

T1: Constitution of India

① Legislative, Execution and Judiciary [Union and State level]

The Constitution of India provides a strict separation of powers between the various organs in the efficient way.

The background of concept of "Separation of Power":-

- ① This concept was first seen in the works of Aristotle, in the 4th century BCE, whereas it has been described as three agencies of government as General Assembly, Public officials and Judiciary.

Purpose of Separation

The purpose of separation of powers is to prevent abuse of power by a single person or a group of individuals. It will guard the society against the arbitrary, irrational function and tyrannical powers of the state, safeguard freedom for all and allocate each function to the suitable organs of the state for effective discharge of their respective duties.

• Legislative Branch

Legislative Branch in India consists of the Parliament at the Union level and the state level. The Union Parliament is bicameral, comprising the Rajya Sabha [Council of the States] and the Lok Sabha [House of the People]. State legislatures may

be unicameral or bicameral, depending on that particular state.

- **Execution**

It is the organs which are responsible for implementing, carrying out or enforcing the will for the state as explicit by the constituent assembly and the legislative. The execution is the administrative head of the government.

It is called as the mainspring of the government because if the execution crack-up, the government exhausts as it gets imbalanced.

In the limited sense, execution includes head of the minister, advisors, departmental head and his ministers.

- **Judiciary**

The Indian Judiciary is independent and comprises the Supreme Court at the Union level and High Courts at the State level.

The Supreme Court is the highest Judicial authority in India, while the High courts handles cases within their respective states.

The judiciary is responsible for interpreting and upholding the Constitution.

② Emergency Provisions

The Indian Constitution provides three types of emergencies :

- 1) National Emergency
- 2) State Emergency [President's Rule]
- 3) Financial Emergency

These provisions are outlined in Article 352, 356 and 360 respectively.

- A National Emergency can be declared when there is a threat to the security of India due to war, external aggression, or armed rebellion. During a National Emergency, the federal structure of the Constitution temporarily shifts to a unitary one, giving the Union government more power over the states.
- State emergency, also known as President's rule, can be imposed in a state if there is a breakdown of constitutional machinery. The elected state government is temporarily replaced by the governor, who acts on the advice of President.
- Financial Emergency can be declared in case of a financial crisis threatening the financial stability of India. The President's authority extends to the management of economy during such an emergency.

③ Electoral Procedure in India

India follows a system of universal adult suffrage, which means that every citizen who is 18 years of age or older has the right to vote in elections.

Elections in India are conducted by the Election Commission of India, an autonomous constitutional authority. The country uses a first-past-the-post system, where the candidate with the most votes in a constituency wins.

India conducts elections for the Lok Sabha, Rajya Sabha, State Legislative Assemblies and Panchayats and Municipalities at the local level.

The electoral process in India is a complex and massive undertaking due to the country's size and diversity. Elections are held regularly to ensure a democratic and representative government.

④ Constitutional Provisions for Scheduled Castes, Scheduled Tribes and Backward classes.

The Indian Constitution has several provisions to uplift the socio-economic status of Scheduled Castes [SCs], Scheduled Tribes [STs] and other Backward classes [OBCs]. These include reservation of seats in legislatures, educational institutions, and government jobs.

Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth and allows for special provisions for the advancement of SCs, STs, and socially and educationally backward classes.

Article 46 promotes the educational and economic interests of SCs, STs and other weaker sections and directs the state to protect them from ~~the~~ social injustice and exploitation.

Various laws and policies, such as Scheduled Castes and Scheduled Tribes Act and the reservation policy in government jobs and education, aim to empower these marginalized groups and bridge the social-economic gap.

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