

INDIAN CONSTITUTION

IMPORTANT POINTS



INDIAN CONSTITUTION

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MOD-I HISTORY OF MAKING OF THE INDIAN CONSTITUTION

History of Making of the Indian Constitution:

The Constitution of India (Bhāratīya Saṃvidhāna) is the supreme law of India. The document lays down the framework that demarcates fundamental political code, structure, procedures, powers, and duties of government institutions and sets out fundamental rights, directive principles, and the duties of citizens. It is the longest written national constitution in the world.

It imparts constitutional supremacy (not parliamentary supremacy, since it was created by a constituent assembly rather than Parliament) and was adopted by its people with a declaration in its preamble. Parliament cannot override the constitution.

Constitution of India

It was adopted by the Constituent Assembly of India on 26 November 1949 and became effective on 26 January 1950. The constitution replaced the Government of India Act 1935 as the country's fundamental governing

document, and the Dominion of India became the Republic of India. To ensure constitutional autochthony, its framers repealed prior acts of the British parliament in Article 395. India celebrates its constitution on 26 January as Republic Day.

The constitution declares India a sovereign, socialist, secular, and democratic republic, assures its citizens justice, equality, and liberty, and endeavours to promote fraternity. The original 1950 constitution is preserved in a helium-filled case at the Parliament House in New Delhi. The words "secular" and "socialist" were added to the preamble by 42nd amendment act in 1976 during the Emergency.

Introduction

The Constitution of India is the supreme law of India. It frames fundamental political principles, procedures, practices, rights, powers, and duties of the government. It imparts constitutional supremacy and not parliamentary supremacy, as it is not created by the Parliament but, by a constituent assembly, and adopted by its people, with a declaration in its preamble. Parliament cannot override it.

The world's longest constitution is the Indian's constitution. At its commencement, it had 395 articles in 22 parts and 8 schedules. It consists of approximately 145,000 words, making it the second largest active constitution in the world. Currently, it has a preamble, 25 parts with 12 schedules, 5 appendices, 448 articles, and 101 amendments.

History

The constitution of India was adopted on the 26th of November, in the year 1949. However, it came to effect on the 26th of January, 1950. 26th of January is celebrated as the Republic Day of India.

It was adopted by the Constitution Assembly. Dr. B. R. Ambedkar, the chairman of the Drafting Committee, is widely considered to be the architect of the Constitution of India. After the adoption of the constitution, The Union of India became the contemporary and modern Republic of India.

The Constitution of India provides its citizens with six fundamental rights. These rights are the Right to Freedom, Right to Equality, Cultural and Educational Rights, Right to Constitutional Remedies, Right against Exploitation. Recently, the Right to Privacy has also been added to fundamental rights.

Making :

A Constitution Drawn from several Sources:

In formulating the Constitution of India, the founding fathers used several sources. The values and ideals of the national movement guided their path. The national movement influenced them to adopt secularism as the ideal. Some provisions of Government of India Act 1935 were used by them and

several features of foreign constitutions influenced them, and were adopted by them.

The Government of India Act of 1935 marked the second milestone towards a completely responsible government in India after the Act of 1919. This Act was passed by the British Government in 1935. It was one of the lengthiest Acts at that time as it contained 321 sections and 10 schedules. It was also the last constitution of British India, before the country was divided, in 1947, into two parts-India and Pakistan. Once the act was passed the government saw that it was too lengthy to be regulated with efficiency and thus, the government decided to divide it into two parts for the act to function in a proper manner:

1. The Government of India Act, 1935

2. The Government of Burma Act, 1935

In adopting parliamentary system and bicameralism, the British Constitution influenced them. The US Constitution influenced them in favor of republicanism, independence of judiciary, judicial review and bill of rights. The progress of the (former) USSR after the 1917 Socialist Revolution influenced them to adopt socialism as a goal. Likewise, they were influenced by the constitutions of Canada, Australia, Weimar Republic (Germany) and Ireland.

The Constitution has been helping India to organize and run her government and administration in an effective way both in times of peace and war

Some of its salient features are discussed below:

The Constitution has been helping India to organize and run her government and administration in an effective way both in times of peace and war. The basic structure of the Constitution i.e. its most fundamental features can be described as: **Preamble, Fundamental Rights, Directive Principles, Secularism, Federalism, Republicanism, Independence of Judiciary, Rule of Law, and Liberal Democracy.**

1.Lengthiest written constitution

The Constitution can be classified into a written constitution such as that of America or an unwritten constitution such as that of the UK.

The constitution of India is a written constitution which happens to be the lengthiest written constitution in the world.

It is comprehensive, elaborate and a detailed document

2.Drawn from various sources

It has borrowed most of its provisions from the constitution of various other countries as well as from the Government of India act, 1935. Ex: structural part from GoI, 1935, independence of judiciary from USA, Fundamental Rights from USA etc

Though it is borrowed, the Indian constitution-makers made sure the borrowed features were made suitable to Indian conditions. **Ex:** Though we

borrowed a cabinet form of governance from the UK, the cabinet is not all-supreme as in the case of the UK.

3.Preamble of the constitution

The Preamble consists of the ideals, objectives and basic principles of the Constitution.

1. The salient features of the Constitution have developed directly and indirectly from these objectives which flow from the Preamble
2. It asserts India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity of the individual, and unity and integrity of the nation.
3. The Preamble is the nature of the Indian state and the objectives it is committed to secure for the people.

4.Democratic system

- The authority of the government rests upon the sovereignty of the people. The people enjoy equal political rights.
- Free fair and regular elections are held for electing governments

5.India is a republic

- The Preamble declares India to be a Republic.

- India is not ruled by a monarch or a nominated head of state. India has an elected head of state (President of India) who wields power for a fixed term of 5 years.
- After every 5 years, the people of India indirectly elect their President.

6.Union of states

- Article I of the Constitution declares that “India that is Bharat is a Union of States.”

7.Fundamental Rights and duties:

- The Constitution of India grants and guarantees Fundamental Rights to its citizens.
- The constitution of India confirms the basic principle that every individual is permitted to enjoy certain basic rights and part III of the Constitution deals with those rights which are known as fundamental rights.
- **The Six FR include-**
 - 1) Right to Equality;
 - 2) Right to Freedom;
 - 3) Right Against Exploitation;
 - 4) Right to Freedom of Religion; Cultural
 - 5) Educational Rights &

6) Right to Constitutional Remedies (Art. 32).

- The fundamental rights are justiciable and are not absolute. Reasonable constraints can be imposed keeping in view the security-requirements of the state.
- A new part IV (A) after the Directive Principles of State Policy was combined in the constitution by the 42nd Amendment, 1976 for fundamental duties.

8.Directive Principles of State Policy:

- A unique aspect of the Constitution is that it comprises a chapter in the Directive Principles of State Policy.
- These principles are in the nature of directives to the government to implement them to maintain social and economic democracy in the country.

9.Parliamentary System:

- The Constituent Assembly decided to espouse Parliamentary form of government both for the central and the state.
- In the Indian parliamentary system, distinction is made between nominal and real executive heads.p

- The Council of Ministers is responsible before the Lok Sabha, The lower house of union parliament. There are close relations between the executive and legislature.

10.Federal structure of government:

- A federal state is a state where a country is divided into smaller regions and the government is functioning at two levels
- The Indian Constitution has envisaged a federal structure for India considering the geographical vastness and the diversity of languages, region, religions, castes, etc.
- Written Constitution, supremacy of the Constitution, division of powers between Union and States, bicameral Legislature, independent Judiciary, etc. are the features of Indian federation.
- Scholars describe India as a ‘Quasi-Federation’ (K.C. Wheare) or as ‘a federation with a unitary bias, or even as ‘a Unitarian federation.’

11.Universal adult franchise

- All men and women enjoy an equal right to vote. Each adult man and woman above the age of 18 years has the right to vote.
- All registered voters get the opportunity to vote in elections.

12.Single integrated State with Single Citizenship:

- India is the single Independent and Sovereign integrated state.

- All citizens enjoy a common uniform citizenship.
- They are entitled to equal rights and freedoms, and equal protection of the state.

Integrated Judicial system

- The Constitution provides for a single integrated judicial system common for the Union and the states.
- The Supreme Court of India works at the apex level, High Courts at the state level and other courts work under the High Courts.

Independent Judiciary

- It is necessary to secure the philosophical foundations of the rule of law and democracy
- Firstly, the Constitution makers created a separate Judiciary independent of Legislature and Executive.
- Secondly, the Constitution has ensured complete independence of the Judiciary in the matters of administration and finances.

Amending the Constitution of India:

- Amending the Constitution of India is the procedure of making modifications to the nation's fundamental law or supreme law.

- The procedure of amendment in the constitution is laid down in Part XX (Article 368) of the Constitution of India.
- This procedure guarantees the sanctity of the Constitution of India and keeps a check on uninformed power of the Parliament of India.

Judicial Review:

- The judiciary has a significant position in the Indian Constitution and it is also made independent of the legislature and the executive.
- The Supreme Court of India stands at the peak of single integrated judicial system
- It operates as defender of fundamental rights of Indian citizens and guardian of the Constitution.

Basic Structure doctrine:

- The basic structure doctrine is an Indian judicial norm that the Constitution of India has certain basic features that cannot be changed or destroyed through amendments by the parliament.
- The basic features of the Constitution have not been openly defined by the Judiciary.
- At least, 20 features have been described as “basic” or “essential” by the Courts in numerous cases, and have been incorporated in the basic structure.
- In *Indira Gandhi v. In The Raj Narain case* and also in the *Minerva Mills case*, it was witnessed that the claim of any particular feature of

the Constitution to be a “basic” feature would be determined by the Court in each case that comes before it.

Secularism

- In no other country of the world so many religions coexist as in India. In view of such diversity the Constitution guarantees complete freedom of religion to all.
- The citizens of our country are free to follow any religion and they enjoy equal rights without any distinction of caste, creed, religion or sex.
- The State does not discriminate against anyone on the ground of his religion, nor can the State compel anybody to pay taxes for the support of any particular religion.
- Everybody is equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.
- The Constitution regards religion as a private affair of individuals and prohibits the State from interfering with it. The Constitution also grants various cultural rights to minorities.

Independent bodies

- The Constitution has set up various independent bodies and vested them with powers to ensure the constitutional provisions. Ex: Election Commission, CAG, Finance Commission

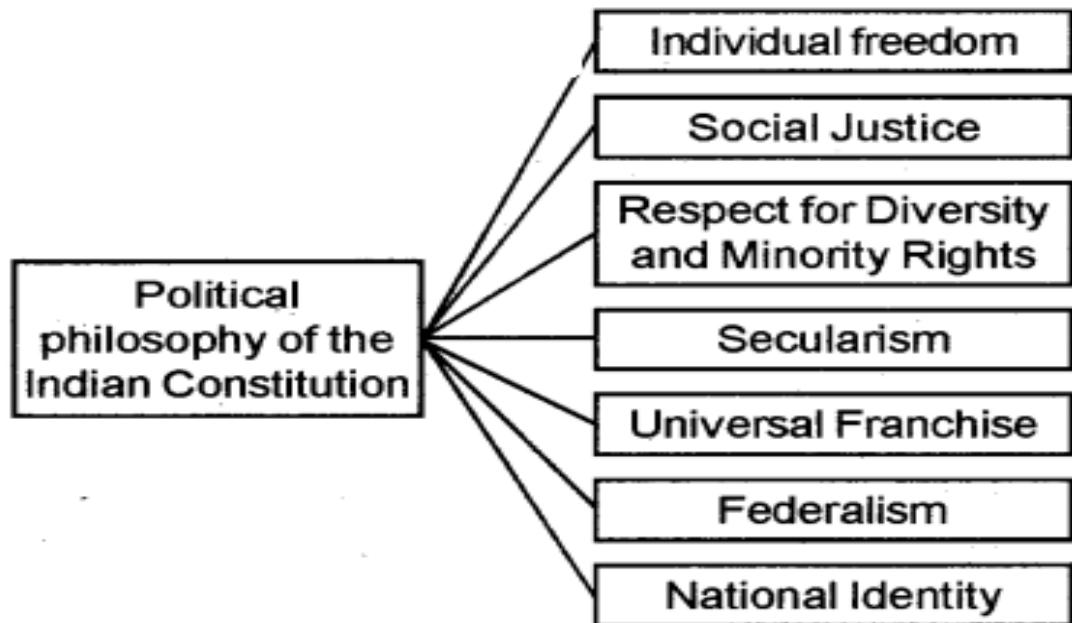
- These institutions have been provided with security of tenure, fixed service conditions etc to ensure that they are not susceptible to the whims of either the legislature or the executive.

In its Part IVA (Article 51 A) the Constitution describes the following Fundamental Duties of a citizen:

1. Respect for the Constitution, the national flag and the national anthem;
2. Cherish the noble ideals of the freedom struggle;
3. Uphold and protect the sovereignty, unity and integrity of India;
4. Defend the country and render national service when called;
5. Promote the common brotherhood of all the people of India and renounce any practice derogatory to the dignity of women;
6. Preserve the rich heritage of the nation's composite culture;
7. Project the natural environment and have compassion for living creatures;
8. Develop scientific temper, humanism and spirit of inquiry and reform;
9. Safeguard public property and abjure violence; and
10. Strive for excellence in all individual and collective activity.
11. Duty of the parents to send their children to schools to get an education.

The Fundamental Duties are, however, not enforceable by the courts.

MOD-II PHILOSOPHY OF THE INDIAN CONSTITUTION



Philosophy of the Constitution:

The Constitution provides a framework of governance. It lays down the basic governing set of principles or essential rules of governance to establish the basic organs and structure, functions, composition, and powers of government.

The philosophical thought behind it was that for being a strong and independent country there must be a constitution that helps to frame the interrelationship between various organs and regulate their relations with people. In the form of certain rights, the relationship between the government and the people was generally given on the basis of fundamental political, economic, and religious views of the nation.

Philosophy of Constitution through Preamble:

The preamble is a brief introduction to the Constitution and it gives summarised knowledge of the legislative intent and policy. A preamble is a brief form of ideas and beliefs which the constitution wants to achieve. It states the marginal contents of the constitution that are in our constitution.

The preamble of the constitution is the core of the constitution which contains words that the constitution-makers want to achieve like ‘we the people of India’ means ‘by the people, for the people, and to the people.

1. Sovereign:

Sovereignty is one of the essential requirements of statehood. It is indicative of the fact that India is not subject to any foreign power from an internal or external perspective and the state is free to legislate on any subject in conformity with the constitution.

The Preamble uses the words ‘we the people of India’; the idea behind this is that a constitution is a creation of all the people and not a group of individuals or some older law. The Preamble emanated from the constituent assembly which represented the Indian people though it was not an elected mass. So we can say that sovereignty lies with the people of India and not the Parliament. Nor even is the constitution sovereign; it is the main expression of the people’s Sovereignty.

2. Socialist:

Socialist word was not there when the constitution was made but later by the 42nd amendment, it was added to our constitution and the basic meaning of socialist is socialism which the constitution provides to safe and secure the Indian citizens from social endangerment.

Socialism will continue to have a different meaning until a necessity arises to delete it. Most significantly the validity of socialism in the Preamble has not been challenged yet.

3. Secularism:

Being secular means the state is neutral in any matters related to religion and it means the constitution does not promote or deprive any religion. It was also added in the 42nd amendment. Unlike the West, Indian secularism is not the result of a conflict between church and state; very often in our common language, the term secularism is used simply as the opposite of communitarianism.

Secular is a vague term to be defined. The dictionary defines it as ‘not concerned with religion’ and it implies religious freedom and tolerance and respect for ideas of nationalism, materialism, Humanism, etc.

The definition of secularism has two aspects, one is negative except that it is a state not to interfere in any religion and the other is a positive aspect which is the state to take necessary steps for ensuring equality of religions thus, helping minority religions would not be unconstitutional.

4. Democratic:

It indicates that the source of the power of the government is in its people. It is the Government of the people for the people and by the people. Democracy is the People's power and State's power vest in the people which means democracy makes the people supreme.

5. Republic:

It means that the head of the nation is an elected representative. Republic is a government that derives its powers directly or indirectly from the great body of the people and is administered by people who hold office for pleasure, for a limited time, or for good conduct. Even India's membership of the Commonwealth of nations does not detract it from its Republican character; that is an external arrangement and the queen has not been recognized as the head of the country.

Fundamental rights and duties

Fundamental rights and duties are the basic rights of an Indian Citizen in the Indian Constitution. These fundamental duties and rights apply to all the citizens of the country irrespective of their religion, gender, caste, race, etc.

1. Articles 14-18: Right to Equality

These articles talk about equal rights for all the citizens of the country irrespective of their caste, class, creed, gender, place of birth, or race. It says that there shall be equal opportunities with regard to employment and other aspects.

These articles also work towards the abolition of orthodox practices that have been taking place in the country like, untouchability, etc.

2. Articles 19-22: Right to Freedom

This is one of the most vital rights in the country whose foundation is based on Democracy. The constitution of India says that the citizens of the country have freedom in various regards. The freedom rights in the Indian Constitution include freedoms of :-

- Expression
- Speech
- Assembly without arms
- Association
- Practising any profession
- Residing in any part of the Country.

However, these rights are subjective. This further implies that the state has the right to impose restrictions on these rights depending upon the situation.

3. Articles 23-24: Right against Exploitation

These articles talk about the exploitation of humans and their rights. It prohibits any activities that encourage child labor, human trafficking, and other forms of forced labor. This article also prevents the state from imposing any compulsory service for public purposes.

Also, while making such compulsions, the state shall not discriminate against anyone on the basis of caste, creed, gender, etc.

4. Articles 25-28: Right to Freedom of Religion

India, being a secular country, consists of people from varied religions and faiths and therefore, it becomes of utmost importance that we and the constitution of India support freedom of religion. Under these articles, the state can be prevented from making the laws that might be associated with a specific religious practice.

5. Articles 29-30: Cultural and Educational Rights

These are the articles that work towards protecting the rights of cultural, religious, and linguistic minorities by aiding them to preserve their heritage and culture. The state is supposed to have no official religion.

These articles grant all the citizens of the country the right to worship any religion of their choice. Under these articles, the state does not hold the right to discriminate against any educational institution on the basis of it being a minority-run institution.

6. Articles 30-35: Right to Constitutional Remedies

These articles bind all the previously mentioned as this right makes sure that all the other fundamental rights are not being violated in any case. If any citizen of the country feels that their rights are being violated, they have the right to approach the court and demand justice.

Under these articles, the supreme court also holds the power of issuing writs against activity that it might find unsuitable.

Herein, the parliament holds the power control the rights that are being given to –

- Army personnel
- Bureaucrats
- Members in charge of maintenance of public order

The Fundamental Rights, Directive Principles of State Policy and Fundamental Duties' are sections of the Constitution of India that prescribe the fundamental obligations of the states to its citizens and the duties and the rights of the citizens to the State.[note 1] These sections are considered vital elements of the constitution, which was developed between 1949 by the Constituent Assembly of India.

The **Fundamental Rights** are defined in Part III of the Indian Constitution from article 12 to 35 and applied irrespective of race, place of birth, religion, caste, creed, gender, and equality of opportunity in matters of employment. They are enforceable by the courts, subject to specific restrictions. The

The **Fundamental Duties** are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India. These duties set out in Part IV–A of the Constitution, concern individuals and the nation. Like the Directive Principles, they are not enforceable by courts unless otherwise made enforceable by parliamentary law.

Directive Principles of State Policy

These are included in Part IV of the Constitution. For the framing of certain Laws, the Government requires certain guidelines. These are included in the Directive Principles of State Policy. According to Article 37, they are not enforceable by the courts under their respective jurisdiction. It just lays down the fundamental principles and guidelines on which they are based are fundamental guidelines for governance. The State needs to follow these principles while designing the laws. Emphasis is on the Welfare of State Model.

The establishment of Directive Principles of State Policy is in accordance with certain articles of the Constitution of India.

or

Directive Principles of State Policy are guidelines for the framing of laws by the government. These provisions, set out in Part IV of the Constitution, are not enforceable by the courts, but the principles on which they are based are fundamental guidelines for governance that the State is expected to apply in framing policies and passing laws.

The Fundamental Duties in the Life of an Indian

These are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India and concern the individuals and the nation. Included in Part IVA of the Constitution, like the Directive Principles, they are not enforceable by the law. According to the

constitution, let us have a look at the following information on duties to be followed by 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 for the nation's security when called upon to do so.
- To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, social 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, wildlife 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 endeavour and achievement.
- 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 to fourteen years.

- According to the 86th constitutional amendment in 2002, it is the duty of the people of India to adapt to make India a safer place to live, to be clean and make the surrounding clean and not to hurt anybody physically and mentally.

Part-xx Article 368 (1) of the Constitution of India grants constituent power to make formal amendments and empowers Parliament to amend the Constitution by way of addition, variation or repeal of any provision according to the procedure laid down therein, which is different from the procedure for ordinary legislation.

Procedure For Amending Indian Constitution - Constitutional Provisions

- A private member's bill or a minister's bill must be introduced to modify the constitution. The president's approval is not required. It can be carried out in any house. It requires a special majority of two-thirds of the members of the House present and voting, as well as a majority (that is, more than 50%) of the overall membership of the House.
- A similar procedure is followed in the other house before being referred to the president for his assent. It requires the President's mandatory consent.
- If an amendment affects the federal aspects of the constitution, it must be approved by a simple majority of state legislatures before being brought to the president for assent. An ordinance cannot modify the

constitution. There is also no provision for joint sitting in the event of a disagreement.

For more [click here](#)

MODULE-III UNION GOVERNMENT

A union government refers to the organisation that is created at the national level especially to look after the big and important issues at the national and also international level. It has the right to interfere in the working of government at the lower level or state level (only as per the Constitution)

The function of the legislative is to form policies and laws that will govern the nation. The Union Parliament is chiefly concerned with this function. To ensure that these functions are duly followed, the Constitution of India provides for two houses, Lok Sabha or the Lower House and Rajya Sabha or the Upper House.

The Legislature of the Union, which is called Parliament, consists of the President and two Houses, known as Council of States (Rajya Sabha) and House of the People (Lok Sabha). Each House has to meet within six months of its previous sitting. A joint sitting of two Houses can be held in certain cases.

Rajya Sabha

The Constitution provides that the Rajya Sabha shall consist of 250 members, of which 12 members shall be nominated by the President from amongst persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service; and not more than 238 representatives of the States and of the Union Territories.

Elections to the Rajya Sabha are indirect; members representing States are elected by elected members of legislative assemblies of the States in accordance with the system of proportional representation by means of the single transferable vote, and those representing Union Territories are chosen in such manner as Parliament may by law prescribe. The Rajya Sabha is not subject to dissolution; one-third of its members retire every second year.

Rajya Sabha, at present, has 245 seats. Of these, 233 members represent the States and the Union Territories, and 12 members are nominated by the President.

Lok Sabha

The Lok Sabha is composed of representatives of people chosen by direct election on the basis of adult suffrage. The maximum strength of the House envisaged by the Constitution is now 552 (530 members to represent States, 20 to represent Union Territories, and not more than two members of the Anglo-Indian community to be nominated by the President, if, in his opinion, that community is not adequately represented in the House). The total elective membership of the Lok Sabha is distributed among States in such a way that the ratio between the number of seats allotted to each State

and population of the State is, as far as practicable, the same for all States. The Lok Sabha at present consists of 545 members. Of these, 530 members are directly elected from the States and 13 from Union Territories, while two are nominated by the President to represent the Anglo-Indian community.

These Q & A's are not from our QB

1. What is the Constitution?

A constitution is a set of rules for the government to govern the country and defines the nature of polity of that country.

2. What are the functions of the constitution?

The following are the functions of constitution,

- a. Expression of Ideology,
- b. Expression of Basic Law,
- c. Organisational framework,
- d. Levels of government amendment provision.

3. Classify the different types of constitution.

Unitary, Federal and Written constitution are the three different types of constitution.

4. Briefly explain The Government of India Act of 1858.

This significant Act was enacted in the wake of the Revolt of 1857—also known as the First War of Independence or the ‘sepoy mutiny’. The act known as the Act for the Good Government of India, abolished the East India Company, and transferred the powers of government, territories and revenues to the British Crown.

5. When was the Indian Independence Act passed, by whom and on the basis of what plan?

The Indian Independence Act was passed by the British Parliament on 5th July in 1947. This act was passed to give effect to the Mountbatten plan creating the two independent states of India and Pakistan.

6. What were the options before the Indian native states in the Indian Independence Act?

The Indian Independence Act gave three options to the Indian native states—

- (1) to join India
- (2) to join Pakistan
- (3) to remain Independent.

7. Who drafted the Indian Constitution?

The Indian constitution was drafted by the Drafting Committee of the ‘Constituent Assembly’.

8. Who was the chairman of the Constituent Assembly? Who was the Chairman of the Drafting Committee?

Dr. Rajendra Prasad was the Chairman of Constituent Assembly. Dr. B.R. Ambedkar Was the Chairman of the Drafting Committee.

9. When was the Constitution adopted and come into force?

The constitution was adopted on 26th November 1949.

The constitution came into force on 26th January 1950.

10. Write note on Montagu - Chelmsford reforms.

It relaxed the central control over the provinces by demarcating and separating the central and provincial subjects. The central and provincial legislatures were authorised to make laws on their respective list of subjects. However, the structure of government continued to be centralised and unitary.

11. Explain the Minto – Morley reforms

- It considerably increased the size of the legislative councils, both Central and provincial. The number of members in the provincial legislative councils was not uniform.
- It retained official majority in the Central Legislative Council but allowed the provincial legislative councils to have a non-official majority.
- It enlarged the deliberative functions of the legislative councils at both the levels.
- It introduced a system of communal representation for Muslims by accepting the concept of ‘separate electorate’. Thus, the Act ‘legalised communalism’ and Lord Minto came to be known as the Father of Communal Electorate.

12. What are the features of Government of India act 1935? [R ,CO1]

- It provided for the establishment of an All-India Federation consisting of provinces and princely states as units.
- It abolished dyarchy in the provinces and introduced ‘provincial autonomy’ in its place. The provinces were allowed to act as autonomous units of administration in their defined spheres.

- It abolished the Council of India, established by the Government of India Act of 1858.
- It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.
- It provided for the establishment of a Federal Court, which was set up in 1937.

13. Write down the members of the Drafting committee of the Indian constitution.

- Dr B R Ambedkar (Chairman)
- Dr. Rajendra Prasad
- N Gopalaswami Ayyangar
- Alladi Krishnaswami Ayyar
- Dr K M Munshi
- Syed Mohammad Saadullah
- N Madhava Rau (He replaced B L Mitter who resigned due to health issue)
- T TKrishnamachari (He replaced D P Khaitan who died in 1948)

14. What is the importance of Article 370 of the constitution?

This Art gives the state of Jammu & Kashmir a separate constitutional status. Laws passed by the Indian Parliament apply to Jammu & Kashmir if they are accepted by the J. K. legislature.

15. Explain the second schedule of our constitution.

Second schedule of our constitution explains Provisions relating to the emoluments, allowances, privileges and so on.

UNIT II: FUNDAMENTAL RIGHTS AND DUTIES

1. According to the Preamble India is what kind of state?

According to the original preamble India is a Sovereign, Democratic Republic. By 42nd amendment of the constitution India is also made a Socialist and Secular state.

2. What are the political ideals, according to the Preamble India seeks to secure?

India seeks to secure to her people:

Justice: Social, Economic and Political.

Liberty: of thought, expression, belief, faith and worship

Equality: of status and opportunity, and Fraternity, assuring the dignity of the individual and unity of the nation.

3. What is meant by “Secular and Socialist” as described in the Preamble?

The preamble describes India to be a secular state. It means that there is no established religion in India and that state does not give any preference to any religion in India.

The 42nd amendment of the Indian constitution makes India a socialist state. It means that the state shall abolish private ownership of the means of production and distribution. This however has not yet been achieved. On the other hand the state now encourages private ownership.

4. Bring out the significance of the terms “Sovereign, Democratic Republic” as mentioned in the Preamble.

- India is a sovereign state. It means the state in India is the supreme authority over all men and all associations within the country and is absolutely free from any outside control.
- India is democratic. It means that in India all governments are formed on the basis of popular support.
- India is a republic. It means all offices of the state from the highest to the lowest are held on the basis of merit and no office of the state is held on the basis of hereditary right.

5. How many states and union territories are there in the Indian Union?

There are 29 states and 7 union territories in the Indian Union.

6. How many categories of fundamental rights have been recognized by the Indian constitution?

Originally the constitution conferred on the Indian citizens seven fundamental rights. They are

- (a) right to equality
- (b) right to freedom
- (c) right against exploitation
- (d) right to religious freedom.
- (e) right to education and culture
- (f) right to property and
- (g) right to constitutional remedies

At present there are six fundamental rights. Right to private property has been removed from the list of fundamental rights by the 44th amendment of the constitution.

7. What are the principal duties of Indian citizens?

Obeying the constitution, showing respect to the national flag and the national anthem, defending India's sovereignty, integrity, and unity protecting national properties and upholding India's glorious mixed culture and also showing respect to women are the principal duties of the Indian citizens.

8. Write a note on the Citizenship Act, 1955.

The Citizenship Act (1955) provides for acquisition and loss of citizenship after the commencement of the Constitution. This Act has been amended so far four times by the following Acts:

The Citizenship (Amendment) Act, 1986.

The Citizenship (Amendment) Act, 1992.

The Citizenship (Amendment) Act, 2003.

The Citizenship (Amendment) Act, 2005.

9. What are the types of Amendments?

The Constitution can be amended in three ways:

Amendment by simple majority of the Parliament,

Amendment by special majority of the Parliament, and

Amendment by special majority of the Parliament and the ratification of half of the state legislatures.

10. What is the principal difference between the directive principle of state policy and fundamental right?

The fundamental rights are justiciable while the directive principles are non-justiciable i.e. the fundamental rights are enforced by the courts while the directives are not enforced by the courts.

11. What are the values and importance of directive principles of state policy?

The directive principles though non-justiciable are not worthless. Sir B.N. Rao contends that the directives are moral precepts. K.M. Panikkar holds that the directives promise India to achieve economic socialism or economic democracy.

UNIT III: UNION GOVERNMENT

1. When was the Lok Sabha (the House of the People) first constituted?

The Lok Sabha (House of the People) was duly constituted for the first time on 17 April 1952 after the first General Elections held from 25 October 1951 to 21 February 1952.

2. Why is the Lok Sabha called the popular chamber?

The Lok Sabha is composed of representatives of the people chosen by direct election on the basis of adult suffrage. That is why it is called the popular chamber.

3. What is the quorum to constitute a sitting of the Lok Sabha?

The quorum to constitute a sitting of the House is one-tenth of the total number of Members of

the House under article 100(3) of the Constitution.

4. Who presides over the Lok Sabha when the Speaker is absent from the sitting of the House?

The Deputy Speaker presides over the Lok Sabha when the Speaker is absent from the sitting of the House.

5. Who presides over the Lok Sabha when both the Speaker's and the Deputy Speaker's offices fall vacant?

When the Offices of both the Speaker and the Deputy Speaker fall vacant, the duties of the Office of

the Speaker are performed by such Member of the Lok Sabha as the President may appoint for the

purpose. The person so appointed is known as the Speaker pro tem.

6. What are the qualifications to become a Member of the Lok Sabha?

To become a member of the Lok Sabha, a person should be a citizen of India, not less than 25 years of age and possess such other qualifications as may be prescribed by or under any law made by Parliament [Art. 84].

7. What is the legislative relationship between the Lok Sabha and the Rajya Sabha?

In legislative matters, both the Houses enjoy almost equal powers except in the case of Money

Bills. The main function of both the Houses is to pass laws. Every Bill has to be passed by both the Houses and assented to by the President before it becomes law. In case of Money Bills, the Lok Sabha has overriding powers.

8. Does the Speaker have the right to vote?

The Speaker has a casting vote in the event of a tie. It is customary for the Presiding Officer to exercise the casting vote in such a manner as to maintain the status quo.

9. What is meant by Adjournment, Prorogation and Dissolution of the Lok Sabha?

"Adjournment" is a postponement of the sitting or proceedings of the House from one time to another specified for the reassembling of the House.

"Prorogation" means the termination of a Session of the House by an order made by the President under article 85(2)(a) of the Constitution. The Prorogation of the House may take place any time, even while the House is sitting. "Dissolution" of the House means the end of the life of the Lok Sabha either by an order made by the President under article 85 (2) (b) of the Constitution or on the expiration of the period of five years from the date appointed for its first meeting.

10. What is Question Hour?

Rule 32 of the "Rules of Procedure and Conduct of Business in Lok Sabha" provides that unless the Speaker otherwise directs, the first hour of every sitting of the House shall be available for the asking and answering of Questions. Thus, it is taken up from 1100hrs to 1200 hrs in every sitting.

11. What are the different types of Questions? [An ,CO3]

There are basically four types of Questions:-

Starred

Un starred

Short Notice Question

Question to Private Members

12. What is a Bill?

A Bill is the draft of a legislative proposal brought before the House for its approval.

13. What are the different types of Bills? [An,CO3]

Depending on their contents, Bills may further be classified broadly into (a) Original Bills (Bills

embodying new proposals, ideas or policies); (b) Amending Bills (Bills which seek to modify,

amend or revise the existing Acts); (c) Consolidating Bills (Bills which seek to consolidate

existing laws on a particular subject; (d) Expiring Laws (Continuance) Bills (Bills to continue an

expiring Act); (e) Repealing Bills (Bills seeking to repeal existing Acts); (f) Bills to replace

Ordinances; (g) Constitution (Amendment) Bills; and (h) Money and Financial Bills.

Hall Ticket No

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Course Code: AHSC14



INSTITUTE OF AERONAUTICAL ENGINEERING
(Autonomous)

B.Tech IV SEMESTER CIE - I EXAMINATIONS APRIL - 2022

Regulation: UG20

INDIAN CONSTITUTION

(Common to CSE | CSE(AI&ML) | CSE(CSIT) | CSE(DS) | CSE(CS) | IT Branches)

Time: 2 Hours

Max Marks: 20

Answer any FOUR questions

All parts of the question must be answered in one place only

1. (a) What is the need and importance of constitution for democratic country like India? [Marks: 2]
(b) Enumerate the following key words from preamble of constitution: Sovereign, Socialist, Secular, Democratic and Republic. [Marks: 3]
2. (a) Discuss the salient features of Indian constitution with special reference to parliamentary form of Government. [Marks: 2]
(b) "The Indian constitution is neither Federal nor Unitary but is a combination of both". Discuss. [Marks: 3]
3. (a) What do you mean by directive principles of state policy? What is their importance. [Marks: 2]
(b) If you are to take a pledge to abide by four fundamental duties on the independence day, which four duties, according to you are the most important ones and why? [Marks: 3]
4. (a) Explain about the constitutional amendments and constitutional functions. [Marks: 2]
(b) With reference to decided cases explain the scope of the fundamental right to freedom of religion under the Indian constitution. [Marks: 3]
5. (a) Explain in detail about the union government structure and functions. [Marks: 2]
(b) Write about Rajya sabha and Loksabha. Classify the role of local government. [Marks: 3]

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MODULE-III UNION GOVERNMENT

The Union government is mainly composed of the executive, the legislature, and the judiciary, and powers are vested by the constitution in the prime minister, parliament and the supreme court respectively. The president of India is the head of state and the commander-in-chief of the Indian Armed Forces

whilst the elected prime minister acts as the head of the executive, and is responsible for running the Union government. The parliament is bicameral in nature, with the Lok Sabha being the lower house, and the Rajya Sabha the upper house. The judiciary systematically contains an apex supreme court, 25 high courts, and several district courts, all inferior to the supreme court.

Legislature

The Legislature of the Union, which is called Parliament, consists of the President and two Houses, known as Council of States (Rajya Sabha) and House of the People (Lok Sabha). Each House has to meet within six months of its previous sitting. A joint sitting of two Houses can be held in certain cases.

Rajya Sabha

The Constitution provides that the Rajya Sabha shall consist of 250 members, of which 12 members shall be nominated by the President from amongst persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service; and not more than 238 representatives of the States and of the Union Territories.

Elections to the Rajya Sabha are indirect; members representing States are elected by elected members of legislative assemblies of the States in accordance with the system of proportional representation by means of the single transferable vote, and those representing Union Territories are chosen in such manner as Parliament may by law prescribe. The Rajya Sabha is not subject to dissolution; one-third of its members retire every second year.

Rajya Sabha, at present, has 245 seats. Of these, 233 members represent the States and the Union Territories, and 12 members are nominated by the President.

Lok Sabha

The Lok Sabha is composed of representatives of people chosen by direct election on the basis of adult suffrage. The maximum strength of the House envisaged by the Constitution is now 552 (530 members to represent States, 20 to represent Union Territories, and not more than two members of the Anglo-Indian community to be nominated by the President.

President of India (with powers and functions)

The Indian President is the head of the state. He is the first citizen of India and is a symbol of solidarity, unity, and integrity of the nation. He is a part of the Union Executive along with the Vice-President, Prime Minister, Council of Ministers, and Attorney-General of India.

The President of India is the Head of State. The system of government of India is a cabinet form of government. The Indian President is, therefore, a constitutional head like the King or Queen of Britain—that is, all executive powers are constitutionally vested in him, although those are actually exercised and executed by the cabinet.

In India the powers of the Union government are treated as the powers of the President because these powers are used in his name in pursuance of the constitutional stipulation under Article 53 which reads: The executive powers of the Union shall be vested in the President and shall be exercised by him either directly or through the officers subordinate to him in accordance with this Constitution.

The constitutional powers and functions of the President of India may be classified into six principal types.

Executive Functions

1. Head of the Union

2. Appointments; President appoints the Governors of States, the Judges of the Supreme Court and the High Courts, the Auditor General of India and many other high officials
3. Appointment of the Prime Minister and other Ministers: The President also appoints the Prime Minister and with his advice the other Ministers of the Union Council of Ministers.
4. Can ask to prove Majority in Lok Sabha: Union Council of Ministers normally remains in office for five years, unless dissolved earlier for any reason.
5. Supreme Commander: As head of State, the President is the supreme Commander of the Armed Forces of India and is entitled to declare war or conclude a treaty.

Legislative Powers and Functions

1. President is a part of Parliament:
2. Summons and Addresses Parliament:
3. Nomination: The President nominates a number of members in both Houses.
4. Power in respect of Bills: The President has certain functions in respect of passing of a Bill. A bill passed by both the Houses of Parliament requires his assent in order to become an Act.
5. Bill passed by a State Legislature: A bill passed by a State Legislature may also be reserved for the consideration of the President by the Governor of that State.

Financial Powers of President

- To introduce the money bill, his prior recommendation is a must
- He causes Union Budget to be laid before the Parliament
- To make a demand for grants, his recommendation is a prerequisite
- Contingency Fund of India is under his control
- He constitutes the Finance Commission every five years

Diplomatic Powers of President

International Treaties and agreements that are approved by the Parliament are negotiated and concluded in his name

He is the representative of India in international forums and affairs

Military Powers of President

He is the commander of the defence forces of India. He appoints:

- Chief of the Army
- Chief of the Navy
- Chief of the Air Force

Emergency Powers of President

He deals with three types of emergencies given in the Indian Constitution:

- National Emergency (Article 352)
- President's Rule (Article 356 & 365)
- Financial Emergency (Article 360)

Prime minister of India (With powers and functions)

The Prime Minister of India is the head of the government and country. He is appointed by the President of India after the political party wins a general election and nominates a candidate for the post. The leader of that political party is hence appointed as the Prime Minister of India.

Power and function of Prime Minister

The Prime Minister of India serves the country by performing various functions.

He performs his functions taking responsibilities that are listed below

- The leader of the Country: The Prime Minister of India is the Chief Head of the Government of India.

- Portfolio allocation: The Prime Minister has the authority to assign respective portfolios to the Ministers.
- Chairman of the Cabinet: The Prime Minister is the chairman of the cabinet and conducts the meetings of the Cabinet. He can impose his decision if there is a crucial opinion difference and conflict among the members.
- Official Representative of the country: The Prime minister represents the country for high-level international meetings and he is the ambassador of the country.
- The link between the President and the Cabinet: The Prime Minister acts as the link and bond between the President and cabinet. He communicates and transmits all decisions of the Cabinet to the President which are related to the administration of the affairs of the Union and proposals for legislation.
- Head: The Prime Minister is the head of many organisations and programs like Nuclear Command Authority, NITI Aayog, Appointments Committee of the Cabinet, Department of Atomic Energy, Department of Space and Ministry of Personnel, Public Grievances and Pensions.
- Chief Advisor: He also plays the role of chief advisor to the President
- He plays a significant role in shaping the foreign policy of the country.
- He is the chief spokesman of the Union government.
- He is the crisis manager-in-chief at the political level during emergencies.
- As a leader of the nation, he meets various sections of people in different states and receives memoranda from them regarding their problems, and so on.
- He is the leader of the party in power.
- He is the political head of the services. Thus, the Prime Minister plays a very significant and highly crucial role in the politico-administrative system of the country

The Supreme Court at the apex of the Indian Judiciary is the highest authority to uphold the Constitution of India, to protect the rights and liberties of the citizens, and to uphold the values of rule of law. Hence, it is known as the Guardian of our Constitution.

The Constitution of India has provided an independent judiciary with a hierarchical setup containing High Courts and Subordinate Courts under it.

A supreme court is the highest court within the hierarchy of courts in many legal jurisdictions. Other descriptions for such courts include court of last resort, apex court, and high (or final) court of appeal. Broadly speaking, the decisions of a supreme court are not subject to further review by any other court. Supreme courts typically function primarily as appellate courts, hearing appeals from decisions of lower trial courts, or from intermediate-level appellate courts.



Powers and Functions

- Guardian of the constitution
- Original Jurisdiction
- Defender of the Federation
- Enforcement of fundamental rights
- Appellate Jurisdiction: Civil & Criminal
- Special Leave to Appeal
- Advisory Jurisdiction
- Review(Revisory Jurisdiction)
- Court of Records
- Contempt of Court
- Power of Judicial Review

Supreme Court of India – Functions

- It takes up appeals against the verdicts of the High Courts, other courts and tribunals.
- It settles disputes between various government authorities, between state governments, and between the centre and any state government.
- It also hears matters which the President refers to, in its advisory role.
- The SC can also take up cases suo moto (on its own).

- The law that SC declares is binding on all the courts in India and on the Union as well as the state governments.

Jurisdiction of the supreme court

Jurisdiction is the authority given to a legal body like a court to administer justice within a defined field of responsibility.

The Supreme Court in India has three types of jurisdictions – original, appellate and advisory as provided in Articles 131, 133 – 136 and 143 respectively of the Indian Constitution.

Original jurisdiction of a court refers to a matter for which the particular court is approached first. In the case of the Supreme Court in India, its original jurisdiction is covered under Article 131. It involves the following cases:

- Any dispute between the Indian Government and one or more States.
- Any dispute between the Indian Government and one or more States on one side and one or more States on the other side.
- Any dispute between two or more States.
- Article 32 of the Constitution provides original jurisdiction to the SC for matters regarding the enforcement of Fundamental Rights.
- The SC can issue writs, directions, or orders including writs in the nature of mandamus, habeas corpus, quo warranto, prohibition and certiorari.
- The SC also has the power to direct the transfer of a criminal or civil case from the High Court in one State to the High Court in another State.
- It can also transfer cases from one subordinate court to another State High Court

Appellate Jurisdiction

Under this, the Supreme Court can hear cases only when they are appealed against a High Court order.

Advisory Jurisdiction

Under this, the President can request the Supreme Court to offer its opinion on any issue of law or fact.

MODULE-IV STATE GOVERNMENT

State Government

- A state government is the government that controls a subdivision of a country in a federal form of government, which shares political power with the federal or national government. A state government may have some level of political autonomy, or be subject to the direct control of the federal government. This relationship may be defined by a constitution.
- State governments in India are the governments ruling over 28 states and 8 union territories of India and the head of the Council of Ministers in a state is the Chief Minister. Power is divided between the Union government and state governments. While the Union government handles defence, external affairs etc., the state government deals with internal security and other state issues. Income for the Union government is from customs duty, excise tax, income tax etc., while state government income comes from sales tax (VAT), stamp duty etc.; now these have been subsumed under the various components of the Goods and Services Tax
- Each state has a legislative assembly. A state legislature that has one house - State Legislative Assembly (Vidhan Sabha) - is a unicameral legislature
A state legislature that has two houses - the State Legislative assembly and State Legislative Council (Vidhan Parishad) - is a bicameral legislature. The Vidhan Sabha is the lower house and corresponds to the Lok Sabha while the Vidhan Parishad is the upper house and corresponds to the Rajya Sabha of the Parliament of India.
- The Sarkaria Commission was set up to review the balance of power between states' and the Union governments.

State legislature (Legislative Assembly/ Vidhan Sabha, Legislative council/ Vidhan parishad)

The State Legislative Council, or Vidhan Parishad, or Saasana Mandali is the upper house in those states of India that have a bicameral state legislature; the lower house being the State Legislative Assembly. Its establishment is defined in Article 169 of the Constitution of India.

As of 2022, 6 out of 28 states have a State Legislative Council. These are Andhra Pradesh, Karnataka, Telangana, Maharashtra, Bihar, and Uttar Pradesh.

Legislative Assembly (Vidhan Sabha)

There is a Legislative Assembly (Vidhan Sabha) in every State. It represents the people of the State. The members of Vidhan Sabha are directly elected by people on the basis of universal adult franchise. They are directly elected by all adult citizens registered as voters in the State. All men and women who are 18 years of age and above are eligible to be included in the voters' List. They vote to elect members of the State Assembly. Members are elected from territorial constituencies. Every State is divided into as many (single member) constituencies as the number of members to be elected. As in case of Lok Sabha, a certain number of seats are reserved for Scheduled Castes, and in some States for Scheduled Tribes also. This depends on the population of these weaker sections in the State. The number of Vidhan Sabha members cannot be more than 500 and not less than 60.

Legislative Council (Vidhan Parishad)

Vidhan Parishad is the upper House of the State Legislature. It is not in existence in every State. Very few States have bicameral Legislature that means having two Houses. At present five states viz. Uttar Pradesh, Bihar, Karnataka, Maharashtra and Jammu & Kashmir have Vidhan Parishad while,

remaining 23 States have one House, i.e. Vidhan Sabha. Legislative Councils are a legacy of the British period. The Parliament can create Vidhan Parishad in a State where it does not exist, if the Legislative Assembly of the State passes a resolution to this effect by a majority of the total membership of the Assembly and by a majority of not less than two thirds of the members of the Assembly present and voting, and sends the resolution to the Parliament. Similarly, if a State has a Council and the Assembly wants it to be abolished, it may adopt a resolution by a similar majority and send it to Parliament. In this situation Parliament resolves to abolish the concerned Legislative Council. Accordingly, Councils of Punjab, Tamil Nadu and West Bengal were abolished.

According to the Constitution, the total number of members in the Vidhan Parishad of a State should not exceed one-third of the total number of members of Vidhan Sabha but this number should not be less than 40. The Jammu & Kashmir is an exception where Vidhan Parishad has 36 members.

Legislative Assembly (Vidhan Sabha)	Legislative Council (Vidhan Parishad)
Legislative Assembly refers to the lower house of the State Legislature	Legislative Council is the upper house of the State Legislature.
Direct election is the mode of electing members of Legislative Assembly	The indirect election is the mode of electing members of Legislative Council
Members of the Legislative Assembly are directly elected by the people	Members of Legislative Council are elected by state legislative assembly, local bodies etc.
Legislative Assembly members are elected for a term of 5 years	Legislative Council members are elected for a term of 6 years.
Speaker is the presiding officer of Legislative Assembly	Chairman is the presiding officer of Legislative Council

Powers and Functions of The State Legislature

Powers & Functions of The State Legislature

Law Making Function

Financial Powers

Control over the Executive

Electoral Functions

Constitutional Functions

1. Law Making Function

The primary function of the State Legislature, like the Union Parliament, is law-making.

The State Legislature is empowered to make laws on State List and Concurrent List. The Parliament and the Legislative Assemblies have the right to make the laws on the subjects mentioned in the Concurrent List. But in case of contradiction between the Union and State law on the subject the law made by the Parliament shall prevail.

Bills are of two types—Ordinary bills and Money bills. Ordinary bills can be introduced in either of the Houses (if the State Legislature is bicameral), but Money bill is first introduced in the Vidhan Sabha. After the bill is passed by both Houses, it is sent to the Governor for his assent. The Governor can send back the bill for reconsideration. When this bill is passed again by the Legislature, the Governor has to give his assent.. The Ordinances have the force of law. The Ordinances issued are laid before the State Legislature when it reassembles. It ceases to be in operation after the expiry of six weeks, unless rejected by the Legislature earlier.

2. Financial Powers

The State Legislature keeps control over the finances of the State. A money bill is introduced first only in the Vidhan Sabha. The money bill includes authorisation of the expenditure to be incurred by the government, imposition or abolition of taxes, borrowing, etc. The bill is introduced by a Minister on the recommendations of the Governor. The money bill cannot be introduced by a private member. Like the Union Legislature, the State Legislature keeps control over the executive. The Council of Ministers is responsible to Vidhan Sabha collectively and remains in the office so long as it enjoys the confidence of the Vidhan Sabha. The Council is removed if the Vidhan Sabha adopts a vote of no-confidence, or when it rejects a government bill.

3. Constitutional Functions

You have learnt about the procedure of amendment of the Constitution. An Amendment requires a special majority of each House of the Parliament and ratification by not less than half of the States relating to Federal subjects. The resolution for the ratification is passed by State Legislatures with simple majority

4. Electoral Functions

The elected members of the Legislative Assembly constitute a part of the Electoral College provided for the election of the President of India. The Legislative Assembly also elects the representatives of the State to the Rajya Sabha and 1/3rd of the members of the Legislative Council of the State concerned. It also elects its Speaker and Deputy Speaker. Legislative Council also elects a Chairman and Vice-Chairman from among its members to preside over the meeting of the Council.

State Executive

The State Executive is the part of the state government which enforces the law and is responsible for the administration of the state.

The state executive is envisaged with the role of enforcing the laws made by the legislature and looking after the governance in the state.

State executive consists of the Governor and Council of Ministers with the Chief Minister as its head. The Governor of a State is appointed by the President for a term of five years and holds office during his pleasure. Only Indian citizens above 35 years of age are eligible for appointment to this office. The Executive power of the State is vested in the Governor.

Council of Ministers with Chief Minister as head aids and advises Governor in exercise of his functions except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion

Functions of State Executive:

Enforcement of Laws: This is the primary function to enforce the law and maintain law and order in the state.

Policy making: The executive is provided with the task of policymaking and developmental planning.

Functions related to Lawmaking: Since ministers are also members of the legislature they are involved in the law-making process.

Delegated Legislation: This is an additional role to make laws provided by the legislature to the executive.

Financial Functions: Though the legislature is the custodian of all the finances, the task of preparing the budgets and collection and spending of tax money is handled by the executive.

Quasi-Judicial Functions: The appointment of judges of the subordinate courts and the members of the tribunals is part of its quasi-judicial function.

GOVERNOR—

- Governor is a nominal executive head of the state. He forms an important part of the state executive where he acts as the chief executive head.
- The Central Government nominates the governor for each state.

- The governor of a state is appointed by the president of India. The factors based on which the president evaluates the candidates is not mentioned in the Constitution.

Powers and functions

The primary function of the governor is to preserve, protect and defend the constitution and the law as incorporated in their oath of office under Article 159 of the Indian constitution in the administration of the state affairs. All the governor's actions, recommendations and supervisory powers (Article 167c, Article 200, Article 213, Article 355, etc.) over the executive and legislative entities of a state shall be used to implement the provisions of the Constitution.

In this respect, the governor has many **different types of powers**:

- Executive powers related to administration, appointments and removals,
- Legislative powers related to lawmaking and the state legislature, that is State Legislative Assembly (Vidhan Sabha) or State Legislative Council (Vidhan Parishad),
- Discretionary powers to be carried out according to the discretion of the governor. The governors of India have similar powers and functions of the state level as those of the president of India at central level.

The chief Minister of the state (with powers and functions)

The Chief Minister is the state government's most powerful official.

He is the head of the State Council of Ministers and the real executive head of state government.

He wields enormous power and is a key figure in the state.

The CM's position is paramount in the State's governmental system.

In practice, his position will only be imposing if his party has a clear majority in the State Legislature.

The Chief Minister is the primary spokesperson for a state's government.

The Chief Minister holds a pivotal position in the working of the State Government. He has enormous powers and vast responsibilities.

The powers and functions of Chief Minister are as follows:

1. To Aid and Advice the Governor:

The Chief Minister is the link between the Cabinet and the Governor. It is he who communicates to the Governor all decisions of the Council of Ministers. He has to furnish such information relating to the administration of the State as the Governor may call for.

2. The Chief Minister is at the Head of the Council of Ministers:

As Head of the State Cabinet, the Chief Minister enjoys the following powers:

(i) Formation of the Ministry:

The other Ministers are appointed by the Governor on the advice of the Chief Minister. The Chief Minister has a free hand in preparing the list of his colleagues. The Governor may suggest the names of the persons to be included in the Ministry, but he cannot insist upon any person to be included in the Ministry. Assigning departments or portfolios to the Ministers is done by the Governor on the advice of the CM. The CM can allocate and reshuffle portfolios among ministers.

Other than this the CM has the following important powers;

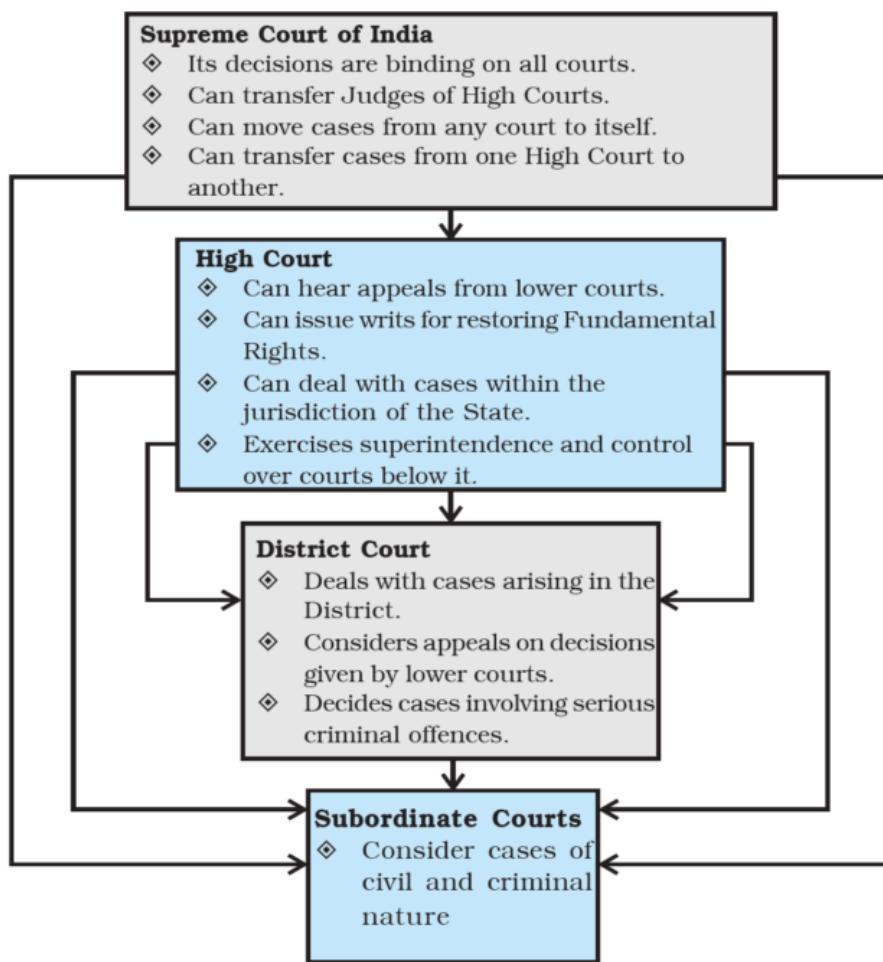
1. The activities of all ministers are coordinated, guided and controlled by the chief minister.
2. The meetings of the council of ministers are presided by him
3. He influences the decision of the council of ministers.
4. He can ask the governor to dismiss any minister or he can ask a minister to resign.
5. If the chief minister resigns, the government also collapses.
6. He is the channel of communication between the council of ministers and the governor.
7. The government policies are announced by him on the floor of the house.
8. He advises the governor to summon the sessions of the state legislature.
9. Chairman of the state planning board

10. Member of the Inter State Council and the National Development Council both headed by the prime minister.

11. Vice chairman of the concerned zonal council by rotation.

12. Crisis manager in chief at political level during emergencies.

The Chief Minister plays a very important and critical role in state administration.



State Judiciary (High courts)

- The Judiciary is a very vital and indispensable organ of the Indian State. It plays an important role as the interpreter and guardian of the Indian Constitution. Besides, the judiciary also acts as the custodian of the rights of the people and plays an eminent role in the administration of justice. To ensure that a democracy functions effectively, it is imperative that the Judiciary needs to be independent and impartial.

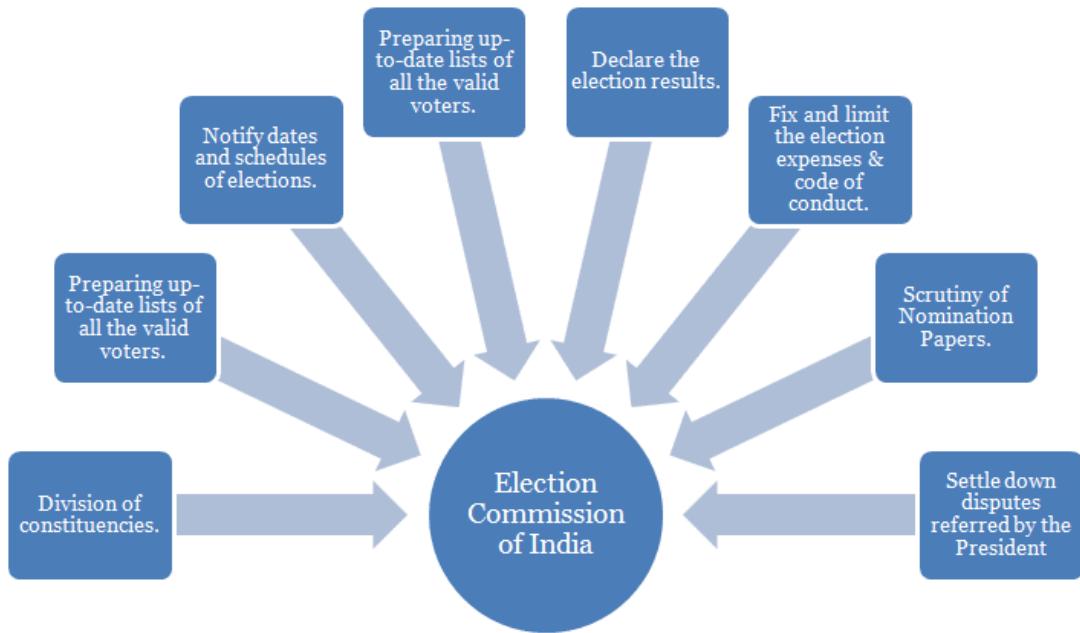
- The Indian Judicial system constitutes a hierarchy of courts. At the topmost level of the hierarchy is the Supreme Court which is the apex Court of India. The Supreme Court is followed by the High Courts of different States and then under each High Court there are Subordinate Courts.
- The High Courts occupy the second level in the hierarchy of the judicial system. High Courts in India are the highest judicial authority in a particular State. All the other lower Courts in the State are subordinate to the High Court and function under it. Currently there are 25 High Courts in India.
- The State Judiciary which is helmed by the High Court occupies a very important position in the Indian judicial system. The High Court performs various functions and plays a vital role in the administration of justice. Along with the Supreme Court, the High Courts also are guardians of the Constitution. However the High Court has much wider powers to issue writs as compared to the Supreme Court, as a High Court can issue writs not just for enforcement of fundamental rights but also other legal rights.

MODULE-V ELECTION COMMISSION

The Election Commission of India (ECI) is a constitutional body under the ownership of the Ministry of Law and Justice, Government of India. It was established by the Constitution of India to conduct and regulate elections in the country. Article 324 of the Constitution provides that the power of superintendence, direction, and control of elections to parliament, state legislatures, the office of the president of India, and the office of vice-president of India shall be vested in the election commission. Thus, the Election Commission is an all-India body in the sense that it is common to both the Central government and the state governments.

The body administers elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies, State Legislative Councils and the offices of the President and Vice President of the country. The Election Commission operates under the authority of the Constitution per Article 324,[5] and subsequently enacted Representation of the People Act. The commission has the powers under the Constitution, to act in an appropriate manner when the enacted laws make insufficient provisions to deal with a given situation in the conduct of an election. Being a constitutional authority, Election Commission is amongst the few institutions which function with both autonomy and freedom, along with the country's higher judiciary, the Union Public Service Commission and the Comptroller and Auditor General of India. It is a permanent constitutional body.

- The commission was established in 1950 and originally only had one Chief Election Commissioner.
- The commission is served by its secretariat located in New Delhi.



Functions

- One of the most important features of the democratic policy in India is elections at regular intervals. Holding periodic, free and fair elections are essentials of a democratic system and a part of the basic structure of the Constitution. The Election Commission is regarded as the guardian of elections in the country.
- In every election, it issues a Model Code of Conduct for political parties and candidates to conduct elections in a free and fair manner.
- The election commission has the right to allow symbols to the political parties. It gives recognition to the national parties, state parties and regional parties. It sets limits on poll expenses.
- Supervising, directing, controlling and conducting the elections for the states and the Parliament.
- Laying down the general rules for the elections.
- Deciding the constituencies and preparing the electoral rolls

Chief Election Commissioner

The Chief Election Commissioner of India heads the Election Commission of India, a body constitutionally empowered to conduct free and fair elections to the national and state legislatures and of President and Vice-President. This power of the Election Commission of India is derived from Article 324 of the Constitution of India. Chief Election Commissioner of India is usually a member of the Indian Civil Service and mostly from the Indian Administrative Service. It is very difficult to remove the authority of the Chief Election Commissioner once appointed by the president, as two-thirds of the Lok Sabha and the Rajya Sabha need to present and vote against him for disorderly conduct or improper actions.

Election Commissioners

The Election Commissioners of India are the members of Election Commission of India, a body constitutionally empowered to conduct free and fair elections in India to the national and state legislatures. The Election Commissioners are usually retired IAS or IRS officers.

The Election Commission currently consists of a Chief Election Commissioner and two Election Commissioners. The decisions of the commission are taken by a majority vote.

State Election Commission: Role and Functioning

States Election Commission(India) is an autonomous and Constitutional body constituted in States and Union Territories of India for ensuring that elections are conducted in a free, fair and unbiased way. The Constitution of India with provisions as per Article 324 safeguards the powers of Election Commission. States Election Commission in India are responsible for elections for Urban Local Bodies like Municipalities, Municipal Corporations, Panchayats and any other specified by Election Commission of India. They are appointed by the Governor of state or union territory.

Powers and Responsibilities

States Election Commission in India are responsible for the following:

- Conducting elections for Municipal Corporations in the State.
- Conducting elections for Municipal panchayats in State.
- Model code of conduct implemented in elections for local bodies.
- Updating Electoral rolls with new additions.
- Updating Electoral rolls with removals, if any.
- The State government is required to appoint a State Election Commissioner who would be responsible for conducting elections to the Panchayati Raj institutions.
- Preparation of Electoral Rolls
- Appointment of Dates for Nominations
- Public Notice of Election
- Nomination of Candidates for Election
- Publication of List of Contesting Candidates
- Fixing Time for Poll
- Adjournment of Poll in Emergencies
- Counting of Votes

Institute and Bodies for the welfare of SC/ST/OBC and women.

Development of the Scheduled Castes is the mutual responsibility of the Central as well as the State Government and Union Territory administration. The State Governments have separate departments to look after the welfare of the Scheduled Castes, Scheduled Tribes and Other Backward Classes. Their administrative set up, however, varies from State to State. A number of voluntary organisations were established to encourage the welfare of the Scheduled Castes and Scheduled Tribes. To enhance the well-being and progress of these communities there have been the establishment of a number of schemes. The schemes have been concerned with providing scholarships, loans and financial assistance to the individuals to ensure they obtain education in reputed educational institutions. Housing and hostel facilities are regarded as imperative, as they migrate from one region to another. There have

been schemes to generate enthusiasm and interest amongst these students in sports. The primary motive of the schemes is to make sure that these individuals do not experience detrimental consequences as a result of poverty, illiteracy, unemployment and homelessness. They primarily focus on alleviating the conditions of poverty and backwardness, ensure that these communities are able to communicate with the other groups of people, they are able to acquire education and generate awareness amongst themselves, obtain employment opportunities and are able to obtain proper housing and shelters in order to lead to elimination of the problem of homelessness

The Ministry of Social Justice and Empowerment is the nodal Ministry to oversee the interests of the Scheduled Castes.

Initiatives taken for SC development.

Educational Empowerment.

Various scholarships are provided to the students belonging to the Scheduled Castes (SCs) to ensure that education is not denied due to the poor financial condition of their families. These Scholarships are provided at both pre-matric and post-matric levels.

Economic Empowerment:

National Scheduled Castes Finance and Development Corporation (NSFDC)

National Safai Karamcharis Finance and Development Corporation (NSKFDC)

Scheme of Assistance to Scheduled Castes Development Corporations (SCDCs)

Social Empowerment

The Protection of Civil Rights Act, 1955

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

National Commission for Scheduled Castes

National Commission for Scheduled Castes (NCSC) is an Indian constitutional body established with a view to provide safeguards against the exploitation of Scheduled Castes to promote and protect their social, educational, economic and cultural interests, special provisions were made in the Constitution.

National Commission for Scheduled Tribes

National Commission for Scheduled Tribes (NCST) is an Indian constitutional body was established through Constitution (89th Amendment) Act, 2003.

On the 89th Amendment of the Constitution coming into force on 19 February 2004, the National Commission for Scheduled Tribes has been set up under Article 338A on bifurcation of erstwhile National Commission for Scheduled Castes and Scheduled Tribes to oversee the implementation of various safeguards provided to Scheduled Tribes under the Constitution.