result of the decision to abolish Election Tribunals and to hear election petitions by High Courts.

20. The Constitution (Twentieth Amendment) Act, 1966 – This amendment was necessitated by the decision of the Supreme Court in *Chandramohan vs. State of Uttar Pradesh* in which certain appointments of District Judges in State of Uttar Pradesh were declared void by Supreme Court. A new Article 233A was added and the appointments made by Governor were validated.

21. The Constitution (Twentyfirst Amendment) Act, 1967 – By this amendment, Sindhi Language was included in the Eighth Schedule.

22. The Constitution (Twentysecond Amendment) Act, 1969– This act was enacted to facilitate the formation of a new autonomous state of Meghalaya within state of Assam.

23. The Constitution (Twentythird Amendment) Act, 1969 – Article 334 was amended so as to extend the safeguards in respect of reservation of seats in Parliament and State Legislatures for Schedule Castes and Scheduled Tribes as well as for Anglo-Indians for a further period of ten years.

24. The Constitution (Twentyfourth Amendment) Act, 1971 – This amendment was passed in the context of a situation that emerged with the verdict in *Golaknath’s* case by Supreme Court. Accordingly, this act amended [Article 13](#) and [Article 368](#) power of Parliament to amend the Constitution including the Fundamental Rights.

25. The Constitution (Twentyfifth Amendment) Act, 1971 – This amendment further amended Article 31 in the wake of the *Bank Nationalisation* case. The word ‘[amount](#)’ was substituted in place of ‘compensation’ in the light of the judicial interpretation of the word ‘compensation’ meaning ‘adequate

compensation’.

26. The Constitution (Twenty-sixth Amendment) Act, 1971 – By this amendment, the privy and privileges of the former rulers of Indian states were abolished. This amendment was passed as a result of Supreme Court decision in Madhav Rao’s case.

27. The Constitution (Twenty-seventh Amendment) Act, 1971–

This amendment was passed to provide for certain matters necessitated by the reorganisation of north-eastern states. A new [Article 239B](#) was inserted which enabled the promulgation of Ordinances by Administrators of certain union territories.

28. The Constitution (Twenty-eighth Amendment) Act, 1972 – The amendment was enacted to abolish the special privileges of the members of Indian Civil Services in matters of leave, pension and rights as regard to disciplinary matters.

29. The Constitution (Twenty-ninth Amendment) Act, 1972 – The Ninth Schedule to the Constitution was amended to include there in two Kerala Acts on land reforms.

30. The Constitution (Thirtieth Amendment) Act, 1972 – It curtailed the appeals to the Supreme Court and provided that only such appeals can be brought which involve a substantial question of law. This valual aspect of [Rs. 20,000](#) for appeals in civil cases to the Supreme

31. The Constitution (Thirty-First Amendment) Act, 1972 – By this amendment, the seats of the Lok Sabha was increased from [525 to 545](#) , but it reduced the representation of Union Territories from 25 to 20.

32. The Constitution (Thirty-second Amendment) Act, 1973–

This Act provided the necessary constitutional authority for giving effect to the provision of equal opportunities to different areas of the State of Andhra Pradesh and for the Constitution of an Administrative Tribunal with jurisdiction to deal with grievances relating to public services. It also empowered Parliament to legislate for the establishment of a Central University in the State.

33. The Constitution (Thirty-third Amendment) Act, 1974 – By this amendment, [Articles 101](#) and 190 were amended in order to streamline the procedure for resignation of Members of Parliament and State Legislatures.

34. The Constitution (Thirtyfourth Amendment) Act, 1974 – By this Act, twenty more land tenure and land reforms laws enacted by various State Legislatures were included in the Ninth Schedule.

35. The Constitution (Thirtyfifth Amendment) Act, 1974 – By this Act a new [Article 2A](#) was added there by conferring on Sikkim the status of an associate State of Indian Union. Consequent amendments were made to [Articles 80 and 81](#) . A new schedule, i.e., Tenth Schedule, was added laying down terms and conditions of association of Sikkim with the Union.

36. The Constitution (Thirtysixth Amendment) Act, 1975 – This was enacted to make Sikkim a fullfledged State of Indian Union and to include it in the First Schedule to the Constitution and to allot to Sikkim one seat each in the Council of States and in the House of the People. [Article 2A](#) and the Tenth Schedule inserted by the Constitution (Thirtyfifth Amendment) Act were omitted and Articles 80 and 81 were suitably amended.

37. The Constitution (Thirtyseventh Amendment) Act, 1975 – By this Act, Union Territory of Arunachal Pradesh was provided with a Legislative Assembly. [Article 240](#) of the Constitution was also amended to provide that as in the case of other union territories with Legislatures, the power of President to make regulations for the Union Territory of Arunachal Pradesh may be exercised only when the assembly is either dissolved or its functions remain suspended.

38. The Constitution (Thirtyeight Amendment) Act, 1975 – This Act amended [Articles 123, 213](#) and [352](#) of the Constitution to provide that the satisfaction of President or Governor contained in these Articles would be called in question in any court of law.

39. The Constitution (Thirtyninth Amendment) Act, 1975 – By this Act, disputes relating to the election of President, Vice-President, Prime Minister and Speaker are to be determined by such authority as may be determined by Parliamentary Law. Certain Central enactments were also included in the Ninth Schedule by this Act.

40. The Constitution (Fortieth Amendment) Act, 1976 – This act provided for vesting in the Union of all mines, minerals and other things of value lying in the ocean within the territorial waters or the continental shelf or the exclusive economic zone of India. It further provided that all other resources of the exclusive economic zone of India shall also vest in the Union. This act also

provided that the limits of the territorial waters, the continental shelf, the exclusive economic zone and the maritime zones of India shall be as specified from time to time by or under any law made by Parliament. Also some more Acts were added to the Ninth Schedule.

41. The Constitution (Fortyfirst Amendment) Act, 1976 – By this Act, [Article 316](#) was amended to raise the retirement age of Members of State Public Service Commissions and Joint Public Service Commissions from [60 to 62 years](#) .

42. The Constitution (Fortysecond Amendment) Act, 1976–

This act made a number of important amendments in the Constitution.

These amendments were mainly for purpose of giving effect to the recommendations of [Swaran Singh Committee](#) .

[The main provisions of this amendment were](#) : ➤ ‘SOCIALIST’, ‘SECULAR’, and ‘INTEGRITY’ added to the Preamble.

- Fundamental Duties were added in Part IVA and made a new Article 51A.
- ‘Directive Principles were given precedence over Fundamental Rights and any law made to this effect by the Parliament was kept beyond the scope of judicial review by the Courts. Thus, it made the power of Parliament supremacy insofar as amendment of the Constitution was concerned.
- It authorised the Supreme Court to transfer certain cases from one High Court to another and redefined the writ jurisdiction of the High Courts.
- It provided Administrative Tribunals for speedy justice.
- Empowered the Centre to deploy armed forces in any State to deal with the grave law and order situation.
- Authorised the President to make Proclamation of Emergency for any part of the country as ➤ By this amendment it was made obligatory for the President to act on the advice of the Council of Ministers.
- Tenure of the Lok Sabha and the State Assemblies was increased by one year.

43. The Constitution (Fortythird Amendment) Act, 1977 – The [43rd Amendment](#) omitted many articles inserted by [42nd Amendment](#) .

It restored the writ jurisdiction of the Supreme Court and the High Courts, which had been deprived by the [42nd Amendment](#) .

- Provisions for the protection of environment, forests and wildlife.
- Provisions for the protection of children and the youth against exploitation.
- No quorum shall be required for conducting the meeting of the house of the people and the Legislature Assemblies of the State.
- The central government was given the power to send central forces in any state or part of state to control the law and order in that state and the control of such

forces shall rest with the central government.

44. The Constitution (Forty-Fourth Amendment) Act, 1978–

This amendment was brought by the Janata Party Government which repealed some of the changes effected by [42nd Amendment](#), omitted a few and provided alterations, the most important of them are as follows : ➤ Right to property was taken away from the list of Fundamental Rights and placed in a new [Article 300A](#) as mere legal right.

➤ Constitutionality of the Proclamation of Emergency by the President can be question in a court on the ground of malafide. ([42nd Amendment](#) had made it immune ➤ It brought the revocation of a Proclamation under Parliamentary control.

➤ [Under National Emergency](#) the words ‘internal disturbance’ have been substituted by the words ‘armed rebellion’.

➤ It limited the duration of Proclamation made under Art. 356 to a period of one year unless a Proclamation under [Art. 352](#) is in operation and Election Commission certifies the impossibility to hold election to state assembly concerned in which case it may be extended upto three years, by successive resolutions for continuance being passed by both Houses of Parliament.

➤ It authorised the President to refer back the advice to the Council of Ministers for reconsideration, but made it binding for the President to act on the reconsidered advice.

➤ The power of the Courts to decide disputes regarding election of Prime Minister and Speaker was restored.

➤ [Constitutional protection](#) on publication of proceedings of Parliament and State legislatures was provided.

➤ The right to life and personal liberty and the liberty of the press were restored.

➤ The dispute relating to the qualification of the members of the Parliament and the state legislature shall be decided by the President and the Governors respectively.

➤ The term of the Lok Sabha and the Legislative Assemblies of the States reduced to 5 years.

45. The Constitution (Forty-fifth Amendment) Act, 1980 – This was passed to extend reservation of seats in Parliament and State Assemblies for [SC/STs](#) for a further period

46. The Constitution (Forty-Sixth Amendment) Act, 1982 – Art 269 was amended so that the tax levied on the consignment of goods in the course of inter-state or commerce shall be assigned to the State. A new entry [92A](#) was also

inserted in the Union List to enable the levy of tax on the consignment of goods where such **consignment** taken place in the course of inter-state trade or commerce.

47. The Constitution (Forty-seventh Amendment) Act, 1984–

This amendment is intended to provide for the inclusion of certain land Reforms Acts in the Ninth Schedule to the Constitution with a view to obviating the scope of litigation hampering the implementation process of those Acts.

48. The Constitution (Fortyeighth Amendment) Act, 1984 – The Proclamation issued by President under [Article 356](#) of the Constitution with respect to the State of Punjab cannot be continued in force for more than one year unless the special conditions mentioned in clause (5) of the said Article are satisfied. As it is felt that the continued force of the said Proclamation is necessary, therefore, the present amendment had been effected so as to make the conditions mentioned in clause (5) of [Article 356](#) inapplicable in the instant case.

49. The Constitution (Fortyninth Amendment) Act, 1984–

Tripura Government recommended that the provisions of the Sixth Schedule to the Constitution may be made applicable to tribal areas of that State.

The amendment involved in this Act is intended to give a constitutional security to the autonomous District Council functioning in the State.

50. The Constitution (Fiftieth Amendment) Act, 1984 – By [Article 33](#) of the constitution, Parliament is empowered to enact laws determining to what extent any of the rights shall, in their application to the members of the armed forces or the forces charged with the maintenance of public order, be restricted or abrogated so as to ensure proper discharge of their duties and maintenance of discipline among them.

[It was proposed to amend Article 33 to as to bring within its ambit :](#)

- (i) the members of the Force charged with the protection of property belonging to or in the charge or possession of the state; or
- (ii) persons employed in any bureau or other organisation established by the state for purposes of intelligence or counter-intelligence; or
- (iii) persons employed in or in connection with the telecommunication systems set up for the purposes of any Force, Bureau or Organisation.

Experience has revealed that the need for ensuring proper discharge of their duties and maintenance of discipline among them is of paramount importance in the national interest.

51. The Constitution (Fifty-first Amendment) Act, 1984 – Article 330 has

been amended by this Act for providing reservation of seats for Scheduled Tribes in Meghalaya, Nagaland, Arunachal Pradesh and Mizoram in Parliament and [Article 332](#) has been amended to provide similar reservation in the Legislative Assemblies of Nagaland and Meghalaya to meet the aspirations of local tribal population.

52. The Constitution (Fifty-second Amendment) Act, 1985 – It amends the Constitution to provide that a Member of Parliament or a State Legislature who defects or is expelled from the party which set him up as a candidate in the election or if an independent member of the House joins a political party after expiry of six months from the date on which he takes seat in the House shall be disqualified to remain a member of the House. The Act also makes suitable provisions with respect to splits in and merger of political parties.

53. The Constitution (Fiftythird Amendment) Act, 1986 – It elevated the Union Territory of Mizoram to the status of a State.

54. The Constitution (Fifty-fourth Amendment) Act, 1986 – This Act increases the salaries of Supreme Court and High Court judges as follows : Chief Justice of India Rs. 10,000 per month (at Present one Lakh) Judges of Supreme Court Rs. 9,000 per month ([at Present Rs. 90,000](#)) Chief Justice of High Court Rs. 9,000 per month ([at Present Rs. 90,000](#)) Judges of High Courts Rs. 8,000 per month ([at Present Rs. 80,000](#)) This Act amended Part ‘D’ of the Second Schedule to the Constitution to give effect to the above increase in the salaries of judges and to make an enabling provision in [Articles 125 and 221](#) to provide for changes in the salaries of judges in future by Parliament by law.

55. The Constitution Fifty-fifth Amendment) Act, 1986 – The formation of Arunachal Pradesh took place with special powers given to the Governor. It also provided for a [30-members State Assembly](#) .

56. The Constitution (Fifty-sixth Amendment) Act, 1987 – Goa was made a full fledged State with a provision for a State Assembly but Daman and Diu stayed as Union Territory.

57. The Constitution (Fifty-seventh Amendment) Act, 1987 – It provided reservation of seats for Scheduled Tribes of [Nagaland, Meghalaya, Mizoram](#) and [Arunachal Pradesh](#) , in the Lok Sabha and in the State Assemblies of Nagaland and Meghalaya.

58. The Constitution (Fiftyeight Amendment) Act, 1987 – By this

amendment an authoritative text of the Constitution in Hindi was provided to the people of India by the President.

59. The Constitution (Fifty-ninth Amendment) Act, 1988 – It amended [Art. 365\(5\)](#) of the constitution to provide that the declaration of emergency may remain in operation up to 3 years and also authorised the Government to proclaim emergency in Punjab on grounds of ‘internal disturbance’.

The amendment made in

Art. 352 thus provided that the emergency with respect to Punjab shall operate only in that State.

60. The Constitution (Sixtieth Amendment) Act, 1988 – To increase the ceiling of Taxes on professions, trades, callings and employment from [Rs. 250](#) per annum to [Rs. 2500](#) per annum.

61. The Constitution (Sixty-first Amendment) Act, 1989 – It provided for the reduction of voting age from 21 to 18 years by bringing an amendment to [Art. 326](#).

62. The Constitution (Sixty-second Amendment) Act, 1989 – It had increased the period of reservation of seats provided to the Scheduled Castes and Scheduled Tribes for another 10 years i.e. upto the year of 2000 A.D. The reservation for Anglo- Indians through nomination in case of their inadequate representation, was also extended for the same period.

63. The Constitution (Sixty-third Amendment) Act, 1990 – The Constitution (Fifty-ninth Amendment) Act, 1988 was enacted in [March 1988](#) making certain changes in regard to making a Proclamation of Emergency in Punjab and to the duration of President’s rule in State. On reconsideration, the Government decided that the special powers in regard to the Proclamation of Emergency in amendment is no longer required.

Accordingly the provision to clause

(5) of [Article 356](#) and [Article 359A](#) of the Constitution have been omitted.

64. The Constitution (Sixty-fourth Amendment) Act, 1990 – This Act amends clauses (4) and (5) of [Article 356](#) of the Constitution with a view to facilitate the extension of the proclamation issued under clause (1) of [Article 356](#) of the Constitution on [11 May 1987](#) upto a total period of three years and six months in relation to the State of Punjab.

65. The Constitution (Sixty-fifth Amendment) Act, 1990 – A National Commission for Scheduled Castes and Scheduled Tribes with wide powers was

provided to take care for the cause of [SCs/STs](#) . The composition of the Commission included a chairperson, a vice-chairperson and five other members to be appointed by the President.

66. The Constitution (Sixtysixth Amendment) act, 1990 – This amendment provided for the inclusion of new land reform Acts passed by the State into the Ninth Schedule.

67. The Constitution (Sixtyseventh Amendment) Act, 1990 – The three year period in the case of proclamation issued on [11 May, 1987](#) with respect to the State of Punjab was extended to three years and six months by the Constitution (Sixtyfourth Amendment) Act, 1990. This Act further amends clause (4) of Article 356 so as to further extend the period upto a total period of four years.

68. The Constitution (Sixtyeighth Amendment) Act, 1991 – The three year period in the case of proclamation issued on [17 May 1987](#) with respect to the State of Punjab was earlier extended to four years by the Constitution (sixty-seventh Amendment) [Act, 1990](#) . This Act further amends clause (4) of Article 356 so as to further extend the period upto

69. The Constitution (Sixtyninth Amendment) Act, 1991 – Articles [239-AA](#) and [239 AB](#) were inserted in the Constitution to provide a National Capital Territory designation to Union Territory of Delhi with a Legislative Assembly and Council of Ministers.

70. The Constitution (Seventieth Amendment) Act, 1992 – It brought alteration in [Article 54](#) to provide for the inclusion of member of Legislative Assemblies of Union Territories of Delhi and Pondicherry in the electoral college for the election of the President.

71. The Constitution (Seventyfirst Amendment) Act, 1992 – It included Konkani, Manipuri and Nepali languages in the VIII Schedule, making the total languages included in it to 18.

72. The Constitution (Seventysecond Amendment) Act, 1992 – To implement the Memorandum signed with the Tripura National Volunteers in 1988.

73. The Constitution (Seventythird Amendment) Act, 1993 – With this amendment, the institution of Panchayati Raj received constitutional guarantee, status and legitimacy in the direction of power to the people at grass-root level. A separate Scheduled XI was added to deal with it. It also inserted Part IX, containing Arts.

243, 243 A to 243 O .

74. The Constitution (Seventyfourth Amendment) Act, 1993 – This amendment provided constitutional sanctity to Nagarpalika or Municipalities by inserting Part IX-A, containing [Arts. 243P to 243ZG](#) and a separate Schedule XII which deals with the items concerning Municipalities.

75. The Constitution (Seventy-Fifth Amendment) Act, 1994 – Setting up of state-level Rent Tribunals and to exclude the jurisdiction of all courts, except that of Supreme Court.

76. The Constitution (Seventysixth
for the inclusion of Tamil Nadu Reservation List (i.e. to provide for 69 per cent reservation for educational institutions and government jobs in the State) in the Ninth Schedule to make it immune to judicial review.

77. The Constitution (Seventyseventh) Amendment Act, 1995 – By this amendment a new clause 4A was added to Art 16 which authorised the State to make provisions for Scheduled Castes and Scheduled Tribes with regard to promotions in Government jobs.

78. The Constitution (Seventyeighth Amendment) Act, 1995 – This amendment has amended the Ninth schedule of the Constitution and inserted 27 Land Reform Act of various States in the Ninth Schedule.

79. The Constitution (Seventyninth Amendment) Act, 1999 – By this Act the Government has extended the reservations of seats for the Scheduled Castes and the Scheduled Tribes as well as for the Anglo-Indians in the House of the People and in the Legislative Assemblies of the States for another ten years.

80. The Constitution (Eightieth Amendment) Act, 1999 – Based on the 10th finance Commission recommendation.

Under the new scheme of devolution of revenue between Union and States, 26 per cent out of gross proceeds of Union taxes and duties is to be assigned to the states in lieu of their existing shares in the income-tax, excise duties, special excise duties and grants in lieu of tax on railway passenger fares.

81. The Constitution (Eightyfirst Amendment) Act, 2000 – The unfilled vacancies of a year which reserved for the SCs and the STs for being filled up in that year in accordance with any provision for reservations made under Article 16 of the Constitution, shall be considered as a separate class of vacancies to be filled up in any succeeding year or

82. The Constitution (Eightysecond Amendment) Act, 2000 – The members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation for reservation in matters of promotion to any class or classes of services or posts in connection with affairs of the Union or of a State.

83. The Constitution (Eightythird Amendment) Act, 2000 – The Act amended [Article 243M](#) of the Constitution to provide that no reservation in Panchayats need be made in favour of the Scheduled Castes in Arunachal Pradesh wholly inhabited by tribal population.

84. The Constitution (Eightyfourth Amendment) Act, 2001 – The Act amended Provisions to article [82](#) and [170 \(3\)](#) of the Constitution to readjust and rationalise the territorial constituencies in the states, without altering the number of seats allotted to each state in House of people and Legislative Assemblies of the states, including the Scheduled Castes and Scheduled Tribes Constituencies.

85. The Constitution (Eightyfifth Amendment) Act 2001 – To provide consequential seniority in the case of promotion by virtue of rule of reservation for the Government servants belonging to the Scheduled Castes and the Scheduled Tribes.

86. The Constitution (Eightysixth Amendment) Act, 2002 – Compulsory and free education is the fundamental right for all the children of [6 to 14 years](#) age. The Act deals with insertion of a new [Article 21A](#) after [Article 21](#) .

87. The Constitution (Eightyseventh Amendment) Act, 2003 – The 2001 Census are the basis for delimitation of constituencies of the Lok Sabha and State Legislative Assembly.

88. The Constitution (Eightyeighth Amendment) Act, 2003 – Service tax levied by union and collected and appropriated by the union and the states.

89. The Constitution (Eightyninth Amendment) Act, 2003 – It provides for constitution of a national commission for the Scheduled Tribes. (Earlier, there was a combined national commission for both SC/STs).

90. The Constitution (Ninetieth Amendment) Act, 2003 – It provides that the representation of the Scheduled Tribes and Non-scheduled Tribe in the constituencies included in the Bodoland Territorial Areas District ([BTAD](#)) as existing prior to the constitution of BTAD shall be maintained for the purpose of elections to Legislative Assembly of the state of Assam.

91. The Constitution (Ninetyfirst Amendment) Act, 2003–

Amended the anti-defection laws and provided for Amendment of [Article 75](#) .

The total number of [ministries](#) , including the Prime minister, in the Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the people

92. The Constitution (Ninetysecond Amendment) Act, 2003 – Inclusion of Bodo, Dogri, Maithili and Santhali in the Eighth Schedule to the Constitution with this, the total number of constitutionally recognised languages increased to 22.

93. The Constitution (Ninetythird Amendment) Act, 2006 – To enable provision of reservation for other backward classes ([O.B.C.](#)) in government as well as private educational institutions.

94. The Constitution (Ninetyfourth Amendment) Act, 2006 : For the setting up of a separate three member National commission for scheduled Tribes. The National commission for scheduled Tribes is being created to protect the rights of the tribal community as enshrined in the constitution.

95. The Constitution (Ninety-Fifth Amendment) Act, 2010 : Extended reservation for the SC/ST for further period of ten years, that is upto [25 January](#) , 2020.

96. The Constitution (Ninety-Sixth Amendment) Act, 2011 : Substituted “Odia” for “Oriya” .

97. The Constitution (Ninety-Seventh Amendment) Act, 2011 :

Provided for the co-operative Societies in [part IXB](#) of the constitution of India. It also amended [Article 19\(1\)](#) (c) and inserted Article 43B.

98. The Constitution (Ninety-Eighth Amendment) Act, 2012 : Inserted [Article 371J](#) in the constitution.

The objective was to empower the Governor of Karnataka to take steps to develop Hyderabad-Karnataka region.

99. The Constitution (Ninety-Ninth Amendment) Act, 2014 : Inserted new [articles 124 A, 124 B](#) and [124 C](#) after [article 124](#) of the constitution.

The Act also provided for the composition and the functions of the proposed National Judicial Appointment Commission.

100. The Constitution (Hundredth Amendment) Act, 2015 :

Amended the first schedule of the constitution, for the purpose of giving effect to the acquiring of territories by India and transfer of territories to Bangladesh through [retaining](#) of adverse possession and exchange of enclaves, in pursuance of the Agreement between India and Bangladesh concerning the demarcation of the land boundary, signed on [16th May 1974](#) and its protocol signed on 6th September, 2011.

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20. Protection in respect of conviction for offences.
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Right Against Exploitation

23. Prohibition of traffic in human beings and forced labour.
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