

Preamble  
SOVEREIGN INDIA  
January-26  
EQUALITY  
CONSTITUTION  
LIBERTY  
PEOPLE  
Constituent  
FRATERNITY  
SOCIALIST  
DEMOCRATIC  
SECULAR  
REPUBLIC  
Assembly  
JUSTICE



# INDIAN POLITY

SHORT NOTES



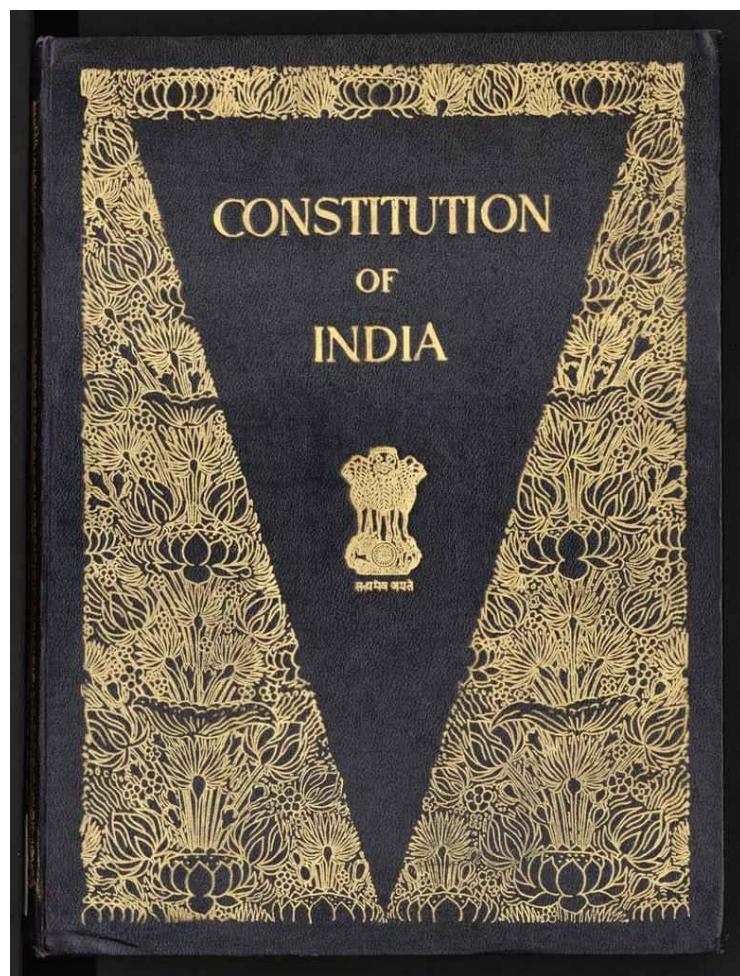
# CONTENTS

1. INTRODUCTION	3
2. CONSTITUTION FORMATION	5
3. CONSTITUTIONAL FEATURES	7
4. GUIDING VALUES OF THE CONSTITUTION	9
5. SOURCES OF CONSTITUTION	13
6. HOW THE CONSTITUTION WORKS	14
7. UNION AND ITS TERRITORY	17
8. CITIZENSHIP	19
9. FUNDAMENTAL RIGHTS	21
10. DIRECTIVE PRINCIPLES	32
11. FUNDAMENTAL DUTIES	34
12. UNION EXECUTIVE	36
13. UNION LEGISLATURE	40
14. LOCAL GOVERNMENT	46
15. INDIAN JUDICIARY	48
16. INDIAN FEDERAL SYSTEM	54
17. CENTRE-STATE RELATIONS	58
18. EMERGENCY PROVISIONS	61
19. ELECTIONS SYSTEM	64
20. POLITICAL PARTIES	71
21. CONSTITUTIONAL AMENDMENTS	73
22. CONSTITUTIONAL SCHEDULES	75
23. SEPARATION OF POWERS	76
24. PARTS OF CONSTITUTION	78

25. INTERNAL ORGANISATIONS	80
26. ENVIRONMENT AND POLITICS	83
27. GLOBALISATION	86
28. POPULAR MOVEMENTS	89
29. FOREIGN POLICY	92

# INTRODUCTION

- The constitution of a country is a document that comprises a set of written rules accepted by everyone living together in that country.
- The Constitution of a country is the supreme law of the land and it determines the relationship among people living in that country and also regulates the government and its policies towards its citizens.



## Role of Constitution

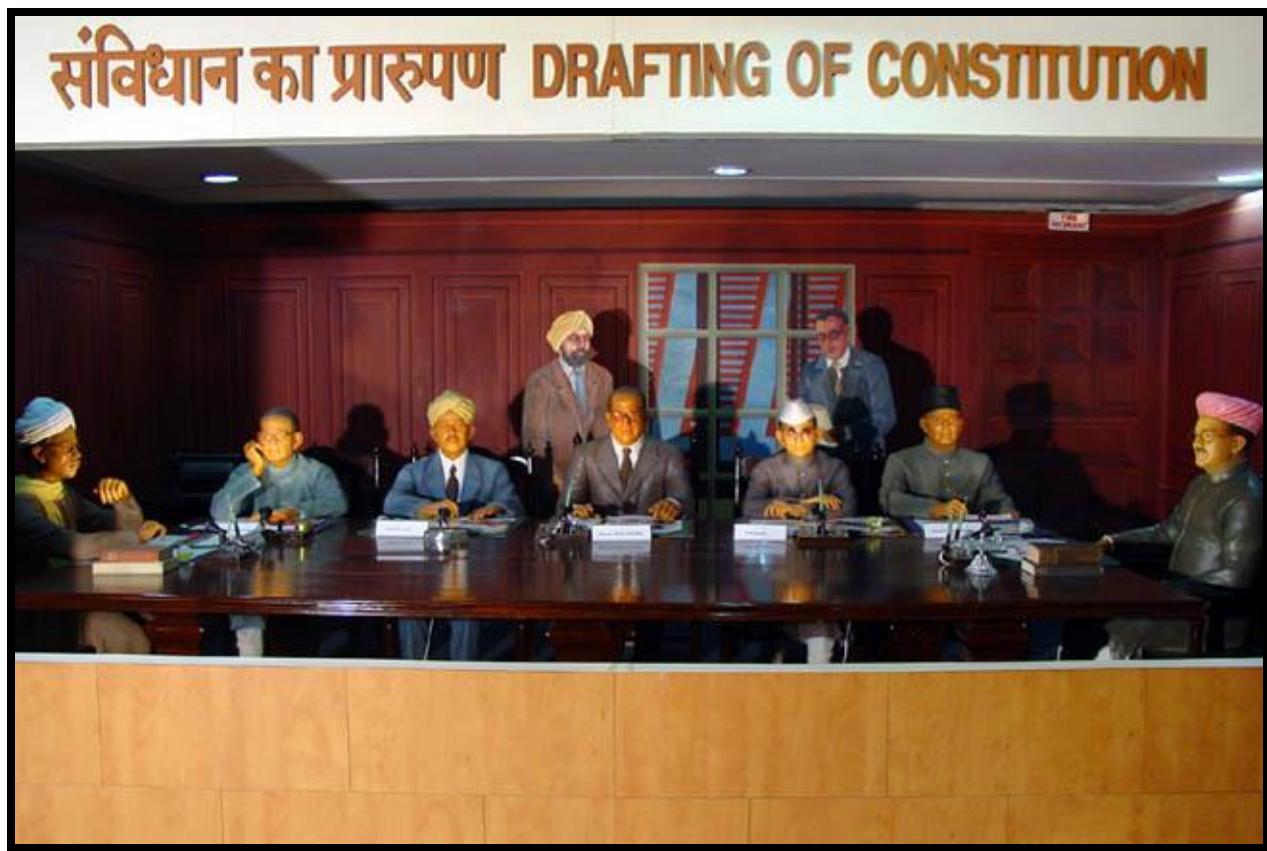
- A constitution serves a lot of purpose; its major roles are as follows:
  - It describes rules and regulations that generate a degree of trust and coordination among the people of different strata of a society who live together;

- It provides a framework within which the government and other institutions work in the country;
  - It lays down the procedure as to how the government will be constituted and the manner in which decisions are taken;
  - It defines the powers, duties, and limits of the respective government.
  - It also tells the rights of the citizens and defines the rule of law and a procedure to protect them.
- All the democratic countries have their own constitutions. But having a full-fledged constitution in a country is not a guarantee for it to be truly democratic.
  - The Americans gave themselves a constitution after the War of Independence against the Great Britain in 1787.
  - Similarly, the French people approved a democratic constitution after the Revolution, i.e., first in 1791 and recently in 1958. Since then, it has become a practice in all democracies to have a written constitution.
  - A compilation of basic rules is called a constitution, and these rules are comprehensive that define:
    - the powers of the elected governments to do things;
    - the limitations for not to do certain things;
    - fundamental rights of the citizen; and
    - How the rulers are to be chosen in future.

# CONSTITUTION FORMATION

## Historical Background

- In 1928, Motilal Nehru and eight other Congress leaders drafted a constitution for India.
- In 1931, Indian National Congress in its session at Karachi passed a resolution on how the constitution of independent India should look like.



- Both these two documents have included the right of universal adult franchise, right to freedom and equality, and to protecting the rights of minorities.
- Later, the provisions of these documents provided a background of the certain basic values, which were accepted by all leaders and included in the constitution of independent India.
- British rule had introduced weak legislatures in India by giving voting rights to a few elite persons only.

- Elections were held in 1937 to Provincial Legislatures all over British India, which were not fully democratic governments.
- However, the working with these legislative
- Institutions provided useful experience to Indians, which helped in setting up native institutions in independent India.
- Like South Africa, India's Constitution was also drawn up under very difficult circumstances.
- The makers of the Indian Constitution have adopted its fundamental structure from the Government of India Act 1935.

### The Constituent Assembly

- The Constituent Assembly was the body of elected representatives of the people of India.
- Elections for the Constituent Assembly were held in July 1946 and its first meeting was convened in December 1946.
- On Partition, the Constituent Assembly was also divided into two parts called as the Constituent Assembly of India and the Constituent Assembly of Pakistan.
- The Constituent Assembly of India that drafted the Indian Constitution had 299 members.
- The Constituent Assembly of India had adopted the Constitution on 26 November 1949, but it came into effect on 26 January 1950.

### Factors of Constitution Formation

- The factors that contributed to the making of Indian Constitution were:
  - French Revolution;
  - Parliamentary democracy in Britain;
  - Bill of Rights in the US; and
  - Socialist revolution in Russia.

# CONSTITUTIONAL FEATURES

- Key Features of Indian Constitution

- Following are the important features of the Indian Constitution:
- Indian Constitution is a ‘written’ constitution.
- Indian Constitution is ‘flexible’ (it can be amended), but it is also ‘rigid’ (as some part, i.e., its ‘basic structure’ cannot be amended).
- Indian Constitution is ‘Unitary’ (as Center has more power), but it is also ‘Federal’ (as power is divided between the Center and the State).

## Other Facts of Constitution

- The Indian National Congress made a demand for a Constituent Assembly in 1934, which came into existence for drafting the constitution of India on 9 December 1946.
- The Constituent Assembly drafted the Constitution for independent India between 9 December 1946 and 26 November 1949.
- We, the people of India, have adopted and enacted the Indian Constitution on 26 November 1949; however, it was made fully functional on 26 January 1950.
- Constitution is a fundamental set of rules and principles on the basis of which the people of this country obliged to be governed by.
- The fundamental rules of Constitution define the type of government and its ‘constituent’ parts as well as the nature of the policies to be adopted by the country.
- So, the Constitution serves as a pivot in striking a balance between the differences and provides safeguards to the interests of each of its citizen.
- Likewise, the Constitution of India makes India a democratic country and determines:
  - the procedures of government formation;
  - the methods and process of government’s functionality; and
  - the process of interactions among the different parts of the government in the specific area of their work.
- In addition, the Constitution also defines a list of Fundamental Rights that are an important part of the Constitution to protect the interest of every citizen against the tyranny of the state as well as from the dominance of a particular community (Who are in majority and in power).

- The Constitution is the supreme law of the land and the source of all the powers and authority of the government and its organs.



**"I like the religion  
that teaches  
liberty, equality  
and fraternity."**

**- Dr. B. R. Ambedkar**

chiefly responsible for drafting of The Constitution of India

- Likewise, the government not only derives its origins from the Constitution, but discharges its functions and responsibilities within the framework of the Constitution.

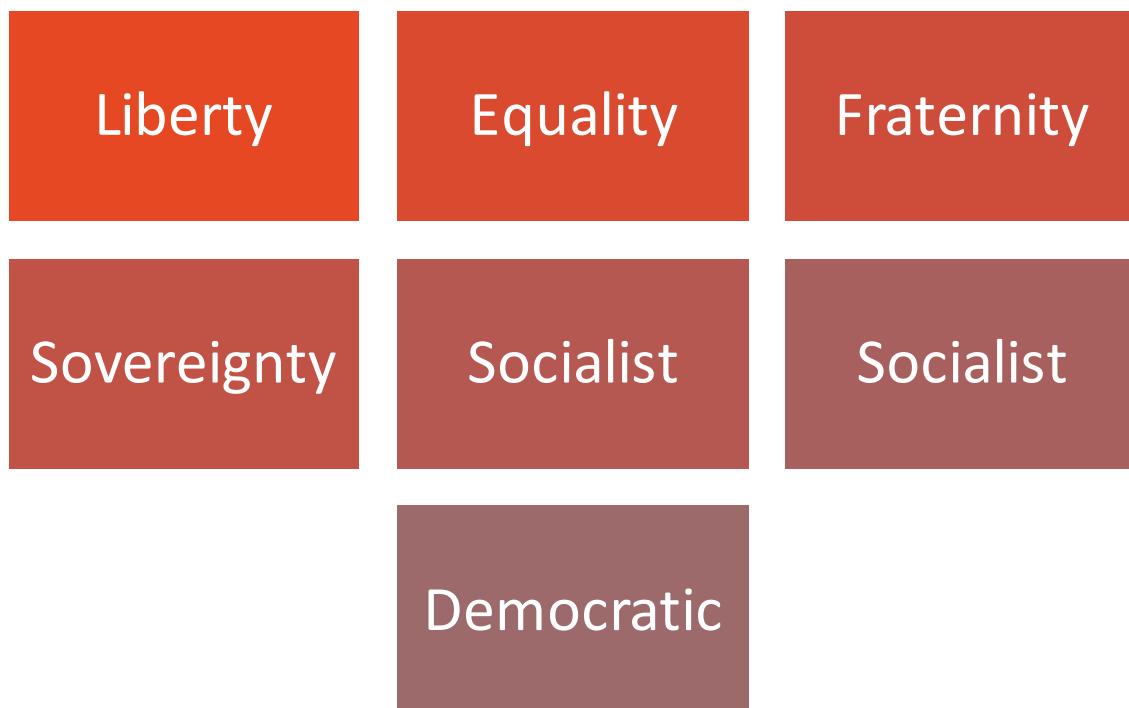
# GUIDING VALUES OF THE CONSTITUTION

## Introduction

- India is a Republic Nation and the President of India is the head of the nation. He/she is elected every five years.
- The provisions are written in the Constitution to guarantee Justice for all. No one can be discriminated on the grounds of caste, religion, and gender. Social inequalities on any grounds of caste, religion, and gender are strictly prohibited.
- Welfare for all citizens is the prime objective of the Government; besides, the government also needs to give special attention, particularly to the underprivileged sections of the society.

## Guiding Values of the Constitution

- The important values of Indian constitutions are depicted in the following illustration:



## Liberty

- The Constitution provides every citizen a number of liberties and freedoms under Article 19 to 21, 21A, and 22. It is established that no unreasonable restrictions can be imposed upon citizens to regulate their freedom.
- Right to Freedom under Article 19 includes:
  - The right to freedom of speech and expression;
  - The right to form association;
  - The right to move freely;
  - Reside in any part of the country; and
  - The right to practice any profession, occupation, or business.

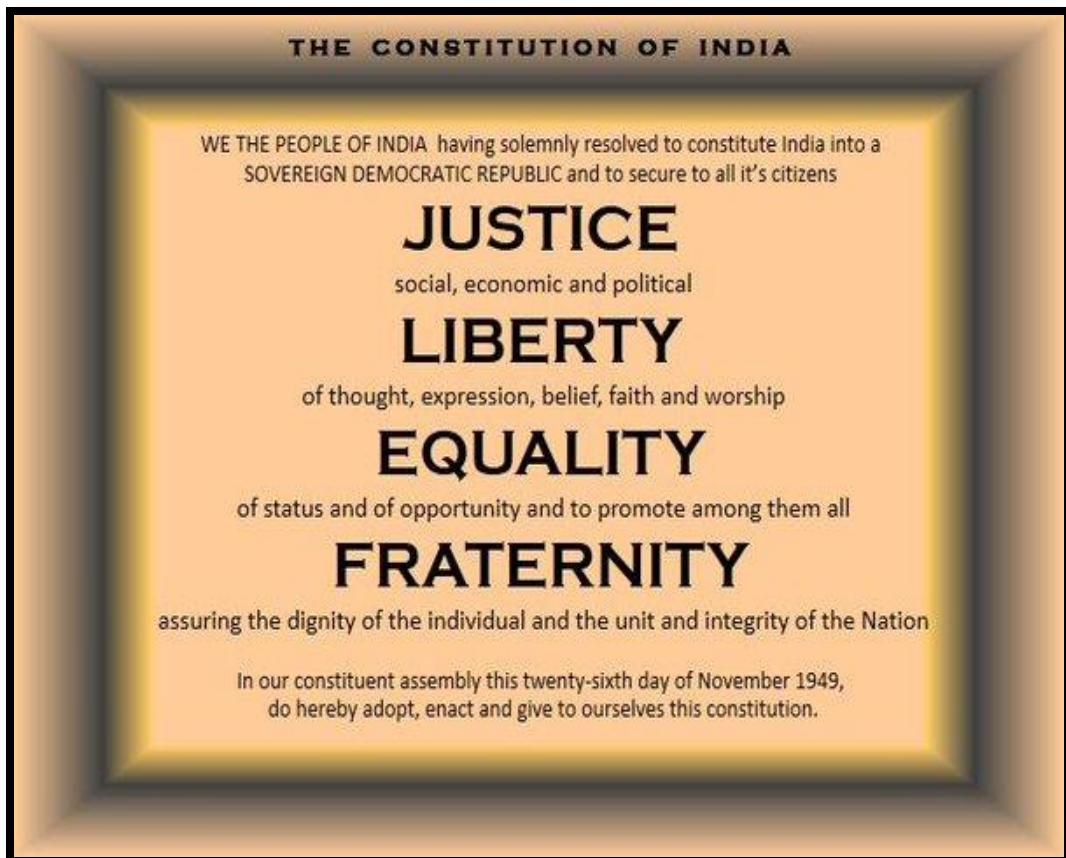
## Equality

- The Constitution states that all citizens are equal before the law and the government should ensure that the traditional practice of social inequalities on the grounds of caste, religion, and gender has to be ended.
- Right to Equality is enshrined under Articles 14 to 18 of the Indian Constitution of India, which guarantees the right to equality to all persons and prohibits any kind of discrimination against any citizen on any of the grounds of religion, race, caste, gender, and place of birth.
- Article 14 provides that all persons are equal before the law. This means that all persons shall be equally protected by the laws of the country.
- Article 15 states that no citizen can be discriminated against on the basis of his/her religion, race, caste, sex, or place of birth.
- Article 16 states that the State cannot discriminate against anyone in matters of employment.
- Article 17 abolishes the practice of untouchability from India. It provides that every person has access to all public places including playgrounds, hotels, shops, etc.
- Right against Exploitation is enshrined under Article 23 to 24 of the Constitution of India. It provides fundamental right against exploitation to every citizen of India.
- Article 23 of the Constitution provides for prohibition of any kind of forced labor and any violation of this provision shall be an offence punishable in accordance with the law.

- Article 24 protects the children by stating that no child below the age of 14 shall be employed to work in any factory or mines or any other hazardous employment.
- Fraternity**
- All the Indians are members of a family, no one is inferior or superior, all are equal and have same rights and duties.
- Sovereignty**
- The government of India is free to take any decision on internal as well as external matters and no external power can dictate it.
- Socialist**
- In a socialist country, citizens have the right to property but the government should regulate it by law, the socio-economic activities to reduce inequalities in the society and hence, every citizen has equal right to share the resources of the country.
  - The concept of social justice was adopted by the 42nd amendment of Constitution that enables courts to uphold provisions to remove economic inequalities in our society.
- Secular**
- India is a secular country. There is no official religion of the government and the government treats all the religions equally.
  - Articles 25 to 28 provide ‘Right to freedom of Religion’ for every citizen. This is a Fundamental Right that allows every individual a freedom to live by their religious beliefs and practices as they interpret these beliefs.
  - Cultural and Educational Rights (Article 29 to 30) state that all minorities, religious or linguistic, having a distinct language, script or culture of its own, (they) can set up their own educational institutions in order to preserve and develop their language, script, or culture.
- Democratic**
- The democratic system of government runs according to some basic principles, which are collectively called as ‘Rule of Law.’
  - In a democratic form of the government, the people of the country enjoy equal political rights, choose to elect and change their representatives, and hold them accountable.

## Preamble

- The Indian democracy is founded on those values that had inspired and guided the freedom struggle. Liberty



- The Indian Constitution embedded the values in its Preamble. Therefore the Preamble emanates lights that glitter all the articles of the Indian Constitution.
- The Preamble provides a short introductory statement of the basic values of the constitution to start with. In other words, it is the ‘Soul of the Constitution.’
- It is the preamble that provides a standard to examine and evaluate any law and action of the government to judge its validity and sanctity.

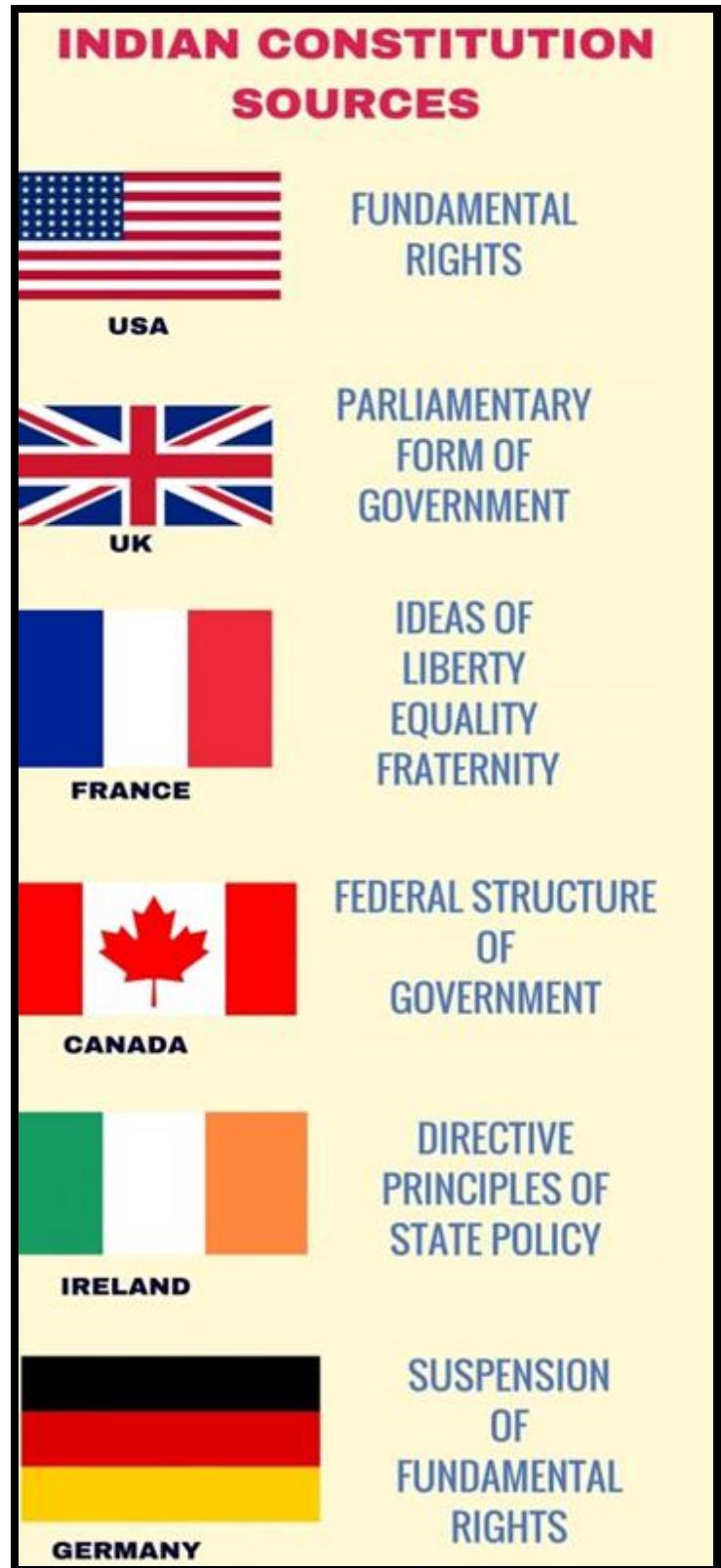
# SOURCES OF CONSTITUTION

## Introduction

- The Indian Constitution has been formed after ransacking all the major constitutions of the world; however, at the same time, the framers have also considered the following factors:
  - Historical perspective of India;
  - Geographical diversity of India; and
  - Cultural and traditional characteristics of India.

## Major Sources

- The following table illustrates the major sources of Indian Constitution:



# HOW THE CONSTITUTION WORKS

## Introduction

- A constitution is a set of fundamental principles according to which a state is constituted or governed.
- The Constitution specifies the basic allocation of power in a State and decides who gets to decide what the laws will be.
- The Constitution first defines how a Parliament will be organized and empowers the Parliament to decide the laws and policies.
- The Constitution sets some limitations on the Government as to what extent a Government can impose rules and policies on its citizen. These limits are fundamental in the sense that the Government may never trespass them.
- The Constitution enables the Government to fulfil the aspirations of a society and create conditions for a just society.

## Distribution of Power

- The Indian Constitution horizontally distributes power across the three following institutions, as depicted in the following illustration:

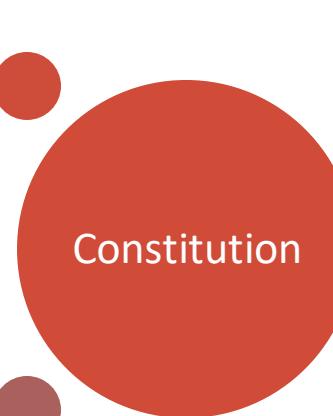
### Legislative (The Parliament)



### The Executive



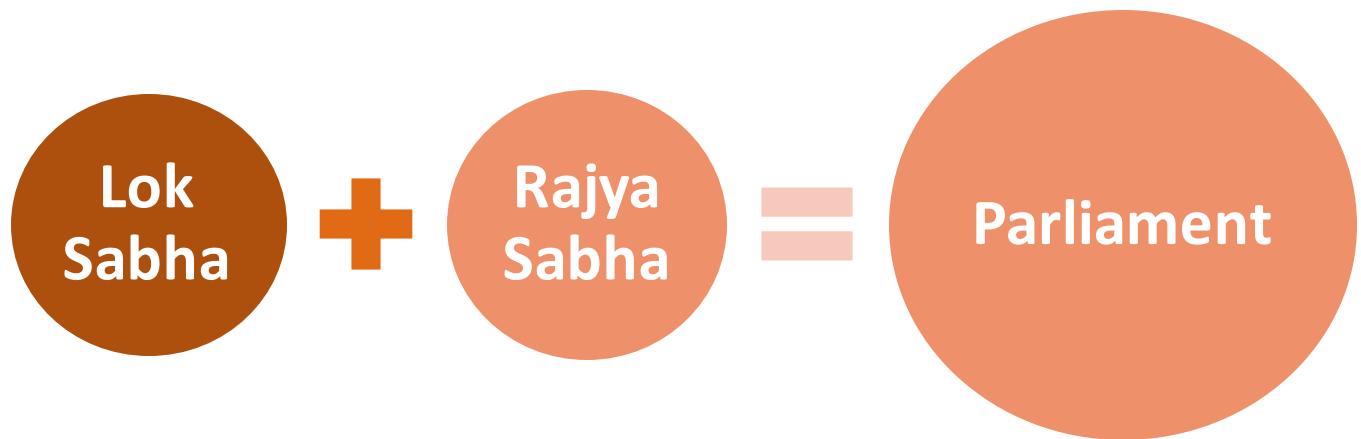
### The Judiciary



Constitution

### The Parliament

- All the elected representatives collectively form a body called as Parliament.
- The Parliament consists of two houses namely Rajya Sabha (Upper House) and Lok Sabha (Lower House).



- The majority group (elected through the election) in the Parliament is called upon to make the government.
- The government is responsible for making policies and other national decisions, which are generally taken up after intensive debate and meaningful discussions in the parliament.
- The Prime Minister is the head of the government. The prime minister presided over the meetings of the cabinet in which the big decisions are taken.

### The Executive

- The President of India is the head of the State; however, he/she exercises only nominal powers.
- The President's functions are mainly ceremonial in nature (similar to the Queen of Britain).
- The following diagram illustrates the hierarchy of the Indian Government:

President

Vice-President

Prime Minister

#### The Judiciary

- The judicial system in India contains a hierarchy of courts, where the Supreme Court is the apex court of India.

Supreme court

High courts

District courts

- Besides, some constitutional and other independent statutory bodies, for example, the Election Commission has also been given independent power.
- The distribution of power among different bodies in such a way ensures that even if one institution wants to subvert the Constitution, others can check its transgressions and maintain harmony.

# UNION & ITS TERRITORY

- Articles 1 to 4 under Part I of the Constitution describe the Union and its Territory.



- Article 1 (1) states that India, that is Bharat, shall be a Union of States.
- Article 1 (2) states that the States and the territories thereof shall be as specified in the First Schedule.
- Article 1 (3) states that the territory of India shall comprise:
  - the territories of the States;
  - the Union territories specified in the First Schedule; and
  - Such other territories as may be acquired.
- There are a total of 29 States, 6 Union Territories, and 1 National Capital Territory (as shown in the map given above).
- Article 2 states that the Parliament may by law admit into the Union, or establish new States on such terms and conditions as it thinks fit.
- Article 3 states that the Parliament may by law form a new State by separation of a 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.
- Article 4 states that any law referred to in Article 2 or Article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental, and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as the Parliament may deem necessary.

# CITIZENSHIP

- Articles 5 to 11 under Part II of the Constitution describe the citizenship.



- Article 5 states that at the commencement of this Constitution, every person who has his domicile in the territory of India and —
  - who was born in the territory of India; or
  - either of whose parents was born in the territory of India; or
  - who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement,shall be a citizen of India.
- Article 6 states that notwithstanding anything in Article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution.

- Article 7 states that notwithstanding anything in Articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India.
- Article 8 states that notwithstanding anything in Article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935, and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefor to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India.
- Article 9 states that no person shall be a citizen of India by virtue of Article 5, or be deemed to be a citizen of India by virtue of Article 6 or Article 8, if he has voluntarily acquired the citizenship of any foreign State.
- Article 10 states that every person who is or is deemed to be a citizen of India under any of the foregoing provisions of this Part shall, subject to the provisions of any law that may be made by the Parliament, continue to be such citizen.
- Article 11 states that nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.

# FUNDAMENTAL RIGHTS

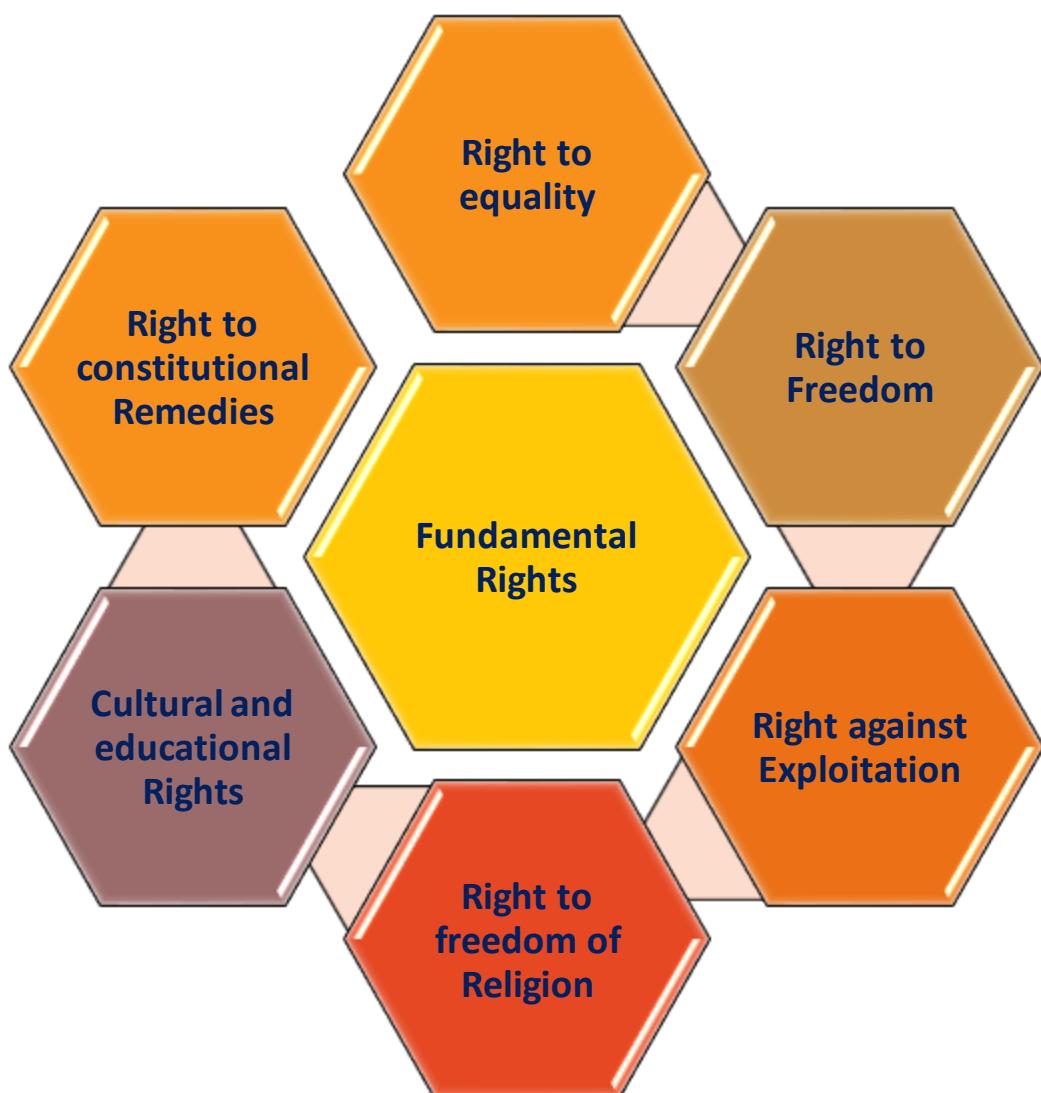
## Introduction

- The Constitution of India listed the rights to the citizens of India that would be specially protected and known as the ‘Fundamental Rights.’



- ‘Fundamental’ means the Constitution has separately listed and made special provisions for the protection of ‘Fundamental Rights.’
- Fundamental Rights are different from other rights (i.e. ordinary legal rights) available to the citizens of India.
- Ordinary legal rights are protected and enforced by ordinary law; but Fundamental Rights are protected and guaranteed by the Constitution of India.
- Ordinary Rights may be changed or amended by the legislature by ordinary law making process, but a Fundamental Right may only be changed by amending the Constitution itself.
- Judiciary has the powers and responsibility (assigned by the Constitution) to protect the Fundamental Rights; in case any government’s action violates it.
- Judiciary, if found any act of the government (either by Executive or by Legislature) equivalent to violation of the Fundamental Rights, can be declared that act illegal or restrict them to do further so.

- However, Fundamental Rights have some reasonable restrictions and hence, they are not absolute in nature.
- Furthermore, the preamble to our Constitution speaks of ensuring all its citizens equality, liberty, and justice. Fundamental Rights put this promise into effect.
- Fundamental Rights are very essential to everyone's life. They are the basic feature of the Constitution.
- The Constitution of India provides six Fundamental Rights, which are mentioned in Articles 12 to 35 in Part-III (of Constitution).



### Right to Equality

- The Rule of law is the foundation of Indian democracy that states that the laws apply in the same manner to all, irrespective of a person's status. It means that the Prime

Minister of the country or a poor farmer in a remote village is subject to the same law and equal treatment.

- Article 14 states that the government shall not deny to any person, *equality before the law or the equal protection of the laws*, which means:
  - Laws apply in the same manner to all;
  - No person is above the law;
  - Every citizen is subjected to the same laws and same treatment;
  - No person can legally claim any special treatment or privilege on any of the ground; and
  - Law makes no distinction between a political leader, a government official, and an ordinary citizen.



- Article 15 states that no citizen can be discriminated against on the basis of his/her religion, race, caste, sex, or place of birth.
- Article 15 further enhanced the Right to Equality by providing that every citizen shall have equal access to public places like shops, restaurants, hotels, and cinema halls. Similarly, there shall be no restriction with regard to the use of wells, tanks, bathing ghats, roads, playgrounds, and places of public resorts maintained by the government.

- Article 16 states that the State cannot discriminate against anyone in the matters of employment.
  - Article 17 abolishes the practice of untouchability in any form, which states that every person has access to all public places including playgrounds, hotels, shops, etc.
- Right to Freedom**
- Freedom means non-interference and absence of restrictions in one's affairs by others, whether it be the individuals or the Government.

# **ARTICLE 19**



## **Freedom of Speech and Expression, Association, Assembly, Residence, Movement, Profession**

- The Constitution of India provides all citizens 'freedom' under Article 19 to do any of these following acts:
  - Right to Freedom of speech and expression;
  - Right to form assembly in a peaceful manner;
  - Right to form associations and unions;
  - Right to move freely throughout the country;
  - Right to reside in any part of the country; and
  - Right to Practice any profession, or to carry on any occupation, trade, or business.
- However, there are certain reasonable restrictions that can be imposed upon the citizens by the Government in the larger interests of the society.
- Likewise, though every citizen has the right to all these freedoms, but it is subject to reasonable restrictions such as:
  - The expression of freedoms should not cause public nuisance or disorder

- This freedom of one should not violate others' right to freedom.
- Freedom is not unlimited right to do what one wants.
- Accordingly, the government can impose certain reasonable restrictions (on freedoms of citizens) in the larger interests of the society.
- The Honorable Supreme Court of India has explained the 'freedom' under Article 21 as:
  - No citizen can be killed unless the court has ordered a death sentence.
  - No person can be arrested or detained by the police officer unless he has proper legal justification.
- As per the guidelines settled by the Hon'ble Supreme Court of India, a police officer while arresting a person has to follow some procedures:
  - The police officer is duty bound to inform the person (in case of his arrest), the reason/s of his arrest and detention and the person so arrested has the right to know the reason for his arrest.
  - It shall be the duty of the police officer to produce the arrested person before the nearest magistrate within a period of 24 hours of arrest.
  - The arrested person has the right to consult a lawyer of his choice for his defense.

### Right against Exploitation

- The Constitution of India provides distinct and clear provisions to prevent exploitation of the weaker sections of the society.
- The Constitution prohibits the following practices as evil and declares them illegal:
  - Trafficking of human beings, i.e., the selling and buying of human beings, (generally, women and children are the victims of trafficking).
  - Forced labor or beggar in any form is illegal and is prohibited (beggar is work or service without remuneration, which is called as bonded labor if this practice runs through life of the worker).
  - Child labor is also prohibited. The children below 14 years of age, cannot be employed to work in any factory or mine or in any other hazardous work, such as railways and ports.



## WE HAVE A DREAM



- The Parliament of India has enacted laws to implement constitutional right that prohibits children below 14 years of age from working in hazardous industries such as *beedi*making, firecrackers and matches, printing, and dyeing.

### Right to Freedom of Religion

- India is a secular state, which means the State has no official religion and India does not promote/protect any one religion over the other religion.
- The Fundamental Rights under Articles 25 to 28 facilitate individuals the freedom to live by their religious beliefs and practices as they interpret these beliefs.
- Every citizen in India has liberty to profess, practice, and propagate the religion that he or she believes in.

- Every sect or a religious group is free to manage its religious affairs, but it is subject to reasonable restrictions debarring, any person, or organization to compel another person to convert into his religion by means of force, fraud, inducement, or allurement.



- This right is in the form of restrictions upon the government not to compel any person to pay any taxes for the promotion or maintenance of any particular religion or religious institution.
- In the educational institutions run or added by the government, neither any religious instruction can be imparted nor can any person be compelled to take part in any religious instruction or to attend any religious worship.

#### Cultural and Educational Rights

- The democracy is based upon the wishes of the majority. In this system, the right and interest of the minorities need to be protected by developing a mechanism that cannot be changed prejudicially by the majority.
- Therefore in a democratic country, Special Protection is provided in the constitution to preserve and develop the language, culture, and religion of minorities.

- Any section of citizens with a distinct language or culture has the right to conserve its language, culture, and religious practices.



- Articles 29 and 30 provide Cultural and Educational Rights, which states that all minorities, religious or linguistic groups, having a distinct language, script or culture of its own can set up their own educational institutions in order to preserve and develop their language, script, or culture.

#### **Right to Constitutional Remedies**

- A person aggrieved by the violation of any of his/her fundamental right can approach either to the Supreme Court (under Article 32) or High Court (under Article 226) for the restoration of his/her fundamental right/s.
- The enforceability of rights is a very important aspect of all fundamental rights and hence, it is called as the “Right to Constitutional Remedies.”
- According to Dr. Ambedkar, the right to constitutional remedies is the ‘heart and soul of the Constitution.’
- If someone violates someone’s Fundamental Rights, then he/she can approach either a High Court or directly the Supreme Court to get proper remedy.

In case of any violation of a Fundamental Right, the aggrieved person can go to court for remedy...



- The Supreme Court or the High Court (as the case may be) can issue orders (known as writs) and give directives to the Government for the enforcement of Fundamental Rights.
- Following are the five writs/orders issued by either the Supreme Court or High Courts:
  - **Habeas corpus:** A writ of habeas corpus means that the court orders that the arrested person should be presented before the court. The court can also order to set free an arrested person if the manner and/or grounds of arrest are not lawful or satisfactory.
  - **Mandamus:** This writ is issued when a court finds that a particular office holder is not doing legal duty and thereby is infringing on the right of an individual.
  - **Prohibition:** This writ is issued by a higher court (High Court or Supreme Court); when a lower court has considered a case, which is going beyond its jurisdiction.
  - **Quo Warranto:** If a court finds that a person is holding office but is not entitled to hold that office, it issues the writ of quo warranto and restricts that person from acting as an office holder.
  - **Certiorari:** Under this writ, a higher court orders a lower court or another authority to transfer a matter pending before it to the higher authority or court.

- Apart from the judiciary, some other bodies and mechanisms that protect an individual's right are:
  - The National Commission on Minorities,
  - The National Commission on Women,
  - The National Commission on Scheduled Castes, etc.
- In 1993, the Government of India has established 'National Human Rights Commission' (NHRC), which consists of:
  - A former chief justice of the Supreme Court of India;
  - A former judge of the Supreme Court;
  - A former chief justice of a High Court, and
  - Two other members who have knowledge and practical experience in the matters relating to human rights.
- However, NHRC does not have the power of prosecution. It can merely make recommendations to the government or recommend to the courts to initiate proceedings based on the inquiry that it conducted.

#### Expansion and Scope of Fundamental Rights

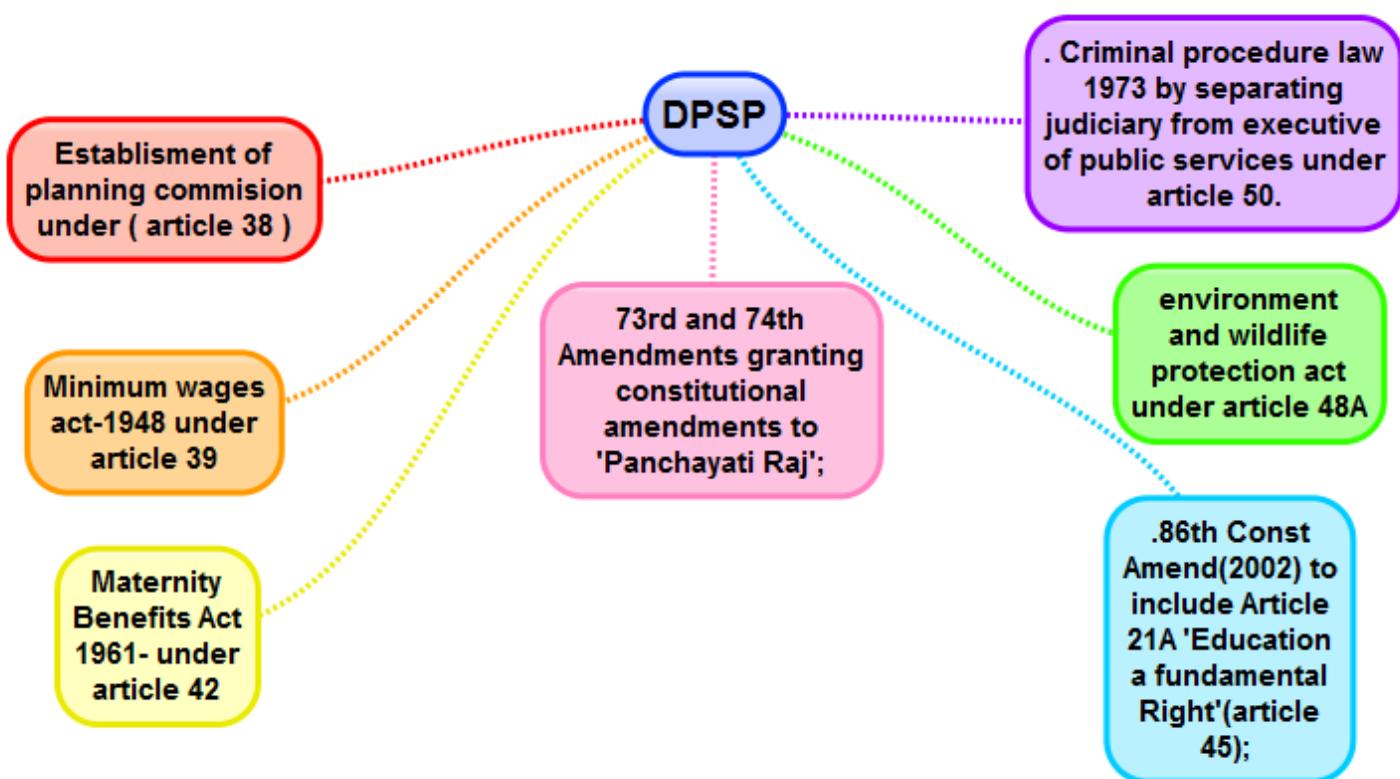
- Since independence, the scope of Fundamental Rights have expanded greatly to include several other rights from time to time.
- The Fundamental Rights embedded in our constitution are the source of all rights, based on this, the Government of India enacted several laws e.g.:
  - Right to information,
  - Right to freedom of press, and
  - Right to education.
- The Parliament of India has amended the Constitution to include 'school education' as a Fundamental Right for the Indian citizens. Resultantly, now it is the duty and responsibility of the governments to provide free and compulsory education to all children up to the age of 14 years.
- The Parliament has enacted a law 'right to information act' under the Fundamental Right to freedom of thought and expression, which provides a right to seek information from the government offices.

- The Supreme Court of India by explaining the Fundamental Rights has further expanded the scope and meaning of the Fundamental Rights, as it included 'right to food' in the 'right to life' section (i.e. Article 21).

# DIRECTIVE PRINCIPLES

## Introduction

- A list of policy guidelines is included in the Constitution known as “the Directive Principles of State Policy” (DPSP).
- These guidelines are ‘non-justifiable’, i.e., parts of the Constitution that cannot be enforced by the judiciary.



## Goals of DPSP

- Following are the significant Goals of DPSP:
  - Welfare of the people; Social, economic, and political justice;
  - Raising the standard of living; equitable distribution of resources;
  - Promotion of international peace.

## Policies of DPSP

- Following are the important Policies of DPSP:
  - Uniform civil code;
  - Prohibition of consumption of alcoholic liquor;

- Promotion of cottage industries;
- Prevention of slaughter of useful cattle;
- Promotion of village panchayats

### Non-Justifiable rights of DPSP

- Following are the major non-justifiable rights of DPSP:
  - Adequate livelihood;
  - Equal pay for equal work for men and women;
  - Right against economic exploitation;
  - Right to work; and
  - Early childhood care and education to children below the age of six years.

### Difference between DPSP & FR

- Following are the major differences between the Fundamental Rights and the Directive Principles of State Policy:
  - The Fundamental Rights mainly protect the rights of individuals, while the directive principles ensure the well-being of the entire society.
  - The Fundamental Rights are justifiable and can be claimed in the court of law, whereas the Directive Principles of State Policy cannot be enforced by the judiciary.
  - The Fundamental Rights restrain the government from doing certain things, while the Directive Principles of State Policy insist the government to do certain things.
- Regarding the Right to Property, the Constitution made it clear that property could be taken away by the government for public welfare.
- In 1973, the Supreme Court gave a decision that the Right to Property was not a part of the basic structure of the Constitution and therefore, the Parliament has the power to abridge this right by an amendment.
- In 1978, the 44th amendment to the Constitution removed the Right to Property from the list of Fundamental Rights and transformed it into a simple legal right under Article 300 A.

# FUNDAMENTAL DUTIES

- Under Part IV ‘A’ , Article 51A of the Indian Constitution describes the following “Fundamental Duties” (i.e. the duty of every citizen of India).



- To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- To cherish and follow the noble ideals which inspired our national struggle for freedom;
- To uphold and protect the sovereignty, unity and integrity of India;
- To defend the country and render national service when called upon to do so;
- To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- To value and preserve the rich heritage of our composite culture;
- To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- To develop the scientific temper, humanism and the spirit of inquiry and reform;

- To safeguard public property and to abjure violence;
- To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of achievement; and
- Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

# UNION EXECUTIVE

## Introduction

- The organ of a government that primarily looks after the function of implementation and administration is known the Executive.
- The Executive is the branch of Government accountable for the implementation of laws and policies legislated by the legislature.
- In the Parliamentary form of executive, the Prime Minister is the head of the government and the head of the State may be Monarch (Constitutional Monarchy, e.g. UK) or President (Parliamentary Republic, e.g. India).
- In a Semi-Presidential System, the President is the head of the State and the Prime Minister is the head of the government, e.g. France.
- In a Presidential System, the President is the head of the State as well as the head of government, e.g. the US.

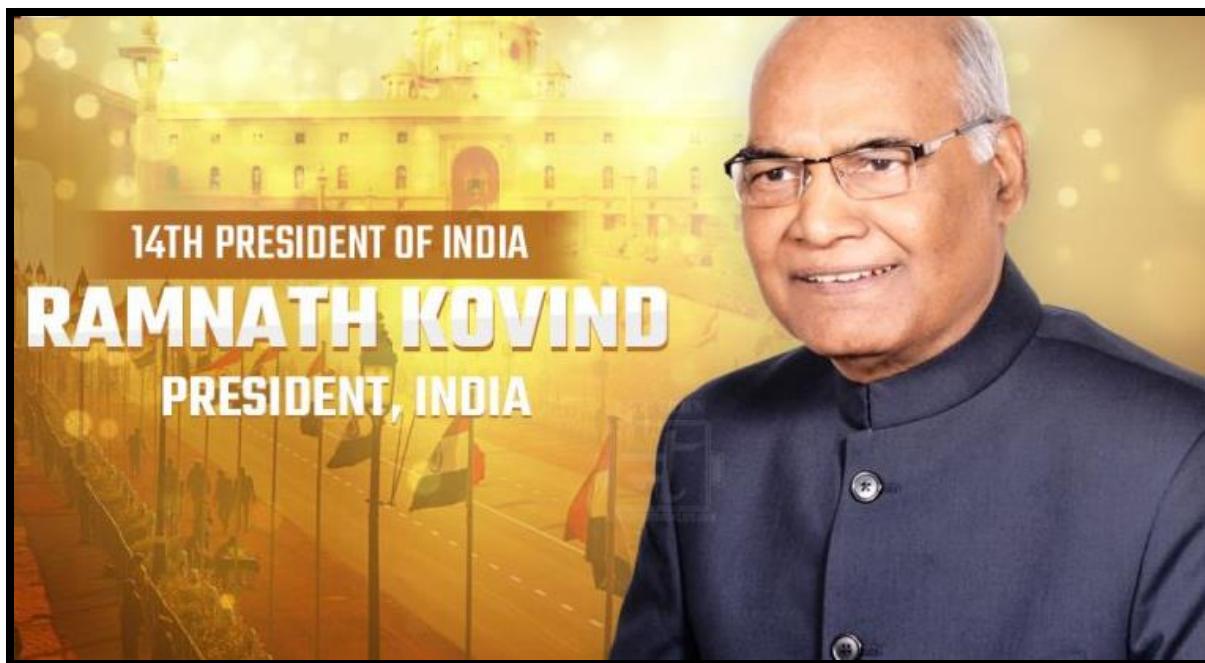
## Indian System

- Article 74 (1) of the Indian Constitution states that “there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall in the exercise of his functions, act in accordance with such advice.”
- The President has a wide range of power including executive, legislative, judicial, and emergency powers. However, in a parliamentary system (e.g. India), these powers are in reality used by the President only on the advice of the Council of Ministers.
- The Prime Minister and the Council of Ministers have support of the majority in the Lok Sabha and they are the real executive.
- The President is the formal head of the government.
- The Prime Minister is obliged to furnish all the information that the President may call for.
- The Council of Ministers is headed by the Prime Minister.
- In the parliamentary form of executive, it is essential that the Prime Minister has the support of the majority in the Lok Sabha. And the moment the Prime Minister loses this support of the majority; he or she loses the office.
- In case no party is in majority, a few parties can form government ‘in coalition.’

- A Prime Minister has to be a Member of Parliament (MP); however, if someone becomes the Prime Minister without being an MP; in such a case, he or she has to get elected to the Parliament within six months of period.
- The Council of Ministers constitutes not more than 15 percent of a total number of members of the House of the People (91st Amendment).
- Persons selected by the Union Public Service Commission for Indian Administrative Service (IAS) and Indian Police Service (IPS) constitute the backbone of the higher level bureaucracy in the States.
- Though IAS and IPS work under the state government, they are appointed by the central government; hence, only the central government can take disciplinary action against them. However, the officers appointed through the State Public Service Commission look after the state administration.

### The President

- The President of India is the head of the State. He exercises only nominal powers. His functions are mainly ceremonial in nature like the Queen of Britain.



- All the political institutions in India, function in the name of the President of India and the President supervises their functions to bring harmony in their works to achieve the objectives of the State.

- In India, the President is elected, not appointed, (although not elected directly by the people). The President is elected by the Members of Parliament (MPs) and the Members of the Legislative Assemblies (MLAs) of each state.
- Participation of Members of the state's Legislative Assemblies in the election of the president of India shows that the President of India represents the entire nation. At the same time, the indirect election of the President ensures that he cannot claim popular mandate like that of the Prime Minister and thus remains only a nominal head of the State.
- All major policy decisions and orders of the government are issued in the President's name.
- The President appoints all the major heads of the institutions of the government, i.e.,
  - The appointment of the Chief Justice of India,
  - The Judges of the Supreme Court and the High Courts of the states,
  - The Governors of the states,
  - The Election Commissioners,
  - Ambassadors to other countries, etc.
- The government of India makes all international treaties and agreements in the name of the President.
- The President is the supreme commander of the defense forces of India.
- However, all these powers are exercised by the President only on the advice of the Council of Ministers headed by the Prime Minister.
- The President can ask the Council of Ministers for reconsideration on any advice (asked to him by the Council of Ministers), but if the Council of Ministers recommend the same advice again, he is bound to act according to it.
- A Bill passed by the Parliament becomes a law only after the President gives assent to it. The President can return a Bill back to the Parliament for reconsideration, but he has to sign it, if the Parliament passes the Bill again (with or without amendment).

### Discretionary Power

- In three circumstances, the President can exercise his or her discretionary power:
  - The President can send back the advice given by the Council of Ministers for reconsideration.

- The President has veto power (also known as ‘pocket veto’) by which he or she can withhold or refuse to give his or her assent to any Bill (other than Money Bill) passed by the Parliament. It happened once, i.e. in 1986, President Gyani Zail Singh withheld the “Indian Post Office (amendment) Bill.”
- The President appoints the Prime Minister.

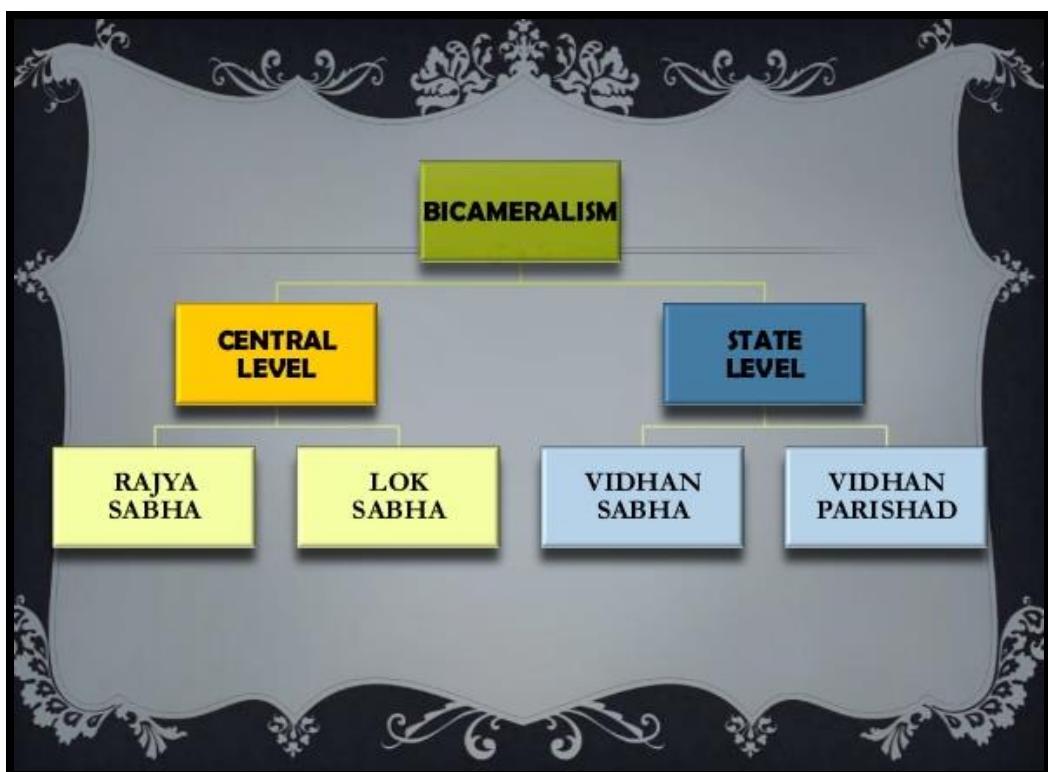
### Vice President

- The Vice President is elected for five years and the election method is similar to that of the President; however, the only difference is that the members of State legislatures do not participate in the Electoral process.
- The Vice President acts as the ex-officio Chairman of the Rajya Sabha.
- The Vice President takes over the office of the President when there is a vacancy by reasons of death, resignation, removal by impeachment, or otherwise.
- The Vice President may be removed from his or her office by a Resolution of the Rajya Sabha passed by a majority and agreed to by the Lok Sabha.

# UNION LEGISLATURE

## Introduction

- The Union Legislature of India is not only the lawmaking body, but the center of all democratic political process.
- The Parliament is the central legislature and the legislature of the state is known as 'State Legislature.'



- The Parliament of India is bicameral (i.e. consists of two houses) namely Rajya Sabha (the Council of States) and Lok Sabha (the House of the People).
- Indian states also have the option to have either bicameral or unicameral; however, at present, there are seven states which have bicameral legislature namely:
  - Jammu & Kashmir,
  - Uttar Pradesh,
  - Bihar,
  - Maharashtra,
  - Karnataka,
  - Andhra Pradesh, and
  - Telangana.

## Rajya Sabha

- The Rajya Sabha is an indirectly elected body and represents the States of India.
- The elected members of State Legislative Assembly elect the members of Rajya Sabha.
- In the U.S.A, every state has equal representation in the Senate irrespective of size and population of the states, but in India, it is not the same.
- In India, states with larger size of population get more representatives than states with smaller population.
- For example, Uttar Pradesh (the most populated state) sends 31 members to Rajya Sabha; on the other hand, Sikkim (the least populated state) sends only one member to Rajya Sabha.
- The number of members to be elected from each State has been fixed by the fourth schedule of the Constitution.
- Members of the Rajya Sabha are elected for a term of six years and then they can be re-elected.
- Members of Rajya Sabha are elected in such a manner that they do not complete their tenure altogether; rather after every two years, one-third member complete their term and elections are held for those one-third seats only.
- Likewise, the Rajya Sabha never gets fully dissolved and hence, it is known as the permanent House of the Parliament.
- Apart from the elected members, the President appoints 12 members from the fields of literature, science, art, and social service.

## Lok Sabha

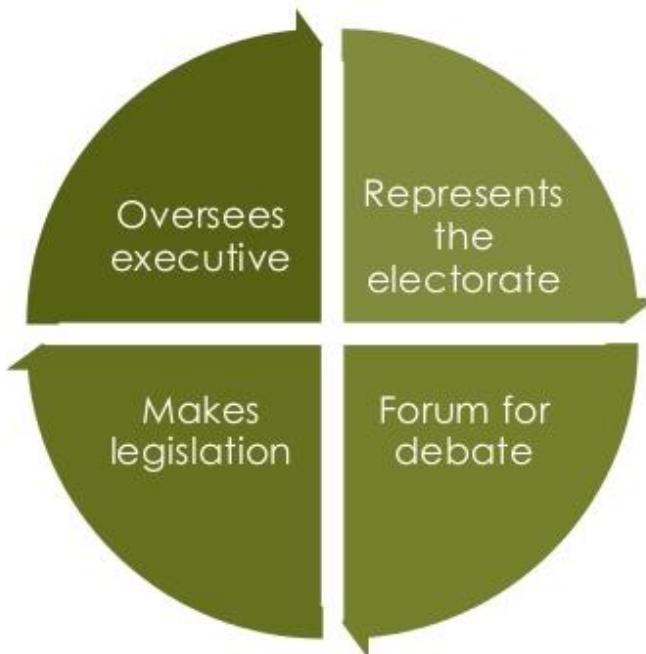
- The members of Lok Sabha and the State Legislative Assemblies are directly elected by the people for the period of five years.
- However, before the completion of tenure, if the Lok Sabha is dissolved (no party forms government with majority), a fresh election will be conducted again.

## Functions of the Parliament

- The Parliament has legislative (law making) and financial functions (money bill and budgetary function); besides, it also controls the Executive and ensures its accountability.
- The Parliament is the highest forum of debate in the country and hence, there is no limitation on its power of discussion.

- The Parliament has the power of discussing and enacting changes to the Constitution (i.e. amendment power).

## Parliamentary functions



- The Parliament also performs some electoral functions, as it elects the President and the Vice President of India.
- The Parliament has also judicial functions, as it considers and decides the proposals for the removal of President, Vice-President, and Judges of the Supreme Court and High Courts.
- Following are the some distinct powers of Lok Sabha and Rajya Sabha:
  - Lok Sabha makes ‘Laws’ on matters included in Union List and Concurrent List and can introduce and enact money and non-money bills.
  - Rajya Sabha considers and approves non-money bills and suggests amendments to money bills.
  - Lok Sabha approves proposals for taxation, budgets, and annual financial statements.
  - Rajya Sabha approves constitutional amendments.
  - Lok Sabha establishes committees and commissions and considers their reports.

- Rajya Sabha can give the Union parliament power to make laws on matters included in the State list.

### Special Powers of Rajya Sabha

- Rajya Sabha has some special powers. If the Union Parliament wishes to remove a matter from the State list (over which only the State Legislature can make law) to either the Union List or Concurrent List in the interest of the nation, the approval of the Rajya Sabha is essential.
- Special Powers of Lok Sabha
- Regarding Money Bills, the Lok Sabha has the exclusive power and hence, the Rajya Sabha cannot initiate, reject, or amend money bills.
- Amendment/s made by the Rajya Sabha to the Money Bill may or may not be accepted by the Lok Sabha.

### Bills

- A bill proposed by a minister is described as Government Bill; however, if a bill proposed by a non-minister member, it is known as private member's Bill.
- If there is disagreement between the two Houses on a proposed Bill, then it is resolved through the Joint Session of Parliament.
- Regarding the Money Bill, if the Rajya Sabha does not take any action within 14 days, the bill is deemed to have been passed.

### Other Facts

- Zero Hour is a special part of Question Hour where the members are free to raise any matter that they think is important; however, the ministers are not bound to reply.
- Deliberation and discussion, Approval or Refusal of laws, financial control, No confidence motion, are different instruments of Parliamentary control.
- Standing Committees, Joint Parliamentary Committees, etc. are the important committees of the Parliament; their main functions are studying the demands for grants made by various ministries, looking into expenditure incurred by various departments, investigating cases of corruption, etc.
- An amendment to the Constitution (52nd amendment act) was made in 1985, popularly known as an anti-defection amendment.

- According to anti-defection amendment, there was an agreement among the parties that a legislator who is elected on one party's ticket must be restricted from 'defecting' to another party.
- The presiding officer of the House is the authority who can take the final decisions on all anti-defection cases.
- If a member remains absent in the House when asked by the party leadership to be present or votes against the instructions of the party or voluntarily leaves the membership of the party, it is tantamount to defection.

### Prime Minister and Council of Ministers

- The Council of Ministers is one the most powerful political institutions in the country. Prime Minister is the head of the Council of Ministers (as well as the central government).

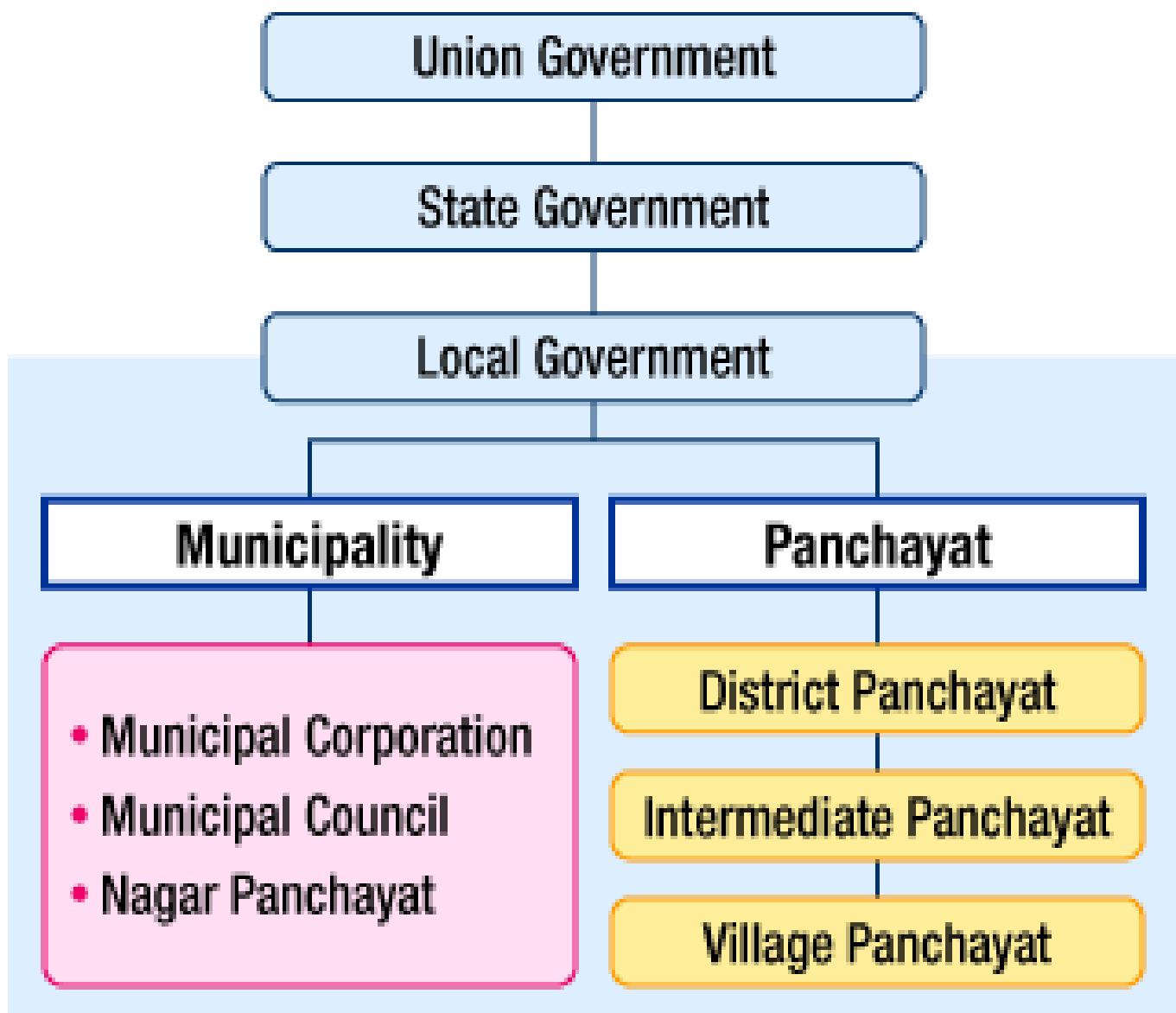


- There is no direct election to the post of the Prime Minister (PM), but the Prime Minister is chosen normally from the elected MPs.
- The Prime Minister is appointed by the President of India. The President appoints a person as Prime Minister who is the leader of the party having the majority in the Lok Sabha.
- The Prime Minister continues in power for five-year term OR so long as he commands the majority party or coalition.
- The President appoints other ministers on the advice of the Prime Minister.
- The Prime Minister is free to choose his ministers from the members of Parliament.
- A person who is not a Member of Parliament can also become a minister. But such a person has to get elected to one of the Houses of the Parliament within six months of appointment as minister.
- All the Ministers collectively in a group are officially called as Council of Ministers; however, the Ministers have different ranks and portfolio.
- The different categories of the ministers are:
- Cabinet Ministers are the most experienced and top-level leaders of the ruling party. They usually hold the charge of the major ministries like Finance, Defense, Home, External Affairs, Food and Supply, etc. The decisions of the government are generally taken up in the meeting of the Cabinet Ministers headed by the Prime Minister. Thus the Cabinet is the core group of ministers within the Council of Ministers.
- Ministers of State with independent charge usually hold independent charge of smaller Ministries. They generally do not participate in the Cabinet meetings but may participate when specially invited.
- Ministers of State are generally appointed to assist Cabinet Ministers.

# LOCAL GOVERNMENT

## Introduction

- Local government is the government of the village and district level. It is the government closest to the common people that involves in day-to-day life and attempt to resolve problems of ordinary citizens.
- Democracy is in fact about meaningful participation and also about accountability. Hence, strong and vibrant local governments ensure both active participation and purposeful accountability.
- The hierarchy of different levels of Governments (of India) is shown in the following image:



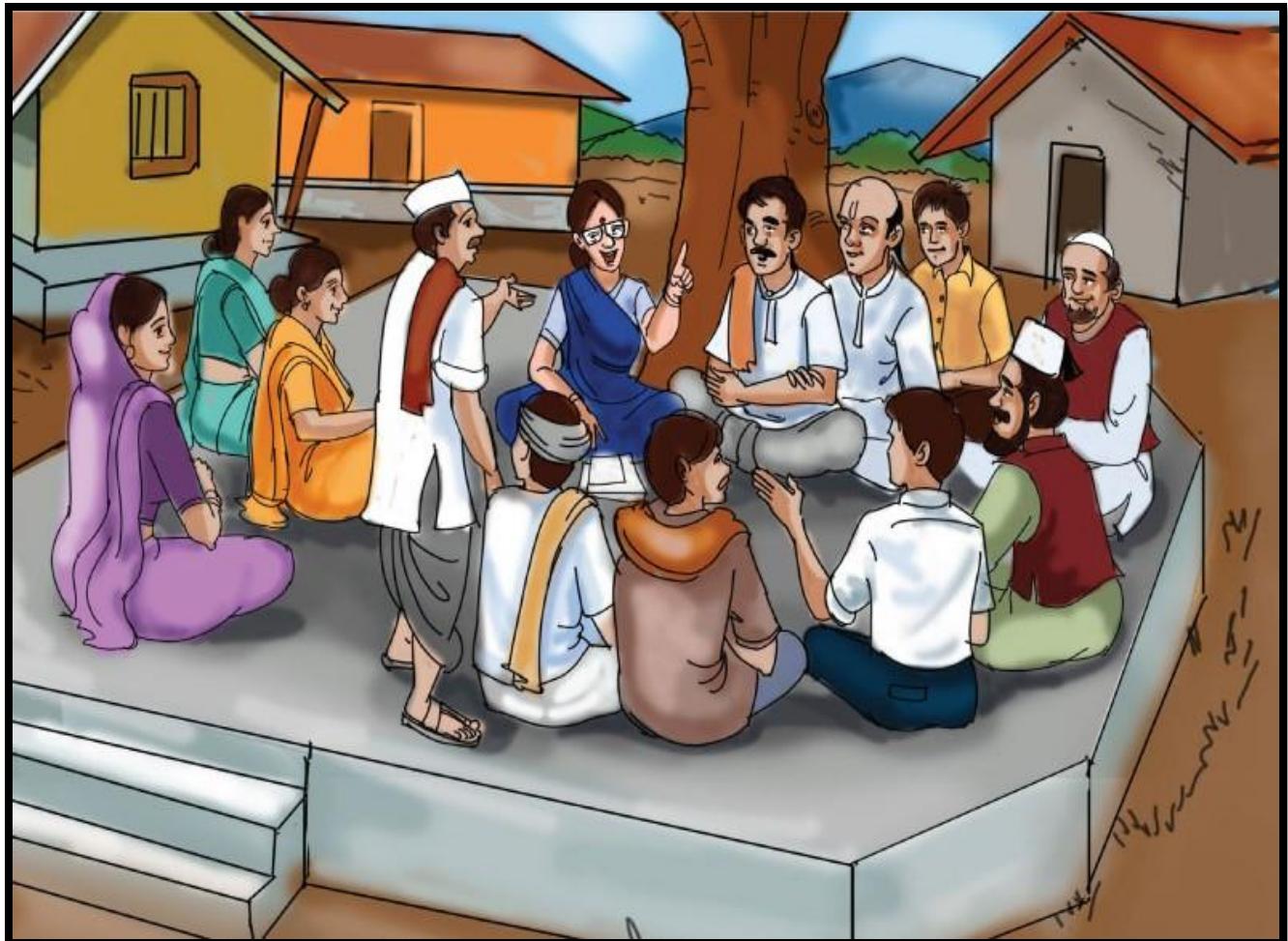
## Evolution of Local Government

- In 1882, Lord Rippon, the then Viceroy of India, took the initiative to form elected local government body.
- Following the Government of India Act 1919, village Panchayats were established in many provinces and the trend continued after the Government of India Act of 1935.
- When the Constitution was prepared, the subject of local government was assigned to the States and it was one of the provisions of the Directive Principles of State Policy.
- After the independence, a three-tier Panchayati Raj system of local government was recommended for the rural areas; resultantly, some of the states including Gujarat and Maharashtra adopted the system of elected local bodies (1960).
- After 1987, a thorough review of the functioning of local government institutions was initiated and in 1989, the P. K. Thungon Committee recommended constitutional recognition to the local government bodies.
- Finally, in 1992, the 73rd and 74th Constitutional Amendments were passed by the Parliament.
- The 73rd Amendment is about the rural local governments, which are also known as Panchayati Raj Institutions (PRIs).
- The 74th Amendment made the provisions relating to the urban local government (also known as Nagarpalikas).

## Panchayati Raj

- Following the 73rd Amendment, all states now have a uniform three tier Panchayati Raj structure as:
  - Gram Panchayat: At the bottom level;
  - Mandal (also known as Block or Taluka): Intermediary level; and
  - Zilla Panchayat: At the top level.
- A Gram Panchayat covers a village or group of villages.
- The intermediary level is the Mandal covers Block (i.e. a group of gram panchayat).
- The Zilla Panchayat covers the entire rural area of the District.
- All the three levels of Panchayati Raj Institutions are elected directly by the people for five years term.
- One-third of the positions in all panchayat institutions are reserved for the women.

- Twenty-nine subjects (of 11th Schedule of the Constitution), which were earlier in the State list, are transferred to the Panchayati Raj Institutions.



- The 73rd Amendment was not made applicable to the areas inhabited by the Adivasi populations in many states of India; however, a separate provision was passed in 1996 for these areas.
- The State government is required to appoint a State Election Commissioner (independent of Election Commission of India) who would be responsible for conducting elections in the Panchayati Raj Institutions.
- The state government is required to appoint a State Finance Commission once in five years.

### Nagarpalika

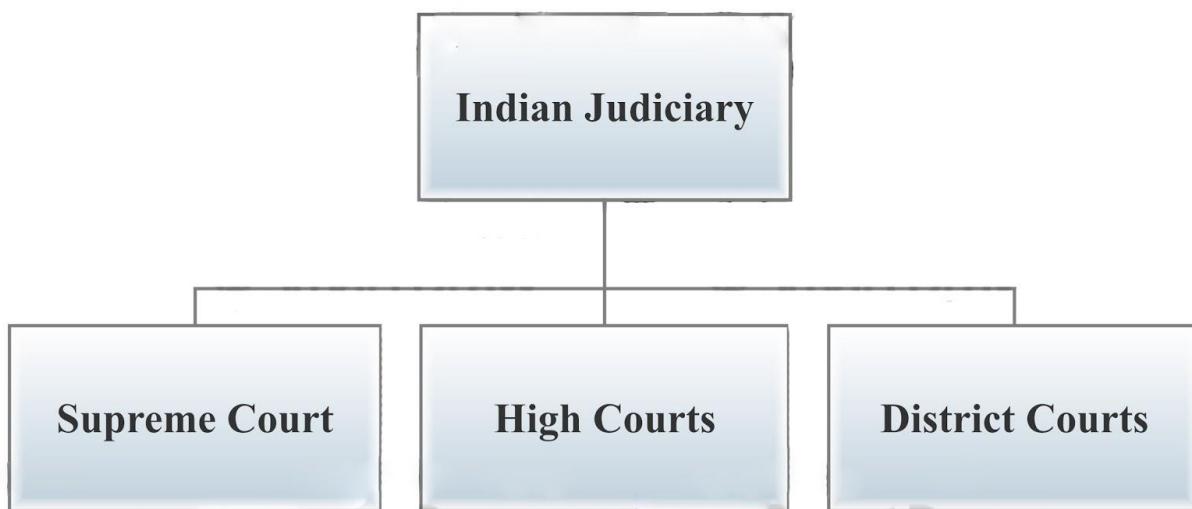
- The 74th Amendment dealt with urban local bodies (Nagarpalikas or Municipality).
- The Census of India defines an urban area as:

- A minimum population of 5,000;
- At least 75% of male working population engaged in non-agricultural occupations, and
- A density of population is at least 400 persons per sq. km.
- As per the 2011 census (provisional data), about 31 percent of India's population lives in urban areas.
- Many provisions of 74th Amendment are similar to 73rd Amendment.
- The functions of Nagarpalika have been listed in the Twelfth Schedule of the Constitution.
- The Indian population has 16.2 percent Scheduled Castes (SC) and 8.2 per cent Scheduled Tribes (ST) and accordingly, the seats for both SC and ST are reserved in local government.

# INDIAN JUDICIARY

## Introduction

- Judiciary is an independent body that protects and ensures the ‘rule of law.’
- Any other organs of the government including the executive and legislature must not restrain the functioning of the judiciary.
- The judicial system in India is in the form of an integrated judiciary, which consists of a Supreme Court for the whole nation, High Courts in each state, and District Courts and the courts at the local level (as shown in the diagram given below).



- The Supreme Court controls the judicial administration and the judgments of the Supreme Court are binding on all other courts of the country.

## Judges of Supreme Court

- The Judges of the Supreme Court (and the High Courts) are appointed by the President (of India) after ‘consulting’ the Chief Justice of India (CJI).
- Normally, the senior-most judge of the Supreme Court of India is appointed as the Chief Justice of India (CJI); however, this convention was broken two times:
  - In 1973, A. N. Ray was appointed as CJI superseding three senior Judges and
  - In 1975, Justice M.H. Beg was appointed superseding Justice H.R. Khanna.
- A judge of the Supreme Court (or High Courts) can be removed only on the ground of proven misbehavior or incapacity.

- A motion containing the charges against the judge must be approved by special majority in both the Houses of Parliament; only then a judge can be removed.

### Jurisdictions of Supreme Court

- The Supreme Court of India acts as the highest court of appeal in civil and criminal cases. It hears appeals against the decisions of the High Courts. However, the Supreme Court hears any case if it pleases to do so.
- The Supreme Court has got jurisdiction to take up any dispute such as:
  - Between citizens of the country;
  - Between citizens and government;
  - Between two or more state governments; and
  - Between governments at the union and state level.
- The Supreme Court and the High Courts are the custodian of our constitution. They have the power to interpret the Constitution of the country.
- The Supreme Court can declare any law of the legislature or the actions of the executive unconstitutional if such a law or action is against the provisions of the Constitution.
- The Supreme Court has ‘Original Jurisdiction’ . It means — some cases can be directly considered by the Supreme Court without going to the lower courts.
- The Supreme Court has ‘Writ Jurisdiction’ . It means - any individual, whose fundamental right has been violated, can directly go to the Supreme Court for appropriate remedy.
- The Supreme Court is the highest court of appeal (Appellate Jurisdiction). It means - a person can appeal to the Supreme Court against the decisions of the High Court.
- The Supreme Court has ‘Advisory Jurisdiction’ . It means - the President of India can refer any matter that is of public importance or involves interpretation of Constitution to Supreme Court for advice.
- Article 137 of the Constitution states that the Supreme Court shall have the power to review any judgment pronounced or order made by it.
- Article 144 of the Constitution states that all authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court.
- The chief instrument through which judicial activism has come into existence in India is Public Interest Litigation (PIL) or Social Action Litigation (SAL).

- When a case is filed not by aggrieved people, but rather on their behalf, someone else, as it involves a consideration of an issue of public interest, hence, it is known as Public Interest Litigation (PIL) or Social Action Litigation (SAL).

### Rights of the Supreme Court

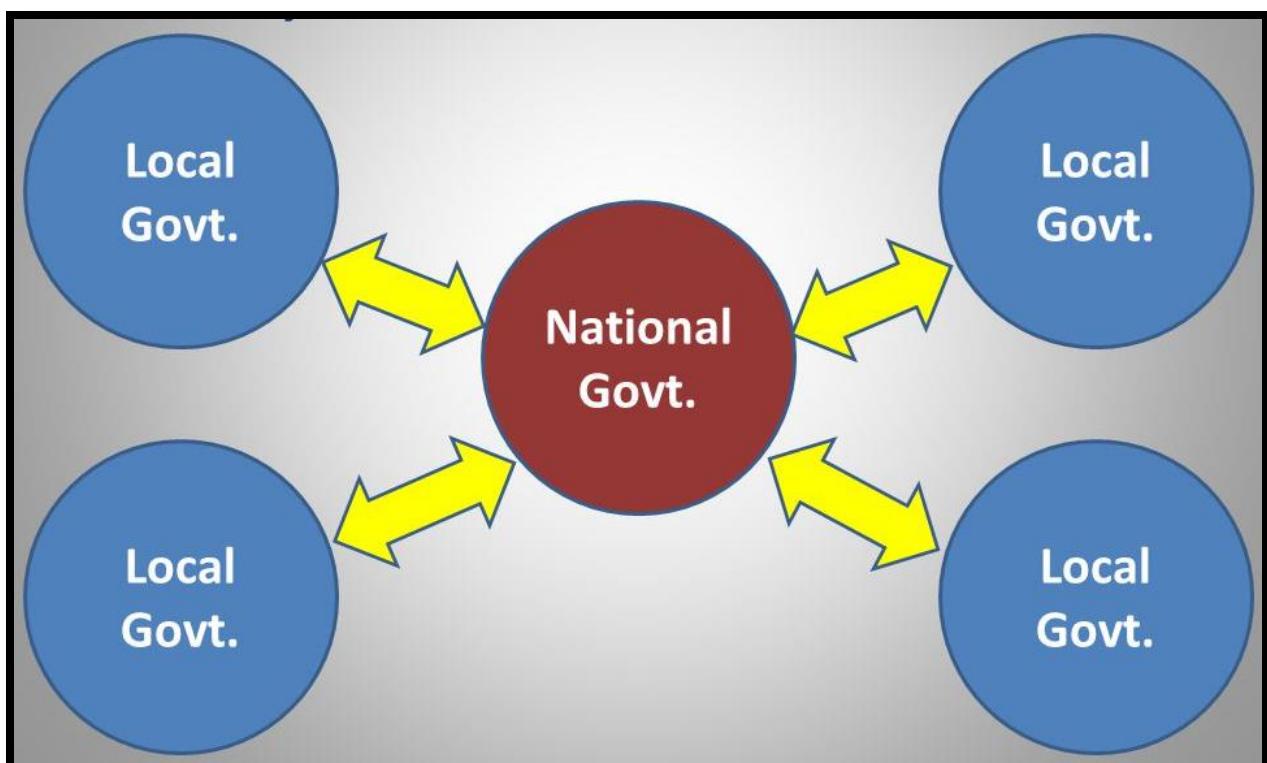
- The two most important rights of Judiciary are —
  - It can restore fundamental rights by issuing writs of Habeas Corpus; mandamus etc. under Article 32 of the Constitution and the same action can be taken by the High Courts as well under the Article 226 of Constitution.
  - Under Article 13 of the Constitution - the Supreme Court can declare the concerned law as unconstitutional and therefore non-operational.
- The Judicial Review (JR) is one of the most important powers of the Supreme Court.
- Judicial Review means the power of the Supreme Court to examine the constitutionality of any law; so, if the Court arrives at the conclusion that the aforesaid law is inconsistent with the provisions of the Constitution, such a law is declared as unconstitutional and inapplicable.
- The Supreme Court (and the High Courts) has the power to check the Constitutional validity of any legislation or action of the executive, when it is challenged before them. This power is called judicial review.
- The Supreme Court of India also guards the Constitution against any change in its basic principles by the Parliament.
- The independence and powers exercised by the Indian judiciary in India make the Supreme Court to act as the guardian of the Fundamental Rights.
- The Indian Constitution is based on a subtle principle of limited separation of powers and checks and balances, which means - each organ of the government has a clear area of functioning. For example,
  - The Parliament is supreme in making laws and amending the Constitution;
  - The Executive is supreme in implementing the laws; and
  - The judiciary is supreme in settling disputes and deciding whether the laws that have been made are in accordance with the provisions of the Constitution.
- In a landmark judgment of *Kesavananda Bharati* case (1973), the Supreme Court ruled that there is a ‘Basic Structure’ of the Constitution and nobody — not even the Parliament (through amendment)—can violate the basic structure.

- In *Kesavananda Bharati case*, the Supreme Court did two things:
  - It said that right to property was not part of the basic structure and therefore could be suitably amended.
  - The Court reserved to itself the right to decide whether various matters are part of the basic structure of the Constitution.

# INDIAN FEDERAL SYSTEM

## Introduction

- Federalism is an institutional mechanism to accommodate two sets of polities, i.e., first is the center or national level and second is at the provincial or regional level. Both the sets of polities are autonomous in its own sphere.
- Each level of the polity has distinct powers and responsibilities and has a separate system of government.
- The details of this federalism or dual system of government are generally found in a written constitution.
- Written Constitution is considered to be supreme and also the source of the power of both sets of government.



- Certain subjects, which are the concern of a nation as a whole, for example, defense or currency, are the responsibility of the union or central government.
- On the other hand, regional or local matters are the responsibility of the regional or state government.
- In case of a conflict between the center and the state on any issue, the judiciary has the powers to resolve the disputes.

- Though the Indian Constitution does not use the word ‘federalism’ anywhere; however, the structure of Indian government is divided into two sets of governments i.e.
  - For the entire nation known as the ‘Union Government’ (or central government) and
  - For each unit or state known as the ‘State Government.’

### Subjects of Federal System

- The Constitution clearly demarcates subjects, which are under the exclusive domain of the Union and those under the exclusive of States.
- Likewise, the Constitution describes three lists:
  - Union List (subjects dealt by only Central Government);
  - State List (subjects dealt normally by States only); and
  - Concurrent List (both Union and State have the power to legislate these subjects).

### Union List

- Subjects of Union List are:
  - Defense
  - Atomic Energy
  - Foreign Affairs
  - War and Peace
  - Banking
  - Railways
  - Post and Telegraph
  - Airways
  - Ports
  - Foreign Trade
  - Currency & Coinage

### State List

- Subjects of State Lists are:
  - Agriculture

- Police
- Prison
- Local Government
- Public Health
- Land
- Liquor
- Trade and Commerce
- Livestock and Animal Husbandry
- State Public Services

### Concurrent List

- Subjects of Concurrent Lists are:
  - Education
  - Transfer of Property other than Agricultural land
  - Forests
  - Trade Unions
  - Adulteration
  - Adoption and Succession

### Other Facts

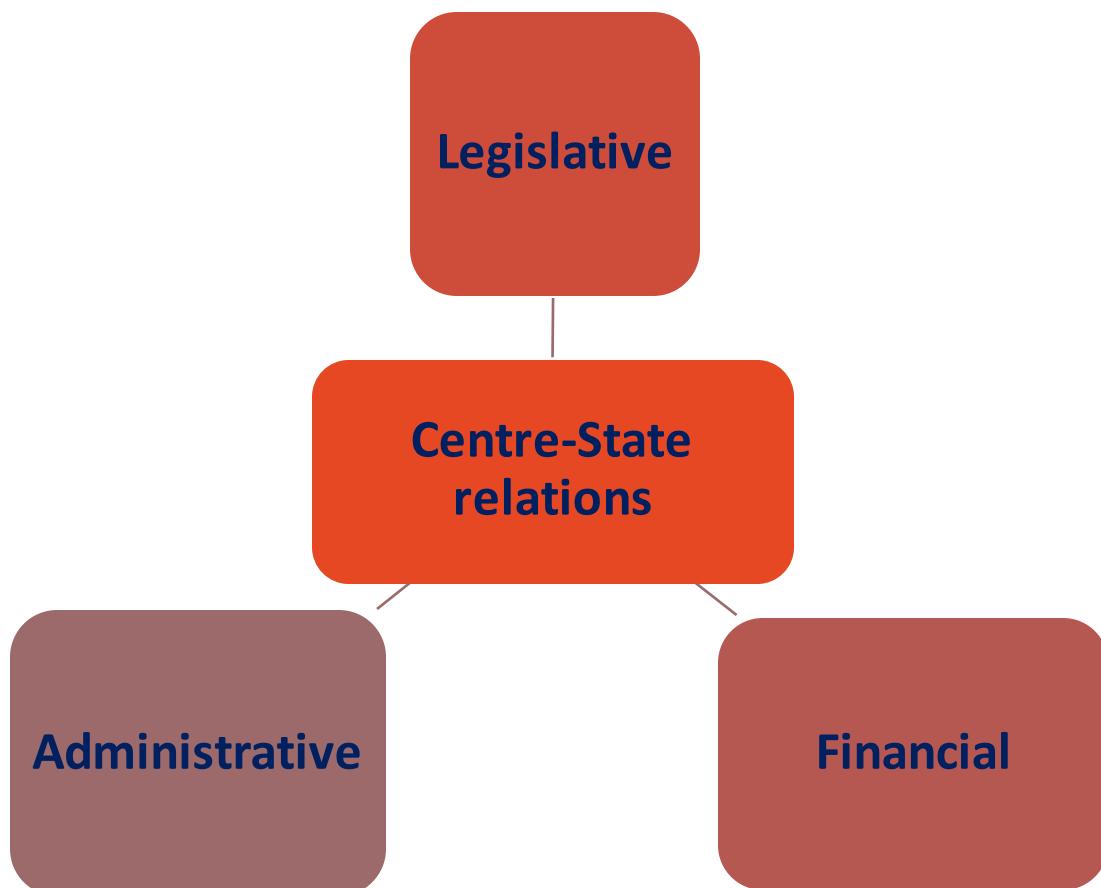
- Article 257 of the Constitution is read as: The executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.
- The Sarkaria Commission was appointed by the central government in 1983 to examine the issues relating to center-State relations; the Commission submitted its report in 1988 and recommended that appointments of Governors should be strictly non-partisan.
- In 1953, the States Reorganization Commission was set up and it recommended the creation of linguistic States, at least for the major linguistic groups.
- Resultantly, Gujarat and Maharashtra were created in 1960 and the process is still going on.

- The Constitution of India (under Article 371) has given some special provisions for some States after considering their peculiar social and historical circumstances. However, most of the special provisions are related to the north eastern States (i.e. Assam, Nagaland, Arunachal Pradesh, Mizoram, etc.) largely due to a sizeable indigenous tribal population with a distinct history and culture.
- Under Article 370 of the Constitution, the northern most state Jammu and Kashmir has also special provisions.
- One of the major differences between the other States and the State of J&K are that no emergency due to internal disturbances can be declared in J&K without the concurrence of the State.
- The Union Government cannot impose a financial emergency in J&K and the Directive Principles also do not apply in J&K.
- An amendment to the Indian Constitution (under Art. 368) can only apply in concurrence with the government of J&K.

# CENTER STATE RELATION

## Introduction

- Articles 245 to 263 of Part XI and Articles 268 to 293 of Part XII describe three types of Center-State relations i.e. Legislative, Administrative, and Financial.



## Legislative Relations

- Articles 245 to 255 describe Legislative relations.
- Article 245 (1) states that Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.
- Article 245 (2) states that no law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.
- Article 246 states that the Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I (i.e. Union List) and List III (i.e. Concurrent List) of the Seventh Schedule.

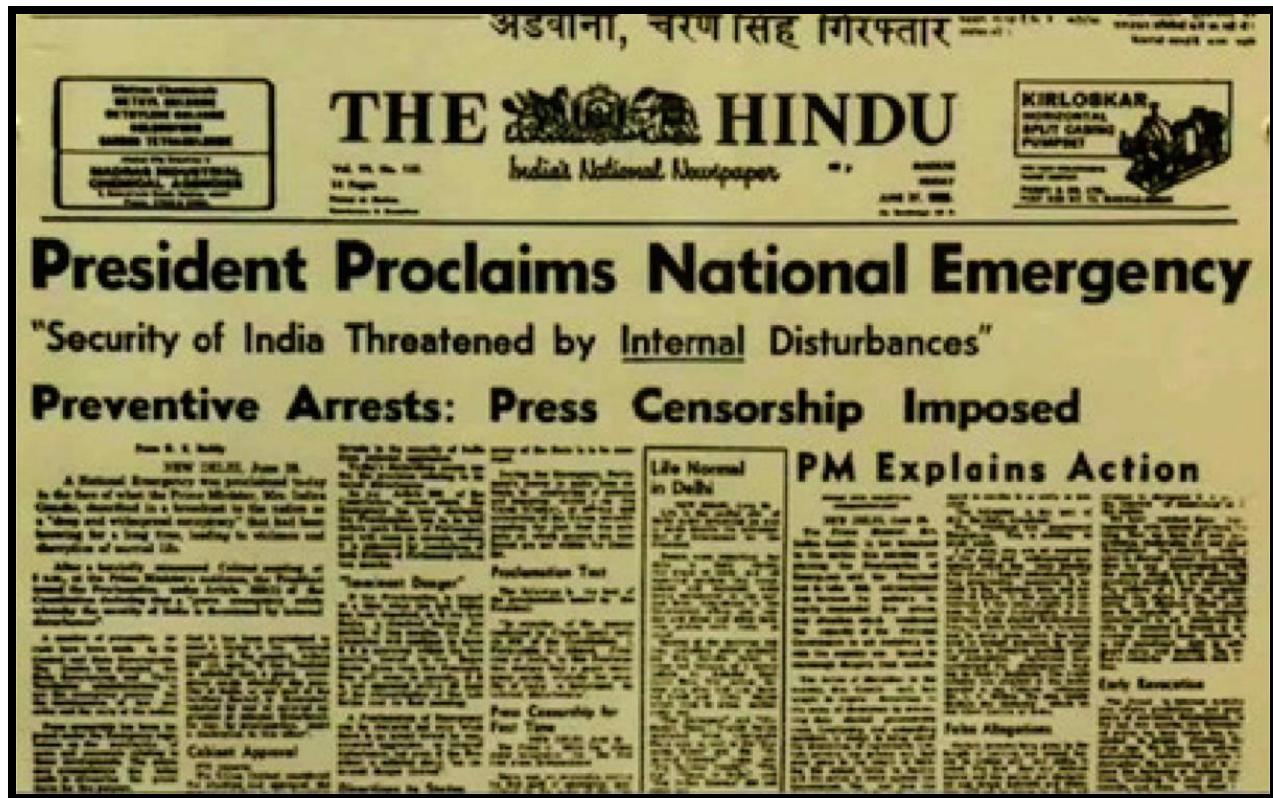
- Article 248 states that the Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.
- Further, Article 250 states that notwithstanding anything in this Chapter, Parliament shall, while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List.
- Administrative Relations
- Articles 255 to 263 describe Legislative relations.
- Article 256 states that the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.
- Article 257 (1) states that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.
- Article 258 (2) states that a law made by Parliament which applies in any State may, notwithstanding that it relates to a matter with respect to which the Legislature of the State has no power to make laws, confer powers and impose duties, or authorize the conferring of powers and the imposition of duties, upon the State or officers and authorities thereof.
- Article 261 (3) states that final judgments or orders delivered or passed by civil courts in any part of the territory of India shall be capable of execution anywhere within that territory according to law.
- Article 262 (1) states that Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
- Article 262 (2) states that notwithstanding anything in this Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1).
- Financial Relations

- Articles 268 to 293 describe Financial relations.
- Article 268 describes the Duties levied by the Union but collected and appropriated by the States.
- Article 269 describes the Taxes levied and collected by the Union but assigned to the States.
- Article 270 describes the Taxes levied and distributed between the Union and the States.

# EMERGENCY PROVISION

## Introduction

- PART XVIII and Articles 352 to 360 describe the emergency provisions of India.



- Under the Indian Constitution, there are three types of emergency provisions:
  - National Emergency;
  - Failure of constitutional machinery in state/s or President's Rule; and
  - Financial Emergency.

## National Emergency

- Article 352 states that if the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion, he may, by Proclamation, make a declaration to that effect in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation.
- However, Article 352 (4) states that every Proclamation issued under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of one month

unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

- Further, Article 352 (5) states that a Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of the passing of the second of the resolutions approving the Proclamation under clause (4).
- Article 353 states that while a Proclamation of Emergency is in operation, then the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised.

#### Failure of constitutional machinery in state/s or President's Rule

- Article 356 states that if the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, then he (the President) may issue state emergency.
- Article 356 (3) states that every Proclamation under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.
- Further, Article 356 (4) states that a Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of issue of the Proclamation.
- Article 357 states that where by a Proclamation issued under clause (1) of Article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament.
- Article 359 states that where a Proclamation of Emergency is in operation, the President may by order declare that the right to move any court for the enforcement of such of the rights conferred by Part III (except articles 20 and 21) as may be mentioned in the order and all proceedings pending in any court for the enforcement of the rights so mentioned shall remain suspended for the period during which the Proclamation is in force or for such shorter period as may be specified in the order.

### Financial Emergency

- Article 360 states that if the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part of the territory thereof is threatened, he may by a Proclamation make a declaration to that effect.
- Article 360 (4) (b) states that it shall be competent for the President during the period any Proclamation issued under this article is in operation to issue directions for the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the Union including the Judges of the Supreme Court and the High Courts.

# ELECTIONS SYSTEM

## Introduction

- In India, there are three levels of government, i.e.,
  - Center level,
  - State level, and
  - Local level.
- At center level, elections are conducted to elect Member of Parliament, which is known as Lok Sabha elections.
- For Lok Sabha election, the whole country is divided into 543 constituencies and each constituency elects one representative as a Member of Parliament (MP).



- At the State level, an election is called assembly election; however, unlike center, each state is divided into a different specific number of Assembly constituencies.
- The elected representative in the assembly election is called as the Member of Legislative Assembly (MLA).

- Similarly, at the local level, elections are held for the election of *Pradhan* in Panchayat (rural) areas and counselor in Municipal (urban) areas.
  - Each village or town is divided into several ‘wards’ (similar to constituencies) and each ward elects one member of the village or the urban local body respectively
- Reserved Constituencies**
- Every citizen of India has the right to vote to elect a representative as well as to be elected as a representative.
  - To provide a fair opportunity to a candidate belonging to weaker sections in an open electoral competition (against those who are influential and resourceful), a system of ‘reserved’ constituency is adopted.
  - The reserved system ensures equal opportunity to all and provides a real choice of election to the voters from weaker sections.
  - Some constituencies are reserved for the people belonging to the Scheduled Castes (SC) and Scheduled Tribes (ST) in a proportion of their population in the respective regions.
  - In a reserved constituency, only the persons belonging to the reserved category are eligible to contest an election.
  - As on 1 September 2012, 84 seats were reserved for SC Category and 47 seats were reserved for ST Category in Lok Sabha.
  - Similarly, 33% of the seats are reserved in rural and urban local bodies for women candidates.

### Voting System

- The principle of a universal adult franchise is the foundation of the democracy that gives every citizen a right to have one vote and each vote should have equal value.
- Every citizen of 18 years or more has the right to vote, irrespective of his caste, religion, gender, educational qualification, financial status, etc.
- To ensure that not even a single person is denied of this basic right for any reason whatsoever, a list of all voters (eligible to vote) is prepared. This list is officially called as the Electoral Roll or the Voters’ List.
- The voters’ list is provided to the voters of each constituency much before the election for the purpose of inspection and correction.

- On the day of election, the people cast their votes as per their names mentioned in the voter list.
- This method ensures that not a single person is denied his/her right to vote and thus everyone should get an equal opportunity to choose their representatives.
- The government is responsible to update the voter's list before the election; new names of all the eligible voters are added to the voters' list and names of those who move out from their residential place or those who have been died are deleted.
- A complete revision of the voter's list takes place every five years.

#### Nomination of Candidates

- In a democratic country, a system of free and fair election provides the people of every section a real choice to vote and a fair chance to contest. There are no restrictions on anyone to contest an election except in reserved constituencies.
- To contest an election, a candidate should be of 25 years (or more) of age with sound mind and no criminal background.
- Political parties introduce their candidates and give them the party 'ticket' .
- A candidate who wishes to contest an election has to fill a 'nomination form' and deposit some money as 'security fees.'
- Besides, the Supreme Court has also given directions that every contesting candidate has to disclose his/her personal information to the voters. So that the voter can choose a right candidate on the basis of given information.
- Following the directions of the Supreme Court, the Election Commission of India put in place a system of a declaration on an affidavit.
- The proposed candidate has to make a legal declaration, giving full details of his:
  - Criminal cases pending against the candidate;
  - Details of the assets and liabilities of the candidate and his or her family;
  - Education qualifications of the candidate.

#### Educational Qualifications for Candidates

- In the Indian political system, educational qualification is not required, either for the voters or for the contesting candidates.

- Politics in India does not require educational qualifications of a person for selection to be a leader. It is just like the criteria for selection in a cricket team, the ability of the player to play cricket and not his educational qualification.
- The essential qualification for an MLA or an MP in politics is their ability to understand people's concerns, problems, and to represent their interests.
- It is left upon the voters to decide whether their representative is qualified to understand their problems and able to solve them.

### Election Campaign

- The main purpose of an election is to give the people a chance to choose their representatives and make a government of their choice who frames policies to address their concerns.
- During election campaigns, voters get the opportunity to have a free and open discussion about who is a better candidate, which party can give a better government, or what are their policies.
- In India, election campaigns take place for two weeks period between the announcement of the final list of candidates and the date of polling.
- During campaigns, the political leaders address election rallies and political parties mobilize their supporters.
- The contesting candidates contact their voters through various methods such as:
  - They advertise in newspapers, radio, television, etc.;
  - They publish pamphlets and distribute them in their respective constituencies;
  - They arrange rallies and give speeches at every public place of their constituencies;
  - They tell their voters about their plan and policies and also ask about their (voters') problems.
  - They try to convince their voters in their favor and appeal them to vote and elect the right candidate.

### Code of Conduct

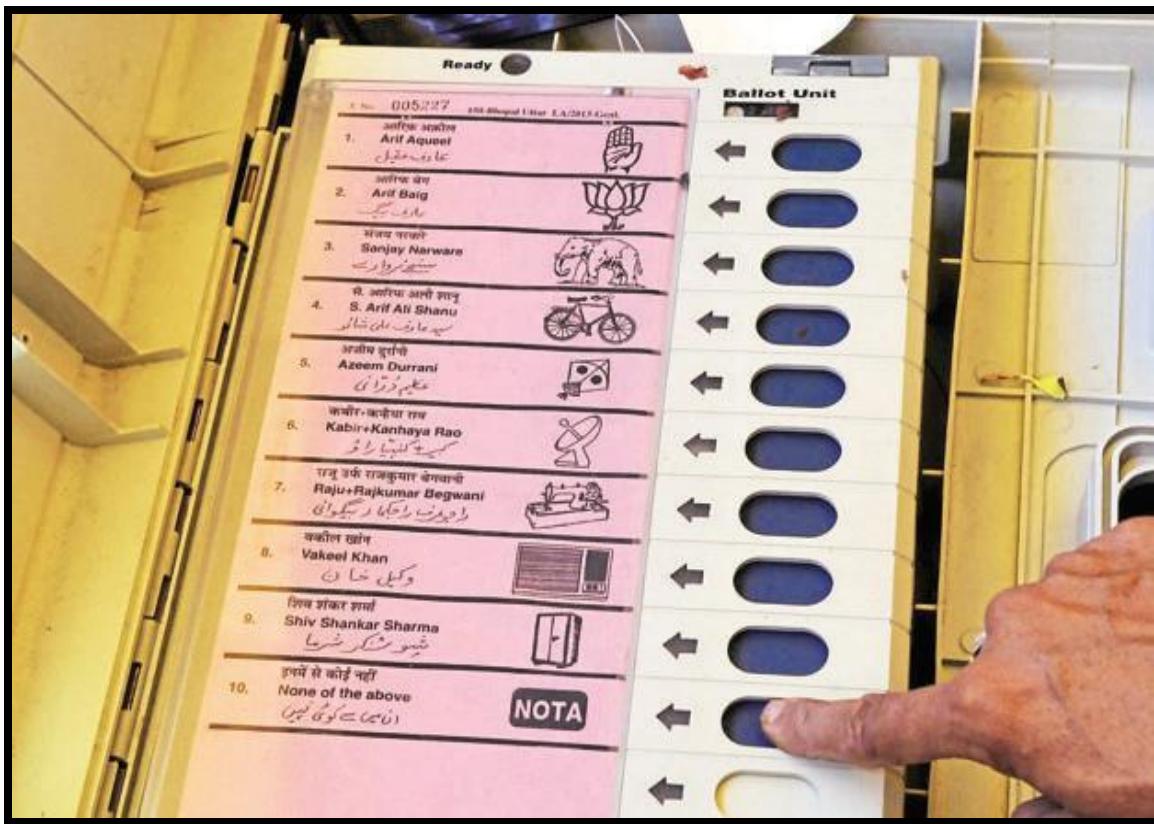
- The Indian election system is based on the law, which provides a code of conduct for every person contesting an election.

- If any political party or candidate violates this code of conduct, his/her election can be rejected by the court even after they have been declared elected.
- This code of conduct states that no party or candidate can:
  - Bribe or threaten voters;
  - Appeal/mesmerize them (voters) in the name of caste or religion;
  - Use government resources for election campaign;
  - Spend more than Rs.25 lakh in a constituency for a Lok Sabha election;
  - Spend more than Rs.10 lakh in a constituency for an Assembly election.
- In addition to the laws, all the political parties in India have agreed to a Model Code of Conduct for election campaigns. According to this, no party or candidate can:
  - Use any place of worship for election propaganda;
  - Use government vehicles, aircraft, and officials for elections;
  - Once elections are announced, Ministers shall not lay foundation stones of any projects;
  - Take any big policy decisions or make any promises of providing public facilities.
- Any violation of any rule needs to be reported to the Election Commission, which has sufficient power and authority to take appropriate action against the violators.

### Polling and Counting of Votes

- The Election Commission of India prepares a timetable for election. A particular day is fixed for polling in a particular constituency. This is called election day, usually, it is declared as a holiday.
- Voters whose name is on the voters' list go to a nearby 'polling booth' and cast their vote one by one.
- Inside the polling booth, the election officials identify the voter as per their name in the voter list (and also check their Identity Card).
- After identifying the right voter, the election officials put a mark on the left hand index finger, and then allow to cast a vote.
- Polling officers keep the records of those who have cast their votes and maintain a proper register.
- A ballot paper is a sheet of paper comprising a list of names of all the contesting candidates along with party name and symbols.

- Earlier, the voters used to mark their choice by putting a stamp on the ballot paper against the name and mark of the candidate of their choice.



- Nowadays, electronic voting machines (EVM) are used to cast the votes; the machine shows the names of the candidate and the party symbols (as shown in the given image).
- A voter needs to press the button against the name of the candidate who he/she wants to elect.
- Once the polling is over, all the EVMs are sealed and taken to a centralized place where all the EVMs are kept and later on, votes were counted.

### Independent Election Commission

- Elections in our country are conducted through a powerful and independent institution called the Election Commission of India.
- The Election Commission of India is a constitutional body which is an autonomous body independent of the government. It enjoys the same kind of independence like the judges of the Supreme Court of India.
- The Chief Election Commissioner of India (CEC) is appointed by the President of India, but after his appointment, the Chief Election Commissioner is not answerable to the President or the government.

- In a matter of election, it has been given wide powers to conduct free and fair election. They actively use these powers to form fair government.
- The government or the ruling party has no occasion to influence or pressurize the election commission.

#### Role of Election Commission

- The Election Commission takes decisions on every aspect related to the election from the announcement of elections to the declaration of results.
- The Election Commission supervises and controls the administration of elections. It checks and correct any fault immediately.
- The Election Commission implements the Code of Conduct and punishes any candidate or party who is found guilty of any violation.
- During the election period, the Election Commission acquires powers to order the government to follow settled guidelines to prevent use and misuse of governmental power to enhance its chances to win elections, or to transfer some government officials
- All the officers and staff of the government that is put on election duty works under the control of the Election Commission and not under the government.

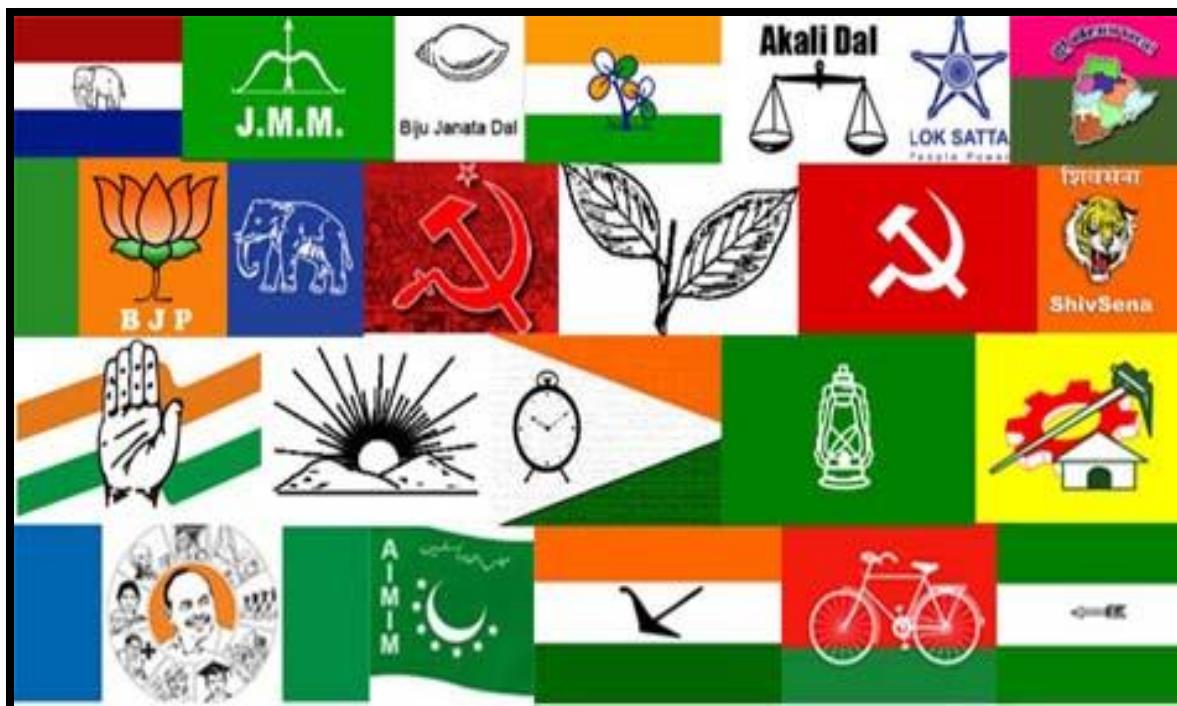
#### Acceptance of Election Outcome

- The electoral outcomes in India are usually accepted as people's verdict by the defeated candidates or party.
- The test of the free and fair election in India manifested in the outcome of the election result.
- In India, the result of election frequently changes the ruling government, which clearly illustrates that the elections in India are free and fair.
- The ruling parties routinely lose elections in India, both at the national and state level. In fact, in every two out of the three elections held in the last fifteen years, the ruling party lost.

# POLITICAL PARTIES

## Introduction

- Indian governance system has multi-party system and the political parties are categorized as:
  - National Political Party;
  - State or Regional (level) Political Party.
- The recognition and status of political parties are reviewed and authorized by the Election Commission of India.



## Eligibility of National Political Party

- However, to be eligible for a ‘National Political Party of India,’ the Election Commission has set the following criteria:
- It secures at least six percent of the valid votes polled in any four or more states, at a general election to the House of the People or, to the State Legislative Assembly; and
- In addition, it wins at least four seats in the House of the People from any State or States.

OR

- It wins at least two percent seats in the House of the People (i.e., 11 seats in the existing House having 543 members), and these members are elected from at least three different States.

### Eligibility of State Political Party

- To be eligible for a ‘State Political Party,’ the Election Commission has set the following criteria:
- It secures at least six percent of the valid votes polled in the State at a general election, either to the House of the People or to the Legislative Assembly of the State concerned; and
- In addition, it wins at least two seats in the Legislative Assembly of the State concerned.

**OR**

- It wins at least three percent (3%) of the total number of seats in the Legislative Assembly of the State, or at least three seats in the Assembly, whichever is more.

No.	Name	Abbreviation	Foundation year	Current leader	Party symbol
1	All India Trinamool Congress	AITC	1998	Mamta banerjee	Flowers & grass
2	Bahujan Samaj Party	BSP	1984	Mayawati	Elephant
3	Bhartiya Janata Party	BJP	1980	Amit Shah	Lotus
4	Communist Party	CPI	1925	S.Reddy	Ears of corn & sickle
5	Communist Party of India (Marxist)	CPI-M	1964	Sitaram Yechury	Hammer sickle & star
6	Indian national Congress	INC	1885	Sonia Gandhi	Hand
7	Nationalist Congress Party	NCP	1999	Sharad Pawar	Clock

# CONSTITUTIONAL AMENDMENTS

- Under Article 368 (specific provision) of the Constitution, the Parliament is the repository of the constituent power of the Union and hence, it can amend the Constitutional provision as per the requirement/s (within the circumscribed limit).
  - Article 368 (1) states that notwithstanding anything in this Constitution, the Parliament may exercise its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.



- Article 368 (2) states that an amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and

voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill.

- Article 368 (4) states that no amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976 shall be called in question in any court on any ground.
- Article 368 (5) states that for the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.

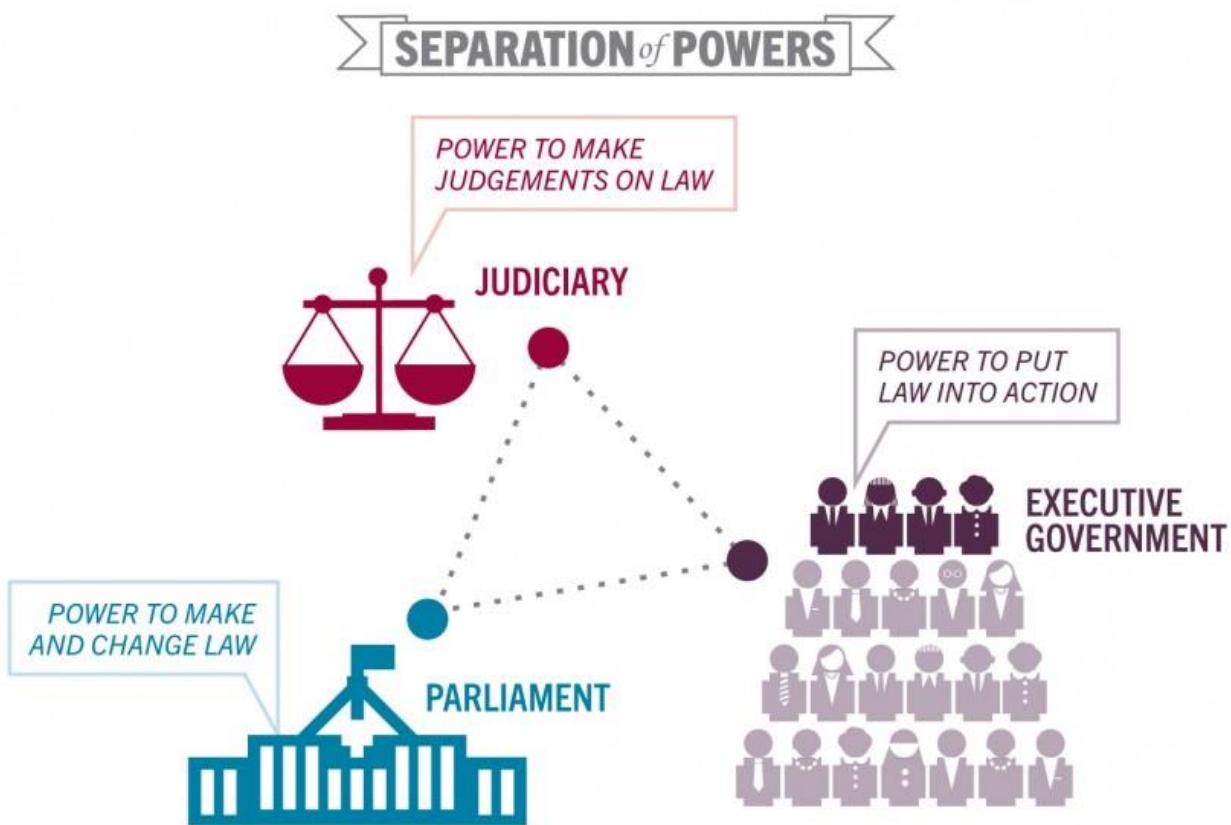
# CONSTITUTIONAL SCHEDULES

- Primarily, there were only eight Schedules; however, four schedules were added after subsequent amendments.

<b>SCHEDULE I</b>	Deals with territories of the 28 states & 7 union territories																								
<b>SCHEDULE II</b>	Salaries allowances of president, V.P, Speaker, Judges, CAG etc.																								
<b>SCHEDULE III</b>	Various forms of Oaths & affirmation which various incumbents have to take.																								
<b>SCHEDULE IV</b>	Seats allotted to various states & UTs in the Rajya Sabha (Council of States)																								
<b>SCHEDULE V</b>	Administration & Control of scheduled areas.																								
<b>SCHEDULE VI</b>	Administration of tribal areas in Assam, Meghalaya & Mizoram																								
<b>SCHEDULE VII</b>	Subjects in the three lists – Union, State & Concurrent.																								
<b>SCHEDULE VIII</b>	<p><b>List of 22 regional languages</b></p> <table border="1"> <tbody> <tr><td>1. Assamese</td><td>2. Bengali</td><td>3. Gujarati</td></tr> <tr><td>4. Hindi</td><td>5. Kannada</td><td>6. Kashmiri</td></tr> <tr><td>7. Manipuri</td><td>8. Malayalam</td><td>9. Konkani</td></tr> <tr><td>10. Marathi</td><td>11. Nepali</td><td>12. Oriya</td></tr> <tr><td>13. Punjabi</td><td>14. Sanskrit</td><td>15. Sindhi</td></tr> <tr><td>16. Tamil</td><td>17. Telugu</td><td>18. Urdu</td></tr> <tr><td>19. Santhali</td><td>20. Bodo</td><td>21. Maithili</td></tr> <tr><td>22. Dogri</td><td></td><td></td></tr> </tbody> </table> <ul style="list-style-type: none"> <li>Sindhi was added in 1967 by 21 Amendment</li> <li>Konkani, Manipuri ad Nepali were added in 1992 by 71 amendment Santhali, Maithili, Bodo and Dogri were added in 2003 by 92 amendment</li> </ul>	1. Assamese	2. Bengali	3. Gujarati	4. Hindi	5. Kannada	6. Kashmiri	7. Manipuri	8. Malayalam	9. Konkani	10. Marathi	11. Nepali	12. Oriya	13. Punjabi	14. Sanskrit	15. Sindhi	16. Tamil	17. Telugu	18. Urdu	19. Santhali	20. Bodo	21. Maithili	22. Dogri		
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22. Dogri																									
<b>SCHEDULE IX</b>	Certain acts & regulations dealing with land reforms & zamindari system abolition. ((Added by first constitutional amendment)).																								
<b>SCHEDULE X</b>	Disqualifications on grounds of defection. (52 <sup>nd</sup> Amendment)																								
<b>SCHEDULE XI</b>	29 subjects on which panchayats can legislate. (73rd Amendment)																								
<b>SCHEDULE XII</b>	18 subjects on which municipalities have control. (74th Amendment)																								

# SEPARATION OF POWERS

- The principle of separation of powers has not been placed clearly in Indian Constitution; however, the separate functions of the three specified Organs (i.e. Executive, Parliament, and Judiciary) are specified.



- Among all the three Organs, no one is superior to the other, and one cannot control the other, in any manner, but rather all three Organs need to work in harmony.
- Article 50 of the Constitution separates the Executive from the Judiciary.
- Article 53 (1) states that 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.
- Further, the President, being the executive head of the country, is also empowered to exercise legislative powers in certain condition (Article 123).

- Article 73 (a) states that the Parliament has power to make laws; and (b) to the exercise of such rights, authority, and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement.
- The function of the Judiciary is to Review the action of the legislature and the Executive.
- Further, Article 121 states that no discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the Judge as hereinafter provided.
- Article 122 (1) states that the validity of any proceedings in the Parliament shall not be called in question on the ground of any alleged irregularity of procedure.
- However, there are some check and balance fabricated in the Constitution to balance the power among these three Organs.

# PARTS OF INDIAN CONSTITUTION

PART	ARTICLES	AREA
I	1-4	<b>The Union &amp; its Territories</b>
II	5-11	<b>Citizenship</b>
III	12-35	<b>Fundamental Rights</b>
IV	36-51	<b>Directive Principles of State Policy</b>
IV-A	51A	<b>Fundamental Duties (42nd Amendment)</b>
V	52-151	<b>The Union Government</b>
VI	152-237	<b>The State Government</b>
VII	238	Dealt with states in Part B of the First Schedule. Repealed in 1956 by the Seventh Amendment
VIII	239-241	<b>Union Territories. Article 242 repealed.</b>
IX	243 A-O	<b>The Panchayats</b>
IX-A	243 P-ZG	<b>The Municipalities</b>
X	244- 244A	<b>The Scheduled &amp; Tribal Areas</b>
XI	245-263	<b>Relations between the Union &amp; the States</b>



XII	264-300A	Finance, Property, Contracts & Suits
XIII	301-307	Trade, Commerce & Intercourse within the territory of India
XIV	308-323	Services under the Union & the States
XIV-A	323A-323B	Administrative Tribunals (42nd Amendment 1976)
XV	324-329	Elections
XVI	330-342	Special Provisions (Reservations of SC, ST, Anglo Indian etc)
XVII	343-351	Official Language
XVIII	352-360	Emergency Provisions
XIX	361-367	Miscellaneous Provisions (Immunity of President, Legislature etc)
XX	368	Amendment of the Constitution
XXI	369-392	Temporary, Transitional & Special Provision
XXII	393-395	Short Title, Commencement, Authoritative

# INTERNATIONAL ORGANIZATIONS

## Introduction

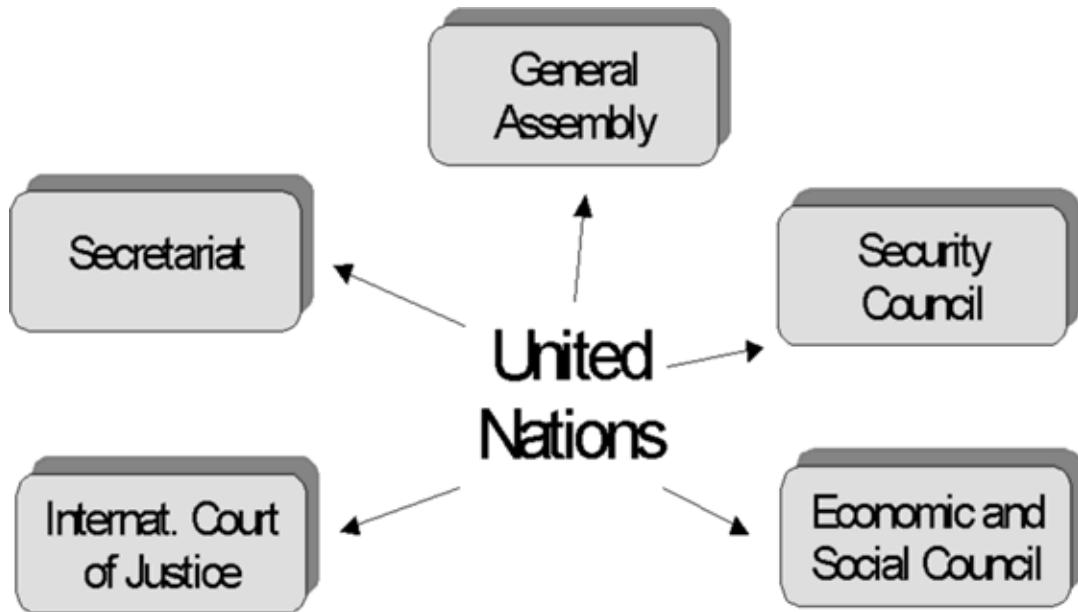
- The United Nations Organization or simply UNO/UN is regarded as the most important international organization in today's world.
- International organizations help with matters of war and peace as well as help countries create better living conditions for us all.



- An international organization can help to produce information and ideas about how to cooperate each other experience overall growth.
- An international organization can also provide mechanisms, rules, and a bureaucracy, to help members have more confidence that the costs will be shared properly and to benefit governments.
- In 1945, the UN was founded as a successor to the League of Nations.
- The UN's perspective is to bring countries together to improve the prospects of social and economic development all over the world.

## Structure of the UNO

- There are five important bodies of UNO, as shown in the following diagram:



- In the UN Security Council, there are five permanent members and ten non-permanent members.
- The five permanent members are:
  - The United States,
  - Russia,
  - The United Kingdom,
  - France, and
  - China.
- All these five members have the veto power.
- The non-permanent members serve for only two years at a time and give way to newly elected members.
- The non-permanent members are elected in a manner so that they represent all continents of the world.
- In the UN General Assembly, all members have one vote each.
- The Secretary-General is the head of the UN.

## Functions of UN

- The major functions of the UN are:
  - Creation of a Peacebuilding Commission.

- Acceptance of the responsibility to the international community in case of failures of national governments to protect their own citizens from atrocities.
- Establishment of a Human Rights Council (operational since 19 June 2006).
- Condemnation of terrorism in all its forms and manifestations, etc.

### Agencies of UN

- The UN consists of many different structures and agencies (collectively known as UN Family — shown in the map given below) and they have specialized role to play. For example:
  - World Health Organization (WHO),
  - United Nations Development Programme (UNDP),
  - United Nations Human Rights Commission (UNHRC),
  - United Nations High Commission for Refugees (UNHCR),
  - United Nations Children's Fund (UNICEF),
  - United Nations Educational, Scientific, and Cultural Organization (UNESCO), etc.



# ENVIRONMENT & POLITICS

## Introduction

- In the present world, cultivable area is barely expanding any more, and a substantial portion of existing agricultural land is losing fertility (transforming into barren land or desert).



- Grasslands have been overgrazed; fisheries overharvested; water bodies have suffered extensive depletion; and pollution, severely restricting food production.
- According to the Human Development Report 2006 of the United Nations Development Program:
  - About 1.2 billion people in developing countries have no access to safe water and
  - About 2.6 billion have no access to sanitation.
- These problems collectively causing the death of more than three million children every year.
- Natural forest's areas are steadily decreasing across the world.

- Depletion of ozone layer and global warming are other major threats to the ecosystems.
- In the present context, the issues of environment and natural resources are political in deeper sense (and part of the world politics).

### International Programs

- In 1972, the Club of Rome, a global think tank, published a book titled as “Limits to Growth,” dramatizing the potential depletion of the Earth’s resources against the backdrop of swiftly growing world population.
- United Nations Environment Program (UNEP) and other international and regional organizations began holding international conferences and promoting detailed studies to get a more coordinated and effective response to environmental problems, as it already became a significant issue of global politics.
- The United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in June 1992 (also known as the Earth Summit) was the beginning of international effort on global scale.
- The Rio Summit produced conventions dealing with climate change, biodiversity, forestry, and recommended a list of development practices called ‘Agenda 21’ .
- First World, generally refer to the ‘global North’ were pursuing a different environmental agenda than the poor and developing countries of the Third World, called the ‘global South’ .
- Further, the Northern states are largely concerned with ozone depletion and global warming, the Southern states are anxious to address the relationship between economic development and environmental management.
- Some critics however have pointed out that the Agenda 21 was biased in favor of economic growth rather than ensuring ecological conservation.
- ‘Commons’ in a global political sense are those resources, which are not owned by anyone, but rather shared by a community.
- The areas or regions of the world, which are located outside the sovereign jurisdiction of any one state, and, therefore require common governance by the international community.

- Examples of ‘global commons’ are the earth’s atmosphere, Antarctica, the ocean floor (and the high seas i.e. beyond the 200 nautical miles from the respective coast), and outer space.
- For the global consensus, there have been many path-breaking agreements such as the 1959 Antarctic Treaty, the 1987 Montreal Protocol, and the 1991 Antarctic Environmental Protocol.
- However, a major problem underlying all ecological issues relates to the difficulty of achieving consensus on common environment.
- The 1992 United Nations Framework Convention on Climate Change (UNFCCC) also discussed that the parties should act to protect the climate system “on the basis of equity and in accordance with their common, but differentiated responsibilities and respective capabilities.”



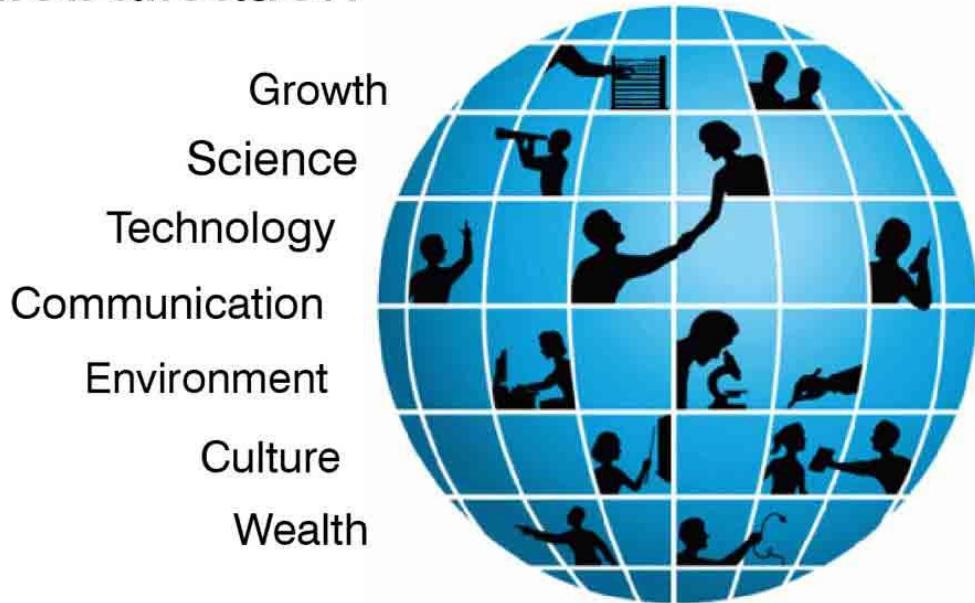
- The Kyoto Protocol (1997, Kyoto, Japan) is an international agreement that sets targets for industrialized countries to cut their greenhouse gas emissions. However, India, China, and other developing countries are exempted.
- India signed and ratified the 1997 Kyoto Protocol in August 2002.
- The global economy relied on oil for much of the 20th century as a portable and indispensable fuel.
- The World Council of Indigenous People was formed in 1975.

# GLOBALIZATION

## Introduction

- It would be incorrect to assume that globalization has purely economic dimensions; it is a multidimensional concept, which includes political, economic, cultural, and ideological manifestations.

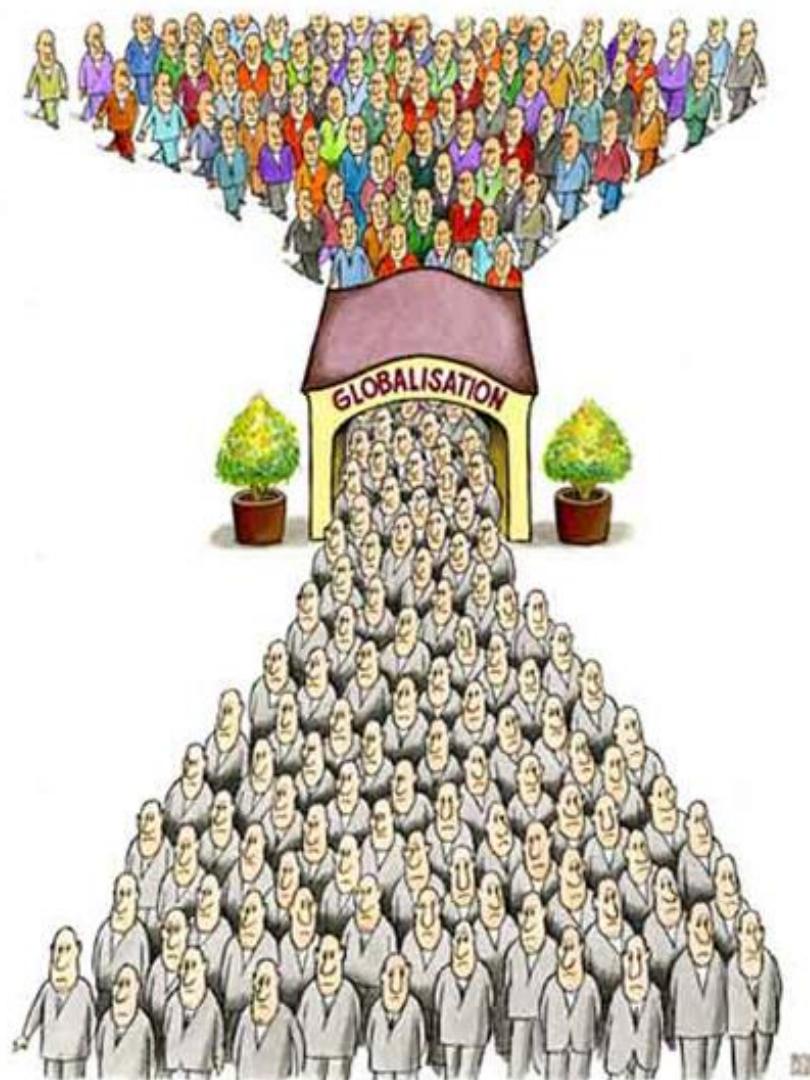
## Globalisation



- The impact of globalization is greatly uneven, as it affects some societies more than others and some parts of some societies more than others.
- Globalization has a strong historical basis, and it is important to view contemporary flows against this backdrop.
- The technological advancement is one of the most major causes of globalization.
- WTO and IMF though are the major players, but Economic globalization involves many other factors as well.
- What is often called economic globalization usually involves greater economic flows among different countries of the world.
- Many economists and other experts are worried that globalization is likely to benefit only a small section of the population while impoverishing those who were

dependent on the government for jobs and welfare (education, health, sanitation, etc.).

- It has been emphasized that the policy would ensure institutional safeguards or create ‘social safety nets’ to minimize the negative effects of globalization on those who are economically weak.
- Many experts believe that the social safety net is not sufficient to safeguard the needs of economically weak class. This is the reason that some economists and other scholars describe the globalization as “re-colonization.” However, supporters argue that greater trade among countries allows each economy to do what it does best and benefits every class of economy.
- As per the cultural perspective, globalization leads to the rise of a uniform culture or what is called as cultural homogenization. For example, ‘McDonaldization.’



- Cultural homogenization is dangerous not only for the poor countries, but also for the whole of humanity; it leads to the shrinking of the rich cultural heritage of the entire globe.

### Critics of Globalization

- The critics of globalization make a variety of arguments such as:
  - The leftist people argue that contemporary globalization represents a particular phase of global capitalism that makes the rich richer (and fewer) and the poor poorer.
  - But it is interesting to note here that anti-globalization movements try to participate in global networks, allying with those who feel like them in other countries.
  - Further, many anti-globalization movements are not opposed to the idea of globalization per se as much as they are opposed to a specific program of globalization, which they see as a form of imperialism.
  - For example, in 1999, at the World Trade Organization (WTO) Ministerial Meeting, it is argued that the interests of the developing world were not given sufficient importance in the evolving global economic system and policy.

### World Social Forum

- The World Social Forum (WSF) is another global platform, which brings together a wide coalition composed of human rights activists, environmentalists, labor, youth, and women activists in order to oppose the neo-liberal globalization.
- The first WSF meeting was organized in Porto Alegre, Brazil in 2001 and the fourth WSF meeting was held in Mumbai in 2004 and so on.
- In India, there have been left wing protests to economic liberalization.
- These leftist people voiced through political parties as well as through forums like the Indian Social Forum.
- Trade unions of industrial workforce as well as those representing farmers' interest have organized protests against the entry of multinationals.

# POPULAR MOVEMENTS

## Introduction

- During the 1970s, in some parts of Uttarakhand, villagers protested against the practices of commercial logging that the government had permitted.
- To protect the trees, the villagers used a novel tactic. They used to hug the trees to prevent them from being cut down; this method became popular as ‘Chipko Movement’ (as shown in the image given below).



- The movement took up economic issues of landless forest workers and asked for guarantees of a minimum wage.
- The movement achieved a victory when the government issued a ban on cutting of trees in the Himalayan regions for fifteen years, until the green cover was fully restored.
- In spite of the impressive growth in many sectors of the economy in the first twenty years of independence, poverty and inequalities still remain a great problem; probably, because benefits of economic growth did not reach evenly to all sections of the society.

## Evolution of Voluntary Organizations

- Many of the politically active groups lost their faith in existing democratic institutions and electoral politics and some groups therefore chose to step outside of party politics and got engage in mass mobilization for registering their protests.
- The middle class young activists launched service organizations and constructive programs among rural poor.
- As these works were voluntary in nature (social work), many of these organizations came to known as voluntary organizations or voluntary sector organizations.
- Since these voluntary organizations decided to remain outside of the politics and do not contest election; hence, they became popular as ‘non-party political formation.’
- Dalit Panthers, a militant organization of the Dalit youth, was formed in Maharashtra in 1972.



- In the post-independence period, Dalit groups were mainly fighting against the perpetual caste based inequalities and material injustices that they faced in spite of constitutional guarantees of equality and justice.
- In the 1980s, farmers' dissension was also rising, which gave birth to farmers' agitation against the government's decision (especially increasing the electricity rate).
- The Bharatiya Kisan Union (BKU) was one of the leading organizations (exclusively involved for the farmers' movement) during the period of eighties.

- Activities conducted by the BKU to pressurize the state through rallies, demonstrations, sit-ins, and *jail bharo* (courting imprisonment) agitations to get their demands accepted.
- Dissented Fish workers, especially from Kerala, took the main responsibility of mobilizing fellow workers, including women workers from other States.
- When the government's deep sea fishing policy (1991) that opened up India's waters to large commercial vessels including those of the multinational fishing companies came into existence, work of the National Fish Workers' Forum (NFF) consolidated its first legal battle with the Union government successfully.
- Another movement initiated by women was the movement against the sale of liquor/alcohol. Women in Nellore came together in spontaneous local initiatives to protest against arrack and forced closure of the wine shop.
- In the 1988-89, *Narmada Bachao Aandolan* (NBA), a movement to save the Narmada, opposed the construction of these dams and questioned the nature of ongoing developmental projects in the country.
- NBA continued a sustained agitation for more than twenty years and used every available democratic strategy to put forward its demands.
- The movement for Right to Information (RTI) is commenced in 1990, when a mass-based organization called the *Mazdoor Kisan Shakti Sangathan* (MKSS) in Rajasthan took the initiative in demanding records of famine relief work and accounts of laborers.
- These movements suggest that the routine functioning of democracy did not have enough space for the voices of these social groups; therefore, the real-life impact of these movements on the nature of public policies seems to be very limited.

# FOREIGN POLICY

## Introduction

- During the period immediately after the second world War, the world divided into two clear poles — one was under the influence of the United States and its western allies and the other was under the influence of the then Soviet Union.
- The polarization of power was the beginning of Cold War Era between the two blocs led by the superpowers namely the US and the USSR.
- The foreign policy of a nation reflects the interplay of domestic and external factors.

## Nehru Policy

- Pandit Jawaharlal Nehru, the first Prime Minister of India, was also the foreign minister and played a crucial role in shaping India's foreign policy between 1946 and 1964.



- The three major objectives of Nehru's foreign policy were:
  - To preserve the hard-earned sovereignty,
  - To protect territorial integrity, and
  - To promote rapid economic development.

- To achieve these three objectives, Pandit Nehru adopted the strategy of nonalignment.
- Because of its nonalignment policy, in 1956, when Britain attacked Egypt over the Suez Canal issue, India led the world protest against this neo-colonial invasion.
- However, while India was trying to convince the other developing countries about the policy of non-alignment, Pakistan joined the US-led military alliances.
- Secondly, throughout the 1940s and 1950s, Nehru had been remained an ardent advocate of Asian unity.
- The Afro-Asian conference that held in the Indonesian city of Bandung in 1955, commonly known as the Bandung Conference, recognized as the zenith of India's engagement with the newly independent Asian and African nations.



- Later, the Bandung Conference led to the establishment of the Non-Aligned Movement (NAM) and Pandit Nehru was the co-founder of the NAM.
  - The First Summit of the NAM was held in Belgrade in September 1961.
- Bilateral Agreements**
- *Panchsheel* was the joint effort under which, the Five Principles of Peaceful Coexistence, by the Indian Prime Minister Nehru and the Chinese Premier Zhou Enlai was signed on 29 April 1954 in the direction of stronger relationship between the two countries.
  - In spite of the '*Panchsheel Agreement*,' between the period of 1957 and 1959, the Chinese occupied the Aksai-chin area and built a strategic road there.

- Finally, China launched a swift and massive invasion in October 1962 on both the disputed regions i.e. Arunachal Pradesh and Aksai Chin area in Jammu and Kashmir.
- A long-term dispute between India and Pakistan about the sharing of river water was resolved through mediation by the World Bank. Resultantly, the India-Pakistan Indus Waters Treaty was signed by Nehru and General Ayub Khan in 1960.
- An armed conflict between India and Pakistan began in 1965; at that time, Lal Bahadur Shastri was the Prime Minister of India. The hostilities came to an end with the UN intervention.
- Later, the-then Indian Prime Minister Lal Bahadur Shastri and Pakistan's General Ayub Khan signed the Tashkent Agreement in January 1966, and it was mediated by the Soviet Union.



- In 1971, the US and China supported Pakistan.
- India signed a 20-year Treaty of Peace and Friendship with the Soviet Union in August 1971 to counter the US-Pakistan-China axis.
- Pakistan's attack on India in December 1971, was the major loss for both the countries; secondly, because of this war, East Pakistan became an Independent country as Bangladesh.
- The dispute was resolved through the signing of the Shimla Agreement between Indira Gandhi and Zulfikar Ali Bhutto on July 3, 1972.

## Nuclear Development

- Another important development of this period was the first nuclear explosion undertaken by India in May 1974.
- When Communist China conducted nuclear tests in October 1964, the five nuclear weapon powers i.e. the US, the USSR, the UK, France, and China (the five Permanent Members of the UN Security Council) tried to impose the Nuclear Non-proliferation Treaty (NPT) of 1968 on the rest of the world. However, India always considered the NPT as discriminatory and had refused to sign it.
- India conducted a series of nuclear tests in May 1998, demonstrating its capacity to use nuclear energy for military purposes.
- Before the period of 1990, Russia was the important political friend of India, but after the period of 1990, Russia, though it continues to be an important friend of India, has lost its global preeminence and India's pro-US policy started developing.
- India's foreign policy is always dictated by ideas of national interest.

