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The Constitution of India at a Glance

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Schedules of the Constitution at a Glance

Numbers	Subject Matter	Articles Covered
First Schedule	1. Names of the States and their territorial jurisdiction. 2. Names of the Union Territories and their extent.	1 and 4 59, 65, 75, 97,
Second Schedule	Provisions relating to the emoluments, allowances, privileges and so on of:	125, 148, 158, 164, 186 & 221
	1. The President of India	
	2. The Governors of States	
	3. The Speaker and the Deputy Speaker of the Lok Sabha	
	4. The Chairman and the Deputy Chairman of the Rajya Sabha	
	5. The Speaker and the Deputy Speaker of the Legislative Assembly in the states	
	6. The Chairman and the Deputy Chairman of the Legislative Council in the states	
	7. The Judges of the Supreme Court	
	8. The Judges of the High Courts	
	9. The Comptroller and Auditor-General of India	
Third Schedule	Forms of Oaths or Affirmations for:	75, 84, 99, 124, 146, 173, 188 and 219



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	1. The Union ministers	
	2. The candidates for election to the Parliament	
	3. The members of Parliament	
	4. The judges of the Supreme Court	
	5. The Comptroller and Auditor-General of India	
	6. The state ministers	
	7. The candidates for election to the state legislature	
	8. The members of the state legislature	
	9. The judges of the High Courts	
Fourth Schedule	Allocation of seats in the Rajya Sabha to the states and the union territories.	4 and 80
Fifth Schedule	Provisions relating to the administration and control of scheduled areas and scheduled tribes.	244

Sixth Schedule	Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.	244 and 275
Seventh Schedule	Division of powers between the Union and the States in terms of List I (Union List), List II (State List) and List III (Concurrent List). Presently, the Union List contains 100 subjects (originally 97), the state list contains 61 subjects (originally 66) and the concurrent list contains 52 subjects (originally 47).	246
Eighth Schedule	Languages recognized by the Constitution. Originally, it had 14 languages but presently there are 22 languages. They are: Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. Sindhi was added by the 21st Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71st Amendment Act of 1992;	344 and 351



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	and Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003.	
Ninth Schedule	Acts and Regulations (originally 13 but presently 282) of the state legislatures dealing with land reforms and abolition of the zamindari system and of the Parliament dealing with other matters. This schedule was added by the 1st Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to judicial review.	31-B
Tenth Schedule	Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection. This schedule was added by the 52nd Amendment Act of 1985, also known as Anti-defection Law.	102 and 191
Eleventh Schedule	Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters. This schedule was added by the 73rd Amendment Act of 1992.	243-G
Twelfth Schedule	Specifies the powers, authority and responsibilities of Municipalities. It has 18 matters. This schedule was added by the 74th Amendment Act of 1992.	243-W



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Sources of the Constitution at a Glance

S.No.	Sources	Features Borrowed
1	Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2	British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.
3	US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
4	Irish Constitution	Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of president.
5	Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
6	Australian Constitution	Concurrent List, freedom of trade, commerce and intercourse, and joint sitting of the two Houses of Parliament.
7	Weimar Constitution of Germany	Suspension of Fundamental Rights during Emergency.
8	Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social, economic and political) in the Preamble.
9	French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble.
10	South African Constitution	Procedure for amendment of the Constitution and election of members of Rajya Sabha.
11	Japanese Constitution	Procedure established by Law



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Framing of the Constitution

- a) The Constitution of India was framed by a Constituent Assembly which was set up under the Cabinet mission plan (1946).
- b) The Constituent Assembly took almost 3 years (2 years, 11 months, and 18 days) to complete its historic task of drafting the Constitution for an Independent India.
- c) During this period it held 11 sessions covering a total of 165 days. Of these, 114 days were spent on the consideration of and discussion on the Draft Constitution.
- d) As for the composition of the Assembly, members were chosen by indirect election by the members of the Provincial Legislative Assemblies, following the scheme recommended by the Cabinet Mission. The arrangement was as follows:
 - I. 292 members were elected through the Provincial Legislative Assemblies;
 - II. 93 members represented the Indian Princely States; and
 - III. 4 members represented the Chief Commissioners Provinces.
 - IV. The total membership of the assembly thus was to be 389.
- e) However, as a result of the partition under the Mountbatten Plan of 3 June 1947, a separate Constituent Assembly was set up for Pakistan and representatives of some provinces ceased to be members of the Assembly. As a result, the membership of the Assembly was reduced to 299.

The Constituent Assembly

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- a) The people of India elected members of the provincial assemblies, who in turn elected the constituent assembly.
- b) Rajendra Prasad, Sardar Patel, Maulana Abul Kalam Azad and Shyama Prasad Mukherjee were some important figures in the Assembly.
- c) Frank Anthony represented the Anglo-Indian community.
- d) The Parsis were represented by H.P. Modi.
- e) The Chairman of the Minorities Committee was Harendra Coomar Mookerjee, a distinguished Christian who represented all Christians other than Anglo-Indians.
- f) Dr. Sachidanand Sinha was the first president of the Constituent Assembly. Later, Dr. Rajendra Prasad was elected president of the Constituent Assembly while Dr. B.R. Ambedkar was appointed the Chairman of the Drafting Committee



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COMMITTEES

1. Committee on the Rules of Procedure	Dr. Rajendra Prasad
2. Steering Committee	
3. Finance and Staff Committee	
4. Ad hoc Committee on the National Flag	
5. States Committee	Jawaharlal Nehru
6. Union Powers Committee	
7. Union Constitution Committee	
8. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Vallabhbhai Patel
9. Drafting Committee	
10. House Committee	B. Pattabhi Sitaramayya
11. Committee on the Functions of the Constituent Assembly	G.V. Mavalankar
12. Minorities Sub Committee	H.C. Mookherjee
13. Fundamental Rights Sub-Committee	J.B. Kripalani
14. North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub Committee	Gopinath Bardoloi

Preamble of Constitution

- N A Palkhivala, an eminent jurist and constitutional expert, called the Preamble as the ‘identity card of the Constitution.
- The Preamble to the Indian Constitution is based on the ‘Objectives Resolution’, drafted and moved by Pandit Nehru, and adopted by the Constituent Assembly.
- It has been amended only one by the 42nd Constitutional Amendment Act (1976), which added three new words—socialist, secular and integrity.
- Sir Alladi Krishnaswami Iyer, a member of the Constituent Assembly who played a significant role in making the Constitution, ‘The Preamble to our Constitution expresses what we had thought or dreamt so long’.
- According to Dr. K M Munshi, a member of the Drafting Committee of the Constituent Assembly, the Preamble is the ‘horoscope of our sovereign democratic republic’
- the Berubari Union case (1960) - Preamble is not a part of the Constitution.



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- Kesavananda Bharati case (1973) - Preamble is a part of the Constitution
- In the LIC of India case (1995) - the Preamble is an integral part of the Constitution.

Union and its territories

- Articles 1 to 4 under Part-I of the Constitution deal with the Union and its territory
- **S K Dhar Commission** - recommended the reorganisation of states on the basis of administrative convenience rather than linguistic factor
- **JVP Committee** (Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya): - It submitted its report in April 1949 and formally rejected language as the basis for reorganisation of states.
- However, in October 1953, the Government of India was forced to create the first linguistic state, known as Andhra state, by separating the Telugu speaking areas from the Madras state

Citizenship

- The Constitution deals with the citizenship from Articles 5 to 11 under Part II
- Acquisition of Citizen: -

The Citizenship Act of 1955 prescribes five ways of acquiring citizenship, viz, birth, descent, registration, naturalisation and incorporation of territory:

1. By Birth

- Every person born in India on or after 26.01.1950 but before 01.07.1987 is an Indian citizen irrespective of the nationality of his/her parents.
- Every person born in India between 01.07.1987 and 02.12.2004 is a citizen of India given either of his/her parents is a citizen of the country at the time of his/her birth.
- Every person born in India on or after 03.12.2004 is a citizen of the country given both his/her parents are Indians or at least one parent is a citizen and the other is not an illegal migrant at the time of birth.

2. By Descent

- A person born outside India on or after January 26, 1950 is a citizen of India by descent if his/her father was a citizen of India by birth.



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- A person born outside India on or after December 10, 1992, but before December 3, 2004 if either of his/her parent was a citizen of India by birth.
- If a person born outside India or after December 3, 2004 has to acquire citizenship, his/her parents have to declare that the minor does not hold a passport of another country and his/her birth is registered at an Indian consulate within one year of birth..

3. By Registration

- A person of Indian origin who has been a resident of India for 7 years before applying for registration.
- A person of Indian origin who is a resident of any country outside undivided India.
- A person who is married to an Indian citizen and is ordinarily resident for 7 years before applying for registration.
- Minor children of persons who are citizens of India.

4. Citizenship by Naturalization

- A foreigner, on application for naturalization can acquire Indian citizenship provided he satisfies certain conditions:
 - 1) He is not a citizen or subject of a country where Indian citizens are prevented from becoming citizens by naturalization.
 - 2) He renounces his citizenship of the other country.
 - 3) A person who is ordinary resident of India for **Twelve Years** (throughout the period twelve months immediately preceding the date of application and **Eleven Years** in aggregate in the **Fourteen Years** preceding the twelve months) should have stayed in India.
 - 4) He is of good character.
 - 5) He has an adequate knowledge of a language mentioned in VIII schedule of the Constitution of India.
 - 6) After naturalization he intends to reside in India.
 - 7) If the Central Govt. is of the opinion that the applicant has rendered distinguished service to the cause of Science, philosophy, art, literature, world peace or human progress generally, it may waive the condition for naturalization in his case.

5. Citizenship by incorporation of Territory

- If any new territory becomes a part of India, the Govt. of India shall notify the persons of that territory to be Indian citizens.

Loss of Citizenship

1. By Renunciation

- Any citizen of India of full age and capacity can make a declaration renouncing his Indian citizenship.

2. By Termination

- When an Indian citizen voluntarily (consciously, knowingly and without duress, undue influence or compulsion) acquires the citizenship of another country, his Indian citizenship automatically terminates

3. By Deprivation

- It is a compulsory termination of Indian citizenship by the Central government, if:
 - a) the citizen has obtained the citizenship by fraud;
 - b) the citizen has shown disloyalty to the Constitution of India;
 - c) the citizen has unlawfully traded or communicated with the enemy during a war;
 - d) the citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years; and
 - e) the citizen has been ordinarily resident out of India for seven years continuously

Citizenship (Amendment) Bill 2019:

- The amendment proposes to permit members of six communities — Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Pakistan, Bangladesh and Afghanistan — to continue to live in India if they entered India before December 31, 2014.
- It also reduces the requirement for citizenship from 11 years to just 5 years.
- Two notifications also exempted these migrants from the Passport Act and Foreigners Act.



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Articles Related to Fundamental Rights at a Glance

Article No.	Subject-matter
General	
12.	Definition of State
13.	Laws inconsistent with or in derogation of the Fundamental Rights
Right to Equality	
14.	Equality before law
15.	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
16.	Equality of opportunity in matters of public employment
17.	Abolition of untouchability
18.	Abolition of titles
Right to Freedom	
19.	Protection of certain rights regarding freedom of speech, etc.
20.	Protection in respect of conviction for offences
21.	Protection of life and personal liberty
21A.	Right to education
22.	Protection against arrest and detention in certain cases
Right against Exploitation	
23.	Prohibition of traffic in human beings and forced labour
24.	Prohibition of employment of children in factories, etc.
Right to Freedom of Religion	
25.	Freedom of conscience and free profession, practice and propagation of religion
26.	Freedom to manage religious affairs
27.	Freedom as to payment of taxes for promotion of any particular religion



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28.	Freedom as to attendance at religious instruction or religious worship in certain educational institutions.
Cultural and Educational Rights	
29.	Protection of interests of minorities
30.	Right of minorities to establish and administer educational institutions
31.	Compulsory acquisition of property—(Repealed)
Saving of Certain Laws	
31A.	Saving of laws providing for acquisition of estates, etc.
31B.	Validation of certain Acts and Regulations
31C.	Saving of laws giving effect to certain directive principles
31D.	Saving of laws in respect of anti-national activities—(Repealed)
Right to Constitutional Remedies	
32.	Remedies for enforcement of rights conferred by this part
32A.	Constitutional validity of State laws not to be considered in proceedings under Article 32—(Repealed)
33.	Power of Parliament to modify the rights conferred by this part in their application to forces, etc.
34.	Restriction on rights conferred by this part while martial law is in force in any area
35.	Legislation to give effect to the provisions of this part

WRITS—TYPES AND SCOPE

- The Supreme Court (under Article 32) and the high courts (under Article 226) can issue the writs of habeas corpus, mandamus, prohibition, certiorari and quo-warranto.
- Further, the Parliament (under Article 32) can empower any other court to issue these writs. Since no such provision has been made so far, only the Supreme Court and the high courts can issue the writs and not any other court

Habeas Corpus: -

- It is a Latin term which literally means ‘to have the body of’.
- It is an order issued by the court to a person who has detained another person, to produce the body of the latter before it.
- The court then examines the cause and legality of detention. It would set the detained person free, if the detention is found to be illegal. Thus, this writ is a bulwark of individual liberty against arbitrary detention. The writ of habeas corpus can be issued against both public authorities as well as private individuals.
- The writ, on the other hand, is not issued where the **(a)** detention is lawful, **(b)** the proceeding is for contempt of a legislature or a court, **(c)** detention is by a competent court, and **(d)** detention is outside the jurisdiction of the court.

Mandamus: -

- It literally means ‘we command’.
- It is a command issued by the court to a public official asking him to perform his official duties that he has failed or refused to perform.
- It can also be issued against any public body, a corporation, an inferior court, a tribunal or government for the same purpose.
- The writ of mandamus cannot be issued **(a)** against a private individual or body; **(b)** to enforce departmental instruction that does not possess statutory force; **(c)** when the duty is discretionary and not mandatory; **(d)** to enforce a contractual obligation; **(e)** against the president of India or the state governors; and **(f)** against the chief justice of a high court acting in judicial capacity.

Prohibition: -

- Literally, it means ‘to forbid’.
- It is issued by a higher court to a lower court or tribunal to prevent the latter from exceeding its jurisdiction or usurping a jurisdiction that it does not possess. Thus, unlike mandamus that directs activity, the prohibition directs inactivity.
- The writ of prohibition can be issued only against judicial and quasi-judicial authorities. It is not available against administrative authorities, legislative bodies, and private individuals or bodies.



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Certiorari: -

- In the literal sense, it means ‘to be certified’ or ‘to be informed’.
- It is issued by a higher court to a lower court or tribunal either to transfer a case pending with the latter to itself or to squash the order of the latter in a case.
- It is issued on the grounds of excess of jurisdiction or lack of jurisdiction or error of law.
- Thus, unlike prohibition, which is only preventive, certiorari is both preventive as well as curative.
- Till recently, the writ of certiorari could be issued only against judicial and quasi-judicial authorities and not against administrative authorities. However, in 1991, the Supreme Court ruled that the certiorari can be issued even against administrative authorities affecting rights of individuals. Like prohibition, certiorari is also not available against legislative bodies and private individuals or bodies.

Quo-Warranto: -

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

Note: - In the 44th Amendment Act of 1978 abolished the right to property as a Fundamental Right by repealing Article 19(1)(f) and Article 31 from Part III. Instead, the Act inserted a new Article 300A in Part XII under the heading ‘Right to Property’.

Articles Related to Directive Principles of State Policy at a Glance

Article No.	Subject-matter
36.	Definition of State



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37.	Application of the principles contained in this part
38.	State to secure a social order for the promotion of welfare of the people
39.	Certain principles of policy to be followed by the State
39A.	Equal justice and free legal aid
40.	Organisation of village panchayats
41.	Right to work, to education and to public assistance in certain cases
42.	Provision for just and humane conditions of work and maternity relief
43.	Living wage, etc., for workers
43A.	Participation of workers in management of industries
43B.	Promotion of co-operative societies
44.	Uniform civil code for the citizens
45.	Provision for early childhood care and education to children below the age of six years
46.	Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
47.	Duty of the State to raise the level of nutrition and the standard of living and to improve public health
48.	Organisation of agriculture and animal husbandry
48A.	Protection and improvement of environment and safeguarding of forests and wildlife
49.	Protection of monuments and places and objects of national importance
50.	Separation of judiciary from executive
51.	Promotion of international peace and security

LIST OF FUNDAMENTAL DUTIES

➤ A list of ten fundamental duties was included in the Indian **Constitution by the 42nd Amendment Act, 1976 in the form of Article 51 A**

it shall be the duty of every citizen of India:

- to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- to cherish and follow the noble ideals that inspired the national struggle for freedom;



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- c) to uphold and protect the sovereignty, unity and integrity of India;
- d) to defend the country and render national service when called upon to do so;
- e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women;
- f) to value and preserve the rich heritage of the country's composite culture;
- g) to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;
- h) to develop scientific temper, humanism and the spirit of inquiry and reform;
- i) to safeguard public property and to abjure violence;
- j) 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; and
- k) to provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002.

President

- Articles 52 to 78 in Part V of the constitution deals with the Union executives
- The union executives consist of the President, the vice-President, the Prime Minister, the council of ministers and the attorney general of India.
- The President is the head of the Indian State. He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation.

ELECTION OF THE PRESIDENT (Article-55)

The President is elected not directly by the people but by members of electoral college consisting of:

- 1) the elected members of both the Houses of Parliament;
- 2) the elected members of the legislative assemblies of the states; and
- 3) the elected members of the legislative assemblies of the Union Territories of Delhi, J & K and Puducherry.



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Qualifications for Election as President (Article-58)

A person to be eligible for election as President should fulfil the following qualifications:

- 1) He should be a citizen of India.
 - 2) He should have completed 35 years of age.
 - 3) He should be qualified for election as a member of the Lok Sabha.
 - 4) He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority. A sitting President or Vice-President of the Union, the Governor of any state and a minister of the Union or any state is not deemed to hold any office of profit and hence qualified as a presidential candidate.
- Further, the nomination of a candidate for election to the office of President must be subscribed by at least 50 electors as proposers and 50 electors as seconders.
 - Every candidate has to make a security deposit of Rs 15,000 in the Reserve Bank of India. The security deposit is liable to be forfeited in case the candidate fails to secure one-sixth of the votes polled.

Oath (Article-60) :-

- The oath of office to the President is administered by the Chief Justice of India and in his absence, the senior most judge of the Supreme Court available.
- Any other person acting as President or discharging the functions of the President also undertakes the similar oath or affirmation.

Term of President's office (Article-56)

- The President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the Vice President.
- Further, he can also be removed from the office before completion of his term by the process of impeachment.

Impeachment of President (Article-61): -

- The President can be removed from office by a process of impeachment for ‘violation of the Constitution’
- The impeachment charges can be initiated by either House of Parliament. These charges should be signed by one-fourth members of the House (that framed the charges), and a 14 days’ notice should be given to the President. After the impeachment resolution is passed by a majority of two-thirds of the total membership of that House, it is sent to the other House, which should investigate the charges. The President has the right to appear and to be represented at such investigation. If the other House also sustains the charges and passes the impeachment resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the bill is so passed

Vacancy in the President’s Office (Article-62): -

- A vacancy in the President’s office can occur in any of the following ways:
 - 1) On the expiry of his tenure of five years.
 - 2) By his resignation.
 - 3) On his removal by the process of impeachment.
 - 4) By his death.
 - 5) Otherwise, for example, when he becomes disqualified to hold office or when his election is declared void
- When a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise, the Vice-President acts as the President until a new President is elected.
- Further, when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice-President discharges his functions until the President resumes his office.
- In case the office of Vice-President is vacant, the Chief Justice of India (or if his office is also vacant, the senior most judge of the Supreme Court available) acts as the President or discharges the functions of the President

POWERS AND FUNCTIONS OF THE PRESIDENT

- The powers enjoyed and the functions performed by the President can be studied under the following heads.
 - 1) Executive powers
 - 2) Legislative powers
 - 3) Financial powers
 - 4) Judicial powers
 - 5) Diplomatic powers
 - 6) Military powers
 - 7) Emergency powers

Executive Powers: -

- The executive powers and functions of the President are:
 - a) All executive actions of the Government of India are formally taken in his name.
 - b) He can make rules specifying the manner in which the orders and other instruments made and executed in his name shall be authenticated.
 - c) He can make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.
 - d) He appoints the prime minister and the other ministers. They hold office during his pleasure.
 - e) He appoints the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.
 - f) He appoints the comptroller and auditor general of India, the chief election commissioner and other election commissioners, the chairman and members of the Union Public Service Commission, the governors of states, the chairman and members of finance commission, and so on.
 - g) He can seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.
 - h) He can require the Prime Minister to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.



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- i) He can appoint a commission to investigate into the conditions of SCs, STs and other backward classes.
- j) He can appoint an inter-state council to promote Centre–state and inter-state cooperation.
- k) He directly administers the union territories through administrators appointed by him.
- l) He can declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

Legislative Powers: -

- The President is an integral part of the Parliament of India, and enjoys the following legislative powers.
 - a) He can summon or prorogue the Parliament and dissolve the Lok Sabha.
He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.
 - b) He can address the Parliament at the commencement of the first session after each general election and the first session of each year.
 - c) He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.
 - d) He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.
 - e) He nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.
 - f) He decides on questions as to disqualifications of members of the Parliament, in consultation with the Election Commission.
 - g) His prior recommendation or permission is needed to introduce certain types of bills in the Parliament. For example, a bill involving expenditure from the Consolidated Fund of India, or a bill for the alteration of boundaries of states or creation of a new state.
 - h) When a bill is sent to the President after it has been passed by the Parliament, he can:
 - I. give his assent to the bill, or
 - II. withhold his assent to the bill, or



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- III. return the bill (if it is not a money bill) for reconsideration of the Parliament. However, if the bill is passed again by the Parliament, with or without amendments, the President has to give his assent to the bill.
- i) When a bill passed by a state legislature is reserved by the governor for consideration of the President, the President can:
- I. give his assent to the bill, or
II. withhold his assent to the bill, or
- III. direct the governor to return the bill (if it is not a money bill) for reconsideration of the state legislature. It should be noted here that it is not obligatory for the President to give his assent even if the bill is again passed by the state legislature and sent again to him for his consideration.
- k) He can promulgate ordinances when the Parliament is not in session. These ordinances must be approved by the Parliament within six weeks from its reassembly. He can also withdraw an ordinance at any time.
- l) He lays the reports of the Comptroller and Auditor General, Union Public Service Commission, Finance Commission, and others, before the Parliament.
- m) He can make regulations for the peace, progress and good government of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu. In the case of Puducherry also, the President can legislate by making regulations but only when the assembly is suspended or dissolved.

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Financial Powers: -

- The financial powers and functions of the President are:
- a) Money bills can be introduced in the Parliament only with his prior recommendation.
b) He causes to be laid before the Parliament the annual financial statement (i.e., the Union Budget).
c) No demand for a grant can be made except on his recommendation.
d) He can make advances out of the contingency fund of India to meet any unforeseen expenditure.
e) He constitutes a finance commission after every five years to recommend the distribution of revenues between the Centre and the states.

Judicial Powers: -



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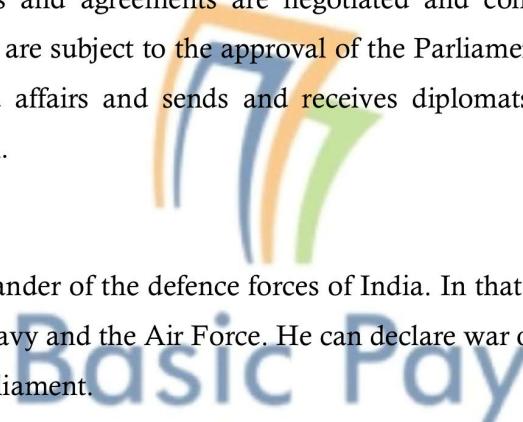


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- The judicial powers and functions of the President are:
 - a) He appoints the Chief Justice and the judges of Supreme Court and high courts.
 - b) He can seek advice from the Supreme Court on any question of law or fact. However, the advice tendered by the Supreme Court is not binding on the President.
 - c) He can grant pardon, reprieve, respite and remission of punishment, or suspend, remit or commute the sentence of any person convicted of any offence:
 - I. In all cases where the punishment or sentence is by a court martial;
 - II. In all cases where the punishment or sentence is for an offence against a Union law; and
 - III. In all cases where the sentence is a sentence of death.

Diplomatic Powers: -

- The international treaties and agreements are negotiated and concluded on behalf of the President. However, they are subject to the approval of the Parliament. He represents India in international forums and affairs and sends and receives diplomats like ambassadors, high commissioners, and so on.



Military Powers: -

- He is the supreme commander of the defence forces of India. In that capacity, he appoints the chiefs of the Army, the Navy and the Air Force. He can declare war or conclude peace, subject to the approval of the Parliament.

Emergency Powers: -

- In addition to the normal powers mentioned above, the Constitution confers extraordinary powers on the President to deal with the following three types of emergencies:
 - a) National Emergency (Article 352);
 - b) President's Rule (Article 356 & 365); and
 - c) Financial Emergency (Article 360)

VETO POWER OF THE PRESIDENT

- A bill passed by the Parliament can become an act only if it receives the assent of the President. When such a bill is presented to the President for his assent, he has three alternatives (under Article 111 of the Constitution):



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- 1) He may give his assent to the bill, or
- 2) He may withhold his assent to the bill, or
- 3) He may return the bill (if it is not a Money bill) for reconsideration of the Parliament.
 - However, if the bill is passed again by the Parliament with or without amendments and again presented to the President, the President must give his assent to the bill

Absolute Veto

- It refers to the power of the President to withhold his assent to a bill passed by the Parliament. The bill then ends and does not become an act. Usually, this veto is exercised in the following two cases:
 - a) With respect to private members' bills (ie, bills introduced by any member of Parliament who is not a minister); and
 - b) With respect to the government bills when the cabinet resigns (after the passage of the bills but before the assent by the President) and the new cabinet advises the President not to give his assent to such bills.

Suspensive Veto

- The President exercises this veto when he returns a bill for reconsideration of the Parliament. However, if the bill is passed again by the Parliament with or without amendments and again presented to the President, it is obligatory for the President to give his assent to the bill. This means that the presidential veto is overridden by a re-passage of the bill by the same ordinary majority

Pocket Veto

- In this case, the President neither ratifies nor rejects nor returns the bill, but simply keeps the bill pending for an indefinite period. This power of the President not to take any action (either positive or negative) on the bill is known as the pocket veto.
- In 1986, President Zail Singh exercised the pocket veto with respect to the Indian Post Office (Amendment) Bill

PARDONING POWER OF THE PRESIDENT

- Article 72 of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offence in all cases where the:
 - 1) Punishment or sentence is for an offence against a Union Law;
 - 2) Punishment or sentence is by a court martial (military court); and
 - 3) Sentence is a sentence of death
- The executive power of the Union shall be vested in President and shall be exercised by him either directly or through officer's subordinate to him in accordance with this Constitution (Article 53).
- There shall be a council of ministers with the Prime Minister at the head to aid and advise the President who 'shall', in the exercise of his functions, act in accordance with such advice (Article 74).
- The council of ministers shall be collectively responsible to the Lok Sabha (Article 75). This provision is the foundation of the parliamentary system of government.
- The salary of the President of India is Rs. 5 lakh/month (non-taxable).

Articles Related to President at a Glance

Article No.	Subject-matter
52.	The President of India
53	Executive power of the Union
54.	Election of President
55.	Manner of election of President
56.	Term of office of President
57.	Eligibility for re-election
58.	Qualifications for election as President
59.	Conditions of President's office
60.	Oath or affirmation by the President
61.	Procedure for impeachment of the President
62.	Time of holding election to fill vacancy in the office of President

65.	Vice-President to act as President or to discharge his functions
71.	Matters relating to the election of President
72.	Power of President to grant pardons etc., and to suspend, remit or commute sentences in certain cases
74.	Council of ministers to aid and advise the President
75.	Other provisions as to ministers like appointment, term, salaries, etc.
76.	Attorney-General of India
77.	Conduct of business of the Government of India
78.	Duties of Prime Minister in respect to furnishing of information to the President, etc.
85.	Sessions of Parliament, prorogation and dissolution
111.	Assent to bills passed by the Parliament
112.	Union Budget (annual financial statement)
123.	Power of President to promulgate ordinances
143.	Power of President to consult Supreme Court

Vice-President (Article-63)

1. The Vice-President occupies the second highest office in the country. He is accorded a rank next to President in the official warrant of Precedence.

ELECTION (Article – 66)

- The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament.¹ Thus, this electoral college is different from the electoral college for the election of the President in the following two respects:
- It consists of both elected and nominated members of the Parliament (in the case of president, only elected members).



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- It does not include the members of the state legislative assemblies (in the case of President, the elected members of the state legislative assemblies are included). Explaining the reason for this difference

QUALIFICATIONS

- To be eligible for election as Vice-President, a person should fulfil the following qualifications:
 - 1) He should be a citizen of India.
 - 2) He should have completed 35 years of age.
 - 3) He should be qualified for election as a member of the Rajya Sabha
 - 4) He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority.
- 2. Further, the nomination of a candidate for election to the office of Vice-President must be subscribed by at least 20 electors as proposers and 20 electors as seconders. Every candidate has to make a security deposit of Rs.15,000 in the Reserve Bank of India.
- 3. The oath of office to the Vice-President is administered by the President or some person appointed in that behalf by him.
- 4. All doubts and disputes in connection with election of the Vice-President are inquired into and decided by the Supreme Court whose decision is final

CONDITIONS OF OFFICE

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- 5. The Constitution lays down the following two conditions of the Vice-President's office:
 1. He should not be a member of either House of Parliament or a House of the state legislature. If any such person is elected Vice-President, he is deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President.
 2. He should not hold any other office of profit.

POWERS AND FUNCTIONS

The functions of Vice-President are two-fold:

- 1. He acts as the ex-officio Chairman of Rajya Sabha. In this capacity, his powers and functions are similar to those of the Speaker of Lok Sabha. In this respect, he resembles the American vice-

president who also acts as the Chairman of the Senate—the Upper House of the American legislature.

2. He acts as President when a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise.
3. He can act as President only for a maximum period of six months within which a new President has to be elected.
4. Further, when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice-President discharges his functions until the President resumes his office.
5. While acting as President or discharging the functions of President, the Vice President does not perform the duties of the office of the chairman of Rajya Sabha. During this period, those duties are performed by the Deputy Chairman of Rajya Sabha
6. The salary of the Vice-President of India is Rs. 4 lakh/month (non-taxable).

Articles Related to Vice-President at a Glance

Article No.	Subject-matter
63.	The Vice-President of India
64.	The Vice-President to be ex-officio Chairman of the Council of States
65.	The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President
66.	Election of Vice-President
67.	Term of office of Vice-President
68.	Time of holding election to fill vacancy in the office of Vice-President and the term of office of person elected to fill casual vacancy
69.	Oath or affirmation by the Vice-President
70.	Discharge of President's functions in other contingencies
71.	Matters relating to, or connected with, the election of Vice-President

Prime Minister (Article-75)

- In the scheme of Parliamentary System, the President is the nominal executive authority and the Prime Minister is real executive authority. The president is the head of the state while Prime Minister is the head of the government,
- Article 75 says only that the Prime Minister shall be appointed by the president.
- Before the Prime Minister enters upon his office, the president administers to him the oaths of office and secrecy
- The term of the Prime Minister is not fixed and he holds office during the pleasure of the president. However, this does not mean that the president can dismiss the Prime Minister at any time. However, if he loses the confidence of the Lok Sabha, he must resign or the President can dismiss him.

POWERS AND FUNCTIONS OF THE PRIME MINISTER

- The powers and functions of Prime Minister can be studied under the following heads:

In Relation to Council of Ministers

- The Prime Minister enjoys the following powers as head of the Union council of ministers:
 1. He recommends persons who can be appointed as ministers by the president. The President can appoint only those persons as ministers who are recommended by the Prime Minister.
 2. He allocates and reshuffles various portfolios among the ministers.
 3. He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
 4. He presides over the meeting of council of ministers and influences its decisions.
 5. He guides, directs, controls, and coordinates the activities of all the ministers.
 6. He can bring about the collapse of the council of ministers by resigning from office. Since the Prime Minister stands at the head of the council of ministers, the other ministers cannot function when the Prime Minister resigns or dies. In other words, the resignation or death of an incumbent Prime Minister automatically dissolves the council of ministers and thereby generates a vacuum. The resignation or death of any other minister, on the other hand, merely creates a vacancy which the Prime Minister may or may not like to fill.

In Relation to the President

- The Prime Minister enjoys the following powers in relation to the President:
- 1. He is the principal channel of communication between the President and the council of ministers. It is the duty of the prime minister:
 - a) to communicate to the President all decisions of the council of ministers relating to the administration of the affairs of the Union and proposals for legislation;
 - b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
 - c) if the President so requires, to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.
- 2. He advises the president with regard to the appointment of important officials like attorney general of India, Comptroller and Auditor General of India, chairman and members of the UPSC, election commissioners, chairman and members of the finance commission and so on.

In Relation to Parliament

- The Prime Minister is the leader of the Lower House. In this capacity, he enjoys the following powers:
- 1. He advises the President with regard to summoning and proroguing of the sessions of the Parliament.
- 2. He can recommend dissolution of the Lok Sabha to President at any time.
- 3. He announces government policies on the floor of the House.

Other Powers & Functions

- a) In addition to the above-mentioned three major roles, the Prime Minister has various other roles. These are:
 1. He is the chairman of the NITI Aayog, National Development Council, National Integration Council, Inter-State Council and National Water Resources Council.
 2. He plays a significant role in shaping the foreign policy of the country.
 3. He is the chief spokesman of the Union government.
 4. He is the crisis manager-in-chief at the political level during emergencies.

5. 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.
6. He is leader of the party in power.
7. He is political head of the services.

RELATIONSHIP WITH THE PRESIDENT

- b) The following provisions of the Constitution deal with the relationship between the President and the Prime Minister:

1. Article 74

- There shall be a council of ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.
- However, the President may require the council of ministers to reconsider such advice and the President shall act in accordance with the advice tendered after such reconsideration.

2. Article 75

- a) The Prime Minister shall be appointed by the President and the other ministers shall be appointed by the president on the advice of the Prime Minister;
- b) The ministers shall hold office during the pleasure of the president; and (c) The council of ministers shall be collectively responsible to the House of the People.

3. Article 78

It shall be the duty of the Prime Minister:

- a) to communicate to the President all decisions of the council of ministers relating to the administration of the affairs of the Union and proposals for legislation;
- b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
- c) if the President so requires, to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.

Articles Related to Prime Minister at a Glance

Article No	Subject-matter
74	Council of Ministers to aid and advise President NOTES AND REFERENCES
75	Other provisions as to Ministers
77	Conduct of business of the Government of India
78	Duties of Prime Minister as respects the furnishing of information to the President, etc

Central Council of Minister

- As the Constitution of India provides for a parliamentary system of government modelled on the British pattern, the council of ministers headed by the prime minister is the real executive authority in our politico-administrative system. Article 74 deals with the status of the council of ministers while Article 75 deals with the appointment, tenure, responsibility, qualification, oath and salaries and allowances of the ministers.

Note:

- The total number of ministers, including the Prime Minister, in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha. [91st Constitutional Amendment Act, 2003] The council of ministers shall be collectively responsible to the Lok Sabha. A person who is not a member of either House can also become a minister but he cannot continue as minister for more than six months unless he secures a seat in either House of Parliament (by election/nomination). [Art. 75(5)] The council of ministers consists of three categories: Cabinet ministers, ministers of state, and deputy ministers.

➤ Cabinet Ministers:

- The cabinet ministers head the important ministries of the Central government like home, defence, finance and external affairs.

➤ Ministers of State:

- The ministers of state can either be given independent charge of ministries/ departments or can be attached to cabinet ministers.

➤ **Deputy Ministers:**

- The deputy ministers are not given independent charge of ministries/departments and always assist the Cabinet or State Minister or both. They are not members of the cabinet and do not attend cabinet meetings. Minister may be taken from members of either House and minister who is member of one House has the right to speak and take part in the proceedings of the other House but cannot vote in the House of which he is not member. [Art. 88]

PARLIAMENT OF INDIA (Article-79)

The House of the People (Lok Sabha) (Article-81)

- The Lok Sabha is the popular house of the parliament because its members are directly elected by the common electorates of India. All the members of this House are popularly elected.
- In the Constitution, the strength of the Lok Sabha is provisioned under Art. 81 to be not more than 550 (530 from the States, 20 from the Union Territories).
- As per 126th Constitutional Amendment Bill of 2019, Union Cabinet has approved the **removal of reservation for Anglo-Indians in legislative bodies. Now there is no provision to nominate 2 Anglo Indian people by President in Lok Sabha.**
- Recently again, the Govt. has extended this freeze in the Lok Sabha seats till the year 2026 by Constitution (84th Amendment Act, 2001).
- The Lok Sabha has 543 seats filled by elected representatives.

Special Powers of the Lok Sabha

- There are certain powers, which are constitutionally granted to the Lok Sabha and not to the Rajya Sabha. These powers are-
- 1. Money (Article 110) and Financial Bills [Article 117 (1) & (3)] can only originate in the Lok Sabha.
- 2. In case of a Money Bill, the Rajya Sabha has only the right to make recommendation and the Lok Sabha may or may not accept the recommendation. Also, a Money Bill must be passed by the Upper House within a period of 14 days. Otherwise, the Bill shall be automatically deemed to be passed by the House. Thus, the Lok Sabha enjoys exclusive legislative jurisdiction over the passage of the Money Bills.

3. The Council of Ministers are responsible only to the Lok Sabha and hence the Confidence and No confidence motions can be introduced in this House only. Under Art. 352, the Lok Sabha in a special sitting can disapprove the continuance of a national emergency proclaimed by the President, even if the Rajya Sabha rejects such a resolution.

Money Bill	Finance Bill	
	Financial Bill – I	Financial Bill – II
To introduce this bill, recommendation of the President is required.	To introduce this bill, the recommendation of the President is required.	To introduce this bill, recommendation of the President is not required.
Rajya Sabha does not have the power to amend or reject the Money Bill	Rajya Sabha has the power to amend or reject Financial Bill – I	Rajya Sabha has the power to amend or reject Financial Bill – II
Whether a bill is a money bill or not is decided by the Speaker of Lok Sabha.	This Bill does not require any kind of approval from the Speaker to classify it as Financial Bill-I	This Bill does not require any kind of approval from the Speaker to classify it as Financial Bill-II
The recommendation of the President of India is needed to introduce Money Bill.	Recommendation of the President of India is needed to introduce Financial Bill – I	Recommendation of the President of India is not needed to introduce Financial Bill – II
Money Bill can be introduced only in Lok Sabha	Financial Bill-I can be introduced only in Lok Sabha	Financial Bill-II can be introduced in Lok Sabha as well as Rajya Sabha



To resolve the deadlock on Money Bill, there is no provision for a joint sitting of Lok Sabha and Rajya Sabha.	To resolve the deadlock on Financial Bill-I, President can summon a joint sitting of both Lok Sabha and Rajya Sabha	To resolve the deadlock on Financial Bill-II, President can summon a joint sitting of both Lok Sabha and Rajya Sabha
Money Bills are dealt with by Article 110 of the Constitution	Finance Bill-I is dealt with by Article 117(1) of the Constitution	Finance Bill-II is dealt with by Article 117(3) of the Constitution.
Money Bill only deals with provisions mentioned in Article 110	Finance Bill-I not only deals with provisions of Article 110 but also other matters of general legislation	Finance Bill-II deals with provisions on expenditure from the Consolidated Fund of India but is not included in Article 110.
Money Bill is a Government Bill	Finance Bill -I is an ordinary Bill	Finance Bill-II is an ordinary Bill
<p><i>Matters related to the Consolidated Fund of India, including deposits and withdrawals.</i></p> <p><i>Appropriation of funds from the Consolidated Fund of India.</i></p>		<i>Union Budget, amendments to tax laws</i>

Tenure of the Lok Sabha

- The normal tenure of the Lok Sabha is five years. But the House can be dissolved by the President even before the end of the normal tenure. Also, the life of the Lok Sabha can be extended by the Parliament beyond the five-year term during the period of national emergency proclaimed under Art. 352.

Qualifications for the membership of Lok Sabha (Article-84)

To become a member of the Lok Sabha, the person must:

1. be a citizen of India.
2. be not less than 25 years of age.
3. be a registered voter in any of the Parliamentary constituencies in India.
4. should not hold any office of profit
5. Should not be insolvent
6. Should not be mentally unsound.

Speaker and Deputy Speaker of Lok Sabha (Article-93)

- The Speaker is the
- 1) Chief presiding officer of the Lok Sabha.
 - 2) The Speaker presides over the meetings of the House and his rulings on the proceedings of the House are final.
 - 3) The Speaker and Deputy Speaker may be removed from their offices by a resolution passed by the House by an effective majority of the House after a prior notice of 14 days to them.
 - 4) The Speaker, to maintain impartiality of his office, votes only in case of a tie i.e to remove a deadlock and this is known as the Casting Vote. **(Article-100)**

Special powers of the Speaker (Article-95)

- There are certain powers which belong only to the Speaker of Lok Sabha while similar powers are not available to his counterpart in the upper house, i.e. the Chairman of Rajya Sabha. These are-
- 1) Whether a Bill is Money Bill or not is certified only by the Speaker and his decision in this regard is final and binding.
 - 2) The Speaker, or in his absence, the Deputy Speaker, presides over the joint-sittings of the parliament.
 - 3) The committees of parliament function essentially under the Speaker and their chairpersons are also appointed or nominated by him. Members of the Rajya Sabha are also present in some of these committees.

- 4) If the Speaker is a member of any committee, he is the ex-officio chairman of such a committee.

Special position of the Speaker

- The Constitution has given a special position to the office of the Speaker.
- 1) Though he is an elected member of the Lok Sabha, he continues to hold his office even after the dissolution of the House till a new Lok Sabha is constituted. This is because he not only presides and conducts the parliamentary proceedings but also acts as the Head of the Lok Sabha Secretariat which continues to function even after the House is dissolved.
- 2) The Speaker presides over the joint sitting of the two Houses of the Parliament
- 3) Speaker certifies a Bill as Money Bill and his decision is final in this regard.
- 4) The Speaker is ex-officio President of Indian Parliamentary Group which in India functions as the national group of Inter-parliament Union.

Protem Speaker (Article-94)

- As provided by the Constitution, the Speaker of the last Lok Sabha vacates his office immediately before the first meeting of the newly elected Lok Sabha. Therefore, the President appoints a member of the Lok Sabha as the *Protem* Speaker.
- Usually, the senior most member is selected for this.
- The President himself administers oath to the *Protem* Speaker.
- The *Protem* Speaker has all the powers of the Speaker.
- He presides over the first sitting of the newly elected Lok Sabha.
- His main duty is to administer oath to the new members.

RAJYA SABHA (Article-80)

- The Rajya Sabha (RS) or Council of States is the upper house of the Parliament of India. Membership is limited to 250 members, 12 of whom are nominated by the President of India for their contributions to art, literature, science, and social services.
- At present, the Rajya Sabha has 245 members. Out Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president.
- The remainder of the body is elected by the state and territorial legislatures.
- Members sit for six-year terms, with one third of the members retiring every two years.

- The Rajya Sabha meets in continuous sessions and, unlike the Lok Sabha, the lower house of Parliament, is not subject to dissolution.
- The Vice President of India (currently, Jagdeep Dhankhar) is the ex-officio Chairman of the Rajya Sabha, who presides over its sessions.
- The Deputy Chairman who is elected from amongst the RS's members, takes care of the day-to-day matters of the house in the absence of the Chairman.
- The Rajya Sabha held its first sitting on 13 May 1952.

Leader of the House

- Besides the Chairman (Vice-President of India) and the Deputy Chairman, there is also a function called Leader of the House.
- This is a cabinet minister - the prime minister if he is a member of the House, or another nominated minister. The Leader has a seat next to the Chairman, in the front row.

Qualification of MEMBER(Article-84)

A person in order to be elected to the Rajya Sabha must

- (a) be a citizen of India,
- (b) be 30 years of age on more,
- (c) not be holding any office of profit under the central or state Govt. or local body and
- (d) posses all other qualification prescribed by the act of parliament from time to time.

Powers of Rajya Sabha

- So far as powers of Rajya Sabha is concerned it enjoys coequal power with the Lok Sabha in respect of all bills other than money bill.
- In case of Money Bills Rajya Sabha has no powers Money Bills can only be introduced in the Lok Sabha. When it comes to the Rajya Sabha after being passed by the Lok Sabha, the former can keep it maximum for a period of 14 days only after which it is deemed to be passed.

Exclusive Functions of Rajya Sabha

- The Rajya Sabha, under Article 249, may by a special majority of two-thirds votes adopt a resolution asking the Parliament to make laws on subjects of the State list, in the national interest.



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- This resolution gets due attention from the Parliament. The resolution remains valid for one year only which however can be extended further in terms of another one year.
- **Secondly**, Rajya Sabha can take steps to create All India Services by adopting resolutions supported by special majority in the national interest.
- **Thirdly**, Rajya Sabha has the exclusive right to initiate a resolution for the removal of the Vice-President. This becomes the exclusive right of the Rajya Sabha because the Vice-President happens to be its Chairman and draws his salary as such.

DIFFERENT TERMS RELATED TO PARLIAMENT

(a) Summoning (Article-85)

- The President from time to time summons each House of Parliament to meet. But, the maximum gap between two sessions of Parliament cannot be more than six months. In other words, the Parliament should meet at least twice a year. There are usually three sessions in a year:
 - i. the Budget Session (February to May);
 - ii. the Monsoon Session (July to September); and
 - iii. the Winter Session (November to December).
- The period between the prorogation of a House and its reassembly in a new session is called ‘recess’.

(b) Joint Sitting (Article-108)

- Under Article 108, there is a Provision of Joint sitting of both the Houses of the Parliament. The Lok Sabha speaker presides over the joint sitting [Art.118(4)].
- There are only three occasions in the history of Indian Parliament that the joint sessions of the Parliament took place. They are as follows:
 - i. In May 1961, for Dowry Prohibition Bill, 1959.
 - ii. In May 1978 for Banking Services Commission.
 - iii. In 2002 for POTA (Prevention of Terrorism Act).

Joint sitting of both Houses can be convened on two occasions:

- (a) For resolving any deadlock over the passage of a Bill.
- (b) Special address by the President at the commencement of the first session after each general election of the Lok Sabha; First Session of each year (the Budget Session).

- Note: Joint sitting cannot be called for resolving deadlock regarding “Money Bill” and “Constitution Amendment Bill”.

(c) Prorogation (Article-85)

- The presiding officer (Speaker or Chairman) declares the House adjourned sine die, when the business of a session is completed. Within the next few days, the President issues a notification for prorogation of the session. However, the President can also prorogue the House while in session.

(d) Adjournment

- This is a short recess within a session of the Parliament, called by the presiding officer of the House. Its duration may be from a few minutes to days together.

(e) Adjournment sine die

- When the House is adjourned without naming a day for reassembly, it is called adjournment sine die.

Grounds for disqualification of members of Parliament

- There are five grounds for disqualification of Member of Parliament.

➤ Article 102(1) (a):

- A Member of Parliament shall be disqualified from being a member of House, if he holds any office of profit under state other than an office declared by Parliament by law not to disqualify its holder. If he holds an office of profit under state, there emerges a clash of interest and duty. Interest will prevail over duty. The Parliament enacted the Parliament (Disqualification of members) Act 1959, which exempts certain officers of profit whose holders shall not be disqualified from being members of Parliament.

➤ Article 102(1) (b):

- If the Member of Parliament is of unsound mind and stands so declared by the court of law

➤ Article 102(1) (c):

- If he is a discharged insolvent declared by court of law.

➤ Article 102(1) (d):

- If he is not a citizen of India or has acquired the citizenship of a foreign state or is under any acknowledgement of allegiance to a foreign state.

➤ Article 102(2):



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- If a person is disqualified being a Member of Parliament under anti-Defection Law (Tenth Schedule).

Legislative procedures in Parliament

- The legislative procedure is identical in both the Houses of Parliament. Every bill has to pass through the same stages in each House. A bill is a proposal for legislation and it becomes an act or law when duly enacted.
- Bills introduced in the Parliament are of two kinds: public bills and private bills (also known as government bills and private members' bills respectively). Though both are governed by the same general procedure and pass through the same stages in the House, they differ in various respects.

BILLS IN PARLIAMENT

The four kinds of bills mentioned in the Constitution are:

- 1) Ordinary Bill
- 2) Money Bill
- 3) Financial Bill
- 4) Constitutional Amendment Bill



Ordinary Bill

Basic Pay

- Any bill other than Money, Financial or Constitution Amendment bill is called an Ordinary bill. It can be introduced in either Houses of the Parliament.
- It does not need the recommendation of the President for its introduction in Parliament.
- It is passed by a simple majority by both the Houses. They enjoy equal legislative powers over the passage of an ordinary bill. If there is a deadlock over the bill it can be resolved in a joint sitting of both the Houses of Parliament.

Money Bill

- A bill that deals exclusively with money matters that are mentioned in Article 110 in Constitution is called a Money Bill. These Money matters are:
 - 1) Imposition, abolition or alteration of any tax.

- 2) The borrowing of any money or giving any guarantee by the Govt. of India.
- 3) The custody of the Consolidated Fund of India or Contingency fund of India or deposition or withdrawal of any money from any such funds.
- 4) The appropriation of the money out of the Consolidated Fund of India.
- 5) Declaring any expenditure as charged on the Consolidated Fund of India.
- 6) The receipt of money on the account of consolidated Fund of India or Public Account of India.
- 7) Any matter that is incidental to the above matters.
 - Appropriation – Authorize someone to withdraw and spend withdraw and spend.
 - A money bill can be introduced only in Lok Sabha on the recommendation of the President.
 - It is passed by a simple majority by both the Houses of Parliament. The Lok Sabha enjoys overriding legislative power in the passage of a money bill and Rajya Sabha cannot reject or approve a money bill by virtue of its own legislative power.
 - Any money bill shall bear the certificate of speaker that it is a money bill. The Speaker's decision in this regard is final and binding and cannot be questioned in any court of law.
 - A money bill is transmitted to Rajya Sabha after it has been passed by Lok Sabha.
 - The Rajya Sabha can exercise any of the following four options:
 - a. It also passes the bill.
 - b. It rejects the bill outright – upon being rejected the bill is deemed to have been passed by both the Houses.
 - c. The Rajya Sabha does not pass the bill for 14 days, then on the expiry of 14th day after having received the bill it is deemed to have been passed by both the Houses.
 - d. The Rajya Sabha suggests amendments to the bill, the bill then goes back to the power House. If the Lok Sabha accepts one or more of the amendments, then the bill is deemed to have been passed in that form on the other hand if Lok Sabha rejects the amendment, then the bill is deemed to have been passed in its original form.
 - There is no deadlock between the Houses over the passage of a money bill. When a money bill is presented to the President, under the Constitution he shall declare that he gives assent or withhold assent.

Financial Bill

- A Bill apart from dealing with one or more money matters if also deals with one or more non-money matters then it is called a financial Bill. It is introduced in the same manner as that of money Bill. Since it contains non-money matters after its introduction, it is passed in same manner an ordinary bill is passed.

Constitutional Amendment Bill

- A bill introduced under article 368 to amend one or more provisions of the Constitution is called a Constitutional Amendment Bill. It can be introduced in either House of the Parliament. It does not require the recommendation of President for its introduction. It shall be passed by both the House of the Parliament sitting separately by majority of not less than 2/3rd of members present and voting and a majority of total strength of the House. The Constitution does not provide for a joint sitting of both the Houses of the Parliament if a deadlock develop between the two Houses over the passage of a Constitutional Amendment Bill.

Emergency provisions in India

- Emergency provisions are adopted in India from Weimar Constitution of Germany.
 - In Indian constitution there are three kind of emergency provisions:
 1. Article 352 – National Emergency
 2. Article 356 & 365 – President's Rule
 3. Article 360 – Financial Emergency
- (a) If the President is satisfied that there exist a grave emergency whether due to war or external aggression or armed rebellion, then President can proclaim emergency to that effect. Such a proclamation can be made for the whole of India or any part thereof. The President can proclaim National Emergency only on the written advice of the Cabinet.
- (b) The President has power to revoke or modify the National Emergency. All such proclamations of Emergency shall have to be sent to Parliament for approval and it ceases to be operational if not approved within 1 month of the proclamation of Emergency. Such approval by Parliament is to be on the basis of Special Majority of not less than 2/3rd of members present and voting and the majority of the House. Emergency shall be imposed for not more than 6 months from the date of approval.

- (c) At the expiry of 6 months it ceases unless approved by Parliament again. If Lok Sabha is dissolved then proclamation of Emergency, it must be approved by the Rajya Sabha within 1 month and reconstituted Lok Sabha must approve within 1 month of its reconstitution.
- (d) Lok Sabha enjoys powers to disapprove continuation of Emergency at any stage. In such case if not less than 1/10th of members (55) of Lok Sabha give in writing to the Speaker if Lok Sabha is in session or to the President if Lok Sabha is not in the session, expressing intention to move resolution for the disapproval of National Emergency. Then special session of Lok Sabha shall be convened within 14 days. If Lok Sabha disapproves continuance of National Emergency then President shall have to revoke National Emergency.

Emergency in States on President's Rule (Article 356 & 365)

- Under Article 356 if the President is satisfied on the report of Governor or otherwise that there exists a grave situation in a State where the administration of the State cannot be carried out in accordance with provisions of Constitution, than he can:
 - a) Takeover the administration of the State himself and
 - b) Notify that the Parliament shall exercise jurisdiction over State subject for the State concerned, the President cannot take over the powers conferred on the High Courts of State concerned.
- As per Article 365 of the Indian Constitution, whenever a State fails to comply with or to give effect to any direction from the Center, it will be lawful for the President to hold that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution.
- Every proclamation made under Article 356 ceases to be in operation unless approved by both Houses of the Parliament within 2 months after its proclamation.
- Once, approved by Parliament, Emergency shall be enforced for not more than 6 months from the date of proclamation by the President. Such an approval by the Parliament needs only simple Majority.
- If Lok Sabha stands dissolved then Rajya Sabha shall have to approve it within 2 months and Lok Sabha shall approve it within 1 month of its reconstitution.
- However, Parliament can extend it for a further period of 6 months only. If it has to approve beyond 1 year then two conditions shall have to be satisfied. There shall be National Emergency in force either in whole of the State concerned or in part thereof.

- Election Commission is satisfied that under prevailing conditions general election to State Legislative Assembly of the State concerned cannot be held.
- But under no circumstances, State Emergency cannot be extended beyond 3 years. To extend it further, constitutional amendment is required.

Financial Emergency

- Under Article 360 the President enjoys the power to proclaim the financial Emergency. If he is satisfied that a situation has arisen that financial stability and credit of India or any part thereof is threatened, he may proclaim emergency to that effect.

All such proclamations:

- (a) Can be varied or revoked by the President.
- (b) Financial Emergency must be approved by the Parliament within 2 months after its proclamation. Once it is approved, it will remain till the President revokes it.

Effects of Financial Emergency

- 1) President is empowered to suspend the distribution of financial resources with States.
- 2) President can issue directions to States to follow canons of financial propriety.
- 3) He can direct State Govt. to decrease salaries allowances of Civil Servants and other Constitutional dignitaries. President can direct the Govt. to resume all the financial and Money Bills passed by legislature for his consideration. The President can issue directions for the reduction of salaries and allowances of Judges of the Supreme Court and the High Courts.

STATE LEGISLATURE (Article-168)

The State Legislature Legislative Assembly (Vidhan Sabha) (Article-170)

- The Vidhan Sabha or the Legislative Assembly is the lower house of the state legislature in the different states and for the **three** of the union territories, Delhi, **J&K** and Pondicherry.
- Members of a Vidhan Sabha are direct representatives of the people of the particular state as they are directly elected by the adult suffrage.
- Each Vidhan Sabha is formed for a five years term after which all seats are up for election.
- The maximum size of Vidhan Sabha is not more than 500 members and not less than 60.

- However, the size of the Vidhan Sabha can be less than 60 members through an Act of Parliament, such is the case in the states of Goa, Sikkim and Mizoram.

Qualification to be a member of Vidhan Sabha

- To become a member of a Vidhan Sabha:
 - 1) A person must be a citizen of India
 - 2) She/he must have attained 25 years of age.
 - 3) She/he should be mentally sound and should not be bankrupt.
 - 4) She/he should also state an affidavit that there are no criminal procedures against him.

Vidhan Sabha via-a-vis Lok Sabha

- The position of Vidhan Sabha is relatively stronger than Lok Sabha when it comes to the relation with the respective upper houses. The following are differences in the legislative procedures:
 1. As regard to Money Bills the position of Vidhan Sabha is same as that of Lok Sabha. The upper houses at Union and at the states have no powers for the amendments or to withhold the Bill for the period for more than 14 days from the date of receipt of the Bill.
 2. In case of Bills other than money Bills the position of Vidhan Sabha is stronger as compared to Lok Sabha. While disagreement between the two Houses of the Union Parliament is resolved by “Joint Sitting”, there is no such provision of solving the deadlock at the state level. The will of the Vidhan Sabha shall ultimately prevail. The upper house at the state level can just delay the bill for the maximum period of 4 months i.e. 3 months in first journey and 1 month in second journey.
 3. While the period for passing a Bill (other than money Bill) from Rajya Sabha is six months is the case of Legislative Councils it is just three months.

Legislative Council (Vidhan Parishad) (Article-171)

- The Legislative Council is a permanent body that cannot be dissolved; each Member of the Legislative Council (MLC) serves for a six-year term, with terms staggered so that the terms of one-third of a Council's members expire every two years.
- This arrangement parallels that for the Rajya Sabha, the upper house of the Parliament of India.
- Six states in India have a Legislative Council:

- Andhra Pradesh, Bihar, Telangana, Karnataka, Maharashtra, and Uttar Pradesh.

Qualification to be a member of Vidhan Parishad (Article-173)

- Eligibility criteria to be the member of Vidhan Parishad:
 - 1) She/he must be citizen of India
 - 2) She/he must have attained at least 30 years of age
 - 3) She/he must be mentally sound,
 - 4) She/he must not be a bankrupt
 - 5) She/he must be listed the voters' list of the state for which he or she is contesting an election.

Election of members of Legislative Council

- One-third of the members are elected by members of local bodies such as corporations, municipalities, and Zilla Parishads.
- One-third of the members are elected by members of Legislative Assembly from among the persons who are not members of the Assembly.
- One-twelfth of the members are elected by the persons who are graduates of three years' standing residing in that state.
- One-twelfth are elected by persons engaged for at least three years in teaching in educational institutions within the state not lower than secondary schools, including colleges and universities.
- One-sixth are nominated by the governor from persons having knowledge or practical experience in fields such as literature, science, arts, the cooperative movement and social service.

Governor (Article-153)

- The Governor is merely appointed by the President which really means, by the Union Council of Ministers.
- The Governor holds office during the pleasure of the President, there is no security of his tenure.
- He can be removed by the President at any time.
- There is no impeachment process for removal of Governors as prescribed in constitution in the case of President.
- The salary of the Governor of State is Rs. 3.5 lakh/month (non-taxable).

The powers of Governors

1) Executive Powers

- The Governor appoints the Chief Minister who enjoys the support of the majority in the Vidhan Sabha.
- The Governor also appoints the other members of the Council of Ministers and distributes portfolios to them on the advice of the Chief Minister.
- He/she also appoints the Advocate General and the chairman and members of the State Public Service Commission.
- The Governor appoints the judges of the District Courts

2) Legislative Powers

- The Governor summons the sessions of both houses of the state legislature and prorogues them.
- The Governor inaugurates the state legislature by addressing it after the assembly elections and also at the beginning of the first session every year.
- The Governor can even dissolve the Vidhan Sabha. These powers are formal and the Governor while using these powers must act according to the advice of the Council of Ministers headed by the Chief Minister.
- The Governor's address on these occasions generally outlines new policies of the state Govt.
- A bill that the state legislature has passed can become a law only after the Governor gives assent.
- The Governor can return a bill to the state legislature, if it is not a money bill, for reconsideration.
- The Governor has the power to reserve certain bills for the President.
- When the state legislature is not in session and the Governor considers it necessary to have a law, then the Governor can promulgate ordinances.

3) Financial Powers

- Money bills can be introduced in the State Legislative Assembly only on the prior recommendation of the Governor.
- Governor also causes to be laid before the State Legislature the annual financial statement which is the State Budget.
- Further no demand for grant shall be made except on his/her recommendation.
- He can also make advances out of the Contingency Fund of the State to meet any unforeseen expenditure.



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- Governor constitutes the State Finance Commission

4) Discretionary Powers

- There are situations when the Governor has to act as per his/her own judgment and take decisions on his own. Such powers are called discretionary Powers:
- When no party gets a majority in the Vidhan Sabha, the Governor can either ask the leader of the single largest party or the consensus leader of two or more to form the Govt.. The Governor then appoints the leader of the largest party to Chief Minister.
- The Governor can send a report to the President informing him or her that the State's constitutional functioning has been compromised and recommending the President impose "President's rule" upon the state.
- Governor can reserve any Bill for the President.
- Governor's power of Veto When a Bill is presented before the Governor after its passage by the house(s) of the state legislature, the
- Governor may take any of the following steps:
 1. He may declare his assent to the Bill
 2. He may declare that he withdraws his assent to the Bill
 3. He may (in case of a Bill other than money Bill), return the Bill with a message
 4. The Governor may also reserve a Bill for the consideration of President
 5. The President enjoys absolute veto in the case of Bills reserved for him by the Governors.
- The president may act in the following manner:
 - In case of money Bill President may either declare his assent or withhold his assent.
 - In the case of Bills other than money Bill the President apart from declaring his assent or refusing it, direct the Governor to return the Bill to the Legislature for recommendations in such cases.

Local Self-Governance

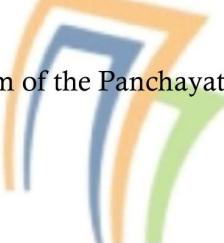
Panchayati Raj (Article-243)

- The Panchayati Raj System is the first tier or level of democratic government.
- The term Panchayati Raj in India signifies the system of rural local self-government.
- It was constitutionalized through the 73rd Constitutional Amendment Act of 1992. The development of the village was the immediate problem faced by our country after independence.

- Hence the Community Development Programme was launched in 1952 with a view to carrying out the integrated rural development work. Rajasthan was the first state to set up Panchayati Raj System in 1959 followed by Andhra Pradesh.

Main Provisions of 73rd Amendment Act

- This act has added a new Part-IX to the Constitution of India.
- It is entitled as ‘The Panchayats’ and consists of provisions from Articles 243(A) to 243 (O). In addition, the act has also added a new Eleventh Schedule to the Constitution.
- It contains 29 functional items of the panchayats.
- Fixing tenure of five years for Panchayats at all levels and holding fresh elections within six months in the event of supersession of any Panchayat.
- Reservation of 1/3 seats (both members and chairpersons) for women in Panchayats at all the levels.
- The Act provides for a three-tier system of the Panchayati Raj in the states namely:
 - 1) Gram Panchayat at the Village level.
 - 2) Panchayat Samiti at the Block level.
 - 3) Zila Parishad at the District level.



Compulsory Provisions for Panchayati Raj Institutions

1. Organisation of Gram Sabha in a village or group of villages.
2. Establishment of Panchayats at the village, intermediate and district levels.
3. 21 years to be the minimum age for contesting elections to Panchayats.
4. Reservation of seats (both members and chairpersons) for SCs and STs in Panchayats at all the three levels.
5. Reservation of one-third seats (both members and chairpersons) for women in Panchayats at all the three levels.
6. Fixing tenure of five years for Panchayats at all levels and holding fresh elections within six months in the event of supersession of any Panchayat.
7. Establishment of a State Election Commission for conducting elections to the Panchayats.
8. Constitution of a State Finance Commission after every five years to review the financial position of the panchayats.

Organisational Structure

1) Gram Panchayat at the Village level

- The members of the Gram Panchayat are elected by the Gram Sabha. The Pradhans (Presidents) of the Gram Sabha are the ex-officio members of the Gram Panchayat.
- Note: Gram Sabha means a body consisting of persons registered in the electoral roles relating to a village comprised within the area of Panchayat at the village level.

2) Panchayat Samiti at the Block level

- The Panchayat Samiti has many Gram Panchayats under it. All the Presidents of the Panchayats within the Block are the ex officio members of the ‘Panchayat Samitis’.

3) Zila Parishad at the District level

- Zila Parishad is an apex body under the Panchayati Raj. It coordinates the activities of the various Panchayat Samitis.
- Zila Parishad actually makes developmental plans at the district level.
- With the help of Panchayat Samitis, it also regulates the money distribution among all the Gram Panchayats.

Urban Local Governance (Article-243-P)

- The term ‘Urban Local Government’ in India signifies the governance of an urban area by the people through their elected representatives. 74th Amendment of 1992
- This act has added a new Part IX-A to the Constitution of India. It consists of provisions from Articles 243-P to 243-ZG. In addition, the act has also added a new Twelfth Schedule to the Constitution.
- The Amendment has added 18 new Articles relating to urban local bodies in the Constitution.
- The institutions of self government are called by a general name “Municipalities”.
- Three Types of Municipalities: The act provides for the constitution of the following three types of municipalities in every state:
 - 1) A nagar panchayat for a transitional area, that is, an area in transition from a rural area to an urban area.
 - 2) A municipal council for a smaller urban area.



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3) A municipal corporation for a larger urban area.

Composition:

- All the members of a municipality shall be elected directly by the people of the municipal area. For this purpose, each municipal area shall be divided into territorial constituencies to be known as wards.
- The state legislature may provide the manner of election of the chairperson of a municipality.

Reservation of Seats:

- The act provides for the reservation of seats for the scheduled castes and the scheduled tribes in every municipality in proportion of their population to the total population in the municipal area. Further, it provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for woman belonging to the SCs and the STs).



Duration of Municipalities:

- The act provides for a five years term of office for every municipality. However, it can be dissolved before the completion of its term.

Supreme Court of India (Article-124)

- Supreme Court of India is the highest judicial forum and final court of appeal. According to the Constitution of India, the role of the Supreme Court is that of a federal court and guardian of the Constitution.

Composition of Supreme Court

- Under Article 124(1) the constitution originally provided for 1 Chief Justice of India and not more than 7 other judges.
- The constitution authorizes the Parliament to provide by law in fixing the Strength of the judges of the Supreme Court.
- The Parliament passed the Supreme Court (Number of Judges) thus accordingly, a Constitutional Amendment Act in 2019 has increased the strength of Supreme Court to 34 (1 Chief Justice + 33 other judges).



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- The maximum age of retirement of Judges of supreme court is 65 years

Qualification to be a judge of Supreme Court

1. A person must be a citizen of India
2. He/she must have been, for at least five years, a Judge of a High Court or of two or more such Courts in succession
3. Or an Advocate of a High Court or of two or more such Courts in succession for at least ten years or the person must be, in the opinion of the President, a distinguished jurist.

Removal of judges of Supreme Court

- Article 124(4) provides for the removal of a judge of the Supreme Court. He is removed by the President upon an address by both the Houses of the Parliament supported by a majority of not less than 2/3rd of members present and voting and a majority of total strength of the House on the ground of misbehaviour or incapacity.
- The President shall pass the order of removal in the same session in which the Parliament passed the resolution. Article 124(5) confers the power on the Parliament to provide by law for the procedure for the Presentation of an address and for the investigation for proof of misbehavior or incapacity of a judge.
- Accordingly, the Parliament passed Judges (Inquiry) Act 1968 which states that a resolution seeking the removal of a judge of Supreme Court can be introduced in either House of Parliament.
- It should be supported by not less than 100 members of Lok Sabha.
- If it is to be introduced in Rajya Sabha it should be supported by no less than 50 members of Rajya Sabha.
- Once the resolution is initiated in either house of the parliament, the presiding officer of that House shall appoint a three member Judicial Committee to investigate into charges and provide proof of misbehaviour or incapacity.
- The judicial committee shall be headed by a serving judge of the Supreme Court. Second member can be a serving judge of the High Court and the third member can be an eminent jurist.

- The Court divided the entire process of removal of a judge into two parts mainly Judicial Act and Political Act. Whenever the authority concerned does not enjoy discretionary power it is called Judiciary act and the judge concerned does not enjoy the right to be heard in such cases.

The judicial parts consist of:

1. The presiding officer appointing a three-member judicial committee.
2. Judicial committee investigating the charges.
3. The President passing the order of removal of a Judge

Whereas the political parts consist of:

1. Introduction of resolution in Parliament.
2. Houses of Parliament passing the resolution.
3. The Court also clarified that the Parliament is not bound to pass the resolution even if the judicial committee establish proof of misbehavior or incapacity. However, if the Judicial Committee failed to provide proof of misbehaviour or incapacity, the Parliament cannot take up the resolution process further.

SUPREME COURT IN INDIA (JURISDICTION)

- The Supreme Court of India is the highest judicial forum and final court of appeal as established by Part V, Chapter IV of the Constitution of India. Articles 124 to 147 of the Constitution of India lay down the composition and jurisdiction of the Supreme Court of India.
- The Supreme Court has Original jurisdiction, Appellate jurisdiction and Advisory jurisdiction.
- The Supreme Court is the highest appellate court which takes up appeals against the verdicts of the High Courts and other courts of the states and territories.
- The Supreme Court has the power to transfer the cases from one High Court to another and even from one District Court of a particular state to another District Court of the other state.
- The Supreme Court has the power of Constitutional review.
- The Supreme Court of India held its inaugural sitting on 28 January 1950.

Salary-

- Article 125 of the Indian Constitution leaves it to the Indian Parliament to determine the salary, other allowances, leave of absence, pension, etc. of the Supreme Court judges.

- However, the Parliament cannot alter any of these privileges and rights to the judge's disadvantage after his appointment.
- A judge gets 2.5 Lakh and the Chief Justice gets a sum of 2.8 Lakh. (The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2018)

Some Important Points on SC

1. The first woman judge of the Supreme Court was Justice Fatima Beevi in 1987. However, there has been no female Chief Justice
2. Ad hoc Judges:
 - (a) Ad hoc Judges are non-Supreme Court judges who sit in the Supreme Court when there is insufficient quorum to perform the judicial duties.
 - (b) Ad hoc Judges are appointed by the Chief Justice after obtaining consent from the President.
 - (c) Serving(HC) and retired(SC & HC) judges of the Supreme Court (and High Courts) can sit and act as ad hoc Judges of the Supreme Court.
 - (d) Only such persons can be appointed as ad hoc Judges who are qualified to be appointed as a regular Judge of the Supreme Court
3. The Chief Justice administers the oath in front of the President.
4. The first Chief Justice of India was H J Kania (1950 – 1951).
5. The shortest tenure was for K N Singh (Nov 1991 – Dec 1991, UP)
6. The longest tenure was for Y V Chandrachud (1978 – 1985, Bombay)

JURISDICTION OF THE SUPREME COURT:

1. Original Jurisdiction:

- i. Original Jurisdiction means that certain types of cases can originate with the Supreme Court only
- ii. The Supreme Court has original jurisdiction in
 - a) Disputes between the Centre and one or more states.
 - b) Disputes between the Centre and any state(s) on one side and one or more states on the other side.
 - c) Disputes between two or more states.
 - d) Disputes regarding the enforcement of Fundamental Rights.

2. Appellate Jurisdiction:

- Appellate Jurisdiction means that appeals against judgements of lower courts can be referred to SC as the Supreme Court is the highest court of appeal in the country.

3. Advisory Jurisdiction:

- Advisory Jurisdiction refers to the process where the President seeks the Court's advice on legal matters.
- If the President asks for advice from the Supreme Court, the Court is duty-bound to give it. However, it is not binding on the President to accept the advice.

HIGH COURT (Article-214)

- 1) The High Court is at the apex of the judicial administration of the state.
- 2) Art 214 of the Constitution provides that there shall be a High Court for each state of the Indian union. But the Indian Parliament is empowered to establish a common High Court for two or more states and to extend the jurisdiction of a High Court to a union territory. Similarly, Parliament can also reduce the area of jurisdiction of a High Court.
- 3) The High Court consists of a Chief Justice and some other Judges. The number of judges is to be determined by the President of India from time to time.
- 4) The Chief Justice of a High Court is appointed by the President in consultation with the Chief Justice of the Supreme Court and the Governor of the state concerned. The procedure for appointing other judges is the same except that the Chief Justice of the High Court concerned is also consulted.
- 5) HC JUDGE hold office until they attain the age of 62 years and are removed from office in the same manner as a judge of the Supreme Court.
- 6) The Chief Justice of High Court gets a sum of 2.5 Lakh and a judge of High Court gets 2.25 Lakh and (The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2018)

Qualification (Article-217)

- A person shall be qualified for appointment as a judge of the High Court if
- 1) he is a citizen of India,
 - 2) has for at least ten years held a judicial office in the territory of India, or

- 3) has for at least ten years been an advocate of a High Court, or of two or more such courts in succession. Every judge of the High Court before entering upon his office shall make and subscribe before the Governor of the state, an oath of affirmation in the form prescribed by the Constitution.

Removal of judges

- A judge of the High Court shall hold office until he attains the age of 62 years.
- A judge may resign from his office by writing under his hand to the president of India.
- He can also be removed by the President of India on the ground of proved misbehaviour or inefficiency if a resolution to that effect is passed by both the Houses of Parliament by a two-thirds majority of the total members present and voting, supported by a majority of the total membership of each house.

Jurisdiction of a HC

- The High Court has Original jurisdiction in such matters as writs and Appellate jurisdiction over all subordinate courts in their jurisdiction. Every High court has the power to issue to any person or authority including any Govt. within its jurisdiction, direction, or orders including writs which are in the nature of habeas corpus, mandamus prohibition, qua-warranto and certiorari or any of them for enforcement of fundamental rights conferred by part III of the constitution and for any other purpose.
- 1) Election petitions challenging the elections of Members of Parliament or member of State Legislative Assembly or other local bodies can be filed in the concerned High Court.
 - 2) The High Courts have Appellate jurisdiction in both civil and criminal cases against the decisions of lower courts.
 - 3) Under Revisory jurisdiction, the High Court is empowered to call for the records of any court to satisfy itself about the correctness of the legality of the orders passed. This power may be exercised on the petition of the interested party or it can suo moto call for the records and pass necessary orders.
 - 4) All Courts excepting tribunals dealing with the Armed forces, are under the supervision of the High Court. Tribunals dealing with the Armed forces are not under the supervision of HC. This

power is enjoyed under Art 227 of the Constitution. Thus administration of the state's judiciary is the essential function of the High Court.

GOVERNMENT BODIES

1) Election Commission

- The Election Commission is a permanent, independent body established by the Constitution of India directly to ensure free and fair 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 president of India and the office of vice-president of India shall be vested in the election commission.
- Elections are conducted according to the constitutional provisions supplemented by laws made by Parliament.
- The major laws are Representation of the People Act, 1950, which mainly deals with the preparation and revision of electoral rolls, and the Representation of the People Act, 1951, which deals in detail with all aspects of conduct of elections and past election disputes. The electoral system in India is borrowed from the one operating in Great Britain. Presently, the Election Commission consists of one Chief Election Commissioner (CEC) and two Election Commissioners.
- The Commission works under the overall supervision of the Chief Election Commissioner.
- The tenure of the CEC and the Election Commissioners has been fixed as six years, subject to the maximum age limit of 65 years (whichever is earlier).
- The Chief Election Commissioner and the Election Commissioners are placed at par in matters of salary and allowances and they are the same as those of a judge of Supreme Court.
- The Chief Election Commissioner is not eligible for reappointment. The Election Commission is not concerned with the elections to Panchayats and municipalities in the states.
- The elections to the Panchayats and the municipalities in the states are conducted by 'State Election Commissions'.

Independence of CEC



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- Article 324 of the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Election Commission:
 1. The Chief Election Commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court.
 2. The Election Commissioner cannot be removed from office except on the recommendation of the Chief Election Commissioner.

Powers and functions

1. To determine the territorial areas of the electoral constituencies throughout the country on the basis of the Delimitation Commission Act of Parliament.
2. To prepare and periodically revise electoral rolls and to register all eligible voters.
3. To notify the dates and schedules of elections and to scrutinise nomination papers.
4. To grant recognition to political parties and allot election symbols to them.
5. To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbols to them.
6. To determine the code of conduct to be observed by the parties and the candidates at the time of elections.
7. To advise the President on matters relating to the disqualification of the members of Parliament.
8. To advise the governor on matters relating to the disqualification of the members of state legislature.
9. To cancel polls in the event of rigging, booth capturing, violence and other irregularities.
10. To register political parties for the purpose of elections and grant them the status of national or state parties on the basis of their poll performance

2) Union Public Service Commission

- With the promulgation of the new Constitution for independent India on 26th January, 1950, the Federal Public Service Commission was accorded a constitutional status as an autonomous entity and given the title – Union Public Service Commission.
- The UPSC has been established under Article 315 of the Constitution of India. The Commission consists of a chairman and ten Members.

- The chairman and members of the commission hold office for a term of six years or until they attain the age of 65 years, whichever is earlier.
- It is an independent constitutional body.
- The main function of UPSC is Recruitment to services and posts under the Union through conduct of competitive examinations.

3) State Public Service Commission

- A state public service commission consists of a chairman and other members appointed by the governor of the state. But they can be removed only by the President.
- It is an independent constitutional body.
- The chairman and members of the commission hold office for a term of six years or until they attain the age of 62 years, whichever is earlier.
- The main function of SPSC is to conduct examinations for appointments to the services of the state.

4) Joint State Public Service Commission

- The Constitution makes a provision for the establishment of a Joint State Public Service Commission (JSPSC) for two or more states.
- A JSPSC can be created by an act of Parliament on the request of the state legislatures concerned. Thus, a JSPSC is a statutory and not a constitutional body.
- The chairman of JSPSC is appointed by the President.

5) Comptroller and Auditor General

- The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG).
- It is the supreme audit institution of India.
- He is the head of the Indian Audit and Accounts Department and the guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state.

Appointment and term

- The CAG is appointed by the President of India.
- He holds office for a period of six years or up to the age of 65 years, whichever is earlier.



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- He can resign any time from his office by addressing the resignation letter to the president. He can also be removed by the President on same grounds and in the same manner as a judge of the Supreme Court

Main function of the CAG

1. He audits the accounts related to all expenditure from the Consolidated Fund of India and consolidated fund of each state.
2. He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the contingency fund of each state and the public account of each state.
3. He audits the accounts of any other authority when requested by the President or Governor.

Note: He submits his audit reports relating to the accounts of the Centre to President and relating to the accounts of a state to governor.

6) Attorney General of India

- Art. 76 states that the President shall appoint a person who is qualified to be appointed as a judge of the Supreme Court to be the Attorney General of India.
- He is the first legal officer of the Govt. of India.
- The term of office of the AGI is not fixed by the Constitution of India.
- He holds office during the pleasure of the President and receives remuneration as the President may determine. Although, he is not a member of either House of Parliament, he enjoys the right to attend and speak in the Parliamentary deliberations and meeting (of both the Lok Sabha and the Rajya Sabha), without a right to vote.
- He advises the Government of India on any legal matter.
- He performs any legal duties assigned by the President of India.
- He discharges any functions conferred on him by the Constitution or the President.
- In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India.
- He is entitled to all the privileges and immunities as a Member of Parliament.

Note: The Constitution (Article 165) has provided for the office of the advocate general for the states. He is the highest law officer in the state. Thus he corresponds to the Attorney General of India. He is appointed by the Governor of the state.

Parliamentary Funds

1) Consolidated Fund of India

1. Article 266 has established Consolidated Fund of India.
2. It is a constitutional fund
3. All the receipts received, loans raised and the income of the Govt. of India are deposited into a Fund called the Consolidated Fund of India.
4. It is the largest fund of the Govt. of India and any amount of money can be deposited into this account.
5. It is a regular fund of Govt. of India.
6. All expenditures of the Govt. of India are spent out of the Consolidated Fund of India.
7. It has been placed at the disposal of the Parliament. No money can be deposited into withdrawn or appropriated out of the Consolidated Fund of India without the prior sanction of the Parliament. Article 266 has also created a separate Consolidated Fund for each State.

2) Public Account of India

- Under Article 266 any money other than the receipts, loans and the income received by the Govt. of India is deposited into an account called the Public Account of India.
- The Public Account of India is placed at the disposal of the President article 266 has also created public account for each state.

3) Contingency Fund of India

- Article 267 empowers the Parliament to provide by law for the establishment of a public fund called the Contingency Fund of India.
- Accordingly, the Parliament enacted the Contingency Fund of India (Misc. Provisions Act) 1950, which has created the contingency Fund of India with an upper limit of Rs. 50 Cr. As of Now the value of this fund is Rs.30,000/- Crore,
- It is not a regular fund of Govt. of India and it is used to meet on unforeseen expenditures of the Govt. of India.
- It is placed at the disposal of President who can provide the sanction for meeting an emergency expenditure out of contingency Fund of India.
- The Fund is used when the Parliament is not in a position to sanction money out of Consolidated Fund of India to meet an unforeseen expenditure.

- The money so sanctioned out of contingency fund of India by the President is placed before the Parliament for its approval subsequently.
- If the Parliament approves the expenditure, then the equal amount of money is transferred from Consolidated Fund of India to Contingency Fund of India.
- Thus, the Contingency Fund is replenished by the Contingency Fund. The Parliament by law may increase the upper limit of Contingency Fund either permanently or temporarily.

Political Parties

- A recognised political party has been classified either as a “national party” or a “state party”. Recognition to a party is granted by the “Election Commission of India”.

Conditions for Recognition as a National Party

- A party is recognized as a national party if any of the following conditions is fulfilled:
 1. If a party wins 2% of seats in the Lok Sabha (as of 2014, 11 seats) from at least 3 different States.
 2. At a General Election to Lok Sabha or Legislative Assembly, the party polls 6% of votes in four States in addition it wins 4 Lok Sabha seats from any states
 3. A party is recognised as a State Party in four or more States.
 4. The followings six considered as National Parties at present.

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- (1) Bharatiya Janata Party
- (2) Bahujan Samaj Party
- (3) National People's Party
- (4) Communist Party of India (Marxist)
- (5) Indian National Congress
- (6) Aam Adami Party

Important Points to look at

1. The draft of a legislative proposal - **Bill**
2. Bill passed by both the Houses of Parliament and assented to by the President - **Act**
3. Annual Financial statement of the estimated receipts and expenditure of the Government of India for a financial year – **Budget**

4. The estimate of expenditure in respect of a Ministry/Department not charged upon the Consolidated Fund of India, placed for approval before the House on the recommendations of the President - **Demand for Grant**
5. A Bill ordinarily introduced each year to give effect to the financial proposals of the Government for the following financial year - **Finance Bill**
6. A bill containing only provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) of Clause (1) of Article 110 of the Constitution. (Such a bill cannot be introduced without the recommendation of the President and it also cannot be introduced in the Rajya Sabha - **Money Bill**)
7. A Bill passed annually (or at various times of the year) providing for the withdrawal or appropriation from and out of the Consolidated Fund of India of moneys by Lok Sabha and moneys charged on the Consolidated Fund for the services of a financial year or a part thereof - **Appropriation Bill**
8. A motion for reduction of a demand for grant by or to a specified amount - **Cut motion**
9. Cut motion can be of three types - **Disapproval of policy cut, Economy cut and Token cut**
10. A grant made by Lok Sabha in advance in respect of the estimated expenditure of the Government of India for a part of a financial year pending the voting of Demands for Grants for the financial year. A Motion for Vote on Account is dealt with in the same way as if it were a demand for grant - **Vote on Account**
11. The first hour of a sitting of the House normally allotted for asking and answering of questions - **Question Hour**
12. A self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House – **Resolution**
13. The vote cast by the Speaker or the Chairman in the case of an equality of votes on a matter – **Casting vote**
14. A question relating to a matter of public importance of an urgent character asked with notice shorter than ten clear days - **Short Notice Question**

Motions in Parliament

1) Private Member's business



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- Every member who is not a Minister is called a Private Member. The Private Member's business includes Private Member's Bills and Private Member's Resolutions. The period of notice for introduction of Bill is one month unless the Presiding officer allows introduction at a shorter notice.

2) Question Hour

- Normally, the first hour of the business of a House everyday is devoted to questions and is called Question Hour (11:00 AM to 12:00 Noon).

3) Starred and Unstarred Questions

- A starred question is one to which a member desires an oral answer in the House. Answer to such a question may be followed by five supplementary questions by other members. An unstarred question is one to which written answer is desired by the Member. No supplementary questions can be asked thereon.

4) Short Notice Questions

- These are related to matter of urgent public importance and can be asked by members with notice shorter than the 10 days prescribed for an ordinary question. It is for the Speaker to determine whether the matter is of real urgent nature or not.

5) Adjournment Motions

- An adjournment motion is an extra-ordinary procedure which if admitted leads to setting aside the normal business of the House for discussing a definite matter of Urgent Public importance.

6) Calling Attention

- It is a notice by which a member with the prior permission of the Speaker, Calls the attention of a Minister of any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date it is an Indian Innovation. There is no calling attention Notice in the Rajya Sabha. Instead, there exists a motion called 'Motion for Papers.'

7) Privilege Motion

- This motion is moved by a member if in his opinion any minister or any of the members commits a breach of privilege of the House by withholding any fact.

List of Major Amendments of the Indian Constitution

First Amendment Act, 1951

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- The state was empowered to make special provisions for the advancement of socially and backward classes The Ninth Schedule was added

Note:

- Fourth Amendment Act, 1955 included some more Acts in the Ninth Schedule
- 17th Amendment Act, 1964 included 44 more Acts in the Ninth Schedule
- 29th Amendment Act, 1972 included two Kerala Acts on land reforms in the Ninth Schedule
- 34th Amendment Act, 1974 included twenty more land tenure and land reforms acts of various states in the Ninth Schedule

Three more grounds of restrictions on Article 19 (1) [Freedom of speech and expression] were added:

- Public order
- Friendly relations with foreign states
- Incitement to an offence
- Note: Restrictions were made reasonable and justiciable.
- Introduced the validity of the state's move to nationalize any business or trade and the same to not be invalid on the grounds of violation of the right to trade and business

Second Amendment Act, 1952



- The scale of representation in the Lok Sabha was readjusted stating that 1 member can represent even more than 7.5 lakh people.

Seventh Amendment Act, 1956

- The provision of having a common High Court for two or more states was introduced
- Abolition of Class A, B, C and D states – 14 States and 6 Union Territories were formed
- Introduction of Union Territories

Ninth Amendment Act, 1960

- Adjustments to Indian Territory as a result of an agreement with Pakistan (Indo-Pak Agreement 1958):
- Cession of Indian territory of Berubari Union (West Bengal) to Pakistan



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- Tenth Amendment Act, 1961
- Dadra, Nagar, and Haveli incorporated in the Union of India as a Union Territory

12th Amendment Act, 1962

- Goa, Daman and Diu incorporated in the Indian Union as a Union Territory

13th Amendment Act, 1962

- Nagaland was formed with special status under Article 371A

14th Amendment Act, 1962

- Pondicherry incorporated into the Indian Union
- Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Puducherry were provided the legislature and council of ministers

19th Amendment Act, 1966

- System of Election Tribunals was abolished and High Courts were given the power to hear the election petitions



21st Amendment Act, 1967

- Sindhi language was added into 8th Schedule of Indian Constitution

24th Amendment Act, 1971

- The President's assent to Constitutional Amendment Bill was made compulsory

25th Amendment Act, 1971

- Fundamental Right to Property was curtailed

26th Amendment Act, 1971

- Privy Purse and privileges of former rulers of princely states were abolished

31st Amendment Act, 1972

- Lok Sabha seats were increased from 525 to 545

35th Amendment Act, 1974

- The status of Sikkim as protectorate state was terminated and Sikkim was given the status of ‘Associate State’ of India

36th Amendment Act, 1975

- Sikkim was made a full-fledged state of India

40th Amendment Act, 1976

- Parliament was empowered to specify from time to time the limits of the territorial waters, the continental shelf, the exclusive economic zone (EEZ) and the maritime zones of India.

42nd Amendment Act, 1976

- Since the 42nd Amendment Act is the most comprehensive amendment of the Indian Constitution, called the ‘Mini-Constitution’,.

Changes in Provisions by the 42nd Amendment Act	Details of the Amendment
Preamble	<ul style="list-style-type: none"> • For the words “Sovereign Democratic Republic”, the words “Sovereign Socialist Secular Democratic Republic” was substituted • For the words “unity of the Nation”, the words “unity and integrity of the Nation” was substituted.
7th Schedule	<p>Transferred five subjects from the state list to the concurrent list:</p> <ol style="list-style-type: none"> 1. Education 2. Forests 3. Weights & Measures 4. Protection of Wild Animals and Birds



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	5. Administration of Justice
Article 51A	10 Fundamental Duties added for the citizens. (The Fundamental Duties of citizens were added upon the recommendations of the Swaran Singh Committee that was constituted by the government in 1976)
Parliament	<ol style="list-style-type: none">1. Made President bound to the advice of the cabinet2. Allowed Centre to deploy central forces in State to deal with the conflicting situations of law and order (Article 257A)3. Gave special discretionary powers to the speaker of the Lok Sabha and Prime Minister (Article 329A)4. Directive Principles were given precedence over Fundamental Rights and any law made to this effect by the Parliament was kept beyond the scope of judicial review by the Court
Judicial Powers of HC	Curtailed the judicial review power of the High Courts
Articles 323A and 323B, Part XIV-A	Part XIV-A added entitled as ‘Tribunals dealing with Administrative matters’ and ‘Tribunals for other matters’

DPSPs	<p>Three new DPSPs (Directive Principles of State Policy) were added to the existing list of DPSPs and one was amended:</p> <ol style="list-style-type: none"> 1. To secure opportunities for the healthy development of children (Article 39) 2. To promote equal justice and to provide free legal aid to the poor (Article 39 A) 3. To take steps to secure the participation of workers in the management of industries (Article 43 A) 4. To protect and improve the environment and to safeguard forests and wildlife (Article 48 A)
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44th Amendment Act, 1978



- It is also one of the important amendments in the Indian Constitution, enacted by the Janata Government. 44th Amendment made a few changes in the provisions of the constitution. They are given in points below:
 - Any changes in the basic structure of the constitution can be made only if they are approved by the people of India by a majority of votes at a referendum in which at least fifty-one per cent of the electorate participated. Article 368 is being amended to ensure this.
 - The 44th Amendment Act of 1978 reversed the provision made by the 42nd amendment act that allowed the government to amend the constitution on its wish by Article 368. 44th Amendment Act nullified this unjustified power to the government.
 - Right to Property was removed from the list of fundamental rights (Article 31) and was made a legal right under Article 300A.
 - Proclamation of Emergency can be issued only when the security of India or any part of its territory is threatened by war or external aggression or by armed rebellion. Internal disturbance not amounting to armed rebellion would not be a ground for the issue of a Proclamation.

- An emergency can be proclaimed only on the basis of written advice tendered to the President by the Cabinet.
- The right to liberty is further strengthened by the provision that law for preventive detention cannot authorise, in any case, detention for a longer period than three months, unless an Advisory Board has reported that there is sufficient cause for such detention.
- Right of the media to report freely and without censorship the proceedings in Parliament and the State Legislatures.

52nd Amendment Act, 1985

- A new tenth Schedule was added providing for the anti-defection laws. Candidates can read in detail about the Tenth Schedule in the linked article.

61st Amendment Act, 1989

- The voting age was decreased from 21 to 18 for both Lok Sabha and Legislative Assemblies elections

65th Amendment Act, 1990

- Multi-member National Commission for SC/ST was established and the office of a special officer for SCs and STs was removed.

69th Amendment Act, 1991

- Union Territory of Delhi was given the special status of 'National Capital Territory of Delhi.'
- 70-member legislative assembly and a 7-member council of ministers were established Delhi

71st Amendment Act, 1992

- Konkani, Manipuri and Nepali languages were included in the Eighth Schedule of the Constitution.
- Total number of official languages increased to 18

73rd Amendment Act, 1992

- Panchayati Raj institutions were given constitutional status.



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- A new Part-IX and 11th Schedule were added in the Indian Constitution to recognize Panchayati Raj Institutions and provisions related to them

74th Amendment Act, 1992

- Urban local bodies were granted constitutional status
- A new Part IX-A and 12th Schedule were added to the Indian Constitution

86th Amendment Act, 2002

- Elementary Education was made a fundamental right – Free and compulsory education to children between 6 and 14 years
- A new Fundamental Duty under Article 51 A was added – “It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years”.

88th Amendment Act, 2003

- Provision of Service Tax was made under Article 268-A – Service tax levied by Union and collected and appropriated by the Union and the States

92nd Amendment Act, 2003

- Bodo, Dogri (Dongri), Maithili and Santhali were added in the Eighth schedule
- Total official languages were increased from 18 to 22

95th Amendment Act, 2009

- Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years i.e., up to 2020 (Article 334).

97th Amendment Act, 2011

- Co-operative Societies were granted constitutional status:
- Right to form cooperative societies made a fundamental right (Article 19)
- A new Directive Principle of State Policy (Article 43-B) to promote cooperative societies
- A new part IX-B was added in the constitution for cooperative societies



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100th Amendment Act, 2015

- To pursue land boundary agreement 1974 between India and Bangladesh, exchange of some enclave territories with Bangladesh mentioned
- Provisions relating to the territories of four states (Assam, West Bengal, Meghalaya) in the first schedule of the Indian Constitution, amended.

101st Amendment Act, 2016

- Goods and Service Tax (GST) was introduced.

102nd Amendment Act, 2018

- Constitutional Status was granted to National Commission for Backward Classes (NCBC)

103rd Amendment Act, 2019

- A maximum of 10% Reservation for Economically Weaker Sections of citizens of classes other than the classes mentioned in clauses (4) and (5) of Article 15, i.e. Classes other than socially and educationally backward classes of citizens or the Scheduled Castes and the Scheduled Tribes.

104th Amendment Act, 2020

- Extended the deadline for the cessation of seats for SCs and STs in the Lok Sabha and states assemblies from Seventy years to Eighty. Removed the reserved seats for the Anglo-Indian community in the Lok Sabha and state assemblies.

Important Articles in the Constitution of India

ArticleNo.	Article is about
2	Admission or establishment of new States.
3	Formation of new States and alteration of areas, boundaries or names of existing States.
5	Citizenship at the commencement of the Constitution.
17	Abolition of Untouchability
18	Abolition of titles.



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32	Remedies for enforcement of rights conferred by this Part.
52	The President of India.
60	Oath or affirmation by the President.
62	Time of holding election to fill vacancy in the office of President and the term of office of person elected to fill casual vacancy.
63	The Vice-President of India.
64	The Vice-President to be ex officio Chairman of the Council of States.
65	The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President.
74	Council of Ministers to aid and advise President.
76	Attorney-General for India.
78	Duties of Prime Minister as respects the furnishing of information to the President, etc.
79	Constitution of Parliament.
80	Composition of the Council of States.
81	Composition of the House of the People.
83	Duration of Houses of Parliament.
84	Qualification for membership of Parliament.
89	The Chairman and Deputy Chairman of the Council of States.
90	Vacation and resignation of, and removal from, the office of Deputy Chairman.
93	The Speaker and Deputy Speaker of the House of the People.
94	Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker.
96	The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.
101	Vacation of seats in parliament.
102	Disqualifications for membership.
107	Provisions as to introduction and passing of Bills.





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109	Special procedure in respect of Money Bills.
110	Definition of —Money Bills.
117	Special provisions as to financial Bills.
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124	Establishment and constitution of Supreme Court.
127	Appointment of ad hoc judges.
131	Original jurisdiction of the Supreme Court.
132	Appellate jurisdiction of Supreme Court in appeals from High Courts in certain cases.
133	Appellate jurisdiction of Supreme Court in appeals from High Courts in regard to Civil matters.
134	Appellate jurisdiction of Supreme Court in regard to criminal matters.
148	Comptroller and Auditor-General of India.
149	Duties and powers of the Comptroller and Auditor-General.
153	Governors of States.
154	Executive power of State.
155	Appointment of Governor.
156	Term of office of Governor.
157	Qualifications for appointment as Governor.
163	Council of Ministers to aid and advise Governor.
165	Advocate-General for the State.
167	Duties of Chief Minister as respects the furnishing of information to Governor, etc.
169	Abolition or creation of Legislative Councils in States.
170	Composition of the Legislative Assemblies.
171	Composition of the Legislative Councils.
178	The Speaker and Deputy Speaker of the Legislative Assembly.



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182	The Chairman and Deputy Chairman of the Legislative Council.
183	Vacation and resignation of, and removal from, the offices of Chairman and Deputy Chairman.
184	Power of the Deputy Chairman or other person to perform the duties of the office of, or to act as, Chairman.
185	The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration.
197	Restriction on powers of Legislative Council as to Bills other than Money Bills.
214	High Courts for States.
215	High Courts to be courts of record.
217	Appointment and conditions of the office of a Judge of a High Court.
222	Transfer of a Judge from one High Court to another.
231	Establishment of a common High Court for two or more states.
239	Administration of Union territories.
239 A	Special provisions with respect to Delhi.
240	Power of President to make regulations for certain Union territories.
243 E	Duration of Panchayats, etc.
244	Administration of Scheduled Areas and Tribal Areas.
252	Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State.
266	Consolidated Funds and public accounts of India and of the States.
267	Contingency Fund.
280	Finance Commission.
292	Borrowing by the Govt. of India.
293	Borrowing by States.
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320	Functions of Public Service Commission
323A	Administrative Tribunals
324	Superintendence, direction and control of Elections to be vested in an Election Commission
325	No person to be ineligible for inclusion in or to claim to be included in a special, electoral roll on grounds of religion, race, caste, or sex
338	National Commission for the SC, & ST
343	Official languages of the Union
345	Official languages or languages of a states
348	Languages to be used in the Supreme Court and in the High Courts
352	Proclamation of emergency (National Emergency)
356	State Emergency (President's Rule)
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374	Provisions as to Judges of the Federal Court and proceedings pending in the Federal Court or before His Majesty in Council
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395	Repeals



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