

• Indian Polity - Laxmi Kanth

• Introduction to the Constitution of India

- D.D. Basu.

* The Govt of India Act of 1909 (Minto-Reform) ^{Secretary} ^{Viceroy}

* The Govt of India Act of 1919 (Montagu-Chelmsford Reforms)
(Responsible Govt)

① Division of powers {

Central

Provisional

② Bicameralism: Division of parliaments.

③ Viceroy Executive Council. (3 Indians) {None of these can be chief of army}
Reason: So that they could not power.

④ Separate Electorates (Sikhs, Anglo Indians, Europeans, Indian Christians)

⑤ Voting Rights (Franchise) (limited to Rich, and people who pay taxes)

⑥ Office of high Commissioner England (Indian Ambassador)

⑦ Central Public Service Commission [Civil Servants recruit]

⑧ Separate budget to the state Government

⑨ Establishment Statutory Commission ^(Simon) ^{→ Sir John Simon is Head} 7 members
british
(Statutory: Not a part of Government)
Ex: Election Commission

- 3 Round Table conference were held to set the committee
- But Gandhi and Nehru did not attend bcoz they were not included in that 7 members
- They attended in last meeting.
- Then after long conferences 1935 Act was formed.

29/08/19

The Government of India Act of 1935 :

Features:

① All Indian Federation

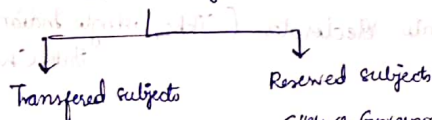
Federal list (Central)

Provincial list (State)

Concurrent list (Both state and central)

② "Dyarchy" → Central Subject

Provincial subjects



(Help of council of ministers)

(Help of Governor's executive council)

→ "Abolition of Dyarchy in the provinces"

→ Provincial Autonomy.

③ Introduction of Dyarchy at federal level.

④ Bicameralism - 6/11 Bengal Bihar Assam, Madras, Bombay United Province.

⑤ 10% people could vote

⑥ Reserve Bank of India

⑦ Federal public service commission (Provincial + Joint)

⑧ Federal court 1937

3/09/19

Constituent Assembly Composition and Function

1934 - MN Roy

1938 - Nehru

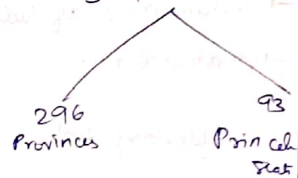
1940 - August offer

1942 - Sir Stafford Cripps

1946 - Cabinet mission plan

1947 - Mountbatten plan

389 members



5/09/19

Fundamental features of IC

② Fundamental rights.

Right to Equality (Art 14-18)

Freedom (Art 19-22)

against exploitation (Art 23-24)

freedom of religion (Art 25-28)

Cultural & Educational rights (Art 29-30)

Constitutional remedies (Art 32)

① Lengthiest written constitution.

1 Preamble, 345 articles, 2 Schedules, 22 parts.

② Drawn from various sources.

structural part - 1935 Act

③ Blend of Rigidity & flexibility → Special majority

Art 368

half state accepts

④ Federal system with unitary bias

features of federation:



→ Two Gorts, Division of Powers

→ written constitution

→ Supremacy of constitution

→ Independent of Judiciary USA

→ Bicameralism

Unitary features

→ Strong is central

→ Single constitution

→ Single citizenship

→ Integrated Judiciary

→ All India services

→ Emergency powers.

⑤ Parliamentary form of Government:

Executive is responsible to legislature.

⑥ Parliamentary Sovereignty & Judicial Supremacy

⑦ Directive principles of state policy Art 368

⑧ Fundamental duty → Art 51A

⑨ Secular State

⑩ Universal adult franchise

17/09/19

President and His Powers

Executive Union Government

Election Process

Indirect election

- ① all elected MLAs of state legislature
- ② MP's of Parliament
- ③ MLAs of Union Territories of Delhi & Pondicherry

Value of vote of an MLA = $\frac{\text{Total population of state} \times 1}{\text{No. of elected MLAs in state} \times 100}$

Value of vote of an MP = $\frac{\text{Total value of votes of all MLAs of all state}}{\text{No. of elected MPs in parliament}}$

→ 4 Preference in presidential election can be given by MP

Qualification of President:

- 1) Citizen of India
- 2) 35 years of age
- 3) Eligibility to become member of Lok Sabha
- 4) No office of profit

Privileges of a President:

- 1) Official residence — Rashtrapati Bhavan (Rajendra Hills)
- 2) Salary official 1,50,000, and half (75,000) after retirement

Oath term

faithfully execute } Supreme
" defend } Chief Justice will host

Impeachment / Removal of President:

- 1) Violation of Constitution
- 2) Removal of President requires an Impeachment Bill
- 3) Forming charges - Lok Sabha
- 4) $\frac{2}{3}$ rd majority had any problem
- 5) Investigate charges - Rajya Sabha $\frac{2}{3}$ rd
- 6) 14 days notice period

Powers of President

- 1) Executive powers
a) Legislative
b) Financial
c) Judicial
d) Diplomatic
e) Military
f) Emergency
- PM, Council of Ministers
Attorney General, Govt. Secy
Same as Governor
- Chief election commission
UPSC chairman members
Inter state council
Government of states
Summon / Prorogue
start or end Parliament session

- 2) Legislative
→ President can appoint 12 MPs to Rajya Sabha
having special knowledge like art, science, literature, social service
→ Nominate 2 MPs Lok Sabha (from Anglo Indian community)

Veto Powers Art:

- 1) Veto
 - 2) With hold
 - 3) Return
- Article 123
ordinance making power
6 months

3) Financial Powers:

- Annual financial statement (Budget)
→ Every once in 5 years President will set finance commission
To divide money to central and state government.
→ Money Bill.

- 4) Chief Justice and Judges of all high courts are appointed by President. But in selection high court Judge, he takes help of Government
- 5) All the agreements with foreign countries in trade are signed by President.
- 6) President appoints chiefs of Army, Navy, Air force.
President is called "Supreme Commander of Armed forces"

7) National Emergency Art 352

Internal, External

ii) President's rule (Art 356 & 365)

Articles 75/163 - ship

iii) Financial Emergency

75/164 - Appointment

75/167 - Commission

24/9/19 Central Council of Ministers:

→ Not exceeding 15% total strength of Lok Sabha.

They had three responsibilities:

- 1) Individual Responsibility (Listening to president's words)
- 2) Collective " (All should have single opinion)
- 3) No legal " ()

Ministers are divided into 3-Rank divisions

- ① Cabinet ministers (Agriculture, Army etc...)
- ② Minister of State

Independent charge

Attached to cabinet ministry.
- ③ Deputy minister

After pm cabinet ministers are important

Cabinet Committee:

- ① Standing - Permanent
- ② Ad. hoc temporary.

State Council of Ministers

- ① Min limitation = 12 ministers.

Governor:

- Appointed by President by decision of P.M
- Takes oath before high court.
- Same powers as President.

- 1) Executive Power
 - 2) Legislative
 - 3) Financial
 - 4) Judicial
- S.M. state council of ministers
Advocate general
State election
Commissioner
State public service
- Only governor can appoint. They need to be removed by President
- Summon / Prorogue
Start end of assembly session.

- 2) $\frac{1}{6}$ th of MLC's total MLC's are nominated to legislative council by governor people having special knowledge.

→ 1 MLA to legislative currently Anglo Indian

Veto Powers:

- 1) Veto
- 2) With hold
- 3) Return

★ → He can send bill to president.

3) Financial Powers:

- 1) Annual financial statement (Budget)
- 2) State finance commission

Panchayat Municipalities

Judicial Powers:

- 4) District level judges are appointed by governor, Salaries, Oppn

- Article 74 - Relationship
75 - Appointment
78 - Communication

Unit - I	
1909, 1919, 1935 (50-53)	
Constituent Assembly (59-68)	
Fundamental features of IC	(74-84)
President - (347-368) & (366-367)	
PM & Council of ministers	(368-397)
Governor - (566-575)	
CM & Council of ministers	(586-601)
Panchayat Raj (701-714)	
Municipality - (730-744)	

25
30
20
175

26/09/19

Local Government

Panchayaths Key Institutions:

73rd Constitutional Amendment 1992

Articles 243 - 243O, Part IX, 11th Schedule

The panchayaths " 29 functional items

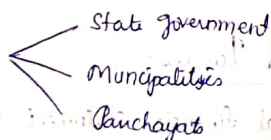
3-tier system

- ① The gram sabha - Village level - Sarpanch
 - ② Intermediate level - MPIC - chairperson
 - ③ District level - ZPTC - chairperson
- Mandal parichay
Territorial constituency

Powers and Functions:

State finance commission

Taxes sharing



Grant-in-aid - Consolidated fund of state

State Assembly - ultimate authority

Art 40 is Directive principles of state policy.

Urban Government

74th constitutional Amendment, 1992

Articles 243P - 243ZG, Part IX A, 12th schedule.
↓
The municipalities
15 functional items

* Role of MPs, MLAs

* Reservation to SCs, STs, women (33% reservation)

③ kinds of urban govt:

- ① Nagar Panchayath - transitional area between a rural area and urban area
 - ② Municipal council - small urban area
 - ③ Municipal corporation - large urban area.
- wards - ward members
councillors / Corporation
↓
Mayor - chairperson

Article 280
Constitutional
body
Term: 5 years

Finance Commission of India

Composition

- chairman and 4 other members
- Chairman - should have special knowledge in public affairs
- members - a high court judge
- a person with special knowledge in finance and accounts of government
- " " " " " financial matters and administration
- " " " " " Economics

Functions

- Distribution of net proceeds of taxes sharing among centre and states
- Principles that should govern the grant-in-aid allocation to states by centre - from consolidated fund of India
- Tax revenue allocation among panchayats and municipalities by state Finance commission
- measures to be taken for providing grant-in-aid to panchayats/municipalities from consolidated fund of state

Unit V "Statutory Bodies" is
Election Commission of India - Article 324
constitutional
body

The Representation of peoples Act, 1950-51
↳ Statutory body

Election Commission of India

↳ conducts elections to
Office of President, Vice President,
Parliament, State legislature

State Election Commission

↳ Panchayats, municipalities
Composition

one chief Election
Commissioner and
② other ECs
↳ fixed time to time
by President

Shorts

Fundamental Duties
Finance Commission
National Commission
long to

Fundamental Rights
Directive Principles
Union/Centre-st