

Arun Kumar (SSC CGL-2023 AIR -5)



ARUN

Indian Polity Notes

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Chapter-1 The Constitution of Republic of India

The Making of the Constitution

- **1928-Nehru Report** (Motila Nehru), Sir Tej Bahadur Sapru and Jay Kar demanded first the dominion status for India
- **1929-Jinna 14 Points**
- **1933-PAKSTAN** (P-Punjab, A-Afghanistan, K-Kashmir, S-Sindh and TAN- Baluchistan) was coined by **Choudhary Rahmat Ali-1933**
- **1934 -MN. Roy Idea of the C.A.**
- **1935- INC** demanded C.A. to frame Indian Constitution.
- **1940** -Demand of CA accepted in principle in August Offer.
- **1942** -Cripps Proposal for Constitution rejected.
- **16 Aug 1946**-Direct Action Day-Leader-Jinna, Started-Kolkata, End-Mumbai
- **1946** -Cabinet Mission Plan (CMP) accepted by all parties. (Lord Patrick Lawrence, Sir Stafford Cripps, A V Alexander). CMP rejected two C.A. ideas.
- **2 Sep 1946**-Interim govt. of India was formed, functioned till 15 Aug 1947

Constitution Assembly-

- **Constituted on 9 Dec 1946** -The first meeting of CA on the Basis of Cabinet Mission Plan
- **Total Members -389-** (British Province-292 + Commissioners Province-4 + Princely States- 93) but (Muslim League boycotted), **Total Members present at First meeting were 211.**
- **Total members after partition-299** (229 members from 12-Indian Province and 70 members from 29-Princely States)
- **Hyderabad did not participate in the constituent assembly**
- Seats allotted as per population proportion. Members were **Indirectly elected**
- **Mahatma Gandhi was not part of C.A.**
- **9 Dec-1946** -Temporary president-**DR. Sacchidanand Sinha** (Oldest Members)
- **11 Dec 1946**- Permanent President- **DR. Rajendra Prasad**
- Vice – Presidents (Two) **H.C. Mukherjee and V.T. Krishnamacharya.**
- **B. N. Rau** was the Constitutional Adviser to the Constituent Assembly
- There were **15 women** in the Constituent Assembly
- **Sir B.N. Rau** was **Constitutional Adviser** to C.A.
- **H.V.R. Iyengar** was Secretary to C.A.
- **DR. B.R. Ambedkar**- Chairman of the drafting committee
- **S.N. Mukherjee** was chief draftsman of constitution in C.A.

13 Dec 1946 Objective resolution (Preamble) by Pandit Nehru

- Preamble Borrowed from USA
- Language of Preamble borrowed from-Australia
- **22 Jan 1947**-Objective resolution accepted (adopted) by all
- Preamble is a “political horoscope” called by **K.M. Munshi**
- Preamble is Identity Card of the Constitution-N.A. Palkhivala
- **Earnest Barker**-Key to the constitution
- Thakurdas Bhargav-Soul of the Constitution.
- **Berubari Case (1960)**, SC declared Preamble **not to be a part** of Indian Constitution
- **Kesavanand Bharti Case 1973** -SC declared Preamble **is a part** of the Indian constitution
- **42nd CAA,1976** added three new words – **socialist, secular and integrity** to the Preamble

Lord Mountbatten Plan-

- Mountbatten Last Viceroy of Free India
- First Indian Governor General-Rajagopalachari
- Mountbatten plan (3rd June Plan) June 3, 1947-India is divided into (India + Pak)

Indian Independence Act, 1947

- Indian Independence Act- Passed in London 14 July 1947
- Clement Attlee was the prime minister of England when India got independence
- Indian Dominion Status-15 Aug 1947 (5th Session of Constituent Assembly)
- Two separate functions of Constitution Assembly - continued till November 26, 1949
 - 1. Legislative body (Chaired by G V Mavlankar)
 - 2. Constitution body (Chaired by DR. Rajendra Prasad)

Important events of Constituent Assembly

1. Adopted National Flag on July 22, 1947

- Flag Commission-headed by- J.B. Kriplani
- Flag was designed by-Pingali Venkaya (1921)
- Flag Code-2002 (Length: Breadth-3:2), Rectangular
- Case related to it- (Naveen Jindal Vs Union of India)
- The first national flag in India is said to have been hoisted on 7th August 1906 in the Parsee Bagan Square (Green Park) in Kolkata.
- The First Indian flag hoisted on foreign land - in Stuttgart (Germany) by Madame Cama in 1907.
- 31 Dec 1929, first time Tricolor flag was unfurled by Pandit Nehru- Ravi River (Lahore)
- Tricolor was adopted as our national flag at a Congress meeting in Karachi in 1931
- The Indian flag (Present form) was adopted in a meeting of C.A. held on 22nd July 1947

1. Adopted National Song on Jan 24, 1950.

- The National song of India, 'Vande Matram' was written by Bankim Chandra Chatterjee.
- Vande Matram was taken from Anand Math- depicts the Sanyasi revolt
- Written in the Bengali language in 1882.
- First time sung at the Congress session at Calcutta in 1896 under the presidentship of Rahimullah M. Sayani.

2. Adopted National Anthem on Jan 24, 1950.

- Written by 'Rabindranath Tagore' in Bengali 1911
- Composed by Rabindranath Tagore and Ram Singh Thakuri in 1911.
- The duration is approximately 52 seconds. Shorter Version-20 Sec
- First time sung on 27 December 1911 at a meeting of Congress in Calcutta.
- It has 5 Stanza, translated into Hindi by Abid Ali
- Mohammad Iqbal wrote the song, 'Sare Jahan Se Accha'.

3. Elected Rajendra Prasad as first President of India on Jan 24, 1950.

4. ECI was formed 25 Jan 1950 (25 Jan National Voters Day)

5. National emblem of India-

- Adopted on 26 Jan 1950 from the Sarnath Lion Capital of Ashoka (4 different animal- Asiatic Lion, Elephant, Bull & Horse)
- Designed by-Dinanath Bhargava
- Motto- "Satyamev Jayate"

6. **Final session of C.A. on Jan 24, 1950 (284 Members signed it).** It continued as provisional Parliament of India from Jan 26, 1950 till formation of new Parliament (May, 1952).
7. **Total sessions = 11; Total time = 2 years, 11 months, 18 days, 64 Lakh (Expenditure)**
8. The Constitution of India was adopted on 26 November 1949 by the Constituent Assembly of India. This day celebrated as **THE CONSTITUTION DAY** to commemorate the adoption of the constitution of India
9. **Some provisions of Constitution came into force on Nov 26, 1949** -Citizenship, Elections, provisional parliament, temporary and transitional provisions, and short title contained in Articles 5, 6, 7, 8, 9, 60, 324, 366, 367, 379, 380, 388, 391, 392 and 393 **came into force on November 26, 1949.**
10. Indian Independence Act, 1947 & GOI Act, 1935 were repealed by Article-395
11. Major part came into force on Jan 26, 1950 (commencement day). (Jan 26, 1930 – Purna Swaraj Day was celebrated & Congress observed this day as the Independence Day)
12. The Constitution came into force on 26 January 1950
13. Beating Retreat Ceremony-29 Jan Every year
14. India's ratified its membership of Commonwealth in May, 1949

Some Features of Indian Constitution

- First Country to Make constitution-USA
- Yugoslavia had largest constitution (before its division), Now India has lengthiest written Constitution
- India borrowed feature of written constitution from-USA
- Unwritten Constitution-U.K. China, New Zealand, Israel and Saudi Arabia
- Indian constitution- Flexible- Rigid (Flexible-Some Part can be changed, Rigid-Some Can't be changed Ex. FR, DPSP, Basic Structure and FD)
- Federal + Unitary Constitution (Quasi Federal System), USA-Federal System
- Indian has Parliamentary Form of Govt. & an Indirect Democracy
- Independent & Integrated Judiciary (SC has Judicial Review-Article-12,32 & 136)
- 'Federation' has nowhere been used in the Constitution.
- 'Federal in form but unitary in spirit', and 'quasi-federal' by K C Wheare.
- Granville Austin-Called DPSP and FRs- Conscience of the Constitution
- Dr. B.R. Ambedkar Said the article 32 as Heart and Soul of the constitution of India.
- Custodian of the Constitution -President, Gurdian of the Constitution-Supreme Court
- The Indian Constitution: Cornerstone of a Nation Book-Written by Granville Austin
- Elephant adopted as C.A. symbol.
- Prem Behari Raizada was the calligrapher of the Constitution.
- Nand Lal Bose & B.R. Sinha decorated & beautified the Constitution.
- Hindi version -calligraphy by Vasant Krishan Vaidya & illuminated by Nand Lal Bose.
- The Original Preamble illuminated, beautified and ornamented by Beohar Rammanohar Sinha
- 14 Sep-1949- Constituent Assembly adopted Hindi, Devanagari Script as official lang.
- Switzerland- Direct Democracy-People of country participate in the Constitution amendment -Popular vote system
- Shadow cabinet is the feature of administrative system of-UK
- India is a Republic Country-Because its head is an elected one.

Committees of Constituent Assembly

- Total 22 Committees were set up by the Constituent Assembly
- 8 Major and 14 Minor Committees

1. Major Committees

SL. No.	Major Committees of the Constituent Assembly	Chairmen
1.	Union Powers Committee	Jawaharlal Nehru
2.	Drafting Committee	B.R. Ambedkar
3.	Union Constitution Committee	Jawaharlal Nehru
4.	States Committee	Jawaharlal Nehru
5.	Steering Committee	Rajendra Prasad
6.	Committee on the Rules of Procedure	Rajendra Prasad
7.	Provincial Constitution Committee	Vallabhbhai Patel
8.	Advisory Committee on FRs, Minorities & Tribal and Excluded Areas (Below are the subcommittee)	Vallabhbhai Patel
•	Committee on the Functions of the Constituent Assembly	G.V. Mavalankar
•	Minorities Sub Committee	HC Mukherjee
•	Fundamental Rights Sub-Committee	J.B. Kripalani
•	North-East Frontier Tribal Areas & Assam, Excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi

2. Minor Committee

Minor Committees of the Constituent Assembly	Chairmen
Committee on the Functions of the Constituent Assembly	G.V. Mavalankar
Committee for the Order of Business	Dr K.M. Munshi
House Committee.	B. Pattabhi Sitaramayya
Ad-hoc Committee on the National Flag	Rajendra Prasad
Special Committee to Examine the Draft Constitution.	Jawaharlal Nehru
Credentials Committee	Alladi Krishnaswamy Ayyar
finance and staff committee.	Dr Rajendra Prasad
Committee on Chief Commissioners' Provinces	B. Pattabhi Sitaramayya
Commission on Linguistic Provinces	S.K. Dar serve

3. Drafting Committee

- **Set up on Aug 29, 1947**
- First Draft of Indian Constitution published by Committee-**Feb 1948**
- Draft of Constitution was **adopted on Nov 26, 1949**. it contained Preamble, 395 Articles, & 8 Schedules.
- It consisted of 7 members.
- 1. DR. BR Ambedkar evolved as the chairman of the Drafting Committee.
- 2. N Gopalaswamy Ayyangar
- 3. Muhammad Saadullah
- 4. KM Munshi
- 5. Alladi Krishnaswami Ayyar
- 6. DR. DP Khaitan (Replaced by TT Krishnamachari)
- 7. N Madhava Rao replaced BL Mittar following his resignation on health problems.
- **Ambedkar-Father/Chief Architect of Constitution, Leader of Dalit, Morden Manu**
- **DPSP are “Novel Feature of the Indian Constitution described by Ambedkar**
- **Vallabhbhai Patel-Known as Bismarck of India**
- **Sarojini Naidu-Nightingale of India**

Sources of the Indian Constitution-Borrowings

SL. No	Countries	Borrowed Features of Indian Constitution
1.	Govt. of India Act 1935	<ul style="list-style-type: none"> • Federal System • Office of Governor • Public Service Commission
2.	Australia	<ul style="list-style-type: none"> • Concurrent list • Freedom of trade, commerce and intercourse • Language of Preamble • Joint-sitting of the two Houses of Parliament
3.	Canada	<ul style="list-style-type: none"> • Federation with a strong Centre (Quasi Federal) • Vesting of residuary powers in the Centre • Appointment of state governors by the Centre • Advisory jurisdiction of the Supreme Court
4.	Ireland	<ul style="list-style-type: none"> • DPSP • Nomination of members to Rajya Sabha • Method of election of the president
5.	Japan	<ul style="list-style-type: none"> • Procedure Established by law
6.	USSR (Russia)	<ul style="list-style-type: none"> • Fundamental duties • Social, economic and political justice in the <u>Preamble</u>
7.	UK	<ul style="list-style-type: none"> • Parliamentary government, Parliamentary privilege • Legislative procedure, Bicameralism • Rule of Law & Equality before law • Single Citizenship • Cabinet system • Writs • President Post same as King of England
8.	US	<ul style="list-style-type: none"> • Fundamental rights • Independent & Strong judiciary system and Judicial Review • Impeachment of the president • Removal of SC and HC judges • Post of vice-president
9.	Germany (Weimar)	<ul style="list-style-type: none"> • Suspension of Fundamental Rights during emergency
10.	South Africa	<ul style="list-style-type: none"> • Election of members of Rajya Sabha • Amendments in the Constitution
11.	France	<ul style="list-style-type: none"> • Republic • LEF (liberty, equality and fraternity) in the Preamble

TRUE MENTORS BY ARUN KUMAR AIR-5 SSC CGL-2023

- The office of Lokpal and Lokayukta (Act-2013) based on ombudsman of Scandinavia

Interim Government-1946		
Sl. No	Name	Portfolio
1.	The Viscount Wavell	Viceroy and Governor-General of India (President of the executive council)
2.	Sir Claude Auchinleck	Commander-in-Chief
3.	Jawaharlal Nehru	External Affairs and Commonwealth Relations (VP of the executive council)
4.	DR. Rajendra Prasad	Food and Agriculture
5.	Sardar Vallabhbhai Patel	Home Affairs, Information and Broadcasting
6.	Baldev Singh	Defence
7.	Asaf Ali	Railways and transport
8.	John Mathai	Industries and Supplies
9.	Rajagopalachari	Education and Arts
10.	Jagjivan Ram	Labour
11.	Liaquat Ali Khan	Finance
12.	I.I. Chundrigar	Commerce
13.	Joginder Nath Mandal	Law
14.	Abdur Rab Nishtar	Post and Air
15.	C.H. Bhabha	Work, Mines and Power
16.	Ghazanfar Ali Kha	Health

First Cabinet of Independent India-1947		
Sl. No	Name	Portfolio
1	Jawaharlal Nehru	Prime Minister, External Affairs
2	Sardar Vallabhbhai Patel	Deputy PM, Home Affairs, Information and Broadcasting
3	Maulana Abul Kalam Azad	Education
4	Rajendra Prasad	Food and Agriculture
5	John Mathai	Railways & Transport
6	Sardar Baldev Singh	Defence
7	Jagjivan Ram	Labour
8	Rafi Ahmed Kidwai	Communications
9	DR. Shyam Prasad Mukherji	Industries & Supplies
10	DR. B.R. Ambedkar	Law
11	C.H. Bhabha	Commerce
12	Raj Kumari Amrit Kaur	Health
13	V.N. Gadgil	Works, Mines & Power
14	R.K. Shanmugam Chetty	Finance

Parts of the Constitution of India

Part	Subject	Articles
Part I	The Union and its territory	Art. 1 to 4
Part II	Citizenship	Art. 5 to 11
Part III	Fundamental Rights	Art. 12 to 35
Part IV	Directive Principles	Art. 36 to 51
Part IVA	Fundamental Duties	Art. 51A
Part V	The Union	Art. 52 to 151
Part VI	The States	Art. 152 to 237
Part VII	Repealed by Const. (7th Amendment) Act, 1956	
Part VIII	The Union Territories	Art. 239 to 242
Part IX	The Panchayats	Art. 243 to 243O
Part IXA	The Municipalities	Art. 243P to 243ZG
Part IXB	Co-operative Societies	Art. 243H to 243ZT
Part X	The Scheduled and Tribal Areas	Art. 244 to 244A
Part XI	Relations between the Union and the States	Art. 245 to 263
Part XII	Finance, Property, Contracts and Suits	Art. 264 to 300A
Part XIII	Trade, Commerce and Intercourse within the Territory of India	Art. 301 to 307
Part XIV	Services under the Union and the States	Art. 308 to 323
Part XIVA	Tribunals	Art. 323A to 323B
Part XV	Elections	Art. 324 to 329A
Part XVI	Special provisions relating to certain classes	Art. 330 to 342
Part XVII	Official Language	Art. 343 to 351
Part XVIII	Emergency Provisions	Art. 352 to 360
Part XIX	Miscellaneous	Art. 361 to 367
Part XX	Amendment of the Constitution	Art. 368
Part XXI	Temporary, Transitional and Special Provisions	Art. 369 to 392
Part XXII	Short title, commencement, authoritative text in Hindi and repeals	Art. 393 to 395

List of All Schedules in Indian Constitution

Schedule Number	Subject Matter
First Schedule	Names of the States and Union Territories with their territorial jurisdiction.
Second Schedule	Provisions relating to the emoluments, allowances, privileges.
Third Schedule	Forms of Oaths or Affirmations.
Fourth Schedule	Allocation of seats in the Rajya Sabha to the states and the union territories.
Fifth Schedule	Provisions relating to the administration and control of scheduled areas and scheduled tribes.
Sixth Schedule	Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.
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).
Eighth Schedule	Languages recognized by the Constitution.
Ninth Schedule	Acts and Regulations of the state legislatures dealing with land reforms and abolition of the zamindari system and of the Parliament dealing with other matters.
Tenth Schedule	Provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection.
Eleventh Schedule	Specifies the powers, authority and responsibilities of Panchayats.
Twelfth Schedule	Specifies the powers, authority and responsibilities of Municipalities.

Chapter-2 The Union and Its Territories

(Part-1 - From Article 1-4)

- India is “Union of States” Not a “Federation of States (USA)
- Name of States and union territories are **not mentioned in Part -1. Mentioned in First Schedule**
- **Three types of territory**
 1. State,
 2. UT and
 3. Acquired by govt of India - **Goa, Dadra and Nagar Haveli and Daman and Diu, Puducherry, Sikkim.**

Important Articles

1. Article 1- Name and territory of the Union. **India, that is Bharat, shall be a Union of States.**
2. Article 2 -**Admission or establishment** of new State
3. Article 2A -Sikkim to be associated with Union (Repealed)
Ex. Sikkim 35th amendment 1974 (Associate state of India) and 36th amendment 1975 (Complete state of India)
4. Article 3- **Formation** of new States and alteration of areas, boundaries or names of existing States. Ex.
 - a) Chhattisgarh from Madhya Pradesh -formed on 1 Nov 2000
 - b) Uttarakhand from Utter Pradesh- formed on 9 Nov 2000
 - c) Jharkhand from Bihar – formed on 15 Nov 2000
 - d) Telangana from Adhra Pradesh – formed on 2 June 2014

Process

- Bill- Either house of Parliament
 - Must be a Govt. bill by Cabinet minister
 - Prior permission of President required
 - President sends bill to state legislature – Opinion of state not binding
 - Both houses pass the bill – **Simple majority**
5. Article 4- Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.
 - Laws made for Article 3 are **not to be considered CAA under article-368**
 - Require only a **simple majority** through ordinary legislative process.

Reorganization of states

6. 1948- Dhar Committee-Review of states on language basis rejected by this committee
7. 1948-JVP (Jawahar, Vallabh and Pattabhai) Committee – Not agreed to reorganize state on basis of Language)
8. The 1st state of India, **Andhra State was created On October 1, 1953**. The state carved out the **Telugu-speaking districts of Madras State**. **Father of the Andhra movement**, aimed to establish a separate Andhra -**Potti Sriramulu**

9. **1953 Fazl Ali Commission-Members-Fazl Ali, K.M. Panikkar, HN Kunzru** -Submitted report-1955
 - It rejected the One Language One State theory
 - It abolished the fourfold classification of state which created 16 states and 3 UT

State Reorganization Act-1956 7th CAA

- Part-A, Part-B, Part-C and Part-D state were abolished
- **This commission created 14 states and 6 UT on 1 Nov 1956**
 1. **States**-Assam, Andhra Pradesh, Bihar, Bombay, Jammu & Kashmir (by the instrument of accession), Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh, and West Bengal.
 2. **Union Territories**-Andaman & Nicobar Islands, Delhi, Himachal Pradesh, Laccadive, Minicoy & Amindivi Islands, Manipur, and Tripura.
- **New State and UT commissioned after 1956**
- 10. **15th State-Gujarat** and Maharashtra out of Bombay -1960
- 11. **Dadra and Nagar Haveli- Portuguese** ruled this territory until its liberation in **1954**. It was administered by its people later it become **UT under CAA 10th 1961**
- 12. **Goa, Daman and Diu**- India acquired these from Portuguese by means of police action in 1961. They become UT under **CAA 12th 1962**
- 13. **Puducherry**- Puducherry, Karaikal (Surrounded by Tamil Nadu), Mahe (by Kerala) and Yanam (by Andhra Pradesh) **14th CAA 1962**
- 14. **Nagaland-16th state 1963**
- 15. Haryana-17th state from Punjab-1966, **Chandigarh UT-1966**
- 16. Himachal Pradesh -18th state from Punjab -1971 (Earlier it was UT in 1966)
- 17. Manipur-19th Tripura-20th state Meghalaya-21th state in 1972
- 18. **Sikkim- King Chogyal-1974 desire to associated with India, become 22nd state in 1975 by 36th CAA- Article-371F (Special Status)**
- 19. Mizoram, Arunachal Pradesh were UT in 1972, become State 23th Mizoram -1987, 24th Arunachal Pradesh in 1987
- 20. **State-25th Goa Statehood -1987**
- 21. **26th -Chhattisgarh -1 Nov, 27th Uttarakhand -9th Nov, 28th Jharkhand -15 Nov-in 2000.**
- 22. **Telangana-2 June 2014**
- 23. The two new UTs, Ladakh (Leh Capital) and J&K (Winter capital -Jammu and Summer Capital-Srinagar) came into existence on (31st October 2019)
- 24. **Dadra and Nagar Haveli and Daman and Diu-26 Jan 2020**
- 25. It is the merger of the former territories of Dadra and Nagar Haveli and Daman and Diu on 26 January 2020.
- 26. The current capital is Daman and Silvassa is the largest city.
- 27. **There are currently 28 States and 8 UT in India**

Change in the Name-

28. United Provine to Utter Pradesh-1950
29. Madaras to Tamil Nadu-1969
30. Mysore to Karnataka-1973
31. Laccadive to Lakshadweep-1973
32. **UT of Delhi to National Capital Territory of Delhi-1992 69th CAA added 239AA article**
33. Uttaranchal to Uttarakhand -2006
34. Orissa to Odisha -2011

Special provision for a state

Amendments in Article 371	States List
Article 371	Vidarbha and Marathwada regions of Maharashtra and Saurashtra and Kutch regions of Gujarat .
Article 371A	Naga hills and Tuensang area of Nagaland
Article 371B	Bodoland territorial area of Assam
Article 371C	Manipur
Article 371 D	Andhra Pradesh
Article 371E	Special Provision for establishing central universities in Andhra Pradesh
Article 371F	Sikkim
Article 371G	Mizoram
Article 371H	Arunachal Pradesh
Article 371I	Goa
Article 371J	Karnataka

Chapter-3 Citizenship

From Article 5 to 11 Part-2

- **Citizenship**-Any Individual who enjoy social, Political, Economic privileges within the territory of India
- **Single Citizenship Borrowed from -U.K.**
- **India has two kinds of Individuals**
 1. **Citizens** – Citizens are full members of the Indian State. They enjoy all civil and political rights.
 2. **Aliens** – Aliens are the citizens of some other state and do not enjoy all the civil and political rights.
 - **Friendly aliens** -cordial relations with India, **Enemy aliens**- state at war with India (Enemy aliens don't enjoy protection under article-22)
 - **The fundamental rights available to only Citizens of India** -Article 15,16,19,29,30

Article 5-11- Who is Citizen?

- **Article-5- Citizenship at the commencement of the Constitution, On 26 Jan 1950**
 1. Born in India
 2. either parent was born in India
 3. should be the resident of India 5 year before the commencement of the Constitution
- **Article-6- migrated from Pakistan**
 1. Migrated before July 19th 1948 got direct citizenship
 2. Migrated after July 19th 1948 -register under Citizenship permit and wait for 6 months
- **Article-7 -migrated to Pakistan after March 1, 1947, but returned to India.**
- **Article 8: Citizenship of Indian origin residing outside India**
- **Article 9-No Dual Citizenship and Nationality**
- **Article-10 Continuance of the right of Citizenship**
- **Article 11: Parliament to regulate the right of citizenship by law**

Indian Citizenship Act-1955

- Provides for the **acquisition and termination** of Indian citizenship.

Citizenship of India can be acquired in five ways

1. **Citizenship by birth-** (Law of Soil) who born in India + One/More parent who are Citizen of India at the time of birth of Child.
 2. **Citizenship by Descendent** (Law of Blood) -who born in foreign + One/ More parents who are Citizen of India at the time of Birth
 3. **Citizenship by registration**--2-3 Generation (Lived abroad but origin in India)
 4. **Citizenship by naturalization**- By naturalization – If any case, which is not belong to above 3 cases come under by naturalization
Ex. Adnan Sami got Indian Citizenship by Naturalization.
 5. **By incorporation of territory (by the Government of India)**- If Indian govt. Incorporate foreign territory within its own the people of that territory called citizen of India
- In India both a citizen by birth as well as a naturalised citizen are eligible for the office of President while in USA, **only a citizen by birth and not a naturalised citizen** is eligible for the office of President.

Loss of Citizenship

1. By renunciation- if any person voluntarily surrenders citizenship
2. By termination- If any person who is Citizen of two countries, Central Govt. terminates Indian citizenship
3. By Deprivation- fraud or Crime

2019 Citizenship Amendment ACT (CAA)

- for 6 religious minorities from neighboring countries (**non-Muslims**) to get Indian citizenship.
- It recommends that **Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians** from **Afghanistan, Bangladesh, and Pakistan** be recognized as lawful immigrants even if they entered India without proper documentation.

Important Terms: -

▪ India's Overseas Citizen (OCI)

1. It is an immigration status given to Indian origin foreign citizen to live and work in India indefinitely. They are **not Indian Citizens**
2. **Pakistani and Bangladeshi cannot apply for OCI.**
3. Overseas Citizenship of India scheme-launched in **2005** after amending Citizenship Act-1955
4. PIO (person of Indian origin) card was discontinued and merged with **OCI card-in 2015**
5. **Not have right to vote or do not have political right, can't buy agriculture land**
6. An OCI is **not entitled to fundamental right to equality of opportunity in public employment**

▪ Non-Resident Indian

1. **An NRI is an Indian citizen** who possesses an Indian passport and has temporarily relocated to another country for work, study, or other reasons. **No income Tax, can vote**
2. **Reside outside of India for at least 183 days or more in a financial year.**

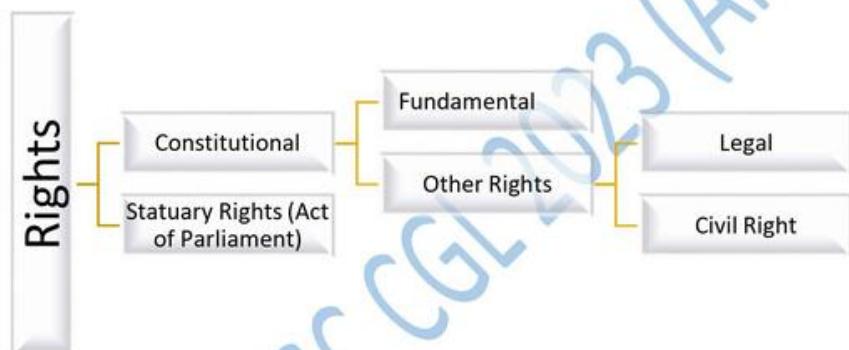
▪ Persons of Indian Origin

1. A PIO is a person of Indian ancestry whose parents or grandparents are Indian nationals but who is **not a citizen of India**. PIO holders had limited rights as comparison to OCI. PIO and OCI are merged in 2015

Chapter-4 Fundamental Rights

From article 12-35 Part-3

- The Fundamental Rights are enshrined in Part III of the Constitution (Articles 12-35).
- Part III of the Constitution is described as the ***Magna Carta*** of India
- 'Magna Carta', the Charter of Rights issued by King John of England in 1215 was the first written document relating to the Fundamental Rights of citizens.
- FRs are borrowed from USA Constitution**
- FRs are called cornerstone of the constitution**
- FRs+DPSP-are called-Conscience of the constitution**



Legal Rights

- Right to Property
- Right to Information

Civil Rights

Right to Vote

The Fundamental Rights

- Article-12**-defines the term 'State' as used in different Articles of Part III of the Constitution.
- Article 13** of the Indian constitution declares that all laws that are inconsistent with or in derogation of any of the fundamental rights shall be void.
- 14-32 There are six Fundamental Rights: Originally-7**
 - Right to equality (Articles 14–18)
 - Right to freedom (Articles 19–22)
 - Right against exploitation (Articles 23–24)
 - Right to freedom of religion (Articles 25–28)
 - Cultural and educational rights (Articles 29–30)
 - Right to constitutional remedies (Article 32)

Right to Equality

- Article-14-Equality before law & Equal Protection of Laws
- Equality before law-British Constitution, Equal Protection of Law taken from USA Constitution
- Article-15 Prohibition of discrimination on grounds of **religion, race, caste, sex or place of birth.**
- 1. 15(3) Special Provision for **women and Child**
- 2. 15(6) Special Provision for **EWS**
- Article-16 Equality of opportunity in matters of public employment
- 1. 16(4) Reservation for SC, ST & OBC
- 2. 16(6) Reservation for EWS
- Article-17 Abolition of Untouchability.
- Article-18 Abolition of titles.

Right to Freedom (Articles 19-22)

- Article-19 Protection of certain rights regarding freedom of speech, etc.
 - a. Speech and expression
 - b. Assembly
 - c. Association
 - d. Movement
 - e. Residence
 - f. **Right to Property(abolished)**
 - g. Profession
- The Right to Property was abolished by abolishing Article 31 and Article 19(1)(f) by the 44th Amendment Act of 1978.
- Article-20 Protection in respect of conviction for offences.
- Article-21 Protection of life and personal liberty.
- **Article-21A Right to education**
- **Free Education to 6-14 yr Children**
- **86th CAA 2002**
- Article-22 Protection against arrest and detention in certain cases.

Right Against Exploitation (Articles 23-24)

- Article-23 Prohibition of traffic in human beings and forced labor.
- Article-24 Prohibition of employment of children in factories, etc.

Right to Freedom of Religion (Articles 25-28)

- Article-25 Freedom of conscience and free profession, practice and propagation of religion.
- Article-26 Freedom to manage religious affairs.
- Article-27 Freedom as to payment of taxes for promotion of any particular religion.
- Article-28 Freedom as to attendance at religious instruction or religious worship in certain educational institutions.

Cultural and Educational Rights (Articles 29-30)

- **Article-29 Protection of interests of minorities.**
- **Article-30 Right of minorities to establish and administer educational institutions**

Article-31 [Repealed]-

- The Right to Property was abolished by abolishing Article 31 and Article 19(1)(f) by the 44th Amendment Act of 1978.

Right to Constitutional Remedies (Article 32)

- Article-32 Remedies for enforcement of rights
- Article-34 Restriction on rights conferred by this Part while martial law is in force in any area.
- Article 32 is Heart and Soul of the Constitution by B.R. Ambedkar

Writ Jurisdiction

- A writ is a legal order given by a court of law.
- The Supreme Court (Article 32) and the High courts (Article 226) can issue the writs of **habeas corpus, mandamus, prohibition, certiorari and quo-warranto**. Writ issued by the Supreme court and High court

Five Types of Writs in the Constitution of India

1. Habeas Corpus means ‘to have the body of’.

- Via this writ, the court can cause any person who has been detained or imprisoned to be physically brought before the court.

2. Mandamus means “we command”.

- This writ is a command issued by the court to a public official, public body, corporation, inferior court, tribunal, or government asking them to perform their duties which they have refused to perform.

3. The writ of prohibition –

- that the Supreme Court and High Courts may prohibit the lower courts such as special tribunals, magistrates, commissions, and other judiciary officers who are doing something which exceeds their jurisdiction or acting contrary to the rule of natural justice.

4. Certiorari means to “certify”.

- It's a writ that orders to move a suit from an inferior court to a superior court.
- It is issued by a higher court to a lower court or tribunal either to transfer a case pending with that to itself or squash its order.

5. Quo warranto means “by what warrant”?

- This writ is issued to enquire into the legality of the claim of a person or public office.
- It restrains the person or authority to act in an office that he/she is not entitled to and thus stops the usurpation of public office by anyone.

Important fact and things related to FRs

- Supreme Court is the Custodian of Fundamental Right
- Article-15(3)-Special Provision for women & Childern
- Article-16(4) Reservation for SC, ST, OBC
- 86th CAA 2002 added Article 21A
- Right to Education Act (RTE)-2009, Came into force-2010
- Right to Information Act (RTI) 2005
- Right to property (Article 31) it was deleted by the 44th Amendment Act, 1978.
- Right to property was in 19(1)(f) & 31. It is made a legal right under Article 300-A in Part XII of the Constitution.
- Article 20 & 21 Cannot be suspended during National emergency
- 6 fundamental rights under articles are automatically suspended during national emergency-Article-358
- Right to move any court can be suspended by president-Article 359
- The Supreme Court in the **Kesavananda Bharati case (1973)** held that a Constitutional amendment can be challenged if it violates a fundamental right.
- Right to Access Internet =Article 19(1)(a), It was made FR in 2020
- Right available only to Citizen of India-15, 16, 19, 29, and 30
- Article Known as Golden Trinity -14, 19 & 21
- Right to be forgotten-under Article 21
- Case Related to Right to Privacy-Puttaswamy Case
- Case related to Right to Personal Liberty-Maneka Gandhi Vs Union of India

Chapter-5

PART IV: DIRECTIVE PRINCIPLES OF STATE POLICY

- Borrowed from Irish Constitution
- Ambedkar Called- DPSP is a Novel feature of our Constitution
- according to Granville Austin, the "Conscience of the Constitution" lies in the combination of Fundamental Rights and Directive Principles of State Policy.
- KT Shah- DPSP are like a bank Cheque that is payable at the Bank's Convenience
- DPSP was designed to Create a welfare state

There are 3 Category-Gandhian, Socialist and Liberals Intellectual

- Article-36 Definition.
- Article-37 Application of the principles contained in this Part.
- Article-38 State to secure a social order for the promotion of the welfare of the people
- Article-39 Certain principles of policy to be followed by the State.
- Article-39A Equal justice and free legal aid.
- Article-40 The organization of village panchayats.
- Article-41 Right to work, to education and to public assistance in certain cases.
- Article-42 Provision for just and humane conditions of work and maternity relief.
- Article-43 Living wage, etc., for workers.
- Article-43A Participation of workers in the management of industries.
- Article-43B Promotion of co-operative societies.
- **Article-44 Uniform civil code for the citizens.**
- Article-45 Provision for free and compulsory education for children.
- Article-46 Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.
- Article-47 Duty of the State to raise the level of nutrition and the standard of living and to improve public health.
- Article-48 The **organization of agriculture and animal husbandry, prohibiting the slaughter, of cows and calves and other milch and draught cattle**
- Article-48A Protection and improvement of environment and safeguarding of forests and wildlife. **This article was not a part of the Constitution of India 1950, and was inserted by the 42nd constitution amendment**
- Article-49 Protection of monuments and places and objects of national importance.
- Article-50 Separation of judiciary from the executive.
- Article-51 Promotion of international peace and security.

SOCIALISTIC	GANDHIAN	LIBERAL
38	40	44
39	43	45
39A	43B	48
41	46	48A
42	47	49
43	48	50
43A		51
47		

Chapter-6

PART IVA: FUNDAMENTAL DUTIES

- 51A Fundamental duties.
- Part IVA of the Indian Constitution deals with Fundamental Duties. As of now, there are 11 Fundamental duties.
- The Fundamental Duties of citizens were added to the Constitution by the 42nd CAA 1976, on recommendations of the Swaran Singh Committee
- Fundamental duties apply only to citizens and not to aliens.
- India borrowed the concept of Fundamental Duties from the USSR.
- Like the Directive Principles, these are non-justifiable.

It shall be the duty of every citizen of India –

- a) to abide by the Constitution and respect its ideals and institutions, **the National Flag, and the National Anthem;**
- b) to cherish and follow **the noble ideals** which inspired our national struggle for freedom;
- 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; **to renounce practices derogatory to the dignity of women;**
- f) to value and preserve the rich heritage of our 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 the 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 endeavor and achievement.
- k) **to provide opportunities for education by the parent the guardian, to his child, or a ward between the age of 6-14 years as the case may be.**

➤ 51 A (k) **Duty of the parent or guardian to provide opportunities for education to his child, as the case may be, between the age of six and fourteen years (added by 86th Amendment Act, 2002).**

Chapter-7 The President

From Article 52 to 62 Part V

- India is republic as president is elected
- The office of President of India was created on 26 January 1950
- The first president of India was **Rajendra Prasad**, who served from 1950 to 1962
- First citizen of India, the head of the state and Chief Commander Armed forces
- Salary -5 lakhs, Pension-2.5 lakhs
- He is a part of union executive along with the vice-president, Prime Minister, council of minister, and attorney-general of India.
- **Neelam Sanjiva Reddy**-First to be elected unopposed and youngest president of India
- First tribal President & first President born after independence-**Draupadi Murmu**
- First Women President- **Pratibha Patil**
- **V.V. Giri** won the election as an independent candidate.
- Method of election of President is borrowed from **Irish Constitution**.

Important Articles of the Presidents of India

- Article 52-there shall be president of India
- Article-53- Executive power of president, De jure executive (Nominal Executive)
- Article 54 -deals with the electoral college of the President. President is not elected directly by the people. Rather, is elected by the electoral college
 1. The elected members of both Houses of Parliament.
 2. The elected members of all the State Legislative Assemblies.
 3. The elected members of the Legislative Assemblies of the Union Territories of **Delhi and Puducherry** (by the 70th Constitutional Amendment Act of 1992)
- Article 55 -deals with the manner of election of the President of India
- Article-56-Tenure of Presidents Office
 1. Term-5 year from entering the office.
 2. Resignation- handwritten resignation letter to the Vice President of India, and the Vice President should communicate this to the Speaker of Lok Sabha.
 3. Impeached - under article 61 in case of violation of the Constitution.
 4. The President can continue to hold office even after the expiration of the tenure until the successor enters the office.
- Article-57 -Re-election any number of times
- Article-58-Qualification to Become President
 1. He should be a Citizen of India
 2. He should be above 35 years of age.
 3. He should be qualified for election as a member of the House of the People, (Lok Sabha)
 4. He should not hold any office of profit under the Union, State Government, or local or public authority.
- Article 59 -the conditions of the President's office.
 1. The President should not be a member of either the House of Parliament or the House of any State Legislature.
 2. The President should not hold any office of profit.
 3. He is entitled to stay in the official residence without any payment of rent.
 4. He is also entitled to receive payments, allowances, and privileges as the Parliament determines by law. These emoluments and allowances must be maintained during his tenure.

- **Article 60** - deals with the oath or affirmation the President of India-in the presence of CJI or senior judge in the absence of CJI.
- **Article 61** –the impeachment of President in India **on violation of the Constitution**.
- **Either house of Parliament can initiate the impeachment process**. The charge has to be signed by **1/4th of the total members** of the house that is initiating the impeachment.
- **Notice period of 14 working days** before passing resolution.
- the resolution is must be passed by the initiating house with a **2/3rd majority of the total membership of the house**.
- Once the resolution is passed, the other house of the Parliament is obliged to investigate the charges against the President by appointing a judicial committee or themselves.
- During the inquiry, the President can appear with a lawyer and defend the charges.
- The resolution will lapse if the President is found not guilty of the charges. In case of guilty, the resolution is passed by the second house with a **2/3rd majority of the total membership of the house**.
- The resolution shall remove the President from his office from the date on which the resolution is so passed.
- **Article 62-Absence and Vacancy in President's Office.**
 1. An election to fill the vacancy should be held **before the expiration of the term**.
 2. An election to fill the vacancy in the President's office caused by the death, resignation, or removal of the serving President should be **conducted within six months**.
 3. **If President Post is Vacant then, VP, If VP is absent then, SC Chief Justice, If CJI is Absent then Senior Most Judge of SC**
- **Mohammad Hidayatullah (CJI) to become acting President of India**

Functions and Powers of Presidents of India

Executive Power

- Executive action of Indian govt. taken in his name
- He appoints
- 1. Prime minister of India, Attorney Gen of India, CAG, CEC, Chairman and Members of UPSC, State Governor and Finance Commission of India and its member
- 2. CJI, other judges of SC and HC
- 3. National Commission for Scheduled Castes
- 4. National Commission for Scheduled Tribes
- 5. National Commission for Other Backward Classes
- 6. He appoints inter-state council
- 7. He appoints administrators of union territories

Legislative Power

1. The President is an integral part of the Parliament of India.
2. Address and Send messages to the Houses of Parliament-**Article-86**
3. **Promulgate ordinances** when the Parliament is not in session-**Article-123**
4. He summons or prorogues Parliament and dissolve the Lok Sabha
5. He summons a **joint sitting** of Lok Sabha and Rajya Sabha in case of deadlock-**Article-108**
6. He addresses the Indian Parliament at the commencement of the first session after every general election-**Special Address-Article-87**
7. He appoints speaker, deputy speaker of Lok Sabha, and chairman/deputy chairman of Rajya Sabha when the seats fall vacant.
8. He nominates **12 members of the Rajya Sabha**

Financial Power

1. Cause the Union Budget to be laid before the Parliament.

2. To introduce the **money bill (Article-110)**, his prior recommendation is a must
3. To make a demand for grants, his recommendation is a pre-requisite
4. **Contingency Fund of India (Article-267)** is under his control
5. He constitutes the **Finance Commission (Article-280)** every five years

Judicial Power

1. Appointment of Chief Justice and Supreme Court/High Court Judges are on him
2. He takes advice from the Supreme Court, the advice is not binding on him, **Article-143**
3. He has pardoning power: **Under article 72**
 - **Pardon** - both conviction and sentence completely absolved
 - **Commutation** - nature of the punishment of the convict can be changed
 - **Remission** - reduces the term of the imprisonment
 - **Respite** - awards lesser punishment than original punishment by looking at the special condition of a convict
 - **Reprieve** - stays the execution of the awarded sentence for a temporary period

Diplomatic Power

1. Send and receive ambassadors and other diplomatic representatives.
2. Make treaties with other countries.

Military Power of the President

- He is the commander of the defence forces of India. He appoints:
- Chief of the Army
- Chief of the Navy
- Chief of the Air Force

Emergency Power of the President

- He deals with three types of emergencies given in the Indian Constitution:
- National Emergency (Article 352)
- President's Rule (Article 356 & 365)
- Financial Emergency (Article 360)

Other Power of the President

- Veto Power of the President- the power of the President of India to either reject the bill, return the bill or withhold his assent to the bill is called his **veto power- Article-111**

Types of Veto power

- **Absolute Veto** – Withholding of assent to the Bill passed by the legislature.
- **Qualified Veto** – Which can be overridden by the legislature with a higher majority. (Not in India, It's in the US)
- **Suspensive Veto** – Which can be overridden by the legislature with an ordinary majority.
- **Pocket Veto** – Taking no action on the Bill passed by the legislature.

Chapter-8 The Vice-President

From Article 63-71 Part-V

- Post of Vice President Borrowed from USA Constitution
 - 2nd Citizen of India
 - First VP of India- Dr. S Radhakrishnan, Second Vice President- Zakir Hussain
 - Dr S Radhakrishnan and Mohammad Hamid Ansari, only VPs elected for two consecutive times
 - The first Vice-President to die in office-Krishna Kant
 - Salary-4 Lakhs, Pension-2 Lakh
 - He gets the salary of Chairman of RS
 - Election of VP-Article-66, Indirectly elected by Electoral college
 - 1. Elected and nominated member of both house of parliament will participate in election,
 - 2. No SLC and SLA participate in the election of VP.
- Note-** The nomination of a candidate for election to the office of Vice-President must be subscribed by at least- **20 proposers, 20 seconders, (In case of President this is-50)**
- VP take oath in front of President and President in front of CJI.
 - If VP (chairman of RS) is absent then duty chairman of RS will work. If Duty chairman is also absent then senior most member of RS will work inn place of VP as chairman of RS.

Eligibility for VP

- An Indian citizen
- 35 years old or above
- The candidate must be eligible to be elected as a member of the Rajya Sabha
- Should not hold any office of profit.
- Five years, Eligible for Re-election-Article-67

Removal

- Submit resignation to President
- The Constitution DOES NOT provide grounds on which the VP can be removed
- There is **no impeachment** of VP or Chairman of RS. He can be removed by Effective majority of by RS. Which is agreed by Simple Majority of Lok Sabha

Power and function of VP

- As the ex-officio Chairman of the Rajya Sabha -Article-64
- Act as President when a vacancy arises in the Presidential office due to resignation, removal, death, or any other reason-Article-65
- He can act as President for a maximum period of **six months**
- When Acting President, he does not perform the function of RS chairman

Important Articles of the Vice-Presidents of India

- Article-63- There shall be a Vice President of India
- Article-64- VP shall be ex officio Chairman of RS
- Article-70- Discharge of President's functions in other contingencies
- Article-71- Matters relating to, the election of a president or vice-president-can only be challenged in Supreme court.
- Article-89- Chairman (Vice-President of India) and the Deputy Chairman of the Rajya Sabha

Chapter-9

Prime Minister, Council of Ministers and Attorney General of India

From Article 74-78

Prime Minister of India

- **3rd citizen of India**
- **Real and De Facto executive**
- **Article-75 -President appoint him, He is not elected**
- **Indira Gandhi, Manmohan Singh, and Devegowda Prime Minister from RS**
- The first and the longest-serving PM of India, the first to die in office-**J.L. Nehru**
- Lal Bahadur Shastri- gave the slogan of '**Jai Jawan Jai Kisan**' during the Indo-Pak war -1965
- **The first woman Prime Minister** to receive the Bharat Ratna- **Indira Gandhi**
- **First Non-Congress Prime and Oldest Minister of India** -Morarji Desai
- Indian Prime Minister received Pakistan's highest civilian award -**Morarji Desai**
- Youngest Indian Prime Minister- **Rajiv Gandhi**
- First Prime Minister from South India- **P.V. Narasimha Rao**
- First PM of India who was a member of the Rajya Sabha- **Indira Gandhi**
- Acting Prime Minister- Twice - **Gulzari Lal Nanda**
- Only PM who did not face the Parliament-**Charan Singh**
- The first Prime Minister to be born after Independence-Narendra Modi.

Planning Commission

1. Non-Constitutional body
2. **Est-1950** (Nehru)
3. Chairman- PM
4. Objective- formation of five-year Plan and Top-down approach
5. **Planning Commission was replaced by a new institution – NITI Aayog on 1st January, 2015**

NITI Aayog-National Institute for Transforming India-Think Tank

- Non constitutional body
- **The NITI Aayog was formed on January 1, 2015.**
- **Chairman-PM** -First-Narendra Modi
- First Vice Chairman-Arvind Panagariya
- **Vice-Chairperson:** - Current-Suman Bery
- First CEO-Sindhu Shree Khullar, Current CEO- **B.V.R. Subrahmanyam**
- **Objective-Cooperative Federation and bottom-up approach**

Eligibility for PM

- A citizen of India.
- A member of either Rajya Sabha or Lok Sabha
- 30 years if he is a member of the Rajya Sabha or can be 25 years of age if he is a member of the Lok Sabha
- He is the leader of Lok Sabha appointed by President.

- PM can be member of either house, but take the confidence of LS within one month
- In the absence of leader of LS, the president appoints PM by his wish, but PM has to take the confidence within 1 month (In case of coalition Govt.)
- If the PM is neither a member of (RS & LS) then he has to take the confidence of LS within 6 months

Removal of Prime Minister

- PM can be removed by No Confidence motion of LS.
- Submit resignation to President

Power and function of PM

- The Prime Minister of India is the Head of the Government of India.
- **Portfolio allocation:** The Prime Minister has the authority to assign portfolios to the Ministers.
- **Chairman of the Cabinet**
- **Official Representative of the country**
- **The link between the President and the Cabinet**
- **Head:** The Prime Minister is the head of Nuclear Command Authority, NITI Aayog, Appointments Committee of the Cabinet, Department of Atomic Energy, Department of Space and Ministry of Personnel, Public Grievances and Pensions.
- **Chief Advisor:** He acts as the chief advisor to the President

PM is the Chairman of following bodies

- Planning commission- Now Niti Aayog-2015 **Non constitutional body**
- **NDC- National Development Council -1952**, Non-Constitutional body NDC Passes the five years plan.
- National water resources council-1983
- **Inter State Council-1990** recommendation of **Sarkaria Commission Article-263, (formed by President of India), Constitutional body**
- **NIC- National Integration Council-1961**, Non constitutional body
- Chairman of National Ganga Council (2016), Ganga Action Plan (1986)

Council of Ministers-Article 74-75

- **Maximum Strength of Council-15% of LS (91th CAA 2003)**
- **Article 74-** that the council will be headed by the Prime Minister of India and will aid and advise the President.
- **Article-75(3)-** Council of Ministers shall be **collectively responsible to the Lok Sabha**
- They are appointed by the President on the advice of Prime Minister
- A Minister ceased to exist as one if he is not a member of either house of Parliament for six consecutive months.
- Parliament decides the salary and allowances of the council of ministers
- The Ministers shall hold office at the pleasure of the President.

Note: **In the Tenth Schedule - The Anti-Defection Act** - was included in the Constitution via the **52nd Amendment Act, 1985**

- The Cabinet word is mention in article-352

Attorney General for India-Article-76

- First-AGI- M.C. Setalvad
- Qualification-Same as that of judge of SC
- He holds office at the pleasure of the President.
- No fixed term
- No fixed Salary, receive such remuneration as the President may determine.
- He is not a member of Cabinet
- **He enjoys the privileges of Parliament-Article-105**
- He is the first Lawyer of GOI. In Case of States- Advocate General of State-Article-165
- He has two assistant-2 Solicitor General of India (Non-Constitutional)
- No Need of Impeachment of Attorney General of India, He can be removed by the president
- Attorney General of India Submits its annual report to president
- **Take part in proceedings of parliament but can't vote-Article-88**

Important Articles

- Article 74: Council of Ministers to aid and advise President
- Article 75: Appointment of Prime Minister
- Article 76: Attorney-General for India
- Article 77: Conduct of business of the Government of India
- Article 78: Duties of Prime Minister with respect to the furnishing of information to the President, etc

Chapter-10 Parliament

From Article 79 to 122 Part V of constitution

- It started in Britain and it is derived from French word *Parlement* (means to discuss)
- Parliamentary form of Government ('Westminster' model of government).
- The framers of the Indian Constitution relied on the British pattern for Parliament rather than the American pattern.
- The constitution of parliament is mentioned in Article 79
- Organs of Parliament
- President- Article 52-61
- Rajya Sabha- Article 80
- Loksabha-Article-81

President

- The President of India is not a member of either of the Houses and does not sit in the Parliament to attend its meetings but he is an integral part of the Parliament.
- He is the head of the state and is the highest formal authority in the country.
- Appointment: The elected Members of Parliament (MPs) and the elected Members of the Legislative Assemblies (MLAs) elect the President of India.
- Powers: Assent for Passing a Bill: A bill passed by both the Houses of Parliament cannot become law without the President's assent. Summoning and Prorogation of Houses:
- He has the power to summon and prorogue both the Houses, dissolve the Lok Sabha and issue ordinances when the Houses are not in session.

Rajyasabha -Council of States– Article 80 and Upper house of Parliament

- Constituted on 3 April 1952
- First session-13 May 1952
- It also known as Second Chamber or House of Elders or Educated house or Indirect house
- It is the permanent house of parliament
- It is presided by Vice President
- IV Schedule deals with seat allocation in Rajya Sabha
- **Composition:** The maximum strength of Rajya Sabha is **250** (out of which 238 members are representatives of the states & UTs (elected indirectly) and **12 are nominated by the President**).
- **UP has 31 seats in Rajya Sabha (Max)**
- **Member are indirectly elected by member of electoral college**
- **Current strength of the house is 243**, 225 members represent the states, 8 members represent the UTs (3- Delhi, 1- Puducherry and 4 J & K) and 12 are nominated by the president according to Fourth Schedule (Articles 4(1) and 80(2)) of the Constitution of India for their contributions to **art, literature, science, and social services**
- If the Union Parliament wishes to remove/transfer a matter from the State list, the **approval of the Rajya Sabha is necessary**.

Qualifications and tenure

- Citizen of India, Age- 30, No office of profit
- No mental disable and insolent.

- **1/3 member retire every second year.** They are entitled to contest again for the membership.
- **each member is elected for 6 years**

Rajya Sabha chairman and Deputy chairman Article-89

Rajya Sabha chairman - The Vice-President is the ex-officio chairman -Article-64

- He presides the upper house
- He can be removed as the chairman of Rajya Sabha only when he is removed from the seat of Vice president of India.
- The Vice President can be removed from office by a resolution of the Council of States (**Rajya Sabha**), passed by a majority of its members at that time and agreed to by the House of the People (**Lok Sabha**). A resolution for this purpose may be moved only after a **notice of at least a minimum of 14 days has been given of such an intention**
- While the resolution is moved, he can't preside the house as chairman, though he can be a part of the house, speak in the house
- He cannot vote in the first instance but He can vote in the case of an equality of votes
- His salary is charged on the Consolidated Fund of India.
- When Chairman of the house has to act as President of India, he is not entitled to a salary of Chairman of Rajya Sabha but of President of India

Rajya Sabha Deputy chairman

- He can be removed by a resolution passed by a majority of the all the members of RS
- The resolution to remove him can be moved only after giving 14 days' advance notice
- He presides the upper house whenever given-below conditions arise
 1. Seat of chairman falls vacant
 2. When Chairman/Vice-President has to act as President
 3. When Chairman is absent from the sitting
- **In all three cases, Deputy Chairman of Rajya Sabha has all the powers of Chairman of Rajya Sabha**
 1. When he presides as the chairman, he too cannot vote in the first instance but can exercise casting vote in case of a tie
 2. When Chairman is present in the house, Deputy Chairman is an ordinary member in the house and can speak, participate in proceedings and even vote in the questions of house
 3. His salary is charged on Consolidated Fund of India

Loksabha- House of People – Article 81 and lower house of Parliament

- Constituted on 17 April 1952
- First session-13 May 1952
- It is the **Lower House** (First Chamber or Popular House and it represents the people of India as a whole. The members are directly elected by the people. This is also called direct house.
- In a newly elected LS President gives welcome speech.
- **Composition:** The maximum strength of the Lok Sabha is fixed at **550** out of which 530 members are to be the representatives of the states and 20 of the UTs.
- The **current strength of Lok Sabha is 543**, out of which 524 members represent the states and 19 represent the UTs. (Delhi-7, J&k-5, Ladakh-1, Andaman & Nicobar-1, Chandigarh-1, Dadra and Nagar Haveli and Daman and Diu-2, Puducherry-1 Lakshadweep-1)

- The Uttar Pradesh has highest number of seats in Lok Sabha.
- The President also nominated two members from the Anglo-Indian community, but by the **95th Amendment Act, 2009**, this provision was valid till 2020 only and was abolished in Jan 2020 by 104th CAA 2019.
- In national emergency tenure of LS increases by 12 months but it will not exceed 6 months after the emergency is over.

Qualifications and Tenure

- Citizen of India, Age- 25, No office of profit
- No mental disable and insolent.
- 5 Year tenure.

Pro-tem Speaker article 95(1)

- The President appoints the pro-tem speaker to preside over meetings of the freshly elected house. The most senior member of the house is typically the pro-tem speaker

Speaker and - Article-93

- President fix a day for appointment of speaker and it is appointed from its member
- Secret meeting, special meeting and joint sitting is presided by Speaker of LS
- Speaker gives resignation to Deputy speaker and Deputy speaker gives to Speaker
- Speaker is removed by absolute majority
- 1st speaker of LS- GV Malvankar and First deputy speaker was - M.A.Ayyangar
- 1st women speaker – Meera Kumar
- Speaker can disqualify the member on ground of Discipline and Anti Defection Act.
- Speaker tenure-5 year, eligible for re-election.
- Speaker has no right to vote but in case of tie, speaker can cast his vote.
- He remains the Speaker even after Lok Sabha is dissolved till the next House elects a new Speaker in her/his place.
- **Under following conditions, the speaker, may have to vacate the office earlier:**
 1. If he ceases to be a member of the Lok Sabha.
 2. If he resigns by writing to the Deputy Speaker
 3. If he is removed by a resolution passed by a majority of all the members of the Lok Sabha.

Notification: Such a resolution can be moved only after giving 14 days' advance notice

Deputy Speaker Article-93

- The **Deputy Speaker is elected by the Lok Sabha** from amongst its members right after the election of the Speaker has taken place usually in second session.
- The **date of election of the Deputy Speaker is fixed by the Speaker** (date of election of the Speaker is fixed by the President).
- Like the Speaker, the Deputy Speaker remains in office usually during the life of the Lok Sabha (5 years).
- **The Deputy Speaker may vacate his/her office earlier in any of the following three cases:**
 1. If he ceases to be a member of the Lok Sabha.
 2. If he resigns by writing to the Speaker.
 3. If he is removed by a resolution passed by a majority of all the then members of the Lok Sabha. Such a resolution can be moved only after giving 14 days' advance notice.

Power of Rajya Sabha Vs Lok Sabha

- **Power Decisions in Joint Sitting:** Any ordinary law needs to be passed by both the Houses. However, in case of any difference between the two Houses, the final decision is taken by calling a joint session of both the Houses. Due to a larger strength, the view of the Lok Sabha is likely to prevail in such a meeting.
- **Power in Money Matters:** Lok Sabha exercises more powers in money matters. Once the Lok Sabha passes the budget of the government or any other money related law, the Rajya Sabha cannot reject it. The Rajya Sabha can only delay it by 14 days or suggest changes in it, however, the former may or may not accept these changes.
- **Power over Council of Ministers:** The Lok Sabha controls the Council of Ministers. If the majority of the Lok Sabha members say they have 'no confidence' in the Council of Ministers, all ministers including the Prime Minister, have to quit. The Rajya Sabha does not have this power

Parliament session - Article

Leaders in Parliament

- **Leader of the House:** Under the Rules of Lok Sabha, the 'Leader of the House' means the Prime Minister (Not mentioned in the constitution)
 1. There is also a 'Leader of the House' in the Rajya Sabha who is a minister and a member of the Rajya Sabha and is nominated by the PM to function as such.
 2. The office of leader of the house is not mentioned in the Constitution but in the Rules of the House.
- **Leader of the Opposition:** The leader of the largest Opposition party having not less than one-tenth seats of the total strength of the House is recognized as the leader of the Opposition in a House.
 1. S/He provides constructive criticism of the government policies and to provide an alternative government.
 2. The leader of Opposition in both the Houses were accorded statutory recognition in 1977 and are entitled to the salary, allowances and other facilities equivalent to that of a cabinet minister.
 3. The office of leader of the opposition is not mentioned in the Constitution but in the Parliamentary Statute.
- **Whip:** Every political party, whether ruling or opposition has its own whip in the Parliament.
 1. S/He is appointed by the political party to serve as an assistant floor leader, charged with the responsibility of ensuring the attendance of his party members in large numbers and securing their support in favor of or against a particular issue.
 2. He regulates and monitors their behavior in the Parliament and the members are supposed to follow the directives given by the whip.
 3. The office of 'whip' is mentioned neither in the Indian Constitution nor in the other two statutes mentioned above. It is based on the conventions of the parliamentary government.

Sessions of Parliament

Summoning:

- Summoning is the process of calling all members of the Parliament to meet.
- The summoning of Parliament is specified in **Article 85** of the Constitution.
- The **President** summons each House of the Parliament from time to time.
- However, the maximum gap between two **sessions of Parliament cannot be more than six months.**

Sessions:

- India **does not have a fixed parliamentary calendar**. By convention, Parliament meets for three sessions in a year. However, **the maximum gap between two sessions of Parliament cannot be more than six months**.
- 1. **Budget Session:** Longest session-Jan/Feb to April/May (Budget word is not mentioned in constitution, Annual financial statement is mentioned in place of this under article 112)
- 2. **Monsoon Session:** July-September
- 3. **Winter Session:** Nov- Dec

Adjournment:

1. An adjournment suspends the work in a sitting for a specified time, which may be hours, days or weeks.
2. When the meeting is terminated without any definite time/date fixed for the next meeting, it is called **Adjournment sine die**.
3. The **power of adjournment** as well as adjournment sine die **lies with the presiding officer (Speaker or Chairman) of the House**.

Prorogation:

1. Unlike adjournment, **Prorogation terminates a sitting as well as the session** of the House.
2. It is **done by the President** of India.
3. Prorogation is **different from the dissolution** (of Lok Sabha).

Quorum:

- Quorum refers to the minimum number of the members required to be present for conducting a meeting of the house.
- The Constitution has fixed **one-tenth strength** as quorum for both Lok Sabha and Rajya Sabha.

Joint Session of Parliament:

- The Constitution of India, under **Article 108**, provides for the joint sitting of the Lok Sabha and the Rajya Sabha, in order to break any **deadlock between the two**.
- The joint sitting is **called by the President** and is **presided over by the Lok Sabha Speaker**.
- In the speaker's absence, the **Deputy Speaker** of the Lok Sabha presides over the meeting.
- In the absence of both, it is presided over by the **Deputy Chairman of the Rajya Sabha**.

Lame Duck Session:

- It refers to the last session of the existing Lok Sabha, after a new Lok Sabha has been elected.
- Those members of the existing Lok Sabha who could not get re-elected to the new Lok Sabha are called lame-ducks.

Devices of Parliamentary Proceedings

Question Hour:

- The **first hour of every parliamentary sitting** is termed as **Question hour**. It is mentioned in the **Rules of Procedure of the House**.
- During this time, the members ask questions and the ministers usually give answers. The questions are of three types:
 1. **Starred questions:** These are distinguished by an asterisk and require oral answers. Hence **supplementary questions can follow**.
 2. **Unstarred questions:** It requires a written answer and hence, **supplementary questions cannot follow**.
 3. **Short notice questions:** The **matters of public importance** and of urgent character are considered under this type of questions. These are asked by **giving a notice of less than ten days** and are **answered orally**.

Zero Hour

1. A **Zero Hour** is an **Indian parliamentary innovation**. It is not mentioned in the parliamentary rules book.
2. Under this, the **Members of Parliament (MPs)** can raise matters without any prior notice.
3. The zero hour starts **immediately after the question hour** and lasts until the agenda for the day (regular business of the House) is taken up.
4. In other words, the time gap between the question hour and the agenda is known as zero hour.

Half-an-Hour Discussion:

1. It is meant for **discussing a matter of sufficient public importance**, which has been subjected to a lot of debate and the answer to which needs elucidation on a matter of fact.
2. The Speaker can allot three days in a week for such discussions. There is no formal motion or voting before the House.
3. **Short Duration Discussion:**
4. It is also known as **two-hour discussion** as the time allotted for such a discussion should not exceed two hours.
5. The members of the Parliament can raise such **discussions on a matter of urgent public importance**.
6. The Speaker can allot two days in a week for such discussions. There is neither a formal motion before the house nor voting.
7. This device has been in existence since 1953.

Motions in Parliament

Privilege Motion	It is moved by a member when he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts. Its purpose is to censure the concerned minister . It can be moved in Rajya Sabha as well as Lok Sabha .
Censure Motion	It should state the reasons for its adoption in the Lok Sabha. It can be moved against an individual minister or a group of ministers or the entire council of ministers . It is moved to censure the council of ministers for specific policies and actions .

	<p>It can be moved only in Lok Sabha.</p>
Call-Attention Motion	<p>It is introduced in the Parliament by a member to call the attention of a minister to a matter of urgent public importance, and to seek an authoritative statement from him on that matter.</p> <p>It can be moved in Rajya Sabha as well as Lok Sabha.</p>
Adjournment Motion	<p>It is introduced in the Lok Sabha to draw the attention of the House to a definite matter of urgent public importance. It involves an element of censure against the government.</p> <p>It can be moved only in Lok Sabha.</p>
No-Day-Yet-Named Motion	<p>It is a motion that has been admitted by the Speaker but no date has been fixed for its discussion.</p> <p>It can be moved in Rajya Sabha as well as Lok Sabha.</p>
No Confidence Motion	<p>Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha.</p> <p>In other words, the Lok Sabha can remove the ministry from office by passing a no-confidence motion.</p> <p>The motion needs the support of 50 members to be admitted.</p> <p>It can be moved only in Lok Sabha.</p>
Motion of Thanks	<p>The first session after each general election and the first session of every fiscal year is addressed by the president.</p> <p>This address of the president is discussed in both the Houses of Parliament on a motion called the 'Motion of Thanks'.</p> <p>This motion must be passed in the House. Otherwise, it amounts to the defeat of the government.</p>
Cut Motions	<p>A cut motion is a special power vested in members of the Lok Sabha to oppose the Finance Bill.</p> <p>If the motion is adopted, it amounts to a no-confidence vote, and if the government fails to jot up numbers in the lower House, it is obliged to resign according to the norms of the House.</p> <p>A motion may be moved to reduce the amount of a demand in any of the following ways:</p> <p>Policy Cut Motion: It is moved so that the amount of the demand be reduced to Re.1 (represents disapproval of the policy underlying the demand).</p> <p>Economy Cut Motions: It is moved so that the amount of the demand will be reduced by a specified amount.</p> <p>Token Cut Motions: It is moved so that the amount of the demand is reduced by Rs.100 (expresses a specific grievance).</p> <p>It can be moved only in Lok Sabha.</p>
Closure Motion	<p>It is a motion moved by a member to cut short the debate on a matter before the House.</p> <p>If the motion is approved by the House, debate is stopped forthwith and the matter is put to vote.</p> <p>There are four kinds of closure motions:</p> <p>Simple Closure: It is one when a member moves that the 'matter having been sufficiently discussed be now put to vote'.</p> <p>Closure by Compartments: In this case, the clauses of a bill or a lengthy resolution are grouped into parts before the commencement of the debate. The debate covers the part as a whole and the entire part is put to vote.</p>

	<p>Kangaroo Closure: Under this type, only important clauses are taken up for debate and voting and the intervening clauses are skipped over and taken as passed.</p> <p>Guillotine Closure: It is one when the undiscussed clauses of a bill or a resolution are also put to vote along with the discussed ones due to want of time.</p>
Point of Order	<p>A member can raise a point of order when the proceedings of the House do not follow the normal rules of procedure.</p> <p>A point of order should relate to the interpretation or enforcement of the Rules of the House or such articles of the Constitution that regulate the business of the House and should raise a question that is within the cognizance of the Speaker.</p> <p>It is usually raised by an opposition member in order to control the government.</p> <p>It is an extraordinary device as it suspends the proceedings before the House. No debate is allowed on a point of order.</p>
Special Mention	<p>A matter which is not a point of order or which cannot be raised during question hour, half-an hour discussion, short duration discussion or under adjournment motion, calling attention notice or under any rule of the House can be raised under the special mention in the Rajya Sabha.</p> <p>Its equivalent procedural device in the Lok Sabha is known as 'Notice (Mention) Under Rule 377'.</p>

Important articles of Parliament from 79 to 122

Article No.	Subject-matter
General	
79	Constitution of Parliament
80	Composition of the Council of States
81	Composition of the House of the People
82	Readjustment after each census
83	Duration of Houses of Parliament
84	Qualification for membership of Parliament
85	Sessions of Parliament, prorogation and dissolution
86	Right of President to address and send messages to Houses
87	Special address by the President
88	Rights of Ministers and Attorney-General as respects Houses
Officer of Parliament	
89	The Chairman and Deputy Chairman of the Council of States
93	The Speaker and Deputy Speaker of the House of the People

Conduct of Business	
100	Voting in Houses, power of Houses to act notwithstanding vacancies and quorum
Disqualifications of Members	
Powers, Privileges and Immunities of Parliament and its Members	
105	Powers, privileges, etc., of the Houses of Parliament and of the members and committees thereof
106	Salaries and allowances of members
Legislative Procedure	
108	Joint sitting of both Houses in certain cases
110	Definition of "Money Bills"
111	Assent to Bills, Pocket Veto
Procedures in Financial Matters	
112	Annual financial statement
113	Procedure in Parliament with respect to estimates
114	Appropriation Bills
115	Supplementary, additional or excess grants
116	Votes on account, votes of credit and exceptional grants
117	Special provisions as to financial Bills
Procedure Generally	
120	Language to be used in Parliament
122	Courts not to inquire into proceedings of Parliament
Legislative Powers of the President	
123	Power of President to promulgate Ordinances during recess of Parliament

Chapter-11 Supreme Court of India

From Articles 124 to 147 in Part V

History

- **Regulating Act of 1773** established the **Supreme Court of Judicature at Calcutta** as a **Court of Record, with full power & authority.**
- The Supreme Courts at Madras and Bombay were established by King George – III in 1800 and 1823 respectively.
- The India High Courts Act 1861 created High Courts for various provinces and abolished Supreme Courts at Calcutta, Madras and Bombay and also the Sadar Adalat's in Presidency towns. These High Courts had the distinction of being the highest Courts for all cases till the creation of Federal Court of India under the **Government of India Act 1935.**
- **Federal Court of India est. 1937.**
- The Supreme Court of India came into existence and its first sitting was held on **28 January 1950.**

Supreme Court -Article-124

- Est. and constitution of SC-124
- 124(1) - there shall be SC comprising CJI and other judges
- 124(2) - appointed by President
- 124(3) - Qualification of SC judges
- 124 (4) - Impeachment
- **The First Chief Justice SC -Harilal Jekisundas Kania**
- Salary Consolidated fund of India-2.8 Lakh per month
- First women judge of SC-Fatima Beevi
- First Judge to act as President – Justice M. Hidaytulla
- The supreme Court Judge+ Speaker-K.S. Hegde
- Chief justice and other judges of the SC are appointed by president.
- **The seat of Supreme Court- Delhi as per constitution of India -Article 130,** the Chief Justice of India has the power to assign other place (s) as the seat of the Supreme Court.

Supreme Court Judge eligibility, term and qualification

- Citizen of India
- HC judge -5 years
- HC Lawyer-10 Years
- In the opinion of the President An distinguish Jurist
- No (mental disable + Insolvent)
- Minimum Age- No, Maximum Age-65

Removal of SC judge-Impeachment Article-124(4)

- **It was borrowed from US Constitution.**
- Removal- by **an order of the President** after an address by Parliament has been presented to him in the same session for such removal.

- The address must be supported by a **special majority of each House of Parliament** (ie, a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting). The grounds of removal are **two—proved misbehaviour or incapacity**.
- **No judge of the Supreme Court has been impeached so far.** Impeachment motions of Justice V Ramaswami (1991–1993) and the Justice Dipak Misra (2017-18) were defeated in the Parliament.

Supreme Court of India – Functions

- It takes up the appeals of verdict of High Court, other court and Tribunals
- It settles the dispute between the Govt. authority, between states govt. and between Center and any other State govt.
- Advisory role with president-**Advisory Jurisdiction (Article-143)**
- 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 government -**Article-141**
- Dispute b/w Center-State, Two or more state and election disputes of president and Vice-president – Original Jurisdiction- **Article-131**
- **Note: Election disputes of Lok Sabha is the original jurisdiction of High Court.**

Supreme Court Composition and Cases

- Originally, the **Supreme Court had eight judges** (one chief justice and seven others)
- There are **34 judges** (1 CJI+33 Judges) in the Supreme Court.
- The judges sit in benches of 2 or 3 (called a **Division Bench**) or in benches of 5 or more (called a **Constitutional Bench**).
- **The largest bench at the SC of India** has constituted in 1973 in Kesavananda Bharti v State of Kerala a bench of **13 Judges**. (Decision 7:6) **It holds that constitution can be amended by Parliament** but should not alter the constitution's fundamental structure.
- **Minerva Mills case- primacy of fundamental rights over DPSP**
- **Golaknath Case- SC held that Parliament could not amend fundamental rights-1967.**

Collegium System-

- Not mentioned in the constitution.
- It is group of 5 Judges minimum **four judges + 1 CJI (4 Judge + CJI)**.
- It is used for transfer of HC judges and appointment of CJI, SC Judges
- CJI appointed by President on the advice of collegium
- SC judges appointed by on the advice of CJI.

NJAC (National Judicial Appointment Commission)

- Article-124A- by the 99th Constitutional Amendment Act in 2014, But in 2015 SC declared it "**unconstitutional**" and "**invalid**"
- For appointment of the judges for the Supreme Court and HC's Chief Justice and judges
- Commission comprised- 6 members
 1. The CJI (ex-officio, Chairperson of the NJAC)
 2. Two senior SC judges (ex-officio)
 3. The Union Minister of Law and Justice (ex-officio)

4. **Two distinguished persons** -nominated by a committee (the CJI, the Prime Minister and the Leader of opposition in the Lok Sabha or in the absence of Leader of Opposition, then, the Leader of the single largest Opposition Party in Lok Sabha and one should from OBC/ST/SC)
 - No re-nomination after having served a term of 3 years

Important Articles Related to Supreme Court

Article	Subject Matter
124	Establishment and Constitution of Supreme Court
125	Salaries , etc., of Judges
126	Appointment of acting Chief Justice
127	Appointment of ad hoc Judges
128	Attendance of retired Judges at sittings of the Supreme Court
129	Supreme Court to be a court of record
130	Seat of Supreme Court
131	Original jurisdiction of the Supreme Court
132	Appellate jurisdiction of Supreme Court in appeals from High Courts in certain cases, Constitutional matter
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
136	Special leave to appeal by the Supreme Court
137	Review of judgments or orders by the Supreme Court
140	Ancillary powers of Supreme Court
141	Law declared by Supreme Court to be binding on all courts
142	Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc Ayodha Verdict, Rajiv Gandhi Assassination Case and Union Carbide case Bhopal
143	Power of President to consult Supreme Court

Chapter-12 Comptroller and Auditor General of India

From Article 148 -151 Part-V

- **Office of auditor general was est. in 1858** (The year when British Crown took the reins from East India Company), **First Auditor General was Edward Drummond in 1860)**
- **Article- 148-deals with the C&AG appointment, Oath and Conditions of Service**
- **Appointed by President and oath of constitution**
- **Salary Consolidated fund of India**
- He holds the office for a period of **six years or up to 65 years**, whichever is earlier.
- Not eligible for further office either govt. of India or state govt.
- **First C&AG is V. Narahari (1948-1954), Current- Girish Chandra Murmu (2020 to Present)**
- Constitutional Body and Independent body
- **Watchdog of Public Purse finance and Citizen's eye**
- **Removal -by Impeachment like Supreme Court Judge (Removal by Impeachment-EC, CAG, CJI and President)** on the grounds of proven misbehavior and incapacity.
- Send **resignation** to president
- Audit of all account from Consolidated fund of India, Contingency fund of India and Public account of India and Center and state govt. accounts
- CAG can audit the Govt. Companies as per the provisions of **the companies act-2013**
- Reports to president
- There is also a State C&AG, like State UPSC, Election commissionn
- Report of C&AG are taken into consideration by PAC (Public account committee)

Important Article related to C&AG

Article-148	Appointment, oath and conditions
Article-149	Duties and Power
Article-150	Form of account of Union and states
Article-151	Report of C&AG to president (In case of state it is sent to governor)

Important-

- Article 279- Calculation of net proceeds is ascertained by C&AG
- Article 279A- GST Council (Constitutional Body) CAA-101, 2016, GST Bill was implement from 1 July 2017
- Article-246A-Related to State GST

Chapter-13 Parliamentary Committee

- Mini Parliament
- Provides a Check on the Government
- Instrument for Detailed Scrutiny
- Provides Legislative Expertise
- There are two types of Parliamentary Committees– Standing Committees and Ad Hoc Committees
- 1. Standing committee
- 2. Ad-Hoc Committee

1. Standing Committee

- Permanent Committee
- Six types of Standing committee
- 1. Financial Committees
- 2. Departmental Standing Committees
- 3. Committees to Enquire
- 4. Committees to Scrutinise and Control
- 5. Committees Relating to the Day-to-Day Business of the House
- 6. House-Keeping Committees or Service Committee

Financial Committees

- There are three categories of Financial Committees
- 1. Public Account Committee
- 2. Estimate Committee
- 3. Committee for Public Undertaking

1. Public Account Committee

- Total Member-22 (15 from Lok Sabha + 7 from Rajya Sabha)
- Members are elected by a Single Transferable Vote
- Establishment -1921
- Term- One year and members can be re-elected
- A minister cannot be elected
- Chairman- Appointed by Speaker of Lok Sabha (Since 1967 always from opposition party)
- Function-examine the annual report of CAG (Article-148, word taken from UK constitution)

2. Estimate Committee

- Total Member-30, Largest Committee (All members are from Lok Sabha)
- Members are elected by a Single Transferable Vote
- Establishment -1950, Recommended by John Mathi (then Finance minister)
- Term- One year and members can be re-elected
- A minister cannot be elected
- Chairman- Appointed by Speaker of Lok Sabha (Always from ruling party)

- Function-examine the estimates included in the budget and suggest ‘economies’ in public expenditure. It is also described as a ‘Continuous Economy Committee’

3. Committee on Public Undertaking

- Total Member-22 (15 from Lok Sabha + 7 from Rajya Sabha)
- Establishment -1964, Recommended of Krishna Menon Committee
- Members are elected by a Single Transferable Vote
- Term- One year and members can be re-elected
- A minister cannot be elected
- Chairman- Appointed by Speaker of Lok Sabha (Always from ruling party and Lok Sabha)
- Function-it checks the financial reports of PSUs (Public Sector Undertakings)

Departmental Standing Committee

- There are total 24 Departmental Standing Committees- 8 under Rajya Sabha and 16 under Lok Sabha.
- Each committee member-31 (21 from LS and 10 from RS)
- Term-1 year
- They work upon demands, grants, examine bills and annual reports of the concerned ministries

2. Ad-Hoc Committee

- They are temporary in nature
 - There are types of ad-hoc committees
1. **Inquiry Committees**-they can be proposed by either house and appointed by speaker/chairman
Ex. Joint Committees on stock market scam etc
 2. **Advisory Committees**- concerned only with the execution of the policy laid down by Parliament and its results

Fund

1. **Constitutional Fund- Consolidated fund of India and Public Account of India**
 2. **Statutory fund -Contingency Fund of India**
1. **Constitutional fund – Two type 1. Consolidated fund of India and 2. Public account of India**

1. **Consolidated fund of India-**
 - i) Article-266(1)
 - ii) Money can be withdrawn from CFI after bill is passed
 - iii) Permanent fund controlled by the president
 - iv) CFI account is in RBI

Note Charged Expenditure-Non votable expenditure means parliament approval not required

For example:

- a) President's compensations and expenditures relating to his post.

- b) Salaries, allowances and pensions of President, Deputy Chairman, Chairman of Rajya Sabha, Speaker and Deputy speaker of Lok Sabha, Judges of supreme court, Comptroller and auditor general of India, Election commission,
- c) **Pension of high court judge**

2. Public Account of India-

- i) Article-266(2)
- ii) Provident fund
- iii) Post office, Bank etc. money is deposited in this account
- iv) Parliament approval is not needed for expenditure

2. Statuary fund

- Contingency fund-Article-267
- 1. Contingency fund of India Art-267(1) & Contingency Fund of State-Article-267(2)
- 2. Source of contingency fund is Consolidated fund of India
- 3. Money can be withdrawn after sign from president
- 4. It is also called emergency fund
- 5. It is controlled by finance secretary on behalf of president

Article	Fund	Parliamentary approval required	Income	Expenditure
266(1)	Consolidated fund of India	Prior to expenditure	Taxes and Non-Taxes revenue	All expenditure
266(2)	Public account of India	Not required	Money from Post office, Bank etc.	Other than CFI
267(1)	Contingency fund of India	After the expenditure	Fixed corpus of 500 Cr.	Emergency expenditure

Note –CAG is an independent authority it audits the report of Consolidated fund of India, Contingency fund of India and Public Account of India

Chapter-14 The States

From article 152-237 Part-6

Governor

(From article 153-162)

- Sarojini Naidu was the first woman to become the governor of an Indian state. (UP)
- Governor is a **nominal executive head of a State** It is stated that the Governor has a **dual role** because he acts as **agent of central govt.**
- **Chief Minister** who heads the Council of Ministers is the **real head**
- **Appointment of state governors by the Centre-** Borrowed from Canada
- Article 153 says that there shall be a Governor for each State.
- **One person can be appointed as Governor for two or more States-** By the 7th Constitutional Amendment Act of 1956
- **Salary- Consolidated fund of state**
- **Pension Consolidated fund of India**

Tenure, Term and Eligibility

- Removal-by President (No impeachment)
- Resignation to President
- Oath-by chief Justice of High Court
- Appointment-President
- Term- 5 years (Pleasure of President), Age-35
- Be a citizen of India.
- Not be a member of the either house of the parliament or house of the state legislature.
- Not hold any office of profit.
- Should not belong to the state (outsider) where he is appointed

Powers of Governor

- Summon the state legislature and dissolve the state legislature
- Address the State legislature after every election and also first session of every year
- Give Permission to introduce **money bill-Article-199**
- **Governor can issue ordinance-Article-213, (It must be passed within 6 Month of issue)**
- Appoints-CM and his council of minister, Advocate general, Chairman and Members of State PSC, Vice-chancellor of state universities, State Election Commissioner, State Finance Commission
- Ex office chancellor of all state universities
- Nominate 1/6 member in State legislative council
- Article 200 gives power to the Governor to give assent, withholds assent, or reserves the bill for the consideration of the President passed by the Legislative Assembly.
- Article-161-Pardoning powers -Pardon, Reprieve, Respite, Remit, Commute
 1. He cannot pardon a death sentence
 2. President can pardon punishments of sentences inflicted by court martial. The Governor has no such power.

CM, Council of Ministers & Advocate General of State (From article 163 to 167 Part-6)

CM & Council of Ministers

- Sucheta Kriplani was first woman chief minister of any state
- Article-163-Council of Minister to aid and advise governor
- Article-164-Appointment of Chief Minister
- Chief Minister -Real executive of state
- Appointment by Governor, Resignation to Governor
- Removal by-No Confidence motion
- Minimum Age-25, Maximum Term-5 years
- No. of minister in cabinet< 15% of total seats of council of ministers of legislative assembly
- Article-167 – It shall be the duty of the Chief Minister
- Article-164-The COM is collectively responsible to the legislative assembly of the state.
- Longest Serving CM- Pawan Kumar Chamling (CM of Sikkim More than 24 Year)

Advocate General of India

- First legal officer of State Government
- Appointed by Governor
- Eligibility- Same as HC judge
- No fixed tenure-Office till pleasure of Governor
- Can take part in Legislative assembly but cannot vote

THE STATE LEGISLATURE (From article 168-213 Part-6)

State legislative Council

- Article-171-Composition of Legislative Council
- Legislative Council-Upper house Art-169 (Creation and Abolishment)
- For creation of SLC- state legislative assembly pass resolution by 2/3 majority and Parliament passes it by simple majority
- 1/3 member retire every 2 years
- Minimum Age-30, Tenure of Member-6 years
- 40<Total members of SLC<1/3 member of State legislative Council
- State having SLC- Maharashtra, Karnataka, Andhra Pradesh, Telangana, UP, Bihar
- Tamil Nadu abolished its Legislative Council (called Vidhan Parishad) in 1986.
- MLCs cannot vote in elections for the President and Vice President

Election to the Legislative Councils:

- 1/3 of the members are elected by the local authorities' representatives (Gram Panchayats, Municipalities, Block Parishads, etc.)
- 1/3 of the members by the MLAs.
- 1/12 of the members are elected by the teachers
- 1/12 are elected by the graduates in the state.

- 1/6th is nominated by the Governor from the fields of (science, art, literature, social service, or cooperative movement)

State legislative Assembly

- Article-170-Composition of Legislative Assembly
- Legislative Assembly-Lower house
- Tenure-5-year, Minimum Age-25 Years
- $60 < \text{Total members of SLA} < 500$, Except Goa-40, Sikkim-32
- Lowest Number of Seats in SLA- Sikkim-32
- Highest Number of seats in SLA-403 Uttar Pradesh
- UT having SLA-Delhi-70, Puducherry-30, J & K (114 Seat-(90 J&K+24 POK))
- During emergency -term can be extended by 1 year. (Not more than 6 months after emergency is revoked)
- Parliament has enacted the Delimitation Commission Acts in 1952, 1962, 1972 and 2002
- The Tenth Schedule was inserted in the Constitution in 1985 by the 52nd Amendment Act.

High Court of State

(From article 214 to 231 Part-6)

- There are 25 High Courts in India
- Indian High Courts Act 1861 the establishment, **High Court of Calcutta 1862 (Oldest)**, Madras 1862 and Bombay 1862. Allahabad in 1866.
- Article-214 -state must have their own High Court.
- Andhra Pradesh (on 1st January 2019) is the recent state to have the High Court.
- Guwahati High Court for 4 states – Assam, Nagaland, Arunachal Pradesh and Mizoram.
- 7th Amendment Act of 1956 authorized the Parliament to establish a common HC for two or more states or for two or more states and a UT
- The first ever woman judge, Justice Anna Chandy
- The first woman Chief Justice of High Court in India- Leila Seth

Eligibility Criteria for High Court Judge

- Appointed by the President, Oath-Governor
- No fixed number of Judges in HC
- a citizen of India
- have held a judicial office in the territory of India for ten years or
- have been an advocate of a high court for ten years
- Maximum Age -62, No Minimum age
- Resignation to President
- Removal-By Impeachment same as Supreme Court Judge on Grounds of removal- Proved misbehaviour or incapacity.
- Salary -the consolidated fund of the state, & Pension - the consolidated fund of India
- Transfer of HC Judge – By President of India

High Court Jurisdiction

- Original jurisdiction- election disputes of State Legislative Assembly and parliament, Remember- Dispute over election of Lok Sabha/Prime minister is the original Jurisdiction of HC
- Writ jurisdiction (Fundamental Right + Legal Rights)-Article-226 But, SC issue only writ in case of FR violation - Writ jurisdiction of HC is Wider than SC

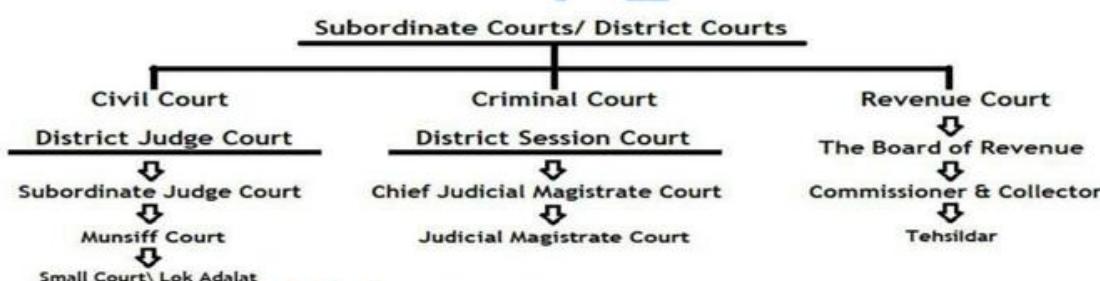
- Appellate jurisdiction-District court to High Court
- High Court have Supervisor Jurisdiction over Subordinate Court (District Court)

High court	Jurisdiction
Bombay HC	Maharashtra, Goa, Dadra and Nagar Haveli, Daman and Diu
Guwahati HC	Assam, Nagaland, Mizoram and Arunachal Pradesh
Punjab and Haryana HC	Punjab, Haryana, Chandigarh
Calcutta HC	West Bengal, Andaman and Nicobar Islands
Tamil Nadu HC	Tamil Nadu, Puducherry
Kerala HC	Kerala, Lakshadweep

SUBORDINATE COURTS

(From article 233 to 237 Part-6)

- Article-233-Judges of subordinate courts are appointed by the governor in consultation with the Chief Justice of the High Court
- The district judge is the highest judicial authority in the district.
- District Judge- original and appellate jurisdiction in both civil and criminal
- Criminal matters – A District judge is known as the Sessions judge.
- Civil matters – District judge known as the district Judge
- Family Courts Act, 1984



Important articles of States and Unions

Articles	Description
153	Governors of states
154	Executive power of state
161	Power of the Governor to grant pardons and others
163	Council of ministers to aid and advise the Governor
165	Advocate-General for the state
168	Constitution of Legislatures in States
169	Abolition or creation of Legislative Councils in States
170	Composition of the Legislative Assemblies
171	Composition of the Legislative Councils
199	Definition of "Money Bills".
200	Assent to bills
213	Power of Governor to promulgate ordinances
214	High Courts for States
215	High Courts to be courts of record

226	Power of High Courts to issue certain writs
231	Establishment of a common High Court for two or more States
233	Appointment of district judges

Union Territories

(From article 239 to 241 Part-8)

- The concept of the UT was added by the Constitution 7th CAA, 1956.
- Article-239-Administration of Union territories by an administrator. (In Case of Delhi, J & k, Andaman & Nicobar, Ladakh and Puducherry, he is known as L.G. But In Lakshadweep, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, he is known as Administrator)
- Lt. Governor is an administrator and not a constitutional head.
- UTs are directly governed by the Union govt.
- UT having SLA-Delhi-70, Puducherry-30, J & K (114 Seat-(90 J&K+24 POK)
- Jammu & Kashmir Reorganization Act, 2019 -Creation of UT of J & K and UT of Ladakh
- In 2020, Dadra and Nagar Haveli, and Daman and Diu were merged into a single UT
- Article-239AA-Special provisions with respect to Delhi.
- Article-241 -High Courts for Union territories.

Special Provision for Delhi-Article-239AA

- The 69th CAA of 1991- a special status to the UT of Delhi, Called as the NCT of Delhi and the administrator of Delhi as the Lieutenant governor (LG).
- It created a legislative assembly and a council of ministers for **Delhi-70 members**.
- Strength of the council of ministers<10% of the total strength of the assembly (i.e., seven)
- The Chief minister is appointed by the President (not by the LG). The other ministers are appointed by the president on the advice of the chief minister
- The Assembly can make laws on all the matters of the state list and concurrent list except three matters of the state list – Public order, Police and land.

Union Territory	Capital
Andaman and Nicobar Islands	Port Blair
Chandigarh	Chandigarh
Dadra and Nagar Haveli and Daman and Diu	Daman
Delhi	New Delhi
Jammu and Kashmir	Srinagar (Summer), Jammu (Winter)
Ladakh	Leh (summer), Kargil (winter)
Lakshadweep	Kavaratti
Puducherry	Puducherry

Articles	Description
239	Administration of Union territories by an administrator
239AA	Special provisions with respect to Delhi
241	High Courts for Union territories

Chapter-15 Local Government

From Article 243 to 243 ZT -Part IX, IXA and IXB

- **Lord Rippon** is known as the **Father of Local Self Government**, he is also called as ‘Good Viceroy of India.’
- Also called Decentralized Democracy and Grassroot democracy
- 1687-Madras first municipal corporation
- 1870- Lord mayo’s resolution on financial decentralization
- 1882- Lord Ripon resolution- Magna Carta of Local Self government
- Constitutional status: 73rd and 74th amendment act 1992
- Local Government is state subject under seventh schedule.
- Article 40 – reads ‘the State shall take steps to organize village panchayats (DPSP)
- **Rajasthan** was the first state to establish Panchayati Raj. The scheme was inaugurated by the prime minister Jawaharlal Nehru on **October 2, 1959**, in Nagaur district.

Local Government

- Panchayat -in Rural
- Municipalities-in Urban

Committees related to Panchayat

- **Balwant Rai Committee-1957**
- 1. 1952 Community development program
- 2. 1957 to examine community development program Balwant Rai committee was est.
- 3. Recommended 3 Tier System
 - i) **Gram Panchayat at Village Level**
 - ii) **Panchayat Samiti at Block Level**
 - iii) **Zila Parishad at District Level**
- 4. Direct election for gram panchayat and indirect election for panchayat samiti and zila parishad
- 5. Head of Zila Parishad is DC (District Collector) who supervise the Development policy and programmed
- **GVK Rao Committee-1985**
- **Ashok Mehta Committee-1977**
- 1. Two-tier system: Zila Parishad (district level) and the **Mandal Panchayat** (a group of villages).
- **LM Singhvi Committee -1986**

Panchayati Raj-Rural Local Government

- Constitutional Status by 73rd CAA-1992
- ‘The Panchayats’ Part-IX, Schedule-11 and Article-243-243O, 11th Schedule 29 items (Article-243G)
- National Panchayati Raj Day-on 24th April, commemorates the 73rd Amendment Act, 1992 of the Constitution coming into effect in the year 1993
- State election commission is responsible for conducting election of panchayat- Article 243K
- **Gram Sabha-** Article-243A, it is a group of adult people (18 or above 18 age) and name is registered in voter list are the members of gram Sabha
- Creation of a three-tier Panchayati Raj Structure at the **Zila, Block and Village levels**;

- States with a population of less than 20 lakhs may not constitute the intermediate level.
- By direct election **5 Panch** are elected who are responsible for implementation of policy
- Panchayat Samiti is a block level, Group of Village and all 5 Panches form a committee, Known as **Development Committee**
- Almost all posts, at all levels to be filled by direct elections; The post of Chairman at the Zila and Block levels should be filled by indirect election.
- **Minimum age-21, tenure 5 year, if dissolved earlier fresh election within 6 months**
- A State Finance Commission is set up in each State every five years- **Article 243 I**
- The Panchayati Raj given power to levy property tax, professional tax, water tax and sewerage tax, fees, toll tax, **tax on agriculture land and tax on local fairs**.
- **Sale tax is levied by State government**
- **Panchayati Raj System exist in all states except-Nagaland, Meghalaya, Mizoram and it exists in all UT except DELHI**

Municipalities Urban Local Government

- The Ministry of Urban Development was created as a separate ministry in **1985 (now Ministry of Housing and Urban Affairs)**.
- The **74th CAA** was passed during the regime of P.V. Narasimha Rao's government in **1992**. It came into force on **1st June, 1993**.
- **Added Part IX -A - from articles 243-P to 243-ZG. 12th Schedule 18 item (Article-243 W)**
- **Minimum Age- 21, Tenure – 5 years, if dissolved, fresh election in 6 months**
- State election commission conduct election
- State finance commission deals with financial matters
- **3 types of municipalities, depending upon the size and area in every state**
 1. **Nagar Panchayat** (for an area in transition from rural to the urban area);
 2. **Municipal Council** for the smaller urban area
 3. **Municipal Corporation** for a larger urban area.
- **Each Municipal area is divided into constituencies-Known as Wards, elected member-ward councillors**
- **The mayor** is the head of the municipal corporation (First Citizen of the City)
- Property Tax, water tax for water supplied, Seweraging Tax, Fire Tax, taxes on animals and vehicles, Theatre Tax, **Duty on transfer of Property, Octroi Duty** on certain items brought into the city, Education Cess (Tax), and Professional Tax.

Cooperative Societies –

- First co-operative law in the year **1904-during Lord Curzon**
- **97th CAA 2011** gave constitutional status and protection to **cooperative societies**.
- **It made the following three changes in the constitution:**
- It made the right to form cooperative societies a fundamental right (**Article 19**).
- It included a new Directive Principle of State Policy on the promotion of cooperative societies (**Article 43B**).
- It added a new Part IX-B in the constitution, which is entitled "**The Cooperative Societies**" (**Article 243-ZH to 243-ZT**).

Important Article of the Local Government of Part IX, IX A & IX B

- 243 Definitions.
- **243A Gram Sabha**
- 243B Constitution of Panchayats.

- 243C Composition of Panchayats.
- 243D Reservation of seats.
- 243E Duration of Panchayats, etc.
- 243F Disqualifications for membership.
- 243G Powers, authority and responsibilities of Panchayats.
- 243H Powers to impose taxes by, and Funds of, the Panchayats.
- 243-I Constitution of Finance Commission to review financial position.
- 243J Audit of accounts of Panchayats.
- 243K Elections to the Panchayats.
- 243P Definitions of Municipalities
- 243ZH Definitions of Cooperative Societies

PESA Act 1996- Panchayats (Extension to Scheduled Areas) Act

- Extend the provisions of **Part IX** of the Constitution relating to the panchayats to the **scheduled areas** with certain modifications

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Chapter-16 Election Commission of India

From Article 324 to 329 -Part-XV

- ECI est.- 25 Jan 1950 celebrated as national voters' day, It is a constitutional body
- Article-324- "superintendence, direction and control of elections"
- First Election Commissioner- Sukumar Sen, First Female-Rama Devi
- **Method of election of the president** borrowed from-Ireland
- **Election of members of Rajya Sabha** borrowed from-South Africa
- Originally it has one **Chief Election Commissioner**. Two additional Commissioners were appointed for the first time on **16 October 1989** & It became multi member body
- EVMs were used for the first time in Kerala of the Paravoor Assembly constituency in Ernakulam in **1982**. The EC started using EVMs widely since **1998**.
- A VVPAT (Voter Verified Paper Audit Trail) was first used in Noksen (assembly constituency) of Nagaland in Sep **2013**
- **Article 326: Defines universal adult franchise**
- **The Voting age was reduced from 21 to 18 by 61th CAA 1988 but came into force 1989**
- **NOTA (None of the above)** came into force in **2013**.

Election Commission of India

6. **Appointment**-President
7. **Term**-6-year, Maximum Age-65
8. **Removal**- by President (Same as SC judge)
9. **Salary**-equivalent to SC judge, Salary/Pension-Consolidated fund of India
10. **Function**- Conduct election of Centr & State (LS, RS, SLA, SLC, VP and President)

Election Commission of State

1. **Appointment**-Governor
2. **Term**-6-year, Maximum Age-62
3. **Removal**- by President (Same as HC Judge)
4. **Salary**-equivalent to HC judge, **Pension**-Consolidated fund of India but **Salary Consolidated fund of states**
5. **Function**-Conduct election of Panchayat and municipalities

A registered party is recognised as a National Party only if it fulfils;

- If a party wins 2% of seats in the Lok Sabha from at least 3 different States.
- At a General Election to Lok Sabha or Legislative Assembly, the party polls 6% of votes in four States in addition to 4 Lok Sabha seats.
- A party is recognized as a State Party in four or more States.

1.	Bhartiya Janata Party	BJP	6 April 1980
2.	Indian National Congress	INC	28 December 1885
3.	Communist Party of India (Marxist)	CPI-M	7 November 1964
4.	Aam Aadmi Party	AAP	26 November 2012
5.	Bahujan Samaj Party	BSP	14 April 1984
6.	National People's Party	NPP	6 January 2013

Chapter-17 Emergency Provisions

From article 352 to 360 Part-18

1. Emergency provisions are borrowed from the Govt. Of India Act 1935
2. “Suspension of Fundamental Rights during proclamation of emergency” provision borrowed from Weimer constitution
3. Origin of President’s Rule-USA
 1. For the first time, the President’s Rule was imposed in Punjab in 1951
 2. The national emergency is declared three times so far- in
 1. 1962-External Emergency
 2. 1971-External Emergency
 3. 1975-Internal Emergency (Fakruddin Ali was President)
 1. No financial emergency has been declared

44th Amendment Act of 1978

2. Substituted the words “armed rebellion” for “internal disturbance”
3. Recommendation (only on the concurrence) from the Cabinet in written
4. Proclamation of Emergency must be approved by both the Houses of Parliament within one month
5. There is a provision for the Judicial Review of National Emergency

Emergency Provisions: Types of Emergencies

1. National Emergency-352
2. Constitutional Emergency-356
3. Financial Emergency-360

National Emergency (Article 352)

4. External Emergency – Declared on the ground of ‘war’ or ‘external aggression’.
5. Internal Emergency – Declared on the ground of ‘armed rebellion’.
6. Need recommendation of Cabinet in written
7. PM has no power to issue emergency
8. Approval-by both the houses of parliament within one month from the date of its issue by (Special Majority)
9. Minimum= 6 Months
10. Maximum= Indefinite Period (Need an approval of the Parliament after every six months)
11. Lok Sabha extends for 1 year (cannot continue beyond a period of six months after the emergency has ceased to operate)
12. Suspension of Fundamental rights under Article 19 (6 FRs)- Article 358
13. Suspension of other Fundamental Rights: Under Article 359
14. Article 19 can only be suspended when the National Emergency is laid on the grounds of war or external aggression and not in the case of armed rebellion
15. President cannot suspend Fundamental Rights guaranteed by Article 20 and 21.
16. Revocation of National Emergency
 1. By the President at any time by a proclamation. Parliamentary approval not required
 2. The Lok Sabha can pass a resolution by a simple majority disapproving its continuation.
 3. The parliament can make laws on any subject mentioned in the state list, (become inoperative six months after the emergency has ceased to be in operation).

President's Rule (Article 356)

1. It is also known as **Constitutional emergency or State Emergency**.
2. It is invoked in case of failure of constitutional machinery in a state.
3. **Article 365**-The state has to comply the directions of center. If state does not the president can issue the president's rule
4. **Approval**- by both the houses of parliament within 2 months from the date of its issue.
(Simple majority)
5. **Minimum-6 months**
6. **Maximum-3 years** (Need an approval of the Parliament for every six months)
7. **First president rule- Punjab- 1951**
8. The President's Rule has been imposed on more than 134 occasions
9. Maximum times imposed in **Manipur (10 times) & UP (10 times)**
10. Sarkaria Commission-Use it as a last option

Financial Emergency Article 360

11. In a situation of **financial instability** or failure of financial machinery
12. **Approval**- by both the Houses of Parliament within 2 months from the date of its issue
(Simple Majority)
13. **Minimum-6 Months**
14. **Maximum- No Limit**
15. Once approved by both the houses of Parliament, the Financial Emergency continues **indefinitely** till it is revoked.
16. **Reduction of salaries and allowances** of all or any class of persons serving the Union; and the judges of the Supreme Court and the High Courts.
17. Till now **No financial emergency** has been issued
18. **It was added much later by Dr. B.R. Ambedkar.**

Article	Approval	Majority	Revocation	Period
352	Within 1 month	Special	By President (Lok Sabha only). No Parliamentary approval required.	Unlimited (Repeated approval after 6 months required)
356	Within 2 months	Simple	By President. No Parliamentary approval required.	Maximum 3 years (Repeated approval after 6 months required)
360	Within 2 months	Simple	By President. No Parliamentary approval required.	Unlimited (Repeated approval not required)

Chapter-18 AMENDMENT OF THE CONSTITUTION

(Article 368- Part-20)

- Amendment of the Constitution - borrowed from South Africa
- Article 368 - power of parliament to amend the constitution and its procedures.
- Parliament cannot amend the 'basic structure' of the Constitution. - SC in the Kesavananda Bharati case (1973).

Procedure Constitutional Amendment-Article-368 XX Part

- An amendment of the Constitution bill can be initiated in either House of Parliament
- Each House must pass the bills separately (**Special majority**)
- The bill can be introduced either by a minister or by a private member
- Does not require prior permission of the president.
- No Provision of Joint Sitting
- The president can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament
- After the president's assent, the bill becomes an Act (a constitutional amendment act)

Two types of amendments -Article 368

1. By a special majority of Parliament -
 - Amendment in DPSP and FRs
2. By Special majority of parliament + Consent of half of the state's legislatures by a simple majority.
 - the election of President, Supreme Court and High Courts, GST Council

There are four types of Majorities

- Absolute Majority-more 50% of total Strength (General Election)
- Effective Majority-more than 50% of the effective strength. It excludes vacant seat, (Removal of Vice President, Lok Sabha Speaker & Deputy Speaker)
- Simple Majority-more than 50% of the total members present and voting
- Special Majority- 2/3rd of members presents and voting

By Simple majority of the two Houses of Parliament (Outside the Scope of 368)

- a. Formation of State and alteration of areas, boundaries or names of existing states,
- b. Abolition or creation of legislative councils in states by Parliament
- c. Use of official Language
- d. Citizenship – acquisition, and termination,
- e. Fifth Schedule– administration of scheduled areas and scheduled tribes,
- f. Sixth Schedule – administration of tribal areas.
- g. Elections to Parliament and state legislatures,
- h. To pass ordinary bills, Money Bills, Financial Bills
- i. To declare a state emergency, -President's rule in the state
- j. To declare a financial emergency in the country

Important Amendments in the India Constitution

Sl. No	Amendments	Description
1	First Amendment Act, 1951	The Ninth Schedule was added.
2	7th Amendment Act, 1956	The concept of a joint High Court for two or more states was presented. The establishment of Union Territories was proposed.
3	21st Amendment Act, 1967	Sindhi was included in the Indian Constitution's 8th Schedule.
4	31st Amendment Act, 1972	The number of Lok Sabha seats was raised from 525 to 545 .
5	35th Amendment Act, 1974	Sikkim was elevated to the status of ' Associate State ' of India.
6	36th Amendment Act, 1975	Sikkim was elevated to the status of a full-fledged state of India.
7	52nd Amendment Act, 1985	10th Schedule was added to include anti-defection legislation
8	61st Amendment Act, 1989	Voting age was reduced from 21 to 18 .
9	65th Amendment Act, 1990	Created a multi-member National Commission for SC/STs
10	69th Amendment Act, 1991	The Union Territory of Delhi was designated as the 'National Capital Territory of Delhi.'
11	71st Amendment Act, 1992	Added Konkani, Manipuri, and Nepali (Total become-18)
12	73rd Amendment Act, 1992	Constitutional status to Panchayati Raj institutions.
13	74th Amendment Act, 1992	Constitutional status to Local governments in cities
14	86th Amendment Act, 2002	<ul style="list-style-type: none"> • The newly-added Article 21-A free and compulsory education to all children of the age of 6-14 • A new fundamental duty under Article 51-A, – 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 6-14 years
15	91st Amendment Act, 2003	Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha
16	92nd Amendment) Act, 2003	Added Bodo, Dogri, Maithili and Santali (Total become-22)
17	97th Amendment Act, 2012	Gave Constitutional status & protection to co-operative societies
18	99th Amendment Act, 2014	Formed National Judicial Appointment Commission (NJAC) In 2015, the SC declared this CAA unconstitutional and void.
19	100th Amendment Act, 2015	Est. the exchange of some territory's b/w Bangladesh and India
20	101st Amendment Act, 2016	The Goods and Services Tax (GST) was implemented.
21	102nd Amendment Act, 2018	Constitutional Status to National Commission for Backward Classes was granted
22	103rd Amendment Act, 2019	10% of seats for EWS of citizens.
23	104th Amendment Act, 2020	<ul style="list-style-type: none"> • Extension of deadline for the cessation of seats for SCs and STs in the Lok Sabha and state assemblies for 10 years • Removal of the reserved seats for the Anglo-Indian community in the Lok Sabha and state assemblies.
24	105 Amendment Act, 2021	Restored state governments' power to prepare the Socially and Educationally Backward Classes (SEBC) list
25	106th Amendment Act, 2023	Reserves 1/3 of seats for women in Lok Sabha, SLA, and the Legislative Assembly of the National Capital Territory of Delhi

42nd Amendment 1976 Called ‘Mini Constitution’

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 5. Administration of Justice
Article 51A	10 Fundamental Duties added for the citizens, recommendations of the Swaran Singh Committee .
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 DPSP added to the existing list of DPSPs and one was amended:</p> <ul style="list-style-type: none"> ➤ Article -39-To secure opportunities for the healthy development of children ➤ Article-39A-To promote equal justice and to provide free legal aid to the poor ➤ Article-43A-To take steps to secure the participation of workers in the management of industries ➤ Article-48A-To protect and improve the environment and to safeguard forests and wildlife

44th Amendment Act, 1978

44th CAA, 1978	<ul style="list-style-type: none"> ➤ Replacement of the term “internal disturbance” with “armed rebellion” in respect of national emergency. ➤ Made the President declare a national emergency only on the written recommendation of the cabinet. ➤ Deletion of the right to property from the list of Fundamental Rights (Article 31), making it a legal right (Article 300A) ➤ Provided that the fundamental rights guaranteed by Articles 20 and 21 cannot be suspended during a national emergency. ➤ Added Section-2 to Article-38 - State to minimize inequalities in income, status, facilities, and opportunities
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Chapter -19 Services under the Union & the States

Part-XIV- From Article 308 to 323

- Watchdog of merit system
- Father of Civil Services in India- Cornwallis
- ICS (Indian Civil Service)- Introduced by- Charter Act-1853
- Father of Indian Modern Civil Services-Sardar Vallabhbhai Patel
- UPSC falls under the Ministry of personnel
- Govt. of India Act, 1919 proposed to set up Federal Public Service Commission
- Lee Commission (1924) recommended the Est of the Federal Public Service Commission in 1926- Renamed in 1947 as UPSC
- Govt. of India Act, 1935 provided for the Central and State Public Service Commission.
- Article 312- Parliament can create All India services common to the Union & the States- IAS-Indian administrative Service, IPS-Indian Police Service & IFS-Indian Forest Service
- First Chairman- Sir Ross Barker
- First Chairman After Independence-H.K. Kripalani

The Chairman and Members of UPSC

- Appointment-President
- Removal-President
- Resignation to -President
- Term – 6 years, Maximum Age-65, Minimum Age- No
- Salary/Pension/Allowances- Consolidated fund of India

The Chairman and Members of SPSC

- Appointment-Governor
- Resignation to- Governor
- Removal-President
- Term – 6 years, Maximum Age-62, Minimum Age- No
- Salary/Pension/Allowances- Consolidated fund of State
- The Chairman and Members of Joint Public Service Commission (JPSC) is appointed and removed by President

SERVICES UNDER THE UNION AND THE STATES

312	All India Services
315	Public Service Commissions for the Union and for the states
316	Appointment and term of office of members
317	Removal and suspension of a member of a Public Service Commission

Chapter-20 Miscellaneous

Official languages

- 14 Sep 1949, Hindi adopted as official Language by Constituent Assembly
- 14 Sep National Hindi Diwas & World Hindi Day-10 January
- Official Language of Union-Article-343
- The Eighth Schedule to the Constitution consists of the following 22 languages:
 - Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telugu, Urdu, Bodo, Santhali, Maithili and Dogri.
 - There were 14 languages initially in the Constitution.
- 1. 21st Amendment Act of 1967-Sindhi language was added
- 2. 71st Amendment Act of 1992-Konkani, Manipuri, and Nepali were included
- 3. 92nd Amendment Act of 2003 -Bodo, Dogri, Maithili, and Santali were added by which came into force in 2004.
- Classical Languages: six languages in India
 - Tamil (declared in 2004), Sanskrit (2005), Kannada (2008), Telugu (2008), Malayalam (2013), and Odia (2014).

Article	Description
343	Official language of the Union
345	Official language or languages of a state
348	Language used in the Supreme Court and in the High Courts and for Acts, Bills, etc.
350 B	Special Officer for linguistic minorities
351	Directive for development of the Hindi language

PART XI: RELATIONS BETWEEN THE UNION AND THE STATES

- 246A Special provision with respect to goods and services tax.
- 250 Power of Parliament to legislate any matter in the State List in Emergency
- 263 an inter-State Council.

Inter-State Council-Article-263

- Formed on recommendation of Sarkaria Commission in 1990
- It is constitutional body-Article-263
- It is est. by President of India
- Chairman of Inter-State Council-Prime Minister
- CM of all states and UT, Administrator of UT, Governor of States under president rule and 6 Cabinet rank ministers

Commission related to Centre and state relation

- Sarkaria Commission 1983
- Rajmanna Commission, 1969
- Punchhi Commission, 2007

Goods & Services Tax (GST)

- **Goods and Services Tax (GST) is an indirect tax which has been implemented in India on 1 July 2017. GST DAY-1 JULY**
1. Motto of the GST, **One Nation, One Tax and One Market**
 2. The Goods and Services Tax (GST) was first implemented in **France**.
 3. India's GST is based on the **Canadian model**.
 4. GST in India was made on the recommendation of **Vijay Kelkar Committee**.
 5. The first state which implemented the **GST was Assam**.
 6. **Amitabh Bachchan** has been made the brand ambassador of GST.
 7. GST has been implemented under **Article 279A** of the Indian constitution.
 8. Article-246A-**States have the power to tax goods and Services**
 9. **GST Council was formed by the President of India in September 2016**.
 10. Finance Minister **Arun Jaitley** is the First Chairman of the GST Council.
 11. GST Council has **33 members** (Central Govt.-2 States-28 and UT-3)
 12. GST has been implemented by the **101st Constitution Amendment Act, 2016**.
 13. The GST was the **122nd constitutional amendment bill** to be introduced in the Parliament of India.
 14. There are 5 rates of taxes in GST **0%, 5%, 12%, 18% and 28%**.
 15. **GST is an indirect tax in more broader terms it can be said a federal tax**.
 16. After the implementation of GST, **sales tax, service tax, customs duty, excise duty, VAT, Octroi tax etc. will not exist**.
 17. The biggest reason behind the implementation of the GST is to **bring uniformity in the tax system of the country**.
 18. After the implementation of GST, tradition of '**Tax upon Tax**' will be eliminated.
 19. **Father of GST-Atal Bihari Vajpayee**
 20. Petroleum and Alcohol for Humans are currently exempted from GST.
 21. **GST is a destination-based consumption tax, regressive tax, Income Tax is progressive tax**

PART XII: FINANCE, PROPERTY, CONTRACTS AND SUITS

- Article-265 "No tax shall be levied or collected except by authority of law"
- Article-266 Consolidated Funds and public accounts of India and of the States.
- Article-267 Contingency Fund
- Article-279 Calculation of "net proceeds", etc.
- Article-279A Goods and Services Tax Council.
- Article-280 Finance Commission.
- Article-292 Borrowing by the Government of India.
- Article-293 Borrowing by States
- Article-300A Persons not to be deprived of property save by authority of law.

Finance Commission of India

- First Finance Commission Chairman-KC Neogy
- It was established under Article 280 of the Indian Constitution by the Indian President.
- It was formed in 1951.
- Article 280 -President after every 5 years, has to constitute a Finance Commission of India.
- It shall be the duty of the Commission to make recommendations to the President
- The composition of Finance Commission of India-Chairman: and Four Members.
- Function-Distribution of Net Proceed of Taxes b/w Union and States etc.

ART XIII: TRADE, COMMERCE, AND INTERCOURSE WITHIN THE TERRITORY OF INDIA

- Borrowed from- Constitution of Australia
- Article-301 Freedom of trade, commerce, and intercourse.

PART XVI: SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

- Article-330 Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.
- Article-338 National Commission for Scheduled Castes.
- Article-338A National Commission for Scheduled Tribes.
- Article-338B National Commission for Backward Classes.

PART XIVA: TRIBUNALS

- Central Administrative Tribunal had been established under Article 323 -A

PART X: THE SCHEDULED AND TRIBAL AREAS

- 244 Administration of Scheduled Areas and Tribal Areas.

7th Schedule of Indian Constitution- Article 246

- There are 3 Lists
- 1. **Union List-100 Subjects**
- 2. **State List-61 Subjects**
- 3. **Concurrent List-52 Subjects**
- **Concurrent List Borrowed from-Australian Constitution**
- **Parliament can make laws on State Subjects during National Emergency-Article-250**
- **69th CAA 1991-Laws cannot be made by Delhi Government on Land, Police and Public Order**

Union List Subject	State List Subjects	Concurrent List Subjects
Defense	Public order	Education
Army	Police & Prison	Forest
International Relations	Public health and sanitation, Hospitals	Trade unions
Ports	Betting and gambling	Marriage
Railways	Agriculture & Irrigation	Adoption
Highways	Local Government	Succession
Communication	Liquor	Protection of wild animals & birds
Banking & Post, Telegraph	Land	Weight and Measures

Residuary Powers/List-

- It includes all other subjects not mentioned in any of the 3 lists
- Only Union Legislature/Parliament has the power to legislate on such matters
- **Examples**
- 1. Cyber Laws
- 2. Internet
- 3. Programming & Software
- 4. E-commerce
- 5. Information Technology