

AKTU B.Tech III-Year





5th Sem (All Branches)

COI-Constitution Of India भारत का संविधान

ONE SHOT Revision





By MST Sir



AKTU B. TECH. THIRD YEAR



CONSTITUTION OF INDIA (BNC501/BNC601)

Unit-2 Syllabus

Module 2-Union Executive and State Executive:

Powers of Indian Parliament, Functions of Rajya Sabha, Functions of Lok Sabha, Powers and Functions of the President, Comparison of powers of Indian President with the United States, Powers and Functions of the Prime Minister, Judiciary – The Independence of the Supreme Court, Appointment of Judges, Judicial Review, Public Interest Litigation, Judicial Activism, LokPal, Lok Ayukta, The Lokpal and Lok ayuktas Act 2013, State Executives – Powers and Functions of the Governor, Powers and Functions of the Chief Minister, Functions of State Cabinet, Functions of State Legislature, Functions of High Court and Subordinate Courts.



Union Executive and State Executive



Union Executive (केंद्र कार्यपालिका):

- It includes the President (राष्ट्रपति), Vice President (उपराष्ट्रपति), Prime Minister (प्रधानमंत्री), and the Council of Ministers (मंत्रिपरिषद).
- They work together to administer the country at the central level.

State Executive (राज्य कार्यपालिका):

- 🕨 It includes the Governor (राज्यपाल), Chief Minister (मुख्यमंत्री), and the Council of Ministers (राज्य मंत्रिपरिषद).
- They govern the state-level administration.



Lok Sabha (लोक सभा)- House of the People)

The Lok Sabha is the lower house of the Indian Parliament and represents the people of India. Its functions are categorized as follows:

Total Members: 552 (as per the Constitution).

Currently: The Lok Sabha can have a maximum of:

- 530 members representing the States.
- 20 members representing the Union Territories.
- 2 members nominated by the President of India from the Anglo-Indian community
- The Speaker heads the Lok Sabha who is elected by the members of the Lok Sabha.
- Deputy Speaker: Assists the Speaker and acts in their absence.
- Leader of the House: : Prime Minister or a senior member of the ruling party responsible for leading discussions.
- > Leader of the Opposition: A senior member of the largest opposition party with at least 10% of the total seats.



Tenure: 5 years.

- > The Lok Sabha is elected for a term of five years from the date of its first meeting after the general elections.
- However, the tenure can be dissolved earlier by the President of India on the advice of the Prime Minister.
- 25 years is the minimum age to become the member of Lok Sabha.



Functions of Lok Sabha (लोक सभा के कार्य)



These are main functions of Lok Sabha

1. Legislative Functions (विधायी कार्य):

- Making Laws (कानून बनाना):
 - The Lok Sabha plays a primary role in drafting and passing laws.
 - It initiates most legislative proposals, especially for national and economic policies.
- > Money Bills (धन विधेयक):
 - Only Lok Sabha has the authority to introduce money bills.
 - o The Rajya Sabha (राज्य सभा) cannot reject these bills but may suggest amendments.



2. Financial Functions (वित्तीय कार्य):



- Approval of Budget (बजट का अनुमोदन):
 - The annual budget, taxation proposals, and financial policies must be approved by the Lok Sabha.
- Control Over Expenditure (व्यय पर नियंत्रण):
 - Ensures government spending is as per the budget approved by Parliament.

3. Executive Functions (कार्यपालिका के कार्य):

- > Accountability of Ministers (मंत्रियों की जवाबदेही):
 - Ministers are collectively responsible to the Lok Sabha.
 - Ministers answer to the Lok Sabha during Question Hour (प्रश्नकाल).
- No-Confidence Motion (अविश्वास प्रस्ताव):
 - Lok Sabha can pass a vote of no-confidence, forcing the government to resign.

4. Electoral Functions (चुनावी कार्य):

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- Participates in the election of the:
 - o President (राष्ट्रपति).
 - Vice-President (उपराष्ट्रपति)

5. Judicial Functions (न्यायिक कार्य):

- > Impeachment (महाभियोग):
 - Lok Sabha participates in the impeachment process of:
 - President (राष्ट्रपति).
 - Judges of the Supreme Court (सुप्रीम कोर्ट) and High Courts (उच्च न्यायालय).

6. Control Over Policies (नीतियों पर नियंत्रण):

- Discusses and debates important national and international policies.
- Approves or rejects treaties and agreements.



7. Emergency Powers (आपातकालीन अधिकार):



- During a National Emergency (राष्ट्रीय आपातकाल):
 - Lok Sabha approves or disapproves the continuation of the emergency.
- Extends the duration of State Legislatures during emergencies.

8. Miscellaneous Functions (अन्य कार्य):

- > Formation of New States (नए राज्यों का निर्माण):
 - Approves the creation of new states and alteration of state boundaries.
- Policy Discussions (नीति चर्चा):
 - Debates on public issues and recommends solutions.



Rajya Sabha (राज्य सभा)-Council of States



- The Rajya Sabha is the upper house of the Indian Parliament and represents the states (राज्य) and Union Territories (केंद्र शासित प्रदेश).
- Its functions are categorized as follows:

Tenure: Permanent body (no dissolution).

- The Rajya Sabha is a permanent body and is not subject to dissolution.
- > However, one-third of its members retire every two years, and elections are held to fill those seats.
- The term of an individual Rajya Sabha member is six years.
- The Vice President of India heads the Rajya Sabha.
- > 30 years is the minimum age to become the member of Rajya Sabha.
- Total Members: 250
- 238 members representing the States and Union Territories.
- 12 members nominated by the President of India for their expertise in fields like literature, science, art, and social services.



Functions of Rajya Sabha (राज्य सभा के कार्य)



Three are the main functions of Rajya Sabha:

1. Legislative Functions (विधायी कार्य):

- Rajya Sabha plays a significant role in the legislative process:
 - o Reviews, debates, and approves bills passed by the Lok Sabha (लोक सभा).
 - Suggests amendments to bills but cannot reject Money Bills (धन विधेयक).
- > Can initiate ordinary bills (सामान्य विधेयक) except for money bills.

2. Representation of States (राज्यों का प्रतिनिधित्व):

- Rajya Sabha ensures that the voice of states is heard in national policymaking.
- 🕨 It protects the interests of states (राज्य) and gives them a platform to express their concerns.



3. Financial Functions (वित्तीय कार्य):



- Rajya Sabha has limited financial powers:
 - o It cannot initiate a Money Bill (धन विधेयक).
 - o Can suggest amendments to a money bill, but the Lok Sabha (लोक सभा) has the final say

4. Electoral Functions (चुनावी कार्य):

- Participates in the election of the:
 - ः President (राष्ट्रपति).
 - Vice-President (उपराष्ट्रपति).
- Members of Rajya Sabha elect the Vice-President from amongst themselves.

5. Judicial Functions (न्यायिक कार्य):

- Impeachment (महाभियोग):
 - Participates in the impeachment process of the President (राष्ट्रपति).
 - o Assists in removing judges of the Supreme Court (सुप्रीम कोर्ट) and High Courts (उच्च न्यायालय) for misconduct.



6. Power to Approve State Emergency (राज्य आपातकाल को मंजूरी):



If President's Rule (राष्ट्रपति शासन) is declared in a state, Rajya Sabha approves its continuation beyond 2 months.

7. Special Powers (विशेष अधिकार):

Rajya Sabha can pass a resolution (Article 249) allowing Parliament to legislate on subjects in the State List (राज्य सूची) in the national interest.

8. Control Over Executive (कार्यपालिका पर नियंत्रण):

- 🕨 Through question hour (प्रश्नकाल) and debates, Rajya Sabha members hold ministers accountable.
- Discusses government policies and ensures their proper implementation.



Powers and Functions of the President (राष्ट्रपति के अधिकार और कार्य)



🕨 The President of India (राष्ट्रपति) is the constitutional head of the country.

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Powers and functions can be categorized as follows:

1. Executive Powers (कार्यपालिका के अधिकार):

a) Appointments (नियुक्तियां):

- > Appoints the Prime Minister (प्रधानमंत्री), Governors of States, Chief Justice of India, and other judges of the Supreme Court (सुप्रीम कोर्ट) and High Courts (उच्च न्यायालय).
- Appoints key officials like the Attorney General, Comptroller and Auditor General (CAG), and Election Commissioners.

b) Administration (प्रशासन):

- > Executes decisions made by the Council of Ministers (मंत्रिपरिषद).
- Functions as the supreme commander of the armed forces (सशस्त्र बलों).



2. Legislative Powers (विधायी अधिकार):



a) Summoning and Dissolving (सत्र बुलाना और भंग करना):

- Can summon and prorogue the Parliament (संसद).
- Dissolves the Lok Sabha based on the Prime Minister's advice.

b) Assent to Bills (विधेयकों पर सहमति):

- Signs bills passed by Parliament to make them laws.
- Can return bills (except Money Bills) for reconsideration.

c) Ordinance-Making Power (अध्यादेश जारी करना):

During Parliament's recess, the President can issue ordinances under Article 123.

3. Financial Powers (वित्तीय अधिकार):

a) Budget Presentation (बजट पेश करना):

Ensures that the annual budget and financial statements are presented to Parliament.

b) Money Bills (धन विधेयक):

No Money Bill can be introduced without the President's recommendation.



4. Judicial Powers (न्यायिक अधिकार):



a) Appointments (न्यायाधीशों की नियुक्ति):

Appoints judges of the Supreme Court and High Courts.

b) Granting Pardons (माफी देना):

Under Article 72, the President can grant pardons, reprieves, respites, or remissions of punishment.

5. Emergency Powers (आपातकालीन अधिकार):

a) National Emergency (राष्ट्रीय आपातकाल):

Can declare a national emergency under Article 352 during external aggression or war.

b) State Emergency (राज्य आपातकाल):

Can impose President's Rule in a state under Article 356 if the state government fails to function.

c) Financial Emergency (वित्तीय आपातकाल):

Can declare a financial emergency under Article 360 if financial stability is threatened.



6. Diplomatic Powers (राजनियक अधिकार):



- Represents India in international forums.
- Signs treaties and agreements on behalf of the country.

7. Military Powers (सैन्य अधिकार):

- Acts as the supreme commander of the armed forces (सशस्त्र बलों).
- Appoints the chiefs of the Army, Navy, and Air Force.



Comparison of Powers of Indian President and U.S. President (भारतीय राष्ट्रपति और अमेरिकी राष्ट्रपति के अधिकारों की तुलना)



| Aspect | Indian President | U.S. President | |
|-----------------------|--|---|--|
| Nature of Role | Ceremonial Head of State (प्रमुख रूप से औपचारिक प्रमुख). | Both Head of State and Head of Government (राज्य और सरकार दोनों के प्रमुख). | |
| Executive Powers | Real powers rest with the Prime Minister | Holds significant executive powers; appoints Cabinet and leads the executive branch. | |
| M litary Powers | Supreme Commander of the Armed Forces but acts on the advice of the Council of Ministers. | Supreme Commander of Armed Forces; can take independent decisions in military matters. | |
| Legislative Powers | | Has veto power over legislation. Can suggest and reject laws independently. No advisory role required | |
| Judicial Powers | Can grant pardons, reprieves, respites, or commute sentences as per Article 72. | Can grant pardons and reprieves but cannot interfere in state-level laws. | |
| Emergency Powers | an declare National, State, or Financial Emergencies but only on the advice of the Prime Minister. | Does not have emergency powers like those in India; | |
| Tenure | Fixed term of 5 years, can be re-elected. | Fixed term of 4 years, can serve a maximum of two terms. | |



Powers and Functions of the Prime Minister (प्रधानमंत्री के अधिकार और कार्य)



- ➤ The Prime Minister of India is the head of the government (सरकार का प्रमुख) and holds significant powers in the political and administrative structure of the country. Their responsibilities can be categorized as follows:
 - 1. Executive Powers (कार्यपालिका के अधिकार):
 - a) Leader of the Council of Ministers (मंत्रिपरिषद का नेता):
 - The Prime Minister decides the roles and responsibilities of ministers.
 - Ensures smooth functioning of government departments.
 - b) Advisor to the President (राष्ट्रपति के सलाहकार):
 - Guides the President on key decisions like appointments and policies.
 - c) Policy Maker (नीति निर्माता):
 - > Frames and implements policies for the nation and coordinates between ministries.

2. Legislative Powers (विधायी अधिकार):



- "a) Summoning and Dissolving Parliament (संसद बुलाना और भंग करना):
- Advises the President to summon or dissolve the Parliament.
- Plays a key role in Parliamentary proceedings.
- b) Introducing Bills (विधेयक प्रस्तुत करना):
- Introduces significant bills and policies in Parliament.
- c) Ordinance-Making Power (अध्यादेश जारी करना):
- During Parliamentary recess, the President can issue ordinances on the Prime Minister's advice.
- 3. Financial Powers (वित्तीय अधिकार):
- a) Budget Presentation (बजट पेश करना):
- The Prime Minister helps prepare and present the annual budget.
- b) Financial Decision-Making (वित्तीय निर्णय):
- Plays a major role in guiding financial and economic policies.



4. Administrative Powers (प्रशासनिक अधिकार):



- a) Appointment of Officials (अधिकारियों की नियुक्ति):
- Recommends key appointments like Governors, Ambassadors, and other officials.
- b) Supervision of Departments (विभागों की देखरेख):
- Monitors the work of ministries and ensures smooth administration.
- 5. Defense and Foreign Affairs (रक्षा और विदेश नीति):
- a) Defense Policy (रक्षा नीति):Takes important decisions about national security and defense.
- b) International Representation (अंतरराष्ट्रीय प्रतिनिधित्व):Represents India in international forums and agreements.
- 6. Emergency Powers (आपातकालीन अधिकार):
- Leads the country during emergencies and takes major decisions to manage crises.
- 7. Symbolic Role (प्रतीकात्मक भूमिका):
- Represents the aspirations of the citizens and leads the government in all major platforms.



Judiciary in India



> The judiciary in India is designed to function independently, free from the influence of the executive and legislature.

1. Supreme Court (सुप्रीम कोर्ट):

- It is the highest judicial authority in India.
- Handles constitutional matters, disputes between states and the central government, and appeals from lower courts.
- Located in New Delhi.

2. High Courts (उच्च न्यायालय):

- Present in each state or a group of states.
- Handles appeals from district courts and cases related to state laws.

3. District Courts (जिला न्यायालय):

- Handles civil and criminal cases at the district level.
- These courts function under the supervision of High Courts.



Appointment procedure of judges of:



- Supreme court,
- high court and
- district court



| Level | Appointing Authority | Consultation/Recommendation | Eligibility Criteria |
|--------------------------|--------------------------|---|---|
| Supreme Court Judges | President of India | Collegium System (CJI + 4 senior-most judges) | High Court Judge (5 years) Advocate (10 years) Distinguished jurist |
| High Court Judges | President of India | CJI, Governor, and Chief Justice of the High Court | - Advocate in High Court (10 years) - Judicial officer (10 years) |
| District Court Judges | Governor of the State | High Court of the respective state | - Advocate (7 years) - Through promotion or competitive examination |



Judicial Review in India



- Judicial Review in India refers to the power of the judiciary to examine the constitutionality of legislative acts, executive orders, and administrative decisions.
- If they violate the Constitution, they can be declared null and void.
- Judicial Review ensures the supremacy of the Constitution and protects the rights of citizens.

Judicial Activism

(न्यायिक सक्रियता)

- Judicial Activism refers to the proactive role played by the judiciary in protecting the rights of citizens, ensuring justice, and interpreting the Constitution to address emerging societal issues.
- It involves the judiciary stepping beyond its traditional role of merely interpreting laws and taking active measures to enforce them.



Public Interest Litigation (PIL) (जनहित याचिका)



- Public Interest Litigation (PIL) is a legal mechanism in India that allows individuals or groups to file a petition in the interest of the public at large.
- PIL is a tool to address social issues, ensure justice, and hold the government accountable for its actions or inactions.

Significance of Public Interest Litigation (PIL)

- PIL provides access to justice for the poor, underprivileged, and marginalized sections of society.
- PIL is a tool to protect fundamental rights.
- It allows courts to act as guardians of the Constitution and protect public interest.
- PIL holds the government and public authorities accountable for their negligence or wrongful actions.
- It ensures transparency and better governance.



Procedure to File Public Interest Litigation (PIL)

(जनहित याचिका दायर करने की प्रक्रिया)



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1. Determine the Issue (मुद्दे की पहचान करें)

Identify a significant public interest issue, such as environmental degradation, human rights violations, corruption, or any matter that affects the welfare of the public.

2. Who Can File a PIL? (जनहित याचिका कौन दायर कर सकता है?)

Any individual, organization, or NGO can file a PIL. The petitioner does not need to have a personal stake in the issue.

3. Choose the Court

- Supreme Court (सुप्रीम कोर्ट):
- High Court (उच्च न्यायालय):
- District Court (जिला न्यायालय):



4. Draft the Petition (याचिका तैयार करें):



- Write the petition clearly and include the following:
 - Details of the issue.
 - Supporting evidence (documents, data, reports, etc.).
 - Legal basis for the PIL (e.g., violation of constitutional rights).
 - Specific relief or action requested from the court.

5. Submit the Petition (याचिका जमा करें):

- > File the petition in the appropriate court (Supreme Court, High Court, or District Court).
- Pay the required court fees (PILs often have minimal fees to encourage filing for public welfare).

6. Format of the PIL (जनहित याचिका का प्रारूप):

> The petition must be written in the format prescribed by the respective court.Attach an affidavit confirming the authenticity of the information provided.



7. Mention Day (सुनवाई का दिन):



After the petition is filed, the court will assign a day for the hearing of the PIL.

8. Court's Acceptance (अदालत की स्वीकृति):

- The court evaluates the PIL to ensure it serves a genuine public interest.
- If accepted, the court will issue notices to the concerned parties (government authorities, institutions, etc.).

9. Court Proceedings (अदालती कार्यवाही):

- The case proceeds with arguments, evidence presentation, and court directions.
- > The petitioner must ensure regular attendance and representation during hearings.

10. Final Judgment or Directions (अंतिम निर्णय या निर्देश):

The court may issue directives, interim orders, or final judgments based on the facts presented.



Lokpal (लोकपाल)



The Lokpal is an independent anti-corruption body at the central level in India.

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- It is responsible for investigating complaints against public officials, including politicians, government officers, and others.
- The primary goal of the Lokpal is to reduce corruption and ensure accountability in government services.

Lokpal has the power to:

- Investigate corruption at the central level.
- Prosecute guilty officials.
- Monitor the CBI's work on corruption cases.
- Confiscate illegally acquired assets. (अवैध रूप से अर्जित संपत्तियों को जब्त करना)
- Protect whistleblowers. (सूचना देने वालों की सुरक्षा करना)
- Ensure quick action against corruption cases.



लोकायुक्त (Lok Ayukta)



- The Lok Ayukta is a similar anti-corruption authority but operates at the state level.
- > It functions to address complaints of corruption and maladministration against state-level public officials.

Features of Lok Ayukta:

- Each state has its own Lok Ayukta with jurisdiction over state government officials and employees.
- > It helps address corruption-related issues locally and improves transparency in governance.

(The Lokpal and Lok Ayuktas Act, 2013) (लोकपाल और लोकायुक्त अधिनियम, 2013)

- This Act was passed by the Indian Parliament to provide a legal framework for the establishment of Lokpal at the central level and Lok Ayuktas at the state level.
- It aims to strengthen the fight against corruption in India.



State Executives (राज्य कार्यपालिका)



- The State Executive in India is an important component of the government at the state level.
- It ensures the implementation of laws, policies, and programs within the state.
- > The structure and responsibilities of the State Executive are defined in the Indian Constitution.

Components of State Executives (राज्य कार्यपालिका के घटक)

- 1.Governor (राज्यपाल): constitutional head of the state.
- 2.Chief Minister (मुख्यमंत्री): head of the state government.
- 3.Council of Ministers (मंत्रिपरिषद): It consists of the Chief Minister and other Ministers.



Powers and Functions of the Governor (राज्यपाल की शक्तियां और कार्य)



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1.Executive Powers (कार्यकारी शक्तियां):

- Head of the state and acts on the advice of the Chief Minister and Council of Ministers.
- Appoints the Chief Minister, other Ministers, Advocate General, and key state officials.

2.Legislative Powers (विधायी शक्तियां):

- Summons, prorogues, and dissolves the state legislature.(विधानमंडल को बुलाना, स्थगित करना और भंग करना)
- Gives assent to bills or reserves them for the President. (विधेयकों को स्वीकृति देता है या राष्ट्रपति के लिए आरक्षित करता है)
- Can issue ordinances when the legislature is not in session. (जब विधानमंडल सत्र में नहीं होता, अध्यादेश जारी कर सकता है)

3.Financial Powers (वित्तीय शक्तियां):

- Approves the state budget.
- Recommends money bills for introduction in the legislature.





5. Judicial Powers (न्यायिक शक्तियां):

- Can pardon, reprieve, or commute sentences under state laws. (राज्य कानूनों के तहत सजा को क्षमा, माफ, या कम कर सकते हैं)
- Appoints district judges in consultation with the High Court.

6. Discretionary Powers (विवेकाधीन शक्तियां):

- Recommends President's Rule in case of constitutional failure.
- Reserves certain bills for the President's consideration.



Powers and Functions of the Chief Minister

(मुख्यमंत्री की शक्तियां और कार्य)



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1. Executive Functions (कार्यकारी कार्य):

- a) Head of the State Government (राज्य सरकार का प्रमुख):
 - The Chief Minister is the real executive head of the state. All major decisions are taken under their leadership.
- b) Formation of the Council of Ministers (मंत्रिपरिषद का गठन):
 The Chief Minister selects ministers and allocates portfolios to them.
- > c) Policy Implementation (नीतियों का क्रियान्वयन): Responsible for the implementation of government policies and programs.

2. Legislative Functions (विधायी कार्य):

- Acts as a medium of communication between the Governor and the State Legislature.
- The Chief Minister leads the legislative assembly and represents the majority party.
- Advises the Governor on summoning, proroguing, and dissolving the legislative assembly.



3. Financial Functions (वित्तीय कार्य):



- a) Budget Presentation (बजट प्रस्तुत करना):
- The Chief Minister plays a key role in preparing and presenting the state budget.
- b) Control Over State Finances (राज्य वित्त पर नियंत्रण):
- Ensures proper allocation and utilization of financial resources.

4. Administrative Functions (प्रशासनिक कार्य):

- a) Supervision of Administration (प्रशासन की निगरानी):
- Supervises the working of various departments through the Council of Ministers.
- b) Appointments (नियुक्तियां):
- Recommends the appointment of key state officials to the Governor.

5. Party Leadership (पार्टी नेतृत्व):

The Chief Minister is the leader of the ruling party in the state and ensures its policies are implemented.



Functions of State Cabinet (राज्य मंत्रिमंडल के कार्य)



1.Policy Formulation (नीतियों का निर्माण):

> The cabinet formulates policies and programs for the development of the state.

2.Implementation of Laws (कानूनों का क्रियान्वयन):

Ensures that laws passed by the legislature are implemented effectively.

3.Advisory Role (परामर्श कार्य):

Advises the Governor on various matters and helps in decision-making.

4.Administration (प्रशासन):

Supervises the functioning of various departments and ensures efficient administration.



Functions of State Legislature (राज्य विधायिका के कार्य)



AKTU 2022-23

1.Law-Making (कानून बनाना):

Enacts laws for the state on subjects in the State List and Concurrent List.

2.Control Over Executive (कार्यपालिका पर नियंत्रण):

Monitors the actions of the executive through debates, questions, and motions.

3.Financial Control (वित्तीय नियंत्रण):

Approves the state budget and ensures accountability of public funds.

4.Representation (प्रतिनिधित्व):

Represents the views and needs of the people in the state government.



Functions of High Court (उच्च न्यायालय के कार्य)



1.Judicial Review (न्यायिक समीक्षा):

Ensures that laws passed by the legislature are in conformity with the Constitution.

2. Supervision of Subordinate Courts (अधीनस्थ न्यायालयों की निगरानी):

Supervises the functioning of subordinate courts within the state.

3. Writ Jurisdiction (रिट क्षेत्राधिकार):

Issues writs such as Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo-Warranto to protect fundamental rights.

4. Advisory Role (सलाहकार भूमिका):

Advises the Governor on legal matters when required.



Functions of Subordinate Courts (अधीनस्थ न्यायालयों के कार्य)



1.Dispute Resolution (विवाद समाधान):

Handles civil, criminal, and revenue cases at the district and lower levels.

2.Implementation of Justice (न्याय का क्रियान्वयन):

Ensures timely and fair delivery of justice to individuals.

3.Appellate Functions (अपील संबंधी कार्य):

Acts as an appellate authority for cases decided by lower courts.

4.Execution of Laws (कानूनों का पालन):

Executes laws and orders passed by higher courts.

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