

Funds of Indian government

Consolidated Fund of India

(Contingency Fund)

Rubelle Account

of India

Public Acc. of India

Article 266(2)

People money

Probated fund (PF), Department deposits.

No parliament approval.

Consolidated Fund of India

Article 266

- Tax, revenue, fees.

→ Salary to President, S.C.

If money needed → accordance with
Parliament law

President of India

Article 52

Part of union executive

The president is the Head of Indian State

He is symbol of unity, integrity &
solidarity of the nation.

Contingency fund of India

Qualification to be president of India

Article 267

Article 58

Emergency fund of India

No need of parliamentary process

So (n.)

Control of President

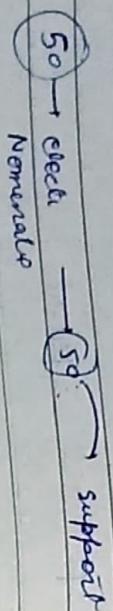
Finance secretary
Regulate by

Qualification Qualified for election as a
member of the house of the people.

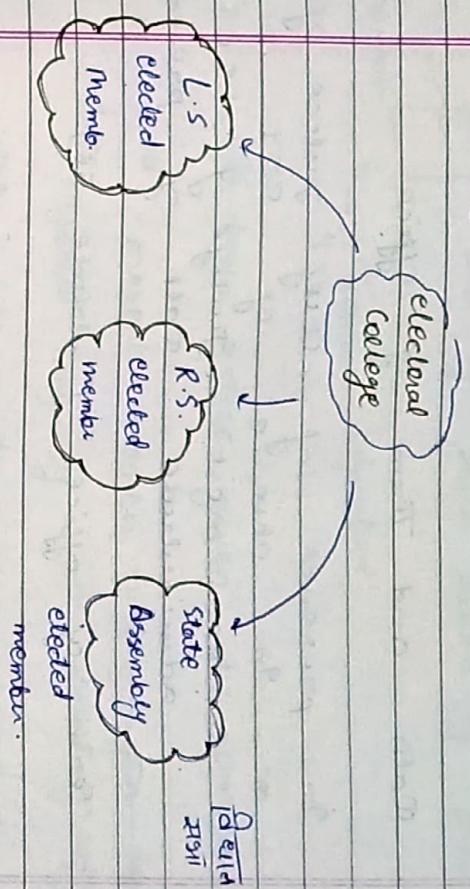
- The nomination of a candidate for election to the office of president should be submitted by a minimum of 50 electors.
- 50 electors or proposers and 50 electors or seconders.

Election of President of India
Article 54
Indirect election

The president is elected by an [electoral college].



Every candidate has to make a security deposit of INR 150,000 to an RBI. If candidate can't win then the amount deposited is not refundable to that candidate.



* Condition of president office (59)

- Not hold any office of profit.

The emoluments and allowances of the president shall not be diminished during his term of office (2nd schedule).

He should not be a member of either house of parliament or a house of the state legislature.

If any dispute on election is resolved by Supreme Court.

Delhi Legislative Assembly (त्रिवेणी विधानसभा) of the UT of Delhi & Puducherry are participated in president election.

70th CAA 1970

Election conducted by Election Commission of India.

He should not be a member of either house of parliament or a house of the state legislature.

If any dispute on election is resolved by Supreme Court.

Single Transferable voting System



- Secrete ballot system. →
- Early can't issue.

Preferential voting System

* Oath and Term of office

→ In presence of Chief Justice of India
or In absence of CJI . . .
Senior most Judge of S.C (Art 60)
administrate oath of president

Term of office [Article 56]

5 years.

• Resign to V.P

• Removed by impeachment (61)

• Eligible for re-election [Article 57]

* Immunities (Protection) to the president

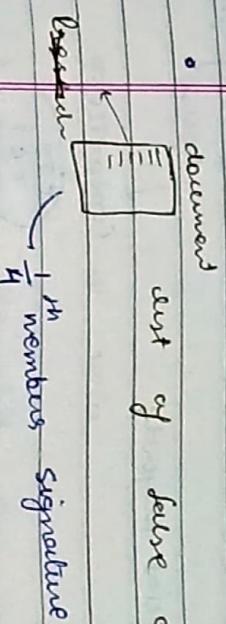
[Art 361]

* Impeachment of president (Article 61)

• 361 (1) → not answerable to any court

• Only on the ground of violation of the constitution

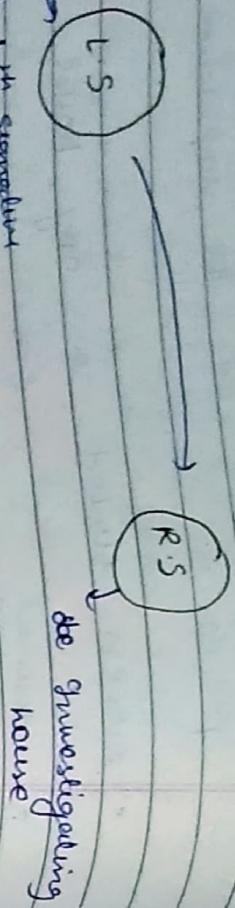
• 361 (3) → No proceedings for the arrest



- all the members of the parliament takes part in the impeachment process.
- process started in any house.

Bill will reject and can't become an Act.

If it's private bill
Member bill
L.S advise him to
with hold his assent.



$\frac{1}{4}$ th signature

$\frac{2}{3}$ rd special majority

Committee

C.J.I
C.B.J

Suspensive veto.

Return the bill for reconsideration

Can't do with the money bill.

* * *
Pocket veto.

Not accept or Reject the bill.

Special Privileges to President.
→ Civil proceedings → 2 months notice.

Keeps the bill for indefinite period of time

→

Veto power of President [Article 211]

Absolute veto
Pocket veto
Suspensive
Veto

24th C.A.A 1971 if can't do it with Constitution
Amendment Bill.

Absolute veto.

1986 - Zail Singh [Indian post office Bill]

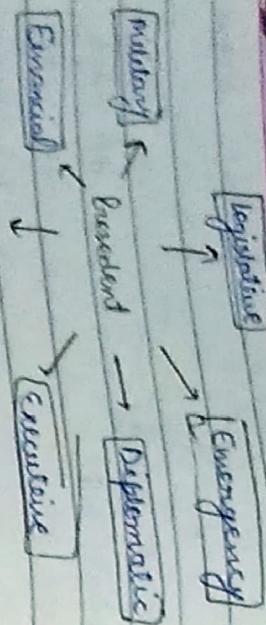
at that time P.M of India.

President withhold his assent to a bill.

President withhold his assent to a bill.

3. Remission

Reducing period of punishment without changing its character.



4. Respite :-

- It denotes awarding a lesser sentence in place of one originally awarded due to some special reasons. Disability, pregnancy women offenders.
- Appoints Chief Justice and Judges of S.C & H.C
- Can seek advice from S.C on any question of law.

5. Reprieve

It implies a stay of the execution of a sentence.

5 Day → 6 Month

Pardoning Powers

1. Pardon

It removes both the sentence and the conviction and completely absolves the convict from all sentence, punishment and disqualification.

(With) — X.M.B or W.D. 2/69
Court Marshal → " " "

Nominate 12 members of R.S & 2 members

Legislative Powers

- Appoints Speaker, Deputy Speaker of L.S and chairman / deputy chairman of R.S when the seat falls vacant.
- He decides on question as to disqualification of member of parliament

2. Commutation

- It denotes the substitution of one form of punishment for a lighter form
- With → 2/69

- Execute power.

→ President declare any area as a scheduled area and new powers with respect to administration of scheduled areas & tribal areas.

- Military power.

* He has the power to declare war & peace.

* He is the Supreme Commander of Armed forces

* He appoints chief of Army, Navy & Air force

when there is no party is in majority

- then in that case president has the power to appoint prime minister from any of the parties.



Vice President

(2nd Substitute)

(Speaker) Chairman → salary ✓
of R.S.

Article 78

He enjoys the right to be informed about the affairs of the state by P.M.

(serve
as
breed) → salary

Ordinance making power

* Article 123.

* promulgate an ordinance only when both the houses of parliament are not in session or when either of the house of parliament is not in session.

* when parliament reassembles, both house must approve to become act

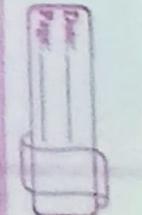
[expire - 6 week , if pass - 6 months.

* Ordinance can't be issued to amend constitution

* Sec 44 M CAA 1978 → comes under

Judicial review





Article 63

- * Vice president
- * Vice-president model

Removal of V.P.

- * The vice-president to be ex-officio chairman of the council of state

(Article - 64)

- * Article 65.
- * V.P serve as president (maximum period of 6 months)

Qualification for V.P.

Article 66

- * Colon of India
- * He has complete 35 years.
- * He is qualified as a member of Council of State

- * Election of V.P (ex)
 - * all members participate (L.S.T.R.S)
 - * State → X
 - * Single transferable voting system
- * Date and Term of office

- * By president of India [Article 67]
- * 5 year tenure [Article 67]

- * Eligible for re-election

- * At least 20 voters as proposers and at least 20 voters as seconders

20:20

Removal of V.P.

- * Introduce only in Rajya-Sabha
- * Resign given to President
- * 14 days Notice

- * Should not hold any office of profit



* Governor of India

Article 153 to 167 in Part 6.

State → State Legislative + State Legislative + Governor
Legislature Council Assembly

State Executive : Governor, CM, Com, Advocate General
of State (AG) (Ans)

Chief executive Head of the states.

Agent of Central Govt.

Appointed by President.

Supreme court :- Office of governor of a state is not an employment under the

Central Govt. [Office of profit X]

→ Two other conviction (Not mandatory).
Preferably an "Outsider".
Consult with the CM of the state for appointing Governor.

* 7th CAA 1956

One person can be appointed for two or more states.

Emoluments, allowances & privileges

* Determined by Parliament → [Consolidated fund of state]
* Can't be arrested or imprisoned

Salary
(U.P.)
30%
B.H.R.
40%
M.P.
30%

[Ratio determined by President]

Appointment of Governor in

There is no direct or indirect election for the post of Governor.

Article 255 → Governor appointed by president

The chief Justice or the senior most Judge to the concerned high court administer the oath of Governor.

* Qualification
35 year old.

Term

- 5 years (but not fixed)

- No security of tenure [when president wins, he/she will nominate governor]

- Resignation to President.

- Executive power.

- All executive actions of the state are formally taken in his name.

* Paroling power.

- Nominate 1 Anglo Indian member to the state legis. assembly.

- Article 161
can't → Court Marshal
→ death sentence

* Legislative Powers of Governor

- Governor is an integral part of the state legislature.

- Summons, prorogues, & dissolves the state leg. assembly.

- Nominate 6 members in state council.

- Recommends the imposition of constitutional emergency in the state to the president

[356 → president's duty]

- # Governor acts as chancellor of a university in the state.

- Governor appoints CM and other ministers.

- Article 163 :- There shall be a council of minister led by CM to assist & advise Governor.

- Article 164 :- The council of ministers collectively responsible for state legislative assembly.

Executive power of Governor.

(S.L.A) Article 61
Article 200

President

- when no political party is in majority then government decides to have the power to appoint C.M.

~~Article 124(1)~~ :- Parliament can increase the no. of Judges in S.C.

*** Judicial System :-

* Taken from U.S.A.

Supreme Court

* Part V

Sir H.J. Kania

* Integrated Judicial System.

High Court,
District Court

* Article 124 - 147

1 CJI
33 Judges

SUPREME COURT

Seat of Supreme Court

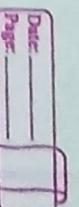
- The Supreme Court of India has more powers than any other S.C. in any part of the world

any other S.C. in any part of the world
is Sir Alladi Krishnaswami Ayyar.

- Article 130
- Delhi as the seat of the S.C. but CJI appoints any other seat or place for S.C.

- Came into existence 26 Jan 1950

- Article 124 :- Mandates the establishment and Constitution of S.C.



* Qualification for the SC Judge.

* Should be

① Judge in HC for 5 years.

or

② Advocate in HC for 10 years.

or

③ Should be distinguish Jurist in opinion of President

for
approv
to L.S

or
(R.S)

100 signature

SC signature

mishbehave
illness (physical or mental)

Removal of Judges

* Resign → President

* Removed → By President on recommendation of Parliament

* No minimum age.

* 65 years (Maximum age).

J Committee

Both & affirmation of SC Judges is administered by President

CJ / senior
most
J

$\frac{2}{3}$ rd special majority pass.

* Article 125

Acting chief Justice [Art. 126]

* Salary or allowances can be varied in case of financial emergency (360)

*

50% of last income (as pension)

Ad Hoc Judge (SC) [Art 127]

Powers and Functions of SC

- * CJT can appoint Judges of HC as an Ad Hoc Judge in Supreme Court for temporary period.
- * Lack of quorum.
- * A court of record.

Article 128 Retired Judges.

Original Jurisdiction

(- Contd)

(C) vs (S)
(C) + (S) vs (S) (S)

(S) vs (S)

- CJT can request Retired Judges by SC or HC to act as a Judge of SC for temporary period.

Writ Jurisdiction

Article 32
1) Habeas - - - -

- * In constitutional cases or references by the president → at least 5 Judges.
- * All other cases → not less than three.

* Highest court for appeal.

Advisory Jurisdiction

Article 143
president → SC

* Original Jurisdiction
* writ Jurisdiction

* Appellate "
Advisory "



- * A court of record.

* Article 123

(S.C) → Statemant / Judgment

See all court

* Max age 62 year

* Should have held a Judicial office for 10 year.



* 10 year advocate in H.C

High Court

* 25 H.C

oldest

* Slained from 1862 (Calcutta), Bombay, Madras

* Imperfect Judgements and Amendments

1. Benbasi Union Case

* 1960

* To transfer the territory of Benbasi to
Pakistan as per the Simon - Non Agreed
(1950).

Judgements in

* The Preamble is not a part of the Constitution

* Writs - 226

* Deem & Suspension → by Governor

* The Parliament has the power to amend
the Constitution including Article 1.

* Article 368 is necessary follows to change
Article 1 or transfer the territory of
Jammu

Qualification for H.C Judges :-

