

Indian Constitution

1. Duties of DM (5)

- * It is his duty to maintain peace and order in the district.
- * He supervises the activities of other Additional magistrates under him in the district.
- * It is his duty to maintain law and order within the district and also to take all the necessary actions under the preventive section of the criminal procedure code. This concerns the question of public safety, the protection of the citizens and all of his rights within the district.
- * In certain cases, he may hear and decide the criminal cases, if so empowered by the State Government. Thus, the administration of criminal and civil justice may also fall under his jurisdiction.
- * The District Magistrate controls the police department of the district that is under him and supervises the activities of the subordinate executive magistrates.
- * He submits the annual criminal report to the government.
- * He supervises the district Police Stations at least once in a year and recommends the cases for passport and visa and takes care of the movement of the foreigners within the district.

2. Duties of Governor.



The Governor of a state in India is the constitutional head of the state, appointed by the President of India. Here's a breakdown of the key duties of a Governor:

Executive Powers:

- Appointment of Chief Minister: The Governor appoints the leader of the majority party in the State Legislative Assembly as the Chief Minister.¹
- Appointment of other Ministers: On the advice of the Chief Minister, the Governor appoints other ministers.
- Administration of Oath: The Governor administers the oath of office to the Chief Minister and other ministers.
- Seeking Information: The Governor can call for any information related to the administration of the state from the Chief Minister.

Legislative Powers:

- Dissolving the Assembly: The Governor can dissolve the State Legislative Assembly if the government loses its majority.
- Addressing the Legislature: The Governor addresses the first session of the Legislative Assembly after general elections and at the beginning of each year.
- Giving Assent to Bills: Any bill passed by the State Legislature requires the Governor's assent to become law. The Governor can also reserve a bill for the President's consideration.

Financial Powers:

- Annual Financial Statement: The Governor causes the annual financial statement (budget) to be laid before the State Legislature.

Judicial Powers:

- *Granting Pardons:* The Governor has the power to grant pardons, reprieves, respites, or remissions of punishment, or to suspend, remit, or commute the sentence of any person convicted of any offense against any law relating to a matter to which the executive power of the State extends.

Discretionary Powers:

- Reserving a bill for the President's consideration.
- Dismissing a government that has lost its majority.
- Appointing a Chief Minister when no party has a clear majority.
- Seeking information from the Chief Minister.

3. Duties of Municipality Chairman.



Here are 10 key duties of a Municipality Chairman in India:

1. Presiding over meetings: Conducts and maintains order at Municipal Council meetings.
2. Executive oversight: Supervises the municipality's administration and operations.
3. Financial management: Oversees budget preparation, expenditure, and revenue generation.
4. Policy implementation: Ensures execution of municipal policies and programs.
5. Staff supervision: Exercises control over municipal officers and employees.
6. Public representation: Acts as the municipality's representative in external interactions.
7. Public grievance redressal: Addresses public concerns and resolves grievances.
8. Liaison with government: Maintains communication with state and other government bodies.
9. Emergency response: May take necessary actions during emergencies within the municipality.
10. Ensuring legal compliance: Ensures adherence to relevant laws and regulations.

4. Powers & functions of high court & supreme court. (Any one of them,9 marks)



HIGH COURT: POWERS>

As a Court of Record

- High Courts are also Courts of Record (like the Supreme Court).
- The records of the judgements of the High Courts can be used by subordinate courts for deciding cases.

- All High Courts have the power to punish all cases of contempt by any person or institution.

Administrative Powers

1. It superintends and controls all the subordinate courts.
2. It can ask for details of proceedings from subordinate courts.
3. It issues rules regarding the working of the subordinate courts.
4. It can transfer any case from one court to another and can also transfer the case to itself and decide the same.
5. It can enquire into the records or other connected documents of any subordinate court.
6. It can appoint its administration staff and determine their salaries and allowances, and conditions of service.

Power of Judicial Review

- High Courts have the power of judicial review. They have the power to declare any law or ordinance unconstitutional if it is found to be against the Indian Constitution.

Power of Certification

A High Court alone can certify the cases fit for appeal before the Supreme Court.

SUPREME COURT>

- **Power:** The Federal Court of India was created as per the Government of India Act 1935.
- This court settled disputes between provinces and federal states and heard appeals against judgements of the high courts.
- After independence, the Federal Court and the Judicial Committee of the Privy Council were replaced by the Supreme Court of India, which came into being in January 1950.
- The Constitution of 1950 envisaged a Supreme Court with one Chief Justice and 7 puisne Judges.
- The number of SC judges was increased by the Parliament and currently, there are 34 judges including the Chief Justice of India (CJI).
- **Functions:** It takes up appeals against the verdicts of the High Courts, other courts and tribunals.
- It settles disputes between various government authorities, between state governments, and between the centre and any state government.
- It also hears matters which the President refers to it, in its advisory role.
- The SC can also take up cases suo moto (on its own).

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

5. Functions of DPSP (features & significance are same) (5)



- Directive Principles of State Policy are some instructions to the State for attaining socio-economic development.
- Directive Principles of State Policy are positive. These principles increase the power and nature of the state.
- Directive Principles aim to establish a welfare state by securing social and economic justice. These principles rely on social thinking.
- Directive principles are essential for the socio-economic development of a country because welfare and justice are dual aims of our constitution.
- Directive principles are significant in the governance of a country. The State should follow these principles for the progress of the country.
- Directive principles aim to reflect public opinion and their determination. They are incorporated in the constitution to meet the aspiration of the people.
- Directive Principles aim at establishing a welfare state by securing social and economic justice. These principles rely on social thinking.

6. Constitutional empowerment of SC & ST



a) Article 15(4)

The state is empowered to make any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes or the scheduled tribes regarding their admission to educational institutions including private educational institutions, whether aided or unaided by the state, except the minority educational institutions.

b) Article 16

Equality of opportunity in matters of public employment

c) Article 16(4A)

Provides that the State may make any provision for reservation in issues of promotion in favour of Scheduled Castes and Scheduled Tribes if they are not properly represented in State services.

d) Article 17

The article abolishes 'untouchability' and forbids its practice in any form.

The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law.

e) Article 21 A

Free and compulsory education for all children of the age of 6 to 14 years.

f) Article 46

This article compels the state to 'promote with great care the educational and economic interests of the weaker parts of the population, particularly the Scheduled Castes and Scheduled Tribes, and to safeguard them from social injustice and all types of exploitation.

7. Women empowerment key features.

- Women's empowerment is a multifaceted concept, but some of its key features include:
- Sense of self-worth: Women recognizing their own value and deservingness of equal rights and opportunities.
 - Right to determine choices: The ability to make decisions about their own lives, bodies, and futures, free from coercion or pressure.
 - Access to opportunities and resources: Equal access to education, healthcare, economic opportunities, and legal rights.
 - Power to control their own lives: Having agency and autonomy in their personal and professional lives.
 - Ability to influence social change: Participating in decision-making processes and shaping the direction of society.
- These features are interconnected and contribute to women's overall well-being and equality.

8. Socialist principles & Gandhian principles.



SOCIALISTIC PRINCIPLES

Article 38 : State to secure a social order for the promotion of welfare of the people

- The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life

Article 39: The State shall, in particular, direct its policy towards securing

1. That the citizens, men and women equally, have the right to an adequate means to livelihood;
2. That the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
3. That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
4. That there is equal pay for equal work for both men and women;
5. That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

6. That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 41: Right to work, to education and to public assistance in certain cases The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42: Provision for just and humane conditions of work and maternity relief The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 43: Living wage, etc, for workers The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co operative basis in rural areas.

Gandhian Principles

The principles which are said to be based on the ideology of Gandhi, are known as Gandhian Principles.

Article 40: The state provides for the establishment of Panchayat Raj Institutions and endows them with such powers and authority as may be necessary to enable them to function as units of self government.

Article 43: The State shall endeavour to promote cottage industries on an individual or co operative basis in rural areas

Article 46: The state provides for promotion of educational and economic interests of SCs, STs and other weaker sections and protects them from social injustice and all forms of exploitation.

Article 47: imposes a primary duty on the state to raise the level of nutrition and standard of living, to improve public health and to prohibit consumption of intoxicating drinks and drugs injurious for health except for medicinal purposes.

Article 48 directs the state to provide for the organization of agriculture and animal husbandry.

9. Salient features of Indian Constitution. (9)



The Indian Constitution is a unique document with several distinctive features. Here are of its salient features:

1. **Longest Written Constitution:** It is the most detailed written constitution in the world, containing 395 articles, 22 parts, and 12 schedules.
2. **Drawn from Various Sources:** It borrows provisions from various other constitutions, such as the Government of India Act 1935, British, American, Irish, and Canadian constitutions.²
3. **Blend of Rigidity and Flexibility:** It is neither too rigid nor too flexible.³ Some provisions can be amended by a simple majority, while others require a special majority and ratification by states.
4. **Federal System with Unitary Bias:** It establishes a federal system with a division of powers between the Union and the states, but with a strong central government.⁴
5. **Parliamentary Form of Government:** It adopts the parliamentary system of government, where the executive is responsible to the legislature.⁵
6. **Synthesis of Parliamentary Sovereignty and Judicial Supremacy:** It balances the British principle of parliamentary sovereignty with the American principle of judicial supremacy.⁶
7. **Fundamental Rights:** It guarantees fundamental rights to all citizens, including the right to equality, freedom, religion, and constitutional remedies.⁷
8. **Directive Principles of State Policy:** It lays down directive principles for the state to follow while formulating policies, aiming to achieve social and economic justice.⁸
9. **Fundamental Duties:** It enumerates fundamental duties for citizens to uphold the Constitution and contribute to society.⁹
10. **Secular State:** It declares India to be a secular state, with no official religion and equal respect for all religions.¹⁰
11. **Independent and Integrated Judiciary:** It provides for an independent and integrated judiciary with the Supreme Court at the apex.¹¹
12. **Universal Adult Franchise:** It grants the right to vote to all adult citizens without any discrimination.¹²

10. Short note on DPSP



The Directive Principles of State Policy (DPSPs) are guidelines to the state for framing laws and policies. They are enshrined in Part IV of the Indian Constitution (Articles 36-51).

Here's a breakdown of key aspects of DPSPs:

- **Nature:** They are moral obligations of the state, representing the aspirations of the people and the goals of a welfare state.⁷ They aim to achieve social and economic democracy.
- **Classification:** While not formally categorized in the Constitution, DPSPs are broadly classified into:

- Socialistic Principles: Aim at providing social and economic justice. Examples include securing adequate means of livelihood, equal pay for equal work, and protection of workers.
- Gandhian Principles: Reflect the ideology of Mahatma Gandhi. Examples include organization of village panchayats, promotion of cottage industries, and prohibition of intoxicating drinks.
- Liberal-Intellectual Principles: Reflect the liberal ideals of justice and equality. Examples include uniform civil code, free and compulsory education, and promotion of international peace and security.
- Relationship with Fundamental Rights: They provide the framework within which Fundamental Rights are to be enjoyed. In case of a conflict, the courts try to harmonize them. However, in some cases, DPSPs have been given precedence over Fundamental Rights, especially in matters of social welfare.
- Importance: DPSPs, though not legally enforceable, are crucial for:
 - Guiding State Policy: They provide a roadmap for the government to follow in its legislative and executive actions.
 - Establishing a Welfare State: They aim to create a society where there is social, economic, and political justice.
 - Measuring Government Performance: They serve as a yardstick to evaluate the performance of the government.

In essence, DPSPs are the conscience of the Constitution, guiding the state towards achieving the ideals of justice, liberty, equality, and fraternity.

11. Function/ features of state Secretariat.



The State Secretariat is the administrative hub of a state government. Its primary function is to assist the political executive (Chief Minister and Ministers) in policy-making and implementation. Here are its key functions and features:

Functions:

- Policy Formulation: Provides expert advice, conducts research, and drafts policy documents to aid ministers in policy decisions.
- Legislative Assistance: Helps ministers with legislative work, including drafting bills and answering legislative questions.
- Coordination and Supervision: Coordinates activities between different government departments and monitors policy implementation.
- Financial Management: Plays a key role in budget preparation, expenditure control, and efficient use of funds.
- Record Keeping: Maintains important government records and documents, acting as a repository of information.

Features:

- **Hierarchical Structure:** Organized hierarchically with the Chief Secretary at the top, ensuring efficient administration.
- **Specialized Departments:** Divided into departments specializing in different areas of governance for focused expertise.
- **Permanent Civil Servants:** Staffed by experienced civil servants providing continuity and institutional knowledge.

In short, the State Secretariat provides crucial administrative support, ensuring smooth functioning and continuity of the state government.

12. Executive power, military power & legislative power of president of India. (From 3 power ,any two..9 marks)

➤ **Executives :**

1. For every executive action that the Indian government takes, is to be taken in his name
2. He may/may not make rules to simplify the transaction of business of the central government
3. He appoints the Attorney General of India and determines his remuneration
4. He appoints National Commissions of:
 - a. Scheduled Castes
 - b. Scheduled Tribes
 - c. Other Backward Classes
5. He appoints inter-state council
6. He appoints administrators of union territories
7. He can declare any area as a scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

Military: The President of India has several military powers, including:

- **Supreme Commander:** The President is the commander-in-chief of the Indian Armed Forces.
- **Declare war or peace:** The President can declare war or conclude peace, but only with the approval of Parliament. The President usually acts on the advice of the Union Council of Ministers, which is led by the Prime Minister.
- **Appoint military chiefs:** The President appoints the Chiefs of the Army, Navy, and Air Force.
- **Make treaties and contracts:** The President's name is used for all important treaties and contracts.
- **Deal with emergencies:** The President has the power to deal with national emergencies, President's Rule, and financial emergencies.

Legislative :

1. He summons or prorogues Parliament and dissolve the Lok Sabha
2. He summons a joint sitting of Lok Sabha and Rajya Sabha in case of deadlock

3. He addresses the Indian Parliament at the commencement of the first session after every general election
4. He appoints speaker, deputy speaker of Lok Sabha, and chairman/deputy chairman of Rajya Sabha when the seats fall vacant
5. He nominates 12 members of the Rajya Sabha
6. He can nominate two members to the Lok Sabha from the Anglo-Indian Community
7. He consults the Election Commission of India on questions of disqualifications of MPs.
8. He recommends/ permits the introduction of certain types of bill

13.Process of Election.

- **Notification for Election-** When the President in the case of the Lok Sabha and the Governor in the case of the State Assembly issues a notification for the election, on the advice of the Election Commission, the election process formally begins. Candidates have seven days to submit their nominations.
- **Filing of Nomination-** The nomination paper must be submitted in the proper format and include the candidate's name, age, postal address, and electoral roll serial number. At least two voters who are enrolled in the concerned constituency must properly propose and second the candidate.
- **Deposition of Security Deposit-** Each applicant is required to submit a security deposit when submitting their nomination. If the candidate does not receive at least 1/6 of all legitimate votes cast, the security deposit is lost.
- **Scrutiny and Withdrawal-** On the day set by the Election Commission, the Returning Officer examines each nomination form she receives. This is done to make sure that all paperwork is completed in accordance with the established protocol and is accompanied by the necessary security deposit. A nomination paper may be rejected by the returning officer. The last day for candidates to withdraw is the second day following the examination of nomination papers.
- **Election Campaign-** The process by which a candidate seeks to convince voters to support him as opposed to other candidates is called campaigning. All recognized national and regional parties now have free access to state-owned electronic media, including All India Radio (AIR) and Doordarshan, to conduct their election campaigning.

14.People representation Act 1951 (5)

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- a. Qualifications and disqualification for membership of Parliament and State Legislatures
- b. Notification of general elections
- c. Administrative machinery for conducting elections
- d. Registration of political parties

- e. Conduct of elections
- f. Free supply of certain material to candidates of recognised political parties
- g. Disputes regarding elections
- h. Corrupt practices and election offenses
- i. Powers of Election Commission in connection with inquiries as to disqualification of members
- j. Re-elections and time limit for filling vacancies
- k. Miscellaneous provisions relating to elections
- l. Barring the jurisdiction of civil courts

15. Powers of Chief Election Commission (CEC)



- a. Determining the territories of electoral constituencies based on the Delimitation Commission Act of the Parliament.
- b. Preparing and revising electoral rolls and managing the registration of all the eligible voters.
- c. Notifying the date and schedule of elections and keeping an eye on the process during **election duty**.
- d. Granting recognition to different political parties and assigning election symbols to them.
- e. Appointment of officers for control of disputes regarding the arrangement of elections.
- f. Determination of a code of conduct that all the political parties and their candidates must follow.
- g. Preparation of programs to help to publicize the policies of all the political parties during the election on social media and television.
- h. Advising the President about disqualification of MPs and MLAs
- i. Requesting the governor or the President for appointing staff required for conducting elections.

16. Importance of CEC



- a. The conduct of national and state elections is done under the guidance and monitoring of the election commission.
- b. The chief election commissioner ensures that all the political parties function during the following discipline. If parties fail to maintain inner-party democracy', it can be derecognised by the chief election commissioner.
- c. A chief election commissioner keeps an eye on the conduct of fair, transparent, credible, autonomous elections while maintaining professionalism.

- d. The Chief Election Commissioner and the election commission **describe the procedure of voting on the polling day.**
- e. All political parties and stakeholders in the process of elections are taken care of by the Chief election Commissioner.
- f. The Election Commission plays a significant role in maintaining constitutional principles and citizens' democratic rights in a democracy, just like the judiciary does. So, if you had a trouble-free voting experience, you can entirely thank the Election Commission for its efficient operation.
- g. The process of developing electoral democracy can also be credited to the ECI. For instance, the Election Commission developed the Model Code of Conduct (MCC) to guarantee equal playing time for all political parties.

17. Preamble & it's features.



- **WE, THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a
 - **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all its citizens:
 - **JUSTICE**, social, economic and political;
 - **LIBERTY** of thought, expression, belief, faith and worship;
 - **EQUALITY** of status and of opportunity; and to promote among them all
 - **FRATERNITY** assuring the dignity of the individual and the **Unity** and **Integrity** of the Nation.
- IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949,
do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

Here are its key features:

- Source of Authority: "We, the people of India" signifies that the Constitution's authority derives from the people of India, emphasizing popular sovereignty.
- Nature of the State: It declares India to be a:
 - Sovereign: Independent and free from external control.
 - Socialist: Committed to social and economic equality (added in 1976 by the 42nd Amendment).
 - Secular: Respecting all religions equally and having no state religion (added in 1976 by the 42nd Amendment).
 - Democratic: Governed by the people, through elected representatives.
 - Republic: Having an elected head of state (the President) rather than a monarch.
- Objectives: It outlines the objectives of the Constitution, which are to secure:
 - Justice: Social, economic, and political justice, ensuring fair treatment and equal opportunities.
 - Liberty: Freedom of thought, expression, belief, faith, and worship.

- Equality: Equality of status and opportunity for all citizens.
- Fraternity: Promoting a sense of brotherhood and unity among all citizens, assuring the dignity of the individual and the unity and integrity of the Nation.

18. Functions of constituent Assembly.



- Frame the Constitution of India and make sure that everyone in the country gets equal rights and opportunities.
- The assembly adopted the National flag on July 22, 1947.
- Enact the laws
- In May 1949 the assembly approved India's membership in the British Commonwealth.
- On January 24, 1950, Dr Rajendra Prasad was elected the first President of India through this committee.
- Adopted both the National anthem and National Song on January 24, 1950.