

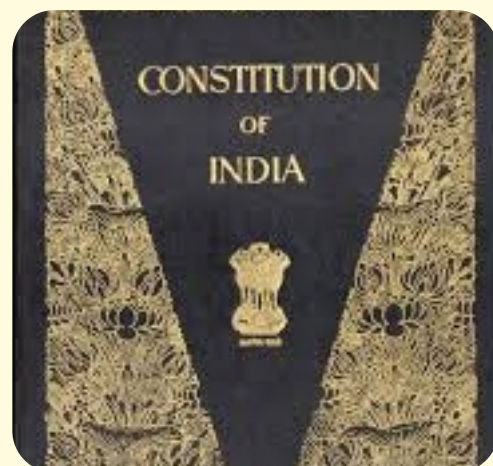
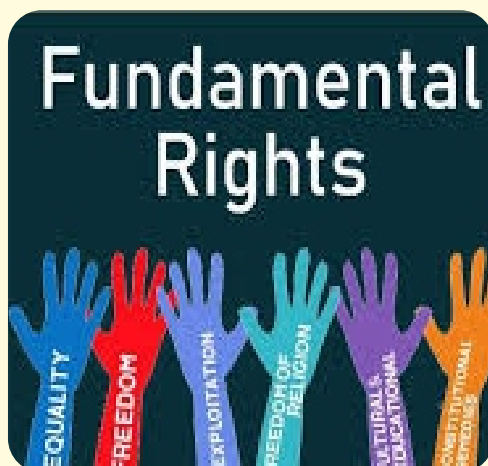


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INDIAN POLITY

TOPPERS NOTES



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Director, Delhi UPSC Secrets
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Index



Sl. No.	Topic	Page No.
1.	SCHEDULES OF THE CONSTITUTION	5
2.	PARTS OF THE CONSTITUTION	6
3.	GENERAL TIMELINE	7
4.	CONSTITUENT ASSEMBLY + FEATURES OF CONSTI.	9
5.	PREAMBLE OF CONSTITUTION	13
6.	UNION AND ITS TERRITORY	17
7.	CITIZENSHIP	19
8.	FUNDAMENTAL RIGHTS	23
9.	DIRECTIVE PRINCIPLES OF STATE POLICY	27
10.	FUNDAMENTAL DUTIES	29
11.	BASIC STRUCTURE OF THE CONSTITUTION	30
12.	AMENDMENT OF THE CONSTITUTION	32
13.	PARLIAMENT SYSTEM	38
14.	FEDERAL SYSTEM	39
15.	CENTRE-STATE RELATION	40
16.	INTER-STATE RELATION	43
17.	EMERGANCY PROVISSION	44
18.	PRESIDENT	46
19.	VICE-PRESIDENT	49
20.	PRIME MINISTER	50
21.	CENTRAL COUNCIL OF MINISTER	52
22.	CABINET COMMITTEES	53
23.	PARLIAMENT	54
24.	PARLIAMENT COMMITTEES	60
25.	PARLIAMENT FORUMS	64
26.	PARLIAMENT GROUP	65
27.	SUPREME COURT	66
28.	JUDICIAL REVIEW	69
29.	JUDICIAL ACTIVISM	70



30.	PUBLIC INTREST LITIGATION	72
31.	GOVERNOR [PART-IV]	73
32.	CHIEF MINISTER	75
33.	STATE COUNCIL OF MINISTER	76
34.	STATE LEGISLATURE	77
35.	HIGH COURT [ARTICLE 214 TO 231] PARTVI	78
36	TRIBUNALS	80
37	SUBORDINATE COURTS	81
38	SPECIAL PROVISIONS FOR SOME STATES	84
39	PANCHAYATI RAJ	85
40	MUNICIPALITIES	87
41	UNION TERRITORIES	89
42	SCHEDULED AND TRIBAL AREAS	91
43	ELECTION COMMISSION	92
44	UNION PUNLIC SERVICE COMMISSION [ARTICLES 315 TO 323]	94
45	STATE PUBLIC SERVICE COMMISSION	95
46	FINANCE COMMISSION	96
47	GOODS AND SERVICES TAX COUNCIL	97
48	NATIONAL COMMISSION FOR SCS	98
49	NATIONAL COMMISSION FOR STS	99
50	NATIONAL COMMISSION FOR BCS	100
51	SPECIAL OFFICER FOR LINGUISTIC MINORITIES	101
52	COMPTROLLER AND AUDITOR GENERAL OF INDIA	102
53	ATTORNEY GENERAL OF INDIA	103
54	ADVOCATE GENERAL OF THE STATE	104
55	NITIAAYOG	105
56	NATIONAL HUMAN RIGHTS COMMISSION	107
57	STATE HUMAN RIGHTS COMMISSION	108
58	CENTRAL INFORMATION COMMISSION	109
59	STATE INFORMATION COMMISSION	110



60	CENTRAL VIGILANCE COMMISSION	111
61	CENTRAL BUREAU OF INVESTIGATION	112
62	LOKPAL AND LOKAYUKTAS	113
63	NATIONAL INVESTIGATION AGENCY	114
64	NATIONAL DISASTER MANAGEMENT AUTHORITY	115
65	CO-OPERATIVE SOCIETIES	116
66	OFFICIAL LANGUAGE	117
67	PUBLIC SERVICES	118
68	RIGHTS AND LIABILITIES OF THE GOVERNMENTS	119
69	SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES	120
70	POLITICAL PARTIES	121
71	ROLE OF RELIGIOUS PARTIES	122
72	ELECTIONS	123
73	ELECTION LAWS	125
74	ELECTORAL REFORMS	126
75	VOTING BEHAVIOUR	127
76	COALITION GOVERNMENT	128
77	ANTI-DEFECTION LAW	129
78	PRESSURE GROUPS	130
79	NATIONAL INTEGRATION	131
80	FOREIGN POLICY	132
81	NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION	133



SCHEDULES OF THE CONSTITUTION

First Schedule of Indian Constitution	It contains the name of States and Union Territories Territorial Jurisdiction of states is also included
Second Schedule of Indian Constitution	The provisions in relation to allowances, privileges, emoluments of: President of India, Governors of Indian States, Speaker of Lok Sabha & Deputy Speaker of Lok Sabha, Chairman of Rajya Sabha & Deputy Chairman of Rajya Sabha, Speaker and Deputy Speaker of Legislative Assemblies of Indian States, Chairman and Deputy Chairman of Legislative Councils of the Indian States, Supreme Court Judges, High Court Judges, Comptroller & Auditor General of India (CAG)
Third Schedule	It contains the forms of oath and affirmation for: Union Ministers of India, Parliament Election Candidates, Members of Parliament (MPs), Supreme Court Judges, Comptroller and Auditor General, State Ministers, State Legislature Elections' Candidates, State Legislature Members, High Court Judges
Fourth Schedule	It contains the provisions in relation to the allocation of seats for States and Union Territories in the Rajya Sabha
Fifth Schedule	It contains provisions in relation to the administration and control of scheduled areas and scheduled tribes
Sixth Schedule	It contains provisions in relation to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram
Seventh Schedule	This schedule deals with the three legislative lists: Union, State, Concurrent
Eighth Schedule	It deals with the 22 official languages recognized by the Constitution of India: <ul style="list-style-type: none"> • Assamese • Bengali • Bodo • Dogri (Dongri) • Gujarati • Hindi • Kannada • Kashmiri • Konkani • Mathili (Maithili) • Malayalam • Manipuri • Marathi • Nepali • Oriya • Punjabi • Sanskrit • Santhali • Sindhi • Tamil • Telugu • Urdu
Ninth Schedule	It deals with the state acts and regulations of that deal with land reforms and abolition of the zamindari system . It also deals with the acts and regulations of the Parliament dealing with other matters. 1st Amendment Act 1951 added the Ninth Schedule to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights . However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to judicial review
Tenth Schedule	It contains provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection . Note: This schedule was added by the 52nd Amendment Act of 1985 , also known as Anti-defection Law
Eleventh Schedule	It contains the provisions that specify the powers, authority and responsibilities of Panchayats . It has 29 matters. Note: This schedule was added by the 73rd Amendment Act of 1992
Twelfth Schedule	It deals with the provisions that specify the powers, authority and responsibilities of Municipalities . It has 18 matters. Note: This schedule was added by the 74th Amendment Act of 1992



PARTS OF THE CONSTITUTION

Part	Subject	Articles
Part I	The Union and its Territories	1 - 4
Part II	Citizenship	5 - 11
Part III	Fundamental Rights	12 - 35
Part IV	Directive Principles of State Policy	36 - 51
Part IV A	Fundamental Duties	51A
Part V	The Union	52 - 151
Part VI	The States	152 - 237
Part VII	The States in Part B of First Schedule	238 [Repealed]
Part VIII	The Union Territories	239 - 242
Part IX	The Panchayats	243 - 243O
Part IXA	The Municipalities	243P - 243ZG
Part IXB	The Co-operative Societies	243ZH - 243ZT
Part X	The Scheduled and Tribal Areas	244 - 244A
Part XI	Relation between the Union and the States	245 - 263
Part XII	Finance, Property, Contracts and Suits	264 - 300A
Part XIII	Trade, Commerce and Intercourse within the territory of India	301 - 307
Part XIV	Services Under the Union and the States	308 - 323
Part XIVA	Tribunals	323A - 323B
Part XV	Elections	324 - 329A
Part XVI	Special provisions relating to certain classes	330 - 342
Part XVII	Official language	343 - 351
Part XVIII	Emergency Provisions	352 - 360
Part XIX	Miscellaneous	361 - 367
Part XX	Amendment of the Constitution	368
Part XXI	Temporary, Transitional and Special Provisions	369 - 392
Part XXII	Short Title, Commencement, Authoritative Text in Hindi and Repeals	393 - 395



GENERAL TIMELINE



Pre 1857: EIC Rule

1600	<ul style="list-style-type: none"> Britishers arrived in India under Queen Elizabeth I.
1765	<ul style="list-style-type: none"> British acquired 'diwani' rights over revenue and civil justice in Bengal, Bihar, and Orissa.
1858	<ul style="list-style-type: none"> British Crown took direct governance responsibility after the 'Sepoy Mutiny'.
1934	<ul style="list-style-type: none"> MN Roy proposed the need for a constitution.
1946	<ul style="list-style-type: none"> Constituent Assembly was established for creating a constitution.
1950	<ul style="list-style-type: none"> The Constitution of India was adopted on January 26, 1950.

Act	Key Features
Regulating Act of 1773	<ul style="list-style-type: none"> Designated the Governor of Bengal as the 'Governor-General of Bengal'.
	<ul style="list-style-type: none"> Assisted by a 4-member Executive Council with a fixed tenure of 5 years.
	<ul style="list-style-type: none"> Governors of Bombay and Madras are subordinate to the Governor-General of Bengal.
	<ul style="list-style-type: none"> Established the Supreme Court at Calcutta in 1774 (1 Chief Justice + 3 other judges).
	<ul style="list-style-type: none"> Prohibited private trade by Company servants.
	<ul style="list-style-type: none"> British Government gained control over Company through reporting requirements.
Amending Act, 1781 (Act of Settlement)	<ul style="list-style-type: none"> Exempted Governor-General, Council, and Company servants from the jurisdiction of the Supreme Court.
	<ul style="list-style-type: none"> Revenue matters were exempted from the Supreme Court's jurisdiction.
	<ul style="list-style-type: none"> Supreme Court enforced personal laws of Calcutta residents.
	<ul style="list-style-type: none"> Appeals from Provincial Court to Governor-General-in-Council, not to the Supreme Court.

Pitt's India Act, 1784	<ul style="list-style-type: none"> Referred to Company's Territories in India as "British possessions in India".
	<ul style="list-style-type: none"> British Government gained supreme control over Company's affairs and administration in India.
	<ul style="list-style-type: none"> Distinguished between commercial and political functions of the Company.
	<ul style="list-style-type: none"> Established the Board of Control to manage political affairs, creating a system of double government.
Act of 1786	<ul style="list-style-type: none"> Empowered the Board of Control to supervise civil and military government and revenues in British possessions in India.
	<ul style="list-style-type: none"> Lord Cornwallis appointed Governor-General of Bengal.
	<ul style="list-style-type: none"> Governor-General could override council decisions in special cases. Governor-General became the Commander-in-Chief.
Charter Act of 1793	<ul style="list-style-type: none"> Extended overriding power to all future Governor-Generals and Governors of Presidencies.
	<ul style="list-style-type: none"> Further extended the trade monopoly of the Company to 20 years.
Charter Act of 1813	<ul style="list-style-type: none"> Abolished trade monopoly except for tea trade and trade with China.
	<ul style="list-style-type: none"> Asserted sovereignty of Crown to territories of Company in India.
	<ul style="list-style-type: none"> Power to impose taxes with local government and punish for non-payment.
Charter Act of 1833	<ul style="list-style-type: none"> Made Governor-General of Bengal as Governor-General of India (William Bentick - 1st).
	<ul style="list-style-type: none"> Governor-General of India (G.G) was given exclusive legislative powers for the entire British India.
	<ul style="list-style-type: none"> Ended activities of East India Company as a commercial body, becoming purely administrative.
	<ul style="list-style-type: none"> Introduced open competition system for selection of Civil Servants (negated by Court of Directors).
Charter Act of 1853	<ul style="list-style-type: none"> Introduced open competition system of selection and recruitment of civil servants (Macaulay Committee 1854).
	<ul style="list-style-type: none"> Separated Legislative & Executive functions of Governor-General's Council.
	<ul style="list-style-type: none"> Introduced local representation in the Indian Legislative Council (4 out of 6 members appointed by provincial governments).

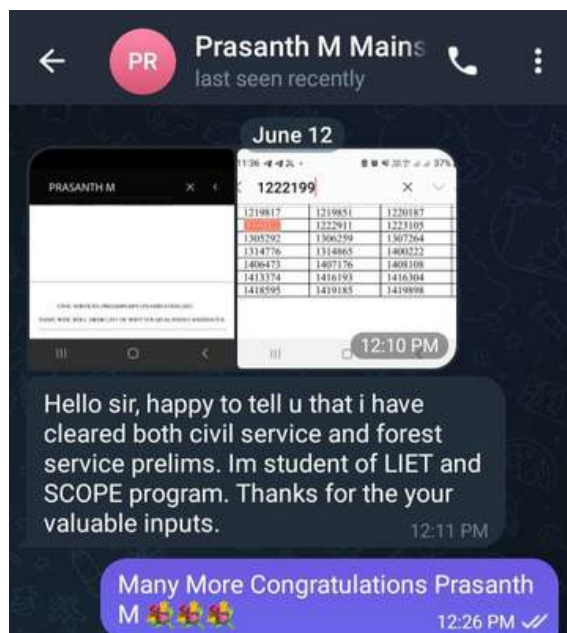


Post 1857: Crown Rule

<p>Government of India Act, 1858</p>	<ul style="list-style-type: none"> • Abolished the East India Company (EIC) and transferred powers, territories, and revenues to the British Crown. Changed designation from G.G of India to Viceroy of India (Lord Canning 1st). • Ended the double government system by abolishing the Board of Control and Court of Directors. • Created the office of Secretary of State for India with complete authority and control over Indian Administration. • Established a 15-member Council of India (advisory body) to assist the Secretary for India.
<p>Indian Councils Act, 1861</p>	<ul style="list-style-type: none"> • Viceroy could nominate some Indians as non-members to the Council. • Legislative powers devolved to Bombay and Madras Presidencies. Introduced new Legislative Councils for Bengal (1862), NW Provinces (1886), and Punjab (1897). • Ordinance-making power to Viceroy without concurrence of Legislative Council during emergencies.
<p>Indian Councils Act, 1892</p>	<ul style="list-style-type: none"> • Increased the number of additional (non-official) members in Central and provincial legislative councils. • Legislative Councils gained power to discuss budgets and address questions to executives. • Nomination process on the recommendation of Viceroy (Central LC) and Governor (provincial LC).
<p>Indian Councils Act, 1909</p>	<ul style="list-style-type: none"> • Known as "Morley-Minto Reforms". • Increased the number of members in Central and provincial Legislative Councils. • Enlarged functions of members, allowing them to ask supplementary questions and move resolutions on budgets. • Introduced communal representation system for Muslims with a separate electorate. • Separate representation for presidency corporations, chambers of commerce, universities, and zamindars.

Indian Independence Act of 1947

<ul style="list-style-type: none"> • British Prime Minister Clement Atlee declared British rule in India would end by June 30, 1948. • Applicable to provinces that wanted to accept the Constitution of India framed by the Constituent Assembly. • Muslim League demanded partition. • Causes: World War-2, weakened British economically, Role of TNA, Cripps proposal, Suit India Movement, Cabinet Mission Plan, revolt of Indian Navy & Army. • Features: Ended British rule, declared India independent and sovereign from August 5, 1947. • Partitioned India into 2 States - India and Pakistan. • Empowered Constituent Assemblies of both States to frame Constitutions. • Abolished offices of Viceroy and Secretary of State. • Freedom for princely states to join either India or Pakistan. • Dropped title "Emperor of India" for the British monarch. • Discontinued appointment to civil services and reservation of posts by Secretary of State for India. • Lord Mountbatten put forth partition plan "Mountbatten Plan" and became the first Governor-General of the new Dominion of India. • The Constituent Assembly of India formed in 1946 became the Parliament of the Indian Dominion with Pandit Jawaharlal Nehru as the Prime Minister and Dr. Rajendra Prasad as the President of India.



CONSTITUENT ASSEMBLY + FEATURES OF CONSTI.

1934	<ul style="list-style-type: none"> • MN Roy proposed the idea of a Constituent Assembly for the first time.
1935	<ul style="list-style-type: none"> • Indian National Congress (INC) demanded a Constituent Assembly to frame the Constitution of India.
1938	<ul style="list-style-type: none"> • J.L. Nehru, on behalf of INC, reiterated the demand for a Constituent Assembly.
1940	<ul style="list-style-type: none"> • British Government accepted the demand in principle, known as the "August Offer".
1942	<ul style="list-style-type: none"> • Sir Stafford Cripps came to India with proposals for an independent Constitution to be adopted after World War II. • The Cripps Proposals were rejected by the Muslim League.
Nov 1946	<ul style="list-style-type: none"> • Constituent Assembly (CA) was constituted under the scheme formulated by the Cabinet Mission Plan.
Total Strength	<ul style="list-style-type: none"> • 389 members in total: 296 British Indian members from 11 Governor & 4 Chief Commissioner Provinces. 93 members from Princely states.
Seat Allocation	<ul style="list-style-type: none"> • Roughly, 1 seat = 1,000,000 people.
Method of Election	<ul style="list-style-type: none"> • Proportional representation by means of single transferable votes. Provincial members elected by members of Legislative Assemblies. Princely states' members selected through nomination/consultation.
Election	<ul style="list-style-type: none"> • Conducted in July - August 1946 for the 296 seats. 208 seats won by Indian National Congress. 73 seats won by Muslim League.

Criticisms of Constituent Assembly

Lack of direct election by the Indian populace through universal adult franchise.

Absence of sovereign status, as it was established based on British Government's proposals.

Delays attributed to the lengthy nature of its proceedings.

Congress's dominance, primarily with lawyers and politicians, led to underrepresentation of other societal segments.

Notable perception that the assembly was inclined towards Hindu majority influence.

Adopted the elephant as its symbol (seal).

Appointed Sir B.N. Rau as the constitutional advisor (Legal advisor).

H.V.R. Iyengar served as the Secretary to the Constituent Assembly.

S.N. Mukerjee was the chief draftsman of the constitution in the Constituent Assembly.

Prem Behari Narain Raizada was the calligrapher of the Indian Constitution. He meticulously handwritten the original constitution in a flowing italic style.

The original version received artistic enhancement by Shantiniketan artists, including Nand Lal Bose and Beohar Rammanohar Sinha.

Beohar Rammanohar Sinha illuminated, beautified, and ornamented the original Preamble, calligraphed by Prem Behari Narain Raizada.

The calligraphy of the Hindi version of the original constitution was executed by Vasant Krishan Vaidya and elegantly adorned by Nand Lal Bose.

- The Constituent Assembly of India, consisting of indirectly elected representatives, was established to draft a constitution for India (including the now-separate countries of Pakistan and Bangladesh). It existed for approx three years, the first parliament of India after independence in 1947.
- At 11 AM on 9 December 1946, the Assembly began its first session, with 211 members attending. The Assembly approved the draft constitution on 26 November 1949.
- On 26 January 1950, the constitution took effect (commemorated as Republic Day), and the Constituent Assembly became the Provisional Parliament of India (continuing until after the first elections under the new constitution in 1952).

Leadership Roles:

- **Rajendra Prasad** was elected as the president.
- **Harendra Coomar Mookerjee**, a Christian from Bengal and former vice-chancellor of Calcutta University, became the vice-president. He also chaired the assembly's Minorities Committee and later became the governor of West Bengal after India's republic status.
- **Constitutional Adviser:**
- Jurist B. N. Rau was appointed as the constitutional adviser to the assembly.
- Rau prepared the original draft of the constitution and later served as a judge in the Permanent Court of International Justice in The Hague.



Stages of Work:

- Committees presented reports on various issues.
- B. N. Rau used these reports and his research into other nations' constitutions to create an initial draft.
- **The drafting committee, led by B. R. Ambedkar, introduced a comprehensive draft constitution that was open to public discussion.**
- The draft constitution underwent discussions, during which amendments were proposed and approved.
- The constitution was eventually adopted, with a committee of experts from the Congress Party (known as the Congress Assembly Party) playing a pivotal role.

Date	Event
9 December 1946	Formation of the Constituent Assembly (Muslim League boycotted due to demand for a separate state)
11 December 1946	<ul style="list-style-type: none">• President Appointed: Rajendra Prasad• Vice-Chairman: Harendra Coomar Mookerjee• Constitutional Legal Adviser: B. N. Rau• Initial total of 389 members (reduced to 299 after partition)• 292 members from government provinces• 4 members from chief commissioner provinces• 93 members from princely states
13 December 1946	An 'Objective Resolution' presented by Jawaharlal Nehru, later became the Preamble of the constitution
22 January 1947	Objective resolution unanimously adopted
22 July 1947	National flag adopted
15 August 1947	India achieved independence, splitting into Dominion of India and Dominion of Pakistan
29 August 1947	Drafting Committee appointed, chaired by Dr. B. R. Ambedkar, including 6 other members
16 July 1948	Harendra Coomar Mookerjee and V. T. Krishnamachari elected as vice-presidents of the Constituent Assembly
26 November 1949	'Constitution of India' passed and adopted by the assembly
24 January 1950	Last meeting of the Constituent Assembly. 'Constitution of India' (with 395 articles, 8 schedules, 22 parts) was signed and accepted by all
26 January 1950	'Constitution of India' came into force after 2 years, 11 months, and 18 days, at a total expenditure of ₹6.4 million
	Ganesh Vasudev Mavalankar became the first speaker when Lok Sabha convened after becoming a republic

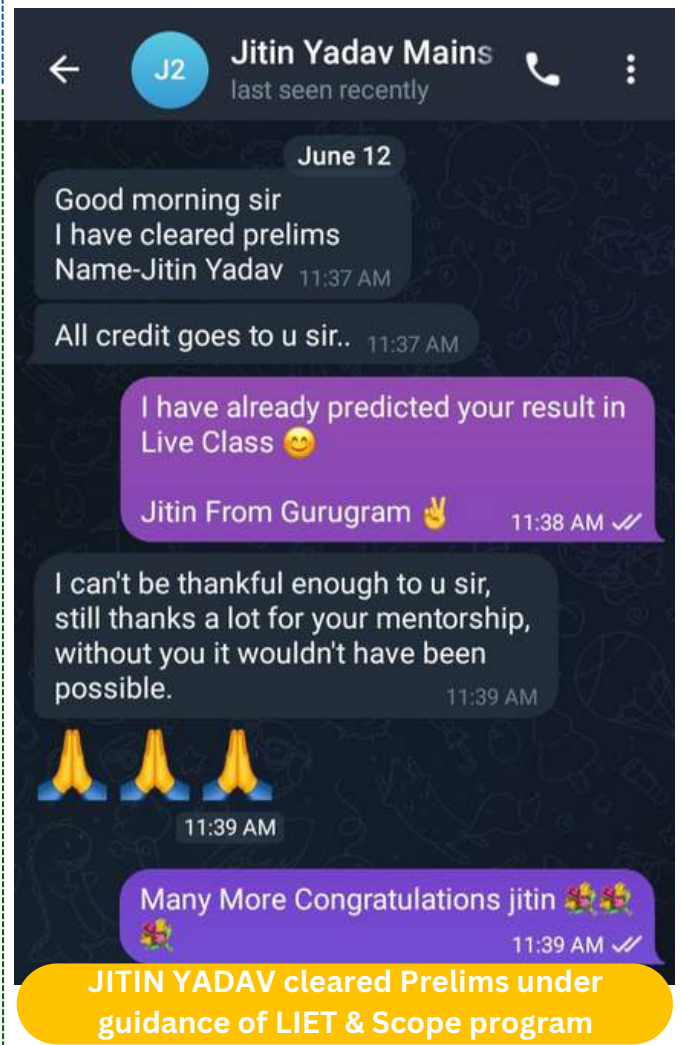


Longest written Constitution	<ul style="list-style-type: none"> Preamble, 470 Articles, 25 Parts & 12 Schedules (as of 2020) Length attributed to: The vastness and diversity of the country, a single constitution for the entire nation, influence of the GOI Act 1935, inclusion of administrative provisions alongside principles of governance, incorporation of factors often covered in ordinary legislation by other democracies
Drawn from various sources	<ul style="list-style-type: none"> Borrowed provisions from Constitutions of various countries Dr. B.R. Ambedkar framed it after studying Constitutions worldwide
Rigidity and Flexible Constitution	<ul style="list-style-type: none"> Rigid: Special procedure for amendment through Article 368 Amendment requires either a special majority or special majority along with rectification by at least half of the States Special majority defined as 2/3 majority of members present and voting in each house, along with a majority (50%) of the total membership of each house Flexible: Some provisions can be amended with the ordinary legislative process - Excludes amendments under Article 368 - For instance, altering boundaries of states
4. Federal System with Unitary Bias	<p>Federal Features: Two governments, written constitution, independent judiciary, bicameralism, division of powers, supremacy and rigidity of constitution.</p> <p>Unitary Features: Strong Centre, Single constitution, Single citizenship, flexibility of the constitution, integrated judiciary, centre appointing the state governor, All-India services, emergency provision.</p> <p>Term 'federation' not used anywhere in the constitution.</p> <p>India is a 'Union of States'(Article1) Indestructible. - No right to secede from the union. - Not the result of an Agreement b/w states.</p>
5. Parliamentary Govt/ Westminster Model	Based on coordination & cooperation b/w Legislative & executive organ.

	Features: Presence of nominal and real executives Majority party rule Collective responsibility of the executive to the legislature Membership of the minister in the legislature Leadership of the PM/CM Dissolution of the Lower house (LS/LA)
	Parliamentary sovereignty British Judicial supremacy – US US Constitution “due process of law” British “procedure established by law” – Art 21 Parliament can amend the major portion of the Constitution through its constituent power SC can declare the parliamentary laws as unconstitutional through its power of judicial review.
6. Parliamentary Sovereignty and Judicial Supremacy	Supreme Court is a federal court - the highest court of appeal - the guarantor of the fundamental rights of the citizens and the guardian of the Constitution. Security of tenure of the judges, fixed service conditions for the judges, all the expenses of the Supreme Court charged on the Consolidated Fund of India, Prohibition on discussion on the conduct of judges in the legislatures, Power to punish for its contempt vested in the Supreme Court, etc.
7. Integrated and Independent Judiciary	97th CAA 2011 – constitutional status Right to form co-operative societies a fundamental right Article 19 DPSP on promotion of co-operative societies (Article 43-B) Part IX-B “The Co-operative Societies” (Articles 243-ZH to 243-ZT).
8. Co-operative Societies	Election Commission, UPSC, SPSC etc. Emergency Provision Three-tier Government Fundamental Rights DPSP Fundamental Duties Secular State Universal Adult Franchise, 21 years (18 years via 61stC.A , 1988) Single Citizenship Independent bodies viz CAG
9. Other special features	



Source	Features Borrowed
Govt. of India Act 1935	<ul style="list-style-type: none"> • Federal structure • Centre – state Relation • Administrative setup (office of Governor, Public service commission)
British Constitution	<ul style="list-style-type: none"> • Parliamentary Model • Cabinet system • Writ Jurisdiction • Procedure established by Law
US Constitution	<ul style="list-style-type: none"> • Fundamental Rights • Judicial Review • Preamble • Impeachment of President • Removal of SC & HC Judge.
Ireland	<ul style="list-style-type: none"> • Directive Principles of State Policy (DPSP) Elected President
Canada	<ul style="list-style-type: none"> • Residuary Power • MP & MLA Privileges
Australia	<ul style="list-style-type: none"> • Joint sitting of Parliament • Concurrent List
Germany	<ul style="list-style-type: none"> • GOI 1935 • Emergency Provision
South Africa	<ul style="list-style-type: none"> • Procedure of Constitution Amendment
Japan	<ul style="list-style-type: none"> • Procedure established by Law
French	<ul style="list-style-type: none"> • Republic & the Ideals of Liberty, equality & Fraternity in the Preamble
Criticism	<ul style="list-style-type: none"> • Borrowed Constitution • Carbon copy of GOI Act 1935 • Un-Indian or Anti-Indian • An – Un-Gandhian Constitution • Elephantine size • Paradise of Lawyers (legalistic or Complicated)





PREAMBLE OF CONSTITUTION

सत्यमेव जयते

THE CONSTITUTION OF INDIA PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a '[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens :

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity and to promote among them all;

FRATERNITY assuring the dignity of the individual and the '[unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949 do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f. 3.1.1977)
2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f. 3.1.1977)

Words to Note

- Preamble
- Solemn
- Resolve
- Constitute
- Sovereign
- Socialist
- Secular
- Democratic
- Republic
- Secure
- Citizen
- Justice
- Liberty
- Equality
- Fraternity
- Unity
- Integrity
- Amendment

Meanings

Preamble	A preliminary or preparatory statement; an introduction
Solemn	Formal and dignified
Resolve	Decide firmly on a course of action
Constitute	Make up, form, compose
Sovereign	Independent Authority
Socialist	Where all citizens share equally in economic resources as allocated by a democratically-elected government
Secular	State of being unrelated or neutral in regards to religion
Democratic	Governed by the people
Republic	A state in which supreme power is held by the people and their elected representatives, and which has an elected or nominated president rather than a monarch.

- Secure = Certain to remain safe and unthreatened
- Citizen = A legally recognized subject or national of a state
- Justice = Just behavior or treatment
- Liberty = Freedom within society from oppressive restrictions imposed by authority on one's way of life, behaviour, or political views
- Equality = The state of being equal, especially in status, rights, or opportunities
- Fraternity = Friendship and mutual support within a group
- Unity = The state of being one, Collective
- Integrity = The state of being whole and undivided
- Amendment = A minor change or addition designed to improve a text, piece of legislation, etc.

History

- The preamble is based on the **Objectives Resolution**, which was drafted and moved in the Constituent Assembly by Jawaharlal Nehru on 13 December 1946 and adopted by Constituent Assembly on 26 November 1949 and came into force on 26 January 1950.

B. R. Ambedkar said about the preamble:

- **Liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things."**

- In the 1973 **Kesavananda case**, SC recognized that the preamble may be used to interpret ambiguous areas of the constitution where differing interpretations present themselves. In the 1995 case of **Union Government Vs LIC of India**, the Supreme Court once again held that the Preamble is an integral part of the Constitution.

- The preamble-page, along with other pages of the original Constitution of India, was designed and decorated by the renowned painter Beohar Rammanohar Sinha. The calligraphy was done by Prem Behari Narain Raizada.

- The preamble was amended only once on 18 December 1976, through Forty-second Amendment of the constitution. Through this amendment, **the words "socialist" and "secular" were added between the words "Sovereign" and "democratic" and the words "unity of the Nation" were changed to "unity and integrity of the Nation".**



Why a Preamble

- A preamble is an introductory statement in a document that explains the document's **philosophy and objectives**.
- In a Constitution, it presents the **intention of its framers**, the **history behind its creation**, and the **core values and principles of the nation**.

The preamble basically gives idea of the following things/objects:

- **Source of the Authority of Constitution**
- **Nature of Indian State**
- **Statement of its objectives**
- **Date of its adoption**

Note: We, the people of India: It is indicated by the Preamble that the **source of authority of the Constitution lies with the people of India**.

Although not enforceable in court, the Preamble states the objectives of the Constitution, and acts as an aid during the interpretation of Articles when language is found ambiguous.

Meaning of Preamble

- According to D.D Basu, the word '**sovereign**' is taken from **article 5 of the constitution of Ireland**. 'Sovereign or supreme power is that which is absolute and uncontrolled within its own sphere'.
- In the words of Cooley, "A state is sovereign when there resides within itself supreme and absolute power, acknowledging no superior".
- **Socialist** here means that wealth should be shared equally by society through distributive justice, not concentrated in the hands of few, and that the **government should regulate the ownership of land and industry to reduce socio-economic inequalities**.
- **Secular** means that the relationship between the government and religious groups are determined according to constitution and law. It separates the power of the state and religion. There is no state religion.
- In case of "Mohan Lal Tripathi vs District magistrate" it was held that:- Democracy is a concept of political philosophy, an ideal which is practiced by many nations that are culturally advanced and politically mature via resorting to governance by representative of people directly or indirectly."
- Every citizen of India 18 years of age or older and not otherwise debarred by law is entitled to vote.
- **The word democratic refers not only to political democracy but also to social and economic democracy.**
- As in a **republican** form of government, India has a president who is indirectly elected and has a fixed term of office. There's an absence of a privileged class and all public offices are open to every citizen without discrimination.
- **Social Justice** means the absence of socially privileged classes in the society and no discrimination against any citizen on grounds of caste, creed, color, religion, gender or place of birth.

- **Economic Justice** means no discrimination between man and woman on the basis of income, wealth and economic status. It stands for equitable distribution of wealth, economic equalities, the end of monopolistic control over means of production and distribution, decentralisation of economic resources, and the securing of adequate opportunities to all for earning their living.
- **Political justice** means equal, free and fair opportunities to the people for participation in the political process. It stands for the grant of equal political rights to all the people without discrimination.
- The idea of **Liberty** refers to the freedom on the activities of Indian nationals. This establishes that there are no unreasonable restrictions on Indian citizens in term of what they think, their manner of, expressions and the way they wish to follow up their thoughts in action.
- Preamble secures liberty of **thought, expression, belief, faith and worship**, through the Fundamental Rights.
- The term '**equality**' means the absence of special privilege to any section of society, and the provision of adequate opportunity of all the individuals without any discrimination.
- The Preamble declares that **fraternity has to assure two things—the dignity of the individual and the unity and integrity of the nation**.
- The concept of Liberty, Equality, and Fraternity in our Preamble was adopted from the French Motto of the French Revolution.

Amendments

- In Kesavananda Bharati Case (1973), the Supreme Court clarified that Preamble can be subjected to Constitutional Amendments exercised under article 368, however, the basic structure cannot be altered. Therefore, it is considered as the heart and soul of the Constitution.
- The preamble has been amended only once so far (42nd Amendment). On 18 December 1976, a committee under the chairmanship of Sardar Swaran Singh recommended that this amendment be enacted.
- The words "socialist" and "secular" were added between the words "Sovereign" and "democratic" and the words "unity of the Nation" were changed to "unity and integrity of the Nation".

PYQs

Q. The Preamble to the Constitution of India is (UPSC CSE 2020)

- A. A part of the Constitution but has no legal effect
- B. Not a part of the Constitution and has no legal effect either
- C. A part of the Constitution and has the same legal effect as any other part
- D. A part of the Constitution but has no legal effect independently of other parts

Q. Which one of the following objectives is not embodied in the Preamble to the Constitution of India? (UPSC CSE 2017)

- A. Liberty of thought
- B. Economic Liberty
- C. Liberty of expression
- D. Liberty of belief

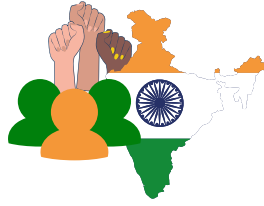


Value in Preamble	Explanation
India is an independent state.	<ul style="list-style-type: none"> Not a dominion, nor dependent on any other state/nation etc. No authority above it. Conducts its own affairs. India's membership of the Commonwealth or the UNO does not limit her sovereignty. Can acquire foreign territory, or cede a part of its territory
Socialist:	<ul style="list-style-type: none"> Earlier an implicit principle expressed through DPSPs. Made explicit by the 42nd C.A 1976. INC Avadi Session (1955): Resolution to create a socialist pattern of Society. Democratic Socialism, not communist Socialism. Democratic Socialism: mixed economy. SC: aims to end poverty, ignorance, disease and inequality of opportunity. Mixed form of Gandhian Socialism with influences of Marxism socialism. NEP 1991 diluted socialism principles
Secular:	<ul style="list-style-type: none"> Added with the 42nd CA 1976. But implicit through articles 25-28. Indian constitution embodies the positive concept of Secularism i.e. all religions in our country (irrespective of their strength) have the same status and support from state.
Democratic:	<ul style="list-style-type: none"> Power with the people. Popular sovereignty (Based on doctrine of popular sovereignty). India has representative parliamentary democracy with UAF, Regular elections, Independent Judiciary, Rule of Law. Preamble indicates existence of political and social and economic democracy. Democracy is of two types: direct & indirect
Republic:	<ul style="list-style-type: none"> Elected head of state and elected indirectly for fixed period of 5 years i.e, President. Popular Sovereignty with the people, not in an individual like a queen. Absence of a privileged class. Public office opens to all citizens without any discrimination.
Justice:	<ul style="list-style-type: none"> Idea of Justice: From Russian Revolution. Secured through FR and DPSP. Three aspects of justice in the preamble: <ul style="list-style-type: none"> a) Social: equal treatment without any social distinctions (e.g. on basis of caste, sex, religion etc). b) Economic: Non-discrimination on basis of class. c) Political: equal political rights, access to political offices and institutions etc. d) Distributive justice: Combination of economic and social justice.
Liberty:	<ul style="list-style-type: none"> Ideals of liberty, equality and fraternity in Preamble - French Revolution (1789-1799). Absence of restraints on the activities of individuals. Providing opportunities for the development of individual personalities.
Equality:	<ul style="list-style-type: none"> Absence of special privileges to any section of the society. Provision of adequate opportunities for all individuals without any discrimination. Preamble secures to all citizens of India equality of status and opportunity. Equality – civic, political and economic.
Fraternity:	<ul style="list-style-type: none"> Sense of brotherhood (sorority: sisterhood). Expressed through system of single citizenship. FD: Article 51-A: Duty to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women. Fraternity has to secure dignity of the individual and the unity and integrity of the nation. Individual dignity: Material betterment, democratic set up, personal development. Unity and integrity of the nation: Psychological and territorial dimensions. Article 1: India is a union of states.

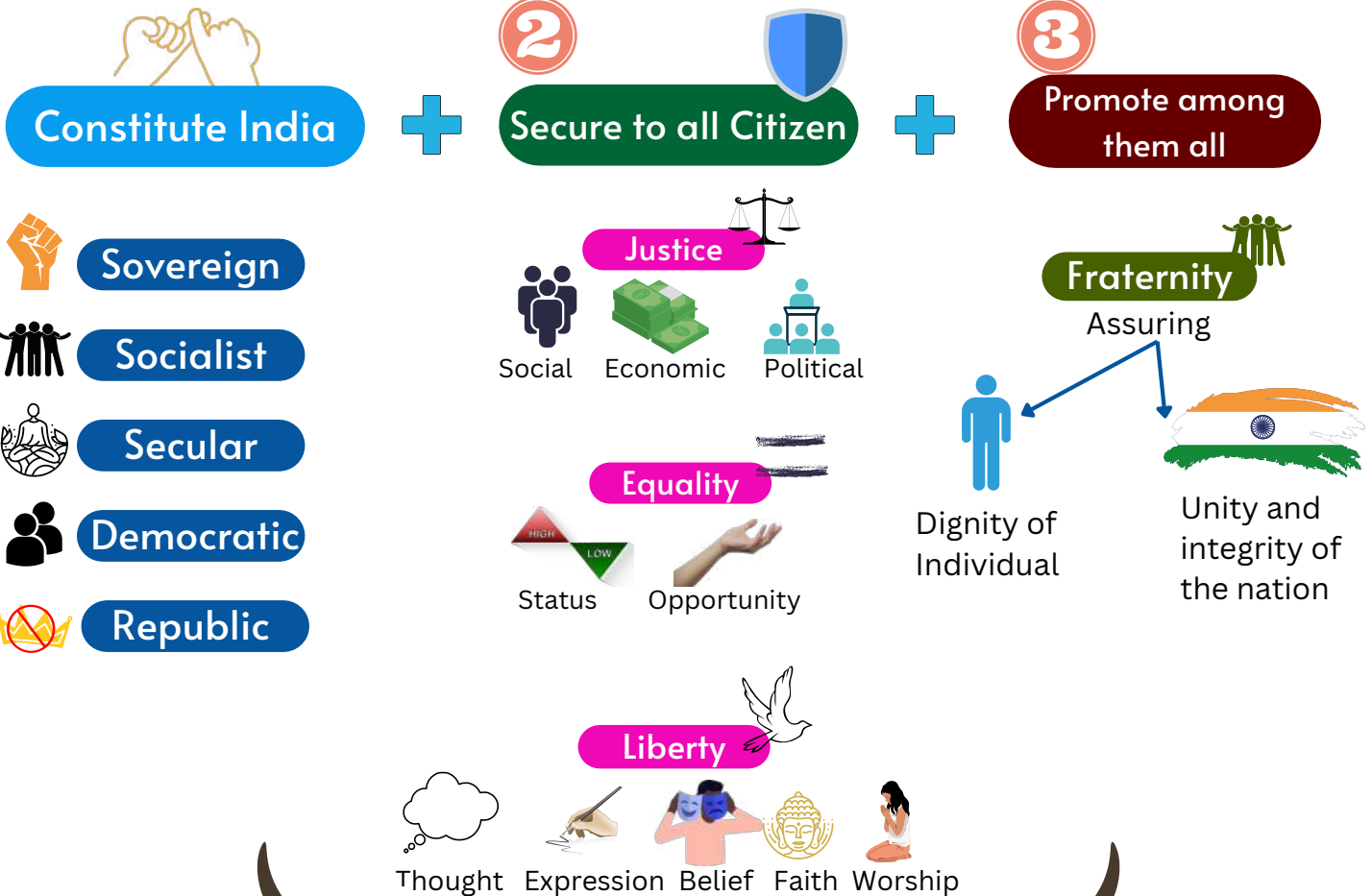


MINDMAP

We,
The people of India



Having solemnly
resolved to



**In our Constituent Assembly, this 26th day of November, 1949, do
HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**



UNION AND ITS TERRITORY

Article 1	Name and Territory of the Union
Overview	<ul style="list-style-type: none"> India, known as Bharat, is a union of states.
	<ul style="list-style-type: none"> States are divided for administrative convenience, not with any predetermined identity.
First Schedule	<ul style="list-style-type: none"> Provides information about the names and territorial extents of states.
	<ul style="list-style-type: none"> Currently, there are 28 states and 9 union territories (as of May 2020).
Territory of India	<ul style="list-style-type: none"> Encompasses States, Union Territories, and territories that may be acquired by the Government of India.
Union of India	<ul style="list-style-type: none"> Comprises only states.
Acquiring Foreign Territory	<ul style="list-style-type: none"> India has the authority to acquire foreign territory as it is a sovereign state.
	<ul style="list-style-type: none"> Methods of acquisition include cession, occupation, conquest, or subjugation (treaty, purchase, gift, lease, or plebiscite). Examples include Goa, Daman and Diu, Sikkim.
Article 2	Admission or Establishment of New States
Parliament's Power	<ul style="list-style-type: none"> Parliament can admit new states to the Union of India or establish new states on terms and conditions it deems fit.
Article 2A	<ul style="list-style-type: none"> Sikkim's Association with the Union - Repealed
Article 3	Parliament's Power to Recognize the States
Formation and Alteration	<ul style="list-style-type: none"> Parliament can form new states, alter areas, boundaries, or names of existing states.
	<ul style="list-style-type: none"> Parliament can increase or decrease state areas, alter boundaries, and create new states through separation or unification.
Process	<ul style="list-style-type: none"> President seeks state legislature views (non-binding), then recommends a bill to Parliament (with President's recommendation).
	<ul style="list-style-type: none"> The President isn't bound by state views.
	<ul style="list-style-type: none"> For Union Territories, Parliament can decide without Presidential reference or UT opinion.
Article 4	Laws Made under Articles 2 and 3
Nature	<ul style="list-style-type: none"> Laws made under Articles 2 and 3 are not considered amendments under Article 368.
	<ul style="list-style-type: none"> These laws require a simple majority, reflecting the flexible nature of the constitution.
Process	<ul style="list-style-type: none"> The ordinary legislative process is followed.

Berubari Union Case

- In 1960, the Supreme Court examined the Parliament's power to diminish areas of states in the context of ceding Indian territory. The Central government decided to cede Berubari Union's territory in West Bengal to East Pakistan.
- The Supreme Court ruled that Parliament cannot cede Indian territory to a foreign country under Article 3. Such cession requires an amendment under Article 368.
- Resulted in the 9th Constitutional Amendment in 1960.
- The settlement of a boundary dispute can be achieved through executive action without needing a constitutional amendment.

100th Constitutional Amendment, 2015:

- Ratified the exchange of certain territories between India and Bangladesh.**
- India surrendered 111 enclaves to Bangladesh and received 51 enclaves in return. Demarcated a 6.1 km border. **Modified territories of Assam, West Bengal, Meghalaya, and Tripura.** India-Bangladesh Boundary stretches over 4096.7 km and is determined by the Radcliffe Line in 1947. **Not ratified as it involved some exchange of territory which would need CA. 8.**
- 2011: Protocol to the 1974 Agreement - Governments of Assam, Meghalaya, West Bengal and Tripura coordinated. 9.
- 2015: Revised version of 1974 Agreement adopted, i.e. 100th CA.**

Efforts to resolve disputes:

- Bagge Award (1950)
- Nehru-Noon Agreement (1958)
- Berubari Union Case in 1960, leading to the 9th CA.
- 1974: Land Boundary Agreement between India and Bangladesh.

Integration of Princely States

- At the time of Independence, 552 princely states in the Indian Boundary.
- 549 joined India.
- Hyderabad, Kashmir and Junagarh refused to join.
- Integration of these 3 states took place as:**
 - Hyderabad: Via Police action
 - Junagarh: Via Referendum
 - Kashmir: Via Instrument of Accession



- The States Reorganisation Commission (SRC) was established by the Indian Central Government in **December 1953** to propose the reorganization of state boundaries. After an extensive two-year study, the Commission, consisting of **Justice Fazal Ali, K. M. Panikkar, and H. N. Kunzru, submitted its recommendations in September 1955.**
- These suggestions were accepted, with some modifications, and enacted through the **States Reorganisation Act in November 1956.**
- This Act aimed to reshape India's state boundaries, resulting in the creation of 14 states and 6 centrally administered territories.
- Recognizing the need for reorganization, discussions arose on the suitable basis for this process. **One proposal was to base the reorganization on linguistic lines, aiming to simplify administration and replace divisive caste and religion-based identities with less controversial linguistic identities. The idea of linguistic reorganization had been discussed within the Indian National Congress since 1920.**
- In response, **the Linguistic Provinces Commission, also known as the Dhar Commission,** was established on 17 June 1948 to determine if states should be reorganized based on language.
- **A subsequent committee headed by Jawaharlal Nehru and Vallabhbhai Patel examined these recommendations and acknowledged the public sentiment for linguistic reorganization while emphasizing limitations to ensure the greater good of India.**
- Dr. B. R. Ambedkar supported linguistic provinces and proposed that each province's official language should match the Central Government's official language to address unity concerns.
- **KM Munshi, however, opposed linguistic reorganization, suggesting it could lead to the exclusion and discrimination of other linguistic groups.**
- **By 1952, the demand for a Telugu-majority state led to the formation of the Andhra State after Potti Sreeramulu's fast-unto-death.** This event triggered similar demands across the country for separate linguistic states.
- **The States Reorganisation Commission (SRC) was formed in response, consisting of Justice Fazal Ali, K. M. Panikkar, and H. N. Kunzru. After two years of study, the SRC submitted its report in September 1955,** recommending reorganization based on various factors, leading to the States Reorganisation Act in November 1956, **which established 14 states and 6 centrally administered territories. Via 7th CA 1956.**
- **States: Andhra Pradesh, Assam, Bihar, Bombay, Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh, West Bengal**
- **UTs: Andaman and Nicobar Islands; Delhi; Himachal Pradesh; Laccadive, Minicoy and Amindivi Islands; Manipur; Tripura.**

1953	Andhra Pradesh	• Formed from Madras; first linguistic state
1954	Daman and Diu	• Occupied from Portuguese; became UT in 1961
1954	Puducherry	• Occupied from French; became UT in 1962, Name Change 2006
1960	Maharashtra & Gujarat	• Bombay divided into two states
1961	Goa, Daman & Diu	• Acquired from Portuguese with police action; UT in 1962, Statehood to Goa in 1987
1963	Nagaland	• Carved out of Assam; statehood
1966	Haryana & Chandigarh	• Separated from Punjab based on Shah Commission's recommendation
1971	Himachal Pradesh	• Attained statehood
1971	Meghalaya, Manipura & Tripura	
1975	Sikkim	• Became a full state with Article 2A and Schedule 10 repealed, Article 371F added after a Referendum; Previously an associate state
1987	Mizoram & Arunachal Pradesh	• Gained statehood following agreements and peace accord
2000	Chhattisgarh, Jharkhand & Uttarakhand	• Formed from Madhya Pradesh, Bihar, and Uttar Pradesh respectively
2014	Telangana	• Separated from Andhra Pradesh
2019	Jammu Kashmir and Ladakh	• Union Territories formed from Jammu Kashmir as per Jammu Kashmir Reorganisation Act, 2019
1950	United Provinces	Uttar Pradesh
1969	Madras	Tamil Nadu
1973	Laccadive, Minicoy and Amindivi Islands	Lakshadweep Islands
1973	Mysore	Karnataka
1992	Delhi	National Capital Territory of Delhi
2006	Uttaranchal	Uttarakhand
2006	Pondicherry	Puducherry
2011	Orissa	Odisha



Article No.	Subject Matter
1	Name and Territory of the union.
2	Admission or establishment of New states
2A	Sikkim to be associated with the Union- (Repealed)
3	Formation of new states and alternation of areas, boundaries or names of existing states.
4	Laws made under Article 2 and 3 to provide for the amendment of the First and Fifth schedules and supplemental, incidental and consequential matters.

Article (1-4)	Union and its Territory
Art- 1	India is => Not a federation
	1. Territory of the state
	2. Union Territories (UTs) that are acquired over time through: <ul style="list-style-type: none"> - Purchase - Lease - Occupation, conquest - Subjugation
Art- 2	Empowers the admission of new states into the Union of India or the establishment of new states with conditions as deemed appropriate.
Art- 3	Authorizes Parliament to:
	a) Form a new state by separating territory from an existing state or by uniting parts of states.
	b) Increase or decrease the size (area) of states.
	c) Alter state boundaries.
d) Alter the name of any state.	
e) Introduction of such a bill requires the prior recommendation of the President.	
- The President can refer the bill to the concerned state for its views within a specified time, but this is not binding.	
- The President can reject such views, emphasizing Parliamentary supremacy.	
- India is an Indestructible Union of destructible states.	
Art- 4	- According to Article 4, such a bill itself contains provisions for amending schedules 1 & 4, without needing a separate amendment under Article 368.
	- The first linguistic state was 'Andhra State'.
	- Power to diminish under Article 3 was exercised, including the 9th Constitutional Amendment of 1960 to transfer the Berubari region.
	- The 100th Constitutional Amendment of 2014 facilitated the transfer and acquisition of territories between India and Bangladesh.
	- The total territory includes 111 enclaves transferred from Bangladesh, covering 40,967.7 square kilometers, while India received 51 enclaves.



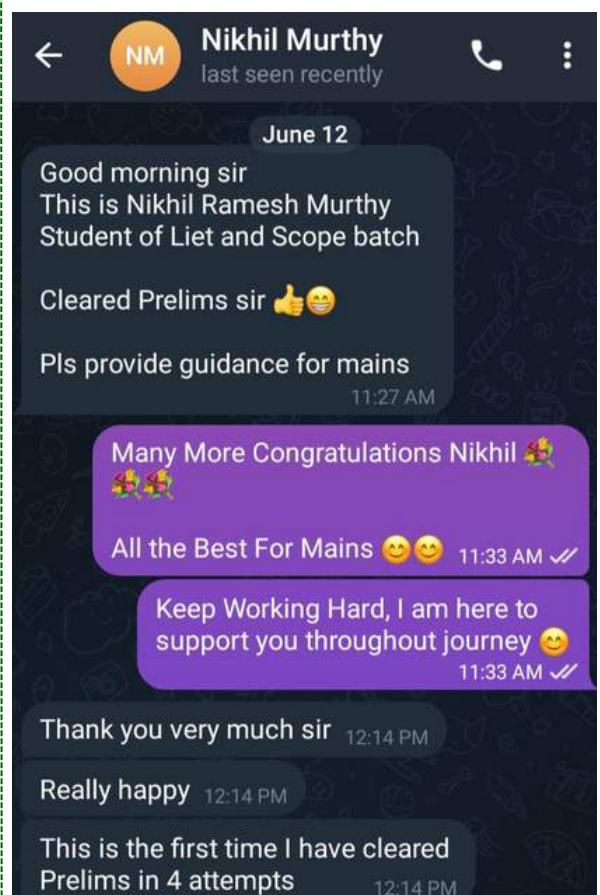
CITIZENSHIP

Citizens	<ul style="list-style-type: none"> Individuals who are members of the state, owing allegiance to it, enjoying rights, and shouldering responsibilities.
Aliens	<ul style="list-style-type: none"> Non-citizens, individuals from other countries.
a) Friendly Aliens	<ul style="list-style-type: none"> Individuals from countries with cordial relations with India.
b) Enemy Aliens	<ul style="list-style-type: none"> Individuals from countries at war with India.
Privileges of Citizenship	
Article 15	<ul style="list-style-type: none"> Ensures the right against discrimination.
Article 16	<ul style="list-style-type: none"> Guarantees the right to equality of opportunity in public employment.
Article 19	<ul style="list-style-type: none"> Provides freedom of speech and expression.
Articles 29 and 30	<ul style="list-style-type: none"> Safeguard cultural and educational rights.
Citizens Assigning Duties	
Assigning Duties	Citizens are entrusted with duties and responsibilities.
Holding Office of President	<ul style="list-style-type: none"> Both naturalized citizens and citizens by birth are eligible to hold the office of the President. In contrast, the USA only permits citizens by birth to hold this position.

4 Types of Indian Citizens

Article 5	<ul style="list-style-type: none"> Person having domicile in India:
	<ul style="list-style-type: none"> Born in India
	<ul style="list-style-type: none"> Either parents or both born in India
	<ul style="list-style-type: none"> Ordinary resident for 5 years before the commencement of the Constitution.
Article 6	<ul style="list-style-type: none"> Person migrated from Pakistan:
	<ul style="list-style-type: none"> If he or either of his parents or any of his grandparents was born in undivided India
	<p>If he migrated:</p> <ul style="list-style-type: none"> a) Before 19/07/1948 & he is an ordinary resident b) On or after 19/07/1948, he can be registered after 6 months being a resident.

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	<ul style="list-style-type: none"> a) Before 19/07/1948 & he is an ordinary resident b) On or after 19/07/1948, he can be registered after 6 months being a resident.
Article 7	Person who migrated to Pakistan from India after March 1, 1947, but later returned 6 months as a resident.
Article 8	Persons of Indian origin residing outside India:
	A person who, or any of whose parents or grandparents, was born in undivided India
	Ordinarily residing outside India
	Registered as a citizen of India by the diplomatic or consular representative of India in the country of his residence.



Article 9	<ul style="list-style-type: none"> • Citizenship may be forfeited upon acquiring membership in a foreign nation.
Article 10	<ul style="list-style-type: none"> • Citizenship is regulated by the laws enacted by the Parliament.
Article 11	<ul style="list-style-type: none"> • The Parliament has the authority to oversee the acquisition and termination of citizenship.
Citizenship Act	<ul style="list-style-type: none"> • Enacted in 1955, 1957, 1960, 1985, 1986, 1992, 2003, 2005, 2015, 2019. Subsequently modified in 1986, 2003, and 2005.
Citizenship by Birth	<ul style="list-style-type: none"> • Individuals born in India between 26/01/1950 and 1/07/1987, regardless of their parents' citizenship, are granted citizenship.
	<ul style="list-style-type: none"> • Those born in India after 1/07/1987 are considered citizens if either parent holds Indian citizenship.
	<ul style="list-style-type: none"> • Individuals born in India after 3/12/2004 can claim citizenship if one parent is Indian and the other is not an illegal immigrant.
	<ul style="list-style-type: none"> • Children of foreign diplomats and enemy aliens do not acquire citizenship.
Citizenship by Descent	<ul style="list-style-type: none"> • Those born outside Indian territory can apply for citizenship if, at the time of birth, either parent is an Indian citizen.
	<ul style="list-style-type: none"> • For births outside India after 3/12/2004, registration is required within a year or as directed by the government.
Citizenship by Registration	<ul style="list-style-type: none"> • Citizenship can be obtained through registration after seven years of residence, for minor children of Indian parents, for those married to Indian citizens, and for individuals of Indian origin who are residents of other countries.
	<ul style="list-style-type: none"> • "Ordinarily resident" refers to a person residing in India for 12 months preceding the application.
Citizenship by Naturalisation	<ul style="list-style-type: none"> • Citizenship by naturalisation is granted to those from countries that offer similar provisions to Indian citizens, and those who have lived or served the Government of India.
	<ul style="list-style-type: none"> • Eligibility for applying for naturalisation requires 11 years of lawful residence in India, including 12 months immediately preceding the application.
	<ul style="list-style-type: none"> • Individuals migrated from Pakistan, Afghanistan, and Bangladesh before 31st December 2015, and belonging to Hindu, Sikh, Parsi, Christian, Jain, and Buddhist communities can acquire citizenship after five years of lawful residence preceding 12 months of application.
Citizenship by Incorporation of Territory	<ul style="list-style-type: none"> • If India gains territory from a foreign country then the residents become Citizens of India
Loss of Citizenship	<ul style="list-style-type: none"> • Citizenship can be renounced voluntarily.
	<ul style="list-style-type: none"> • Citizenship may be terminated upon acquiring citizenship from another country.
	<ul style="list-style-type: none"> • Citizenship can be revoked due to fraud or misrepresentation.
Dual Citizenship	<ul style="list-style-type: none"> • Dual citizens have certain restrictions: they cannot vote and are ineligible to hold Constitutional posts in India.

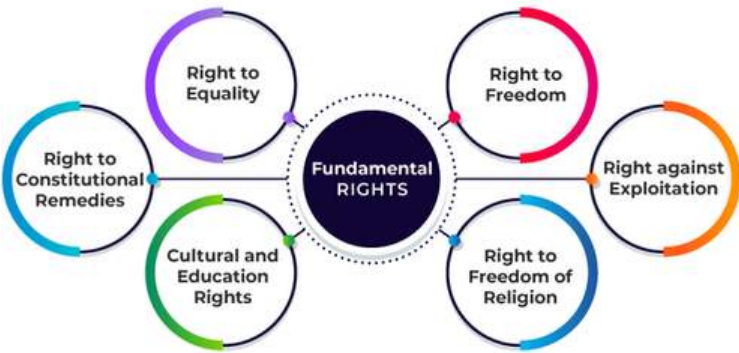




NRI	OCI	PIO
<p>An Indian citizen who is ordinarily residing outside India and holds Indian Passport</p> <p>An NRI is an Indian citizen who resides abroad for employment, education, or other purposes.</p>	<p>A person registered as Overseas Citizen of India (OCI) Cardholder under the Citizenship Act, 1955</p> <p>An OCI is an individual of foreign nationality who was eligible for Indian citizenship at the time of India's independence or at any later date. The registered Overseas Citizens of India shall not be entitled to the rights conferred on a citizen of India under Article 16 of the Constitution either (equality of opportunity in matters of public employment).</p>	<p>A person who or whose any of ancestors was an Indian national and who is presently holding another country's citizenship / nationality i.e. he/she is holding foreign passport</p> <p>A PIO is a foreign citizen who has Indian ancestry or a connection to India through birth, marriage, or other means.</p>
<p>Foreign Exchange Management Act (FEMA) and Income Tax Act.</p> <p>Indian citizens residing abroad for more than 182 days in a financial year.</p>	<p>Citizenship Act, 1955, and OCI Cardholder Rights and Privileges Rules, 2009.</p> <p>Foreign nationals of Indian origin or descent with a history of India connection.</p> <p>a. citizen of India - commencement of the Constitution</p> <p>b. who was eligible to become a citizen of India on 26.01.1950; or</p> <p>c. belonged to a territory that became part of India after 15.08.1947; or</p> <p>d. who is a child or a grandchild or a great grandchild of such a citizen; or</p> <p>e. who is a minor child of such persons</p> <p>f. who is a minor child and whose both parents are citizens of India or one of the parents is a citizen of India; or</p> <p>g. spouse of foreign origin of a citizen of India / OCI holder registered under the Citizenship Act, 1955 married – 2 years</p> <p>If the applicant had ever been a citizen of Pakistan or Bangladesh, he/she will not be eligible for an OCI card.</p>	<p>The PIO Card Scheme, 2002, and the PIO Card (Abolition) Scheme, 2015.</p> <p>Foreign citizens with a history of Indian ancestry or connection.</p> <ul style="list-style-type: none"> Was a citizen of India by virtue of the Constitution of India or the Citizenship Act, 1955; or Belonged to a territory that became part of India after the 15th day of August 1947; or Is a child or a grandchild or a great-grandchild of a citizen of India or of a person referred to in clause (a) or (b); or Is a spouse of foreign origin of a citizen of India or spouse of foreign origin of a person referred to in clause (a) or (b) or (c)
<p>All benefits as available to Indian citizens</p> <p>Can own property in India</p> <p>Can invest in Indian financial markets</p> <p>Can inherit property</p> <p>Can hold bank accounts.</p>	<p>Right to travel to India without a visa.</p> <p>Can own property (except agricultural land).</p> <p>Can work and study in India.</p> <p>Certain financial and economic rights.</p>	<p>Right to visit India without a visa.</p> <p>Can own non-agricultural property.</p> <p>Some financial benefits.</p> <p>Visa requirements for long-term stays.</p>



FUNDAMENTAL RIGHTS



Constitution	<ul style="list-style-type: none"> • Part 3
Name	<ul style="list-style-type: none"> • Constitution – “Magna Carta of India”
Derived from	<ul style="list-style-type: none"> • Constitution of the USA (Bill of Rights)
Significance	<ul style="list-style-type: none"> • "The Cornerstone of the Constitution". • Together with DPSP (Part 4), called "The Conscience of the Constitution". • Aims to establish "a government of laws and not of men". • Guarantees the equality of all individuals for the larger public interest.
Features	<ul style="list-style-type: none"> • Some applicable only to citizens, while others to citizens, foreigners, or legal persons. • Not absolute, subject to reasonable restrictions to balance rights and society. • Applicable against both state and private individuals. • Nature is largely Negative (Based on What CAN NOT be done) yet a mix of negative and positive rights. Justiciable and guaranteed by the Supreme Court. • Not sacrosanct or permanent, except Article 20 and 21. • Can be suspended during national emergencies, except Article 19 during armed rebellion. • Some directly enforceable, while others require Parliamentary laws.
Article 12	<ul style="list-style-type: none"> • Definition of 'state' includes: a) Government & Parliament of India. b) Government & legislature of states. c) All local & other authorities within the territory of India under the Constitution of GOI.

Article 13	Declares laws inconsistent with or derogating from any Fundamental Right shall be void.
	It declared Constitutional amendments can't be challenged as laws.
	Keshavananda Bharti case established that constitutional amendments can be challenged if they violate a fundamental right and are not part of the basic structure of the Constitution.
	Applies to permanent laws, temporary laws, orders, bye-laws, rules, regulations, notifications, and customs with the force of law.

Right to Equality

Article	Title and Description	Key Points and Notes
14	Equality before law and equal protection of law	<ul style="list-style-type: none"> • State must ensure equality before the law and equal protection of law for all individuals. • Applies to citizens, foreigners, and legal persons. • Concept of "Rule of Law" by AV Dicey. • Basic feature of the Constitution; cannot be amended.
15	Prohibition of discrimination on certain grounds (religion, race, caste, sex, place of birth)	<ul style="list-style-type: none"> • Prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. • Exceptions for specific disabilities, liabilities, restrictions, or conditions. • Applies to access to public places, wells, tanks, roads, etc., maintained by state funds.
16	Equality of opportunity in public employment	<ul style="list-style-type: none"> • Ensures equal opportunity in public employment for all citizens. • Allows reservation for SC/ST/other backward classes. • Introduced 10% reservation for Economically Weaker Sections (EWS) in 2019. • Reservation based on consequential seniority for SC/ST also permitted.



17	Abolition of untouchability	<ul style="list-style-type: none"> Prohibits untouchability, a self-operative provision.
		<ul style="list-style-type: none"> Supported by laws like the Protection of Civil Rights Act (1976) and SC/ST (Prevention of Atrocities Act) (1989).
		<ul style="list-style-type: none"> Strengthened in 2015 with new offenses and penalties.
18	Abolition of titles, status, and privileges	<ul style="list-style-type: none"> Prohibits the state from conferring titles except military and academic distinctions.
		<ul style="list-style-type: none"> Citizens cannot accept titles from foreign nations without permission.
		<ul style="list-style-type: none"> Notable instances like Congress' Bharat Ratna and opposition by Janata Party in 1980.
		<ul style="list-style-type: none"> Balaji Raghavan case clarified title awards versus titles themselves.

Right to Freedom

Article 19	Freedom according to reasonable restrictions
Article 19 (1) (a)	Right to freedom of expression, speech, etc.
Article 19 (1) (b)	Right to peaceful assembly without arms.
Article 19 (1) (c)	Right to form unions and cooperative societies.
Article 19 (1) (d)	Right to move freely throughout the territory.
Article 19 (1) (e)	Right to reside and settle in any part of the territory.
Article 19 (1) (f)	Abolished by the 44th Constitutional Amendment in 1978.
Article 19 (1) (g)	Right to practice any business and profession.
Article 20	Protection in respect of conviction of offense.
Provisions	No ex post facto law. No double jeopardy. No self-incrimination.



Article 21	<ul style="list-style-type: none"> Protection of life and personal liberty.
Provisions	<ul style="list-style-type: none"> No person shall be deprived of personal liberty except by the authority established by law (UK concept). In India, follows procedure established by law. SC held that "Due Process of Law" includes fairness, reasonableness, transparency, and consideration of social existence (like the US concept).
Article 21A	<ul style="list-style-type: none"> State shall provide free and compulsory education from 6-14 years, as per the 86th Constitutional Amendment in 2002. Also recognized as a fundamental duty of parents.
Article 22	Protection against Arrest and Preventive Detention.
Arrest Provisions	<ul style="list-style-type: none"> Must be presented before a magistrate within 24 hours. Right to consult a chosen legal practitioner. Right to know the reason for arrest. Police investigation requires court order. Blood samples and tests with accused's permission.
Preventive Detention	<ul style="list-style-type: none"> Based on suspicion of causing or inciting disturbance of morality or harm to state security. Maximum 3 months, extendable with permission from a joint committee consisting of persons with qualifications of High Court judges. Examples: TADA, COFEPOSA, UAPA.

Constitutional Rights

Article 265: The state can levy taxes only by following a procedure established by law.

Article 301: Trade, intercourse, and commerce between states shall be free.

Article 326: Elections to the Lok Sabha and State Legislative Assemblies shall be conducted on the basis of adult suffrage.



Right against Exploitation

Article 23	<ul style="list-style-type: none"> • Prohibition of human trafficking and forced labor
Prohibition	<ul style="list-style-type: none"> • Prohibits human trafficking and forced labor. Enforced through the Immoral Traffic Prevention Act of 1956 and the National Anti-Trafficking Bill of 2018. • Addresses issues like women forced begging, child labor, and organ trafficking.
Article 24	<ul style="list-style-type: none"> • Prohibition of child labor in factories and hazardous industries (minimum age of 14 years).
Prohibition	<ul style="list-style-type: none"> • Prohibits child labor in factories and hazardous industries, setting a minimum age of 14 years. • Non-hazardous employment is not prohibited, particularly in rural India where more hands can mean more income. • In 1996, the Supreme Court introduced the Child Rehabilitation Welfare Fund with a contribution of ₹2,000. • Repeated violations of the law carry a punishment of 6 months to 2 years in jail, a fine of ₹50,000, or both for persistent offenders.

Right to Freedom of Religion

Article 25	Right to Freedom of Religion
Provisions	<p>Guarantees the right to freedom of religion for all, including freedom of conscience. Provides the right to profess, practice, and propagate religion.</p> <p>Subject to reasonable restrictions on public order, morality, health, and other aspects. State can regulate practices and propagation but not the act of professing or one's conscience.</p>
Article 26	Collective Right to Manage, Establish, and Maintain Religious Institutions
Provisions	Recognizes the collective right to manage, establish, and maintain religious institutions. Allows religious groups to have autonomy in managing their affairs.
Article 27	No Compulsory Taxes for Promotion of Religion
Provisions	Prohibits the imposition of taxes to promote or maintain any particular religion or religious institution. Public money cannot be used for promoting religion.

Article 28	Religious Instruction in Educational Institutions
Provisions	Religious instruction wholly by the state is not allowed. Religious instruction by private trusts or institutions is permissible. State-recognized and state-funded private schools can provide religious instruction.

Cultural and Educational rights

Art 29	Protection of interests of minorities. Right to conserve language, religion, culture. No discrimination in education institutions based on religion, race, caste, etc.
Art 30	Right of minority to: 1. Conserve educational institutions. 2. Administer institutions of linguistic and religious minorities.
Art 31	No one deprived of property except under authority of law. By 44th Amendment Act, 1978 – abolished. Art 300(A) added, treating property as legal & constitutional right.
Art 31(A)	Compulsory acquisitions can be done.
Art 31(B)	Deals with violations of certain rules and regulations regarding land reforms.
Art 31(C)	Implements Directive Principles of State Policy (Art 39(B) & (C)).
Art 32	<p>Allows for issuance of writs for enforcement of fundamental rights. Types of writs include</p> <ul style="list-style-type: none"> • Habeas Corpus • Mandamus • Prohibition • Certiorari • Quo Warranto
Art 33	Parliament has the power to restrict fundamental rights of members of armed forces, para-military forces, police, and intelligence agencies.
Art 34	Provides for restriction on fundamental rights during enforcement of certain material laws.
Art 35	Grants power to Parliament to make laws for the enforcement of specified fundamental rights.



Writ	Meaning	Issued Against	Purpose	Notes
Habeas Corpus	"To have the body of"	Both public and private entities	Requires the person who detained another to produce the detained person's body before the court	Ensures that a person is not held unlawfully or without reason
Mandamus	"We command"	Public officials who fail to perform duties	Orders a public official to perform official duties they have failed or refused to perform	Ensures the proper functioning of government and administration
Prohibition	"To forbid"	Higher court to a lower court	Prevents a lower court from exceeding its jurisdiction or usurping jurisdiction it does not possess	Focuses on preventing activity rather than directing it
Certiorari	"To be certified"		Transfers a case from a lower court or quashes an order based on grounds like excess of jurisdiction or errors of law	Aims to ensure justice by reviewing lower court decisions and preventing errors of law
Quo Warranto	"By what authority"	Enquires into legality of a claim to a public office	Prevents illegal assumption of a public office by an individual	Can be initiated by any interested person, not just an aggrieved party. Focuses on public office legality

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14	Right to Equality
15	Prohibition of Discrimination
16	Equality of Opportunity in Public Employment
17	Abolition of Untouchability
18	Abolition of Titles
19	Protection of Certain Rights Regarding Freedom of Speech, etc.
20	Protection in Respect of Conviction for Offences
21	Protection of Life and Personal Liberty
21A	Right to Education
22	Protection against Arrest and Detention
23	Prohibition of Traffic in Human Beings and Forced Labor
24	Prohibition of Employment of Children in Factories, etc.
25	Freedom of Religion
26	Freedom to Manage Religious Affairs
27	Freedom as to Payment of Taxes for Promotion of any Particular Religion
28	Freedom as to Attendance at Religious Instruction or Religious Worship in Certain Educational Institutions
29	Protection of Interests of Minorities
30	Right of Minorities to Establish and Administer Educational Institutions
31	Repealed (Right to Property)
32	Remedies for Enforcement of Rights

EFERCR

Equality, Freedom, (vs) Exploitation, Religion, Culture, Remedies



DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP) - PART IV

Part of Constitution	<ul style="list-style-type: none"> Part 4 or IV
Articles included	<ul style="list-style-type: none"> 36-51
Nature	<ul style="list-style-type: none"> Positive Non-Enforceable Non-Justiciable More than Individual rights, they are directions for the state to provide such on its own
Brought from	<ul style="list-style-type: none"> Irish constitution (Origin in Spanish constitution) Resemble: Instrument of Instructions GOI Act 1935
Sir BN Rao	<ul style="list-style-type: none"> Constitutional Advisor to the Constituent Assembly Recommended two categories for individual rights Justiciable: FR Non-Justiciable: DPSPs
Ambedkar	<ul style="list-style-type: none"> DPSP are a novel feature of Constitution

Article 37	Defines the 'Nature': Non-Justiciable but fundamental in governance.
Article 38	Object of DPSP: To secure a social order based on justice. Via 44th Constitutional Amendment (CA) which aimed to eliminate inequality and provide status, facility, and opportunity.
Article 39	1. Right to adequate means of livelihood.
	2. Equitable distribution of resources.
	3. Prevention of concentration of wealth.
	4. Equal pay for equal work (Randhir Singh Case).
Article 39(A)	Ensures free legal aid and equal justice. (Established)
	- NALSA (National Legal Services Authority)
	- SALSA (State Authorities for Legal Services Authority)
Article 40	- Organization of Village Panchayats based on Gandhian philosophy of decentralized power.
	- Included in the Constitution by the proposal of K. Santhanam.
Article 41	Right to education, work, and public assistance (No age restriction).
Article 42	Provision for just and humane conditions of work and maternity relief.
	- 8 weeks before and after childbirth (Pre)
	- 12 weeks in case of miscarriage (Past)
Article 43	Promotion of cottage industries, individual or cooperative, in rural areas.
Article 43(A)	Participation of workers in management of industries.
Article 43(B)	Promotion of cooperative societies in industries. (By 42nd Constitutional Amendment Act, 1976)
Article 44	Uniform civil code for citizens throughout the country. Based on liberal intellectual principles.
Article 45	Education for all children [Earlier it was {6-14}, amended by 86th CAA, 2002]
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, standard of living, and improve public health.
Article 48	Organization of agriculture and animal husbandry.
Article 48A	Protection and improvement of environment and safeguarding of forests and wildlife.
Article 49	Protection of monuments, places, and objects of national importance.
Article 50	Separation of the judiciary from the executive.
Article 51	Promotion of international peace and security.

Aspect Comparison	Fundamental Rights	Directive Principles of State Policy (DPSP)
Nature	Framed in a negative context , as they impose restrictions on the State's actions.	Framed in a positive context , as they outline obligations for the State to fulfill.
Legal Enforcement	Subject to legal enforcement, as they can be upheld or challenged in courts.	Lacks direct legal enforceability, as they are not directly actionable in courts.
Purpose	Focus primarily on establishing political liberties and individual rights.	Focus on creating a foundation for social and economic equality and justice.
Sanctions	Supported by legal sanctions and can be enforced through judicial action.	Rely on moral and political incentives, lacking direct legal enforceability.
Beneficiary	Emphasize the welfare of individual citizens and their personal rights.	Stress the collective welfare of the community and society at large.
Judicial Authority	Courts can invalidate laws conflicting with Fundamental Rights as unconstitutional.	Courts lack authority to declare laws unconstitutional solely based on DPSP.
Legislative Action	Generally, they are self-executory and do not necessitate separate laws for implementation.	Typically require legislative action for practical implementation and realization.

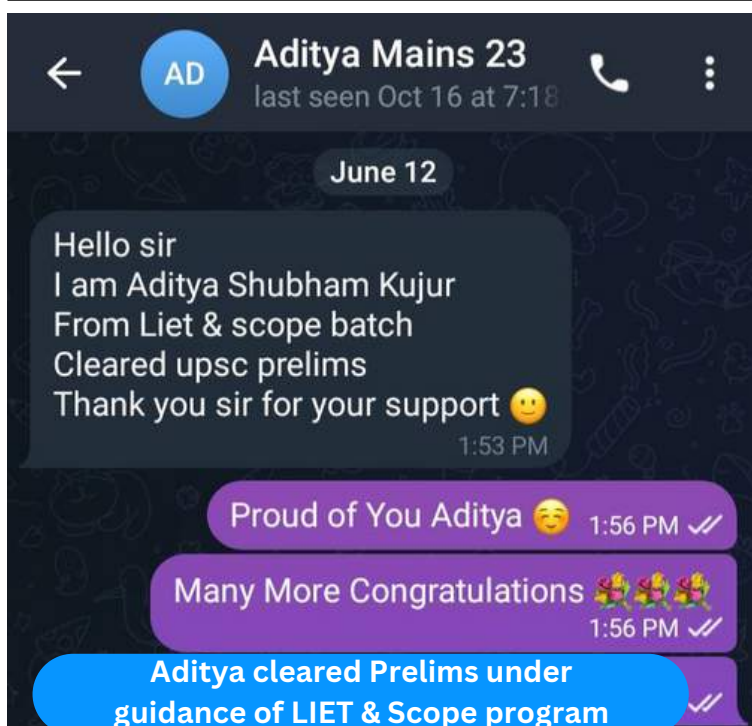
The DPSP has been amended four times.

- **42nd Amendment 1976:** It added four new directive principles- Article 39, Article 39A, Article 43A, and Article 48A.
- **44th Amendment 1978:** The 44th Amendment Act of 1978 created a new DPSP under Article 38, which mandates the State to reduce inequalities in income, status, facilities, and opportunities.
- **86th Amendment 2002:** It altered Article 45's subject matter, and under Article 21A, basic education became a fundamental right.
- **97th Amendment 2011:** The 97th Amendment Act of 2011 created a new DPSP for cooperative societies under Article 43B.



FUNDAMENTAL DUTIES- PART V

Correlation	Fundamental Duties are closely linked and inseparable from Fundamental Rights.
Original Inclusion	The original constitution contained only Fundamental Rights, without specific duties for citizens. Duties were prescribed for the states under Directive Principles of State Policy (DPSP).
Additions and Amendments	Fundamental Duties were added through the 42nd Amendment Act in 1976, with an additional duty added by the 86th Amendment Act in 2002 (Right to Education Amendment).
Inspiration	These duties draw inspiration from countries like USSR, where rights and duties were intertwined, as well as the Japanese constitution.
International Comparison	Unlike major democracies such as Germany and the USA, Fundamental Duties are explicitly listed in the Indian Constitution.
List of Duties	Originally 10 duties (a-j), later in 2002, the 11th duty was added:
	a) Show respect towards the Constitution, National Flag, and Anthem.
	b) Cherish and follow noble ideals of the National struggle.
	c) Uphold and protect sovereignty, unity, and integrity.
	d) Defend the country and provide military service when required.
	e) Promote harmony and the spirit of common brotherhood.
	f) Value and preserve the rich cultural heritage.
	g) Protect and improve the natural environment.
	h) Develop scientific temper, humanism, and the spirit of inquiry and reform.
	i) Safeguard public property and avoid violence.
	j) Strive for excellence in all spheres.
k) Provide educational opportunities for children aged 6-14 years.	
Significance	These duties are non-justiciable and reflect values integral to Indian tradition, mythology, religion, and practices.
	They codify tasks inherent to the Indian way of life.
Criticisms	Fundamental Duties do not comprehensively cover other responsibilities such as voting, tax payment, family planning, etc.
	Some duties are ambiguous and challenging for the common person to understand, such as promoting composite culture and scientific temper.
	Critics argue they are superfluous and question the non-justiciable nature, considering them a moral code.



SOME IMPORTANT CASES IN VIEW OF BASIC STRUCTURE DOCTRINE

Year	Case	Key Points
1967	Golaknath Case	<ul style="list-style-type: none"> • The Court ruled that Parliament could not curtail any of the Fundamental Rights in the Constitution. I.C.
1973	Kesavananda Bharati case	<ul style="list-style-type: none"> • 1. SC overruled Golaknath judgement. • 2. Upheld 24th CA: Parliament can abridge FRs. • 3. Introduced doctrine of 'basic structure'/'basic features'. • 4. Didn't define the doctrine or list the basic structure. • 5. Parliament cannot alter basic structure under Article 368.
1976	Parliament's reaction to Kesavananda Bharati judgement	<ul style="list-style-type: none"> • a. Amended Article 368: No limitation on Parliament's power to amend the constitution. • b. Amendments cannot be judicially reviewed.
1980	Minerva Mills case	<ul style="list-style-type: none"> • 1. Judicial review is a basic feature of the constitution, Parliament cannot abridge. • 2. Parliament has limited power to amend the constitution. • 3. Parliament cannot use limited powers to grant itself unlimited powers.
1981	Waman Rao case	<ul style="list-style-type: none"> • Basic structure doctrine applies to all CAs after 24th April 1973 • (post Kesavananda Bharati judgement).
Concept	Basic Structure Doctrine	<ul style="list-style-type: none"> • Forms basis of limited SC power to review and strike down Constitutional amendments conflicting with or altering the "basic structure" of the Constitution. • Applies only to CAs, not ordinary Acts of Parliament. - Despite Kesavananda's narrow decision (7-6), the doctrine gained acceptance through subsequent cases.

Narsimha Rao Case	This case highlighted issues related to the parliamentary system in India. The Supreme Court's interpretation of the constitutional provisions had an impact on the functioning of the parliamentary system in the country.	The case contributed to the understanding and application of the parliamentary system in India.
Indira Sawhney v. UOI	In this case, the key issue was the application of the rule of law in matters of reservation and affirmative action. The Supreme Court's verdict on this case influenced policies related to reservation and ensured that they adhered to the principles of the rule of law.	The case had a significant influence on the legal framework surrounding reservation policies in India.
Kihoti Hollohon Case	This case dealt with the principles of free and fair elections and the fundamental structure of the Indian polity.	The case reinforced the importance of free and fair elections in maintaining India's democratic and republican structure.
S.R. Bommai case	The S.R. Bommai case revolved around issues of federalism, secularism, and democracy.	The case played a crucial role in upholding the principles of federalism, secularism, and democracy in the Indian context.
I.R. Coelho Case	In this case, the focus was on the concept of judicial review in the Indian legal framework.	The case further defined the scope of judicial review and its role in ensuring the legality and constitutionality of legislative actions.



Case	Key Points	Impact/Response
Shankari Prasad Case (1951)	<ul style="list-style-type: none"> The First Amendment Act of 1951 introduced Article 31A, dealing with the right to property The validity of the right to property was contested The Supreme Court (SC) held that the power to amend the Constitution under Article 368 includes amending Fundamental Rights (FRs) The term "law" in Article 13 encompassed only ordinary laws, not Constitutional Amendment Acts (CAA) The SC ruled that Parliament can restrict FRs through constitutional amendment acts without violating Article 13 	<ul style="list-style-type: none"> Confirmed Parliament's authority to amend the Constitution Clarified the scope of Article 13 and FRs
Golaknath Case (1967)	<ul style="list-style-type: none"> The challenge to the validity of the Ninth Schedule was presented The SC pronounced that Parliament cannot curtail FRs The SC declared that even CAA falls under Article 13's scope Introduced the doctrine of perspective overruling Sparked a debate on the supremacy of Parliament vs. the judiciary's authority In response, the 24th Constitutional Amendment (CA) affirmed Parliament's power to restrict FRs (Articles 13 and 368 were amended) 	<ul style="list-style-type: none"> Introduced the concept of perspective overruling Provoked discussions on the balance between Parliament and the Judiciary 24th Amendment Act was a reaction to these debates
Kesavananda Bharati Case (1973)	<ul style="list-style-type: none"> A 13-judge bench presided over the case - It was established that Parliament could amend any part of the constitution However, the "basic structure" was deemed unamendable due to judicial innovation 	<ul style="list-style-type: none"> Laid the foundation for the doctrine of basic structure Imposed limitations on Parliament's amendment power
Indira Nehru Gandhi Case (1975)	<ul style="list-style-type: none"> The SC invalidated provisions exempting the Prime Minister and 15 special members from court jurisdiction In response, the 42nd Constitutional Amendment (CAA) was introduced The 42nd CAA stated that Parliament's constituent power cannot be contested in court, regardless of any violation of FRs - This also restricted Judicial Review 	<ul style="list-style-type: none"> Reinforced the concept of Judicial Review Strengthened the authority of Parliament
Minerva Mills Case (1980)	<ul style="list-style-type: none"> The SC invalidated a provision that excluded itself from Judicial Review, considering it a 'basic feature' of the Constitution 	<ul style="list-style-type: none"> Extended the application of the basic structure doctrine
Waman Rao Case (1981)	<ul style="list-style-type: none"> Clarified that the doctrine of basic structure applies to CAAs after 24/04/1993 	<ul style="list-style-type: none"> Provided further clarity and extension to the basic structure doctrine
Elements of Basic Structure	<ul style="list-style-type: none"> Recognized elements within the "basic structure" of the Constitution, including the Preamble, supremacy of the Constitution, separation of powers, democratic and secular character, federal and sovereign nature, individual freedom and dignity, welfare state goals, parliamentary system, equality, rule of law, judicial review, free and fair elections, harmony between FRs and DPSPs, federalism, and secularism - Acknowledged principles crucial to the Constitution's integrity 	<ul style="list-style-type: none"> Defined the core principles constituting the basic structure
Impact/Response	<ul style="list-style-type: none"> Established the "doctrine of basic structure," delineating essential principles of the Constitution 	<ul style="list-style-type: none"> Enhanced the Judiciary's role in safeguarding constitutional values



AMENDMENT OF THE CONSTITUTION- PART XX

Amending the Constitution of India is the process of making changes to the nation's fundamental law or supreme law.

The procedure of amendment in the constitution is laid down in **Part XX (Article 368)** of the Constitution of India.

Facts for prelims:

- It was **borrowed from the South African constitution.**
- **Keshavananda Bharati judgment:** Parliament cannot amend those parts which are part of the 'Basic Structure' of the constitution.

Article 368: "Parliament under Article 368 can amend any part of the Constitution including the Fundamental Rights but without affecting the 'basic structure' of the Constitution".

Article 368 of Part XX of Constitution of India provides for only two types of amendments. **(Does not provide for Simple majority).**

- By a **special majority** of Parliament
- By a **special majority of the Parliament with the ratification by half of the total states.**

But, **some other articles provide for the amendment of certain provisions of the Constitution by a simple majority of Parliament**, that is, a majority of the members of each House present and voting (similar to the ordinary legislative process). Notably, these amendments are not deemed to be amendments of the Constitution for the purposes of Article 368.

Types of Amendments:

Simple Majority

- This refers to the majority of **more than 50% of the members present and voting.**

Special Majority

- A bill is said to be passed, if it is supported by **a majority of 2/3rd members present and voting supported by over 50% of the total strength of the House.**

Special Majority of Parliament and Consent of States

- This type of majority is required **when federal structures need to be amended.**
- Apart from special majority by both the houses of the parliament, it requires consent of half of the state legislature by a simple majority
- There is no time limit within which states should give their consent to the bill

Special majority:

In Indian constitution, the provisions related to special majority can be categorized into the following:

- **Article 249:** 2/3rd members present and voting. This is required in the case of empowering Parliament to make laws on those issues included in state list
- **Article 368:** It refers to a majority of 2/3rd members present and voting supported by over 50% of the total strength of the House.
- **Article 368+ fifty percent:** As above plus that bill should be passed by a simple majority by half of the state legislatures in India
- **Article 361:** 2/3rd of the total membership of the house

Total Strength: Total strength refers to the maximum number of members that a legislative house is designed to have according to the provisions of the Constitution or relevant laws. In the case of India, the total strength of the Lok Sabha (House of the People) is fixed at 545 members, while the total strength of the Rajya Sabha (Council of States) can vary but is limited to 250 members.

Effective Strength: Effective strength, on the other hand, refers to the actual number of members who are currently serving or holding seats in the legislative house at any given time. This number may be lower than the total strength due to vacant seats caused by various reasons such as resignations, deaths, disqualifications, or temporary absences. The effective strength determines the number of members who can participate in debates, discussions, and voting on various legislative matters.



Absolute majority: A bill is said to be passed, if **more than 50% of the total strength of the house pass it**

Effective Majority: This refers to a majority of **more than 50% of the effective strength of the House.**

Procedure for amendment of constitution:

- Amendment can be initiated only by the introduction of a bill for the purpose in **either house** of the Parliament.
- The bill can be introduced **either by a minister or by a private member** and **does not require the permission of the President.**
- The bill **must be passed in each house by a special majority**, that is, a **majority of the total membership of the house and a majority of two-thirds of the members of the house present and voting.**
- Each house must pass the bill separately. If there is any disagreement, there is **no provision for joint sitting of the houses.**
- If the bill seeks to amend the provisions of the constitution, it must be ratified by the legislatures of half of the states by a simple majority.
- After passage of the bill by both the houses, **it is presented to the President for his assent.**
- **The president must give his assent to the bill.** He 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.

By Simple Majority of Parliament	By Special Majority of Parliament	By Special Majority of Parliament and Consent of States
Admission, establishment, or formation of new states	Fundamental Rights	Election of the President
Alteration of areas, boundaries, or names of existing states	DPSP	Extent of the executive power of the Union and the states
Abolition or creation of legislative councils	All other provisions not covered by the above categories	Supreme Court and high courts
Second schedule related provisions		Distribution of legislative powers between the states and the Union
Quorum in Parliament		Any of the lists in the seventh schedule
Salaries and allowances related to Parliament		Representation of states in Parliament
Rules of procedure in Parliament		Power of Parliament to amend the constitution and its procedure
Privileges of the Parliament, its members, and committees		
Use of English language in Parliament		
Number of puisne judges in SC		
Conferring more power to Supreme Court		
Use of official language		
Citizenship: acquisition and termination		
Elections to Parliament and state legislatures		
Delimitation of constituencies		
Union territories		
5th and 6th schedule		



Amendment Act	Year	Description
1st Amendment	1951	<ul style="list-style-type: none"> Empowered the state to make special provisions for socially and economically backward classes, Added Ninth Schedule
4th Amendment	1955	<ul style="list-style-type: none"> Made compensation for acquisition of private property beyond court scrutiny, Authorized state to nationalize trade, etc.
7th Amendment	1956	<ul style="list-style-type: none"> Implemented State Reorganization Act, Reorganized states and union territories, Extended high courts' jurisdiction
9th Amendment	1960	<ul style="list-style-type: none"> Facilitated the cession of Berubari Union territory to Pakistan as per Indo-Pakistan Agreement
10th Amendment	1961	<ul style="list-style-type: none"> Incorporated Dadra, Nagar and Haveli as a Union Territory after acquisition from Portugal
11th Amendment	1961	<ul style="list-style-type: none"> Changed procedure of Vice President's election, Provided for non-challenge of election due to vacancy
12th Amendment	1962	<ul style="list-style-type: none"> Incorporated Goa, Daman, and Diu in the Indian Union
13th Amendment	1962	<ul style="list-style-type: none"> Gave state status to Nagaland and made special provisions for it
14th Amendment	1962	<ul style="list-style-type: none"> Incorporated Puducherry in the Indian Union, Created legislatures and councils of ministers for certain Union Territories
17th Amendment	1964	<ul style="list-style-type: none"> Prohibited acquisition of land under personal cultivation without full compensation, Included more Acts in Ninth Schedule
18th Amendment	1966	<ul style="list-style-type: none"> Enabled forming new states or union territories by uniting parts of existing ones, Created Punjab and Haryana
21st Amendment	1967	<ul style="list-style-type: none"> Included Sindhi as the 15th language in the Eighth Schedule
24th Amendment	1971	<ul style="list-style-type: none"> Affirmed Parliament's power to amend any part of the Constitution, Made President's assent compulsory for Constitutional Amendment Bills
25th Amendment	1971	<ul style="list-style-type: none"> Curtailed the fundamental right to property, Protected laws for Directive Principles
26th Amendment	1971	<ul style="list-style-type: none"> Abolished privy purses and privileges of former princely state rulers
31st Amendment	1973	<ul style="list-style-type: none"> Increased the number of Lok Sabha seats from 525 to 545
33rd Amendment	1974	<ul style="list-style-type: none"> Amended resignation acceptance process for MPs and state legislators (This is not Anti defection CAA = That is 52nd)
35th Amendment	1974	<ul style="list-style-type: none"> Terminated Sikkim's protectorate status and conferred associate state status
36th Amendment	1975	<ul style="list-style-type: none"> Made Sikkim a full-fledged state and omitted Tenth Schedule
38th Amendment	1975	<ul style="list-style-type: none"> Made emergency declaration and ordinance promulgation non-justiciable



Amendment Act	Year	Description
39th Amendment	1975	<ul style="list-style-type: none"> Placed disputes relating to President, Vice President, PM, and Speaker beyond judicial scope.
		<ul style="list-style-type: none"> Included certain Central Acts in the Ninth Schedule.
42nd Amendment (Also known as Mini Constitution)	1976	<ul style="list-style-type: none"> Added words 'socialist', 'secular', 'integrity' in the Preamble.
		<ul style="list-style-type: none"> Added Fundamental Duties (new Part IV A) by citizens.
		<ul style="list-style-type: none"> Made President bound by cabinet advice.
		<ul style="list-style-type: none"> Provided for administrative tribunals (Part XIV A).
		<ul style="list-style-type: none"> Froze seats in Lok Sabha and state legislative assemblies based on 1971 census.
		<ul style="list-style-type: none"> Made constitutional amendments beyond judicial scrutiny.
		<ul style="list-style-type: none"> Curtailed judicial review and writ jurisdiction of Supreme Court and high courts.
		<ul style="list-style-type: none"> Raised Lok Sabha and state legislative assemblies' tenure to 6 years.
		<ul style="list-style-type: none"> Laws implementing Directive Principles cannot be invalidated on ground of violating some Fundamental Rights.
		<ul style="list-style-type: none"> Empowered Parliament to make laws for anti-national activities, taking precedence over Fundamental Rights.
		<ul style="list-style-type: none"> Added new Directive Principles: equal justice, free legal aid, worker participation in industries, environmental protection.
		<ul style="list-style-type: none"> Facilitated proclamation of national emergency in any part of India.
		<ul style="list-style-type: none"> Extended President's rule duration in state from 6 months to 1 year.
		<ul style="list-style-type: none"> Empowered Centre to deploy armed forces to deal with law and order situation.
<ul style="list-style-type: none"> Shifted subjects from state list to concurrent list. 		
<ul style="list-style-type: none"> Eliminated quorum requirement in Parliament and state legislatures. 		
<ul style="list-style-type: none"> Parliament to decide rights and privileges of its members and committees. 		
<ul style="list-style-type: none"> Created All-India Judicial Service. 		
<ul style="list-style-type: none"> Shortened disciplinary action procedure for civil servants. 		
43rd Amendment	1977	<ul style="list-style-type: none"> Restored Supreme Court and High Courts' jurisdiction in judicial review and issue of writs.
		<ul style="list-style-type: none"> Deprived Parliament of special powers to make laws for anti-national activities.



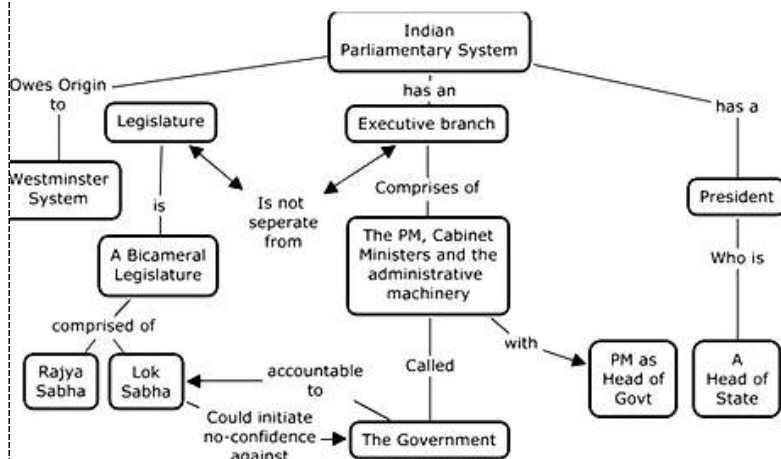
44th Amendment	1978	<ul style="list-style-type: none"> • Restored Lok Sabha and state legislative assemblies' original term (5 years).
		<ul style="list-style-type: none"> • Restored provisions regarding quorum in Parliament and state legislatures.
		<ul style="list-style-type: none"> • Omitted reference to British House of Commons in provisions on parliamentary privileges.
		<ul style="list-style-type: none"> • Constitutionally protected publication of true reports of Parliament and state legislatures' proceedings.
		<ul style="list-style-type: none"> • President empowered to send back advice of cabinet for reconsideration, with reconsidered advice binding.
		<ul style="list-style-type: none"> • Removed provision making president, governor, and administrators' satisfaction final in issuing ordinances.
		<ul style="list-style-type: none"> • Restored some powers of Supreme Court and high courts.
		<ul style="list-style-type: none"> • Replaced 'internal disturbance' with 'armed rebellion' for national emergency.
		<ul style="list-style-type: none"> • President to declare national emergency on cabinet's written recommendation.
		<ul style="list-style-type: none"> • Procedural safeguards for national emergency and President's rule.
		<ul style="list-style-type: none"> • Right to property removed from Fundamental Rights, retained as legal right.
		<ul style="list-style-type: none"> • Fundamental Rights under Articles 20 and 21 cannot be suspended during national emergency.
		<ul style="list-style-type: none"> • Eliminated court's power to decide election disputes of president, vice president, PM, and Speaker.
50th Amendment	1984	Empowered Parliament to restrict Fundamental Rights of persons in intelligence and telecommunication setups.
52nd Amendment	1985	Introduced disqualification of members on ground of defection. Added Tenth Schedule.
58th Amendment	1987	Provided authoritative text of Constitution in Hindi, gave legal sanctity to Hindi version.
61st Amendment	1989	Reduced voting age from 21 to 18 for Lok Sabha and state legislative assembly elections.
65th Amendment	1990	Established multi-member National Commission for Scheduled Castes and Scheduled Tribes.
69th Amendment	1991	Designated Delhi as National Capital Territory, provided legislative assembly and council of ministers.
71st Amendment	1992	Included Konkani, Manipuri, and Nepali languages in Eighth Schedule, total scheduled languages became 18.



73rd Amendment	1992	<ul style="list-style-type: none"> • Granted constitutional status and protection to Panchayati Raj institutions (Part IX and Eleventh Schedule).
74th Amendment	1992	<ul style="list-style-type: none"> • Granted constitutional status and protection to urban local bodies (Part IX-A and Twelfth Schedule).
77th Amendment	1995	<ul style="list-style-type: none"> • Provided for reservation in promotions for Scheduled Castes and Scheduled Tribes.
80th Amendment	2000	<ul style="list-style-type: none"> • Provided for 'alternative scheme of devolution' of revenue between Centre and states.
81st Amendment	2000	<ul style="list-style-type: none"> • Ended the 50% ceiling on reservation in backlog vacancies.
82nd Amendment	2000	<ul style="list-style-type: none"> • Allowed provisions for SCs and STs to relax qualifying marks and reservation in promotions.
84th Amendment	2001	<ul style="list-style-type: none"> • Extended the ban on readjustment of seats in Lok Sabha and state legislative assemblies.
85th Amendment	2001	<ul style="list-style-type: none"> • Provided 'consequential seniority' for SC/ST government servants due to rule of reservation.
86th Amendment	2002	<ul style="list-style-type: none"> • Made elementary education a fundamental right (Article 21A) and added a new fundamental duty (Article 51-A).
87th Amendment	2003	<ul style="list-style-type: none"> • Provided readjustment of territorial constituencies based on 2001 census.
89th Amendment	2003	<ul style="list-style-type: none"> • Bifurcated National Commission for Scheduled Castes and Scheduled Tribes into two separate bodies.
91st Amendment	2003	<ul style="list-style-type: none"> • Introduced provisions to limit size of Council of Ministers and debar defectors from public offices.
92nd Amendment	2003	<ul style="list-style-type: none"> • Included four more languages in Eighth Schedule (Bodo, Dogri, Maithili, Santhali).
93rd Amendment	2005	<ul style="list-style-type: none"> • Empowered states to make special provisions for backward classes in educational institutions.
96th Amendment	2011	<ul style="list-style-type: none"> • Substituted "Odia" for "Oriya" in Eighth Schedule.
97th Amendment	2011	<ul style="list-style-type: none"> • Gave constitutional status and protection to cooperative societies.
99th Amendment (Repealed)	2014	<ul style="list-style-type: none"> • Replaced collegium system with National Judicial Appointments Commission (NJAC) for judicial appointments.
100th Amendment	2014	<ul style="list-style-type: none"> • Implemented Land Boundary Agreement between India and Bangladesh.
101st Amendment	2017	<ul style="list-style-type: none"> • Introduced Goods and Services Tax (GST).
102nd Amendment	2018	<ul style="list-style-type: none"> • Provided constitutional status to National Commission for Backward Classes.
103rd Amendment	2019	<ul style="list-style-type: none"> • Introduced reservations for Economically Weaker Sections (EWS) in public employment.
104th Amendment	2020	<ul style="list-style-type: none"> • Extended the reservation for SCs and STs in Lok Sabha and state assemblies to 80 years and removed reserved seats for the Anglo-Indian community.
105th Amendment	2021	<ul style="list-style-type: none"> • Restored the power of state governments to identify Other Backward Classes (OBCs) for reservation purposes.



PARLIMENTARY SYSTEM OF INDIA



Concept	Description
Introduction	The Constitution of India establishes a parliamentary form of government at both the State (Art. 163 & 164) and Centre (Article 74 & 75).
Parliamentary Government	In this system, the executive branch is responsible to the legislature for its policies and actions.
Presidential System	In contrast, in a presidential system, the executive is not responsible to the legislature for its policies and actions.
Cabinet Government	The parliamentary government is often referred to as cabinet government or responsible government.
Responsible Government	This term signifies that the Cabinet is accountable to Parliament and remains in office as long as it has confidence.
Nucleus of Power	In a parliamentary system, the Cabinet is the central core of power and decision-making.
Executive	President is Nominal and De Jure + Head of State PM is Real executive and Head of Gov.
Majority Party	Secures Majority seats in LS election Forms the Govt. Head is appointed as PM by President Other ministers appointed by President (On Advice of PM)
Collective responsibility	Article 75 (Ministers are C.R to Parliament and LS. Lok sabha can pass no confidence against council of Ministers (PM Headed))

Political Homogeneity	<ul style="list-style-type: none"> All members of one political party share same political ideology
Dual Membership	<ul style="list-style-type: none"> Ministers are members of both the legislature and the executive To become a minister, one must be an MP first If a minister has not been an MP for consecutive 6 months, they will cease to be a minister.
Prime Minister	<ul style="list-style-type: none"> Leaded of Parliament, Party in power and Cabinet of Ministers
Lok Sabha Dissolve	<ul style="list-style-type: none"> By President, on recommendation of PM (In order to hold Elections)
Secrecy of Procedure	<ul style="list-style-type: none"> Ministers can't reveal information about proceedings, Policies or Decisions

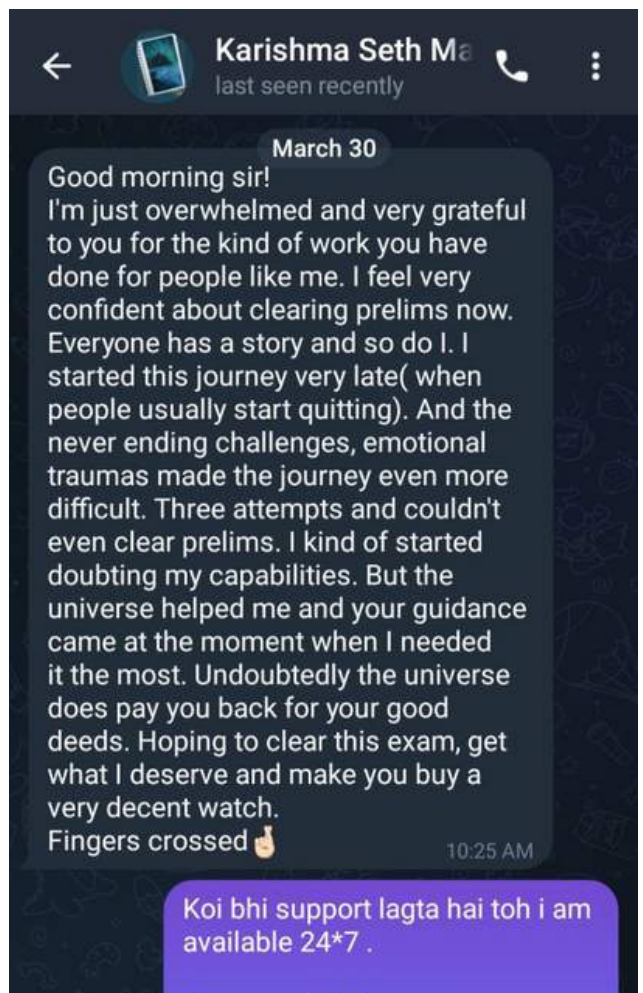
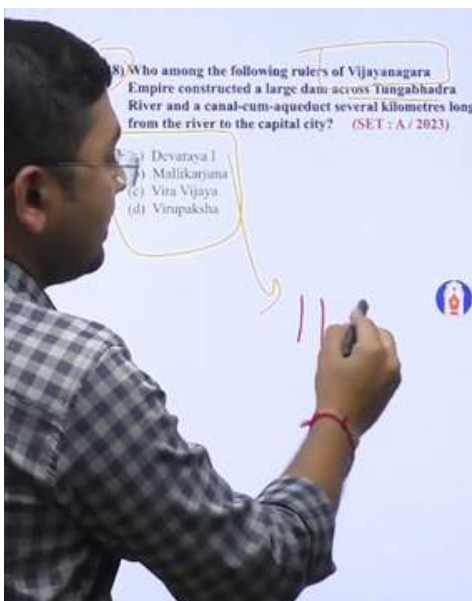
Various features	<ul style="list-style-type: none"> Dual executive Majority party rule Collective responsibility Political homogeneity Double membership Leadership of Prime Minister Dissolution of Lower House
Merit	<ul style="list-style-type: none"> Legislature- Executive harmony Responsible govt. Despotism absent Representation
Demerit	<ul style="list-style-type: none"> Unstable govt. Discontinuation of policies Cabinet heavy Against separation of powers Governance by Amateurs
Presidential system	<ul style="list-style-type: none"> Single executive President and legislator selected separately for a fixed term Non-responsibility Political homogeneity may not exist Single membership Domination of president No dissolution of Lower House Separation of powers



Merit	<ul style="list-style-type: none"> Stable Govt. Definite policies Separation of power is more Govt. by Experts
Demerits	<ul style="list-style-type: none"> Legislative vs Executive Non-responsible govt. Autocracy Narrowed representation
Why Parliamentary system	<ul style="list-style-type: none"> Familiarity (History) More responsibility Nature of Indian society

Federal Government Features	Unitary Government Features
<ul style="list-style-type: none"> Dual Government 	<ul style="list-style-type: none"> Strong Central Government
<ul style="list-style-type: none"> Written Constitution 	<ul style="list-style-type: none"> Single Citizenship
<ul style="list-style-type: none"> Division of Powers 	<ul style="list-style-type: none"> Constitution can be written or unwritten
<ul style="list-style-type: none"> Supremacy of the Constitution 	<ul style="list-style-type: none"> No division of powers - Strong center
<ul style="list-style-type: none"> Rigid Constitution 	<ul style="list-style-type: none"> Constitution can be flexible or rigid
<ul style="list-style-type: none"> Independent Judiciary 	<ul style="list-style-type: none"> Judiciary can be integrated or independent
<ul style="list-style-type: none"> Bicameral Legislature 	<ul style="list-style-type: none"> Legislature can be bicameral or unicameral

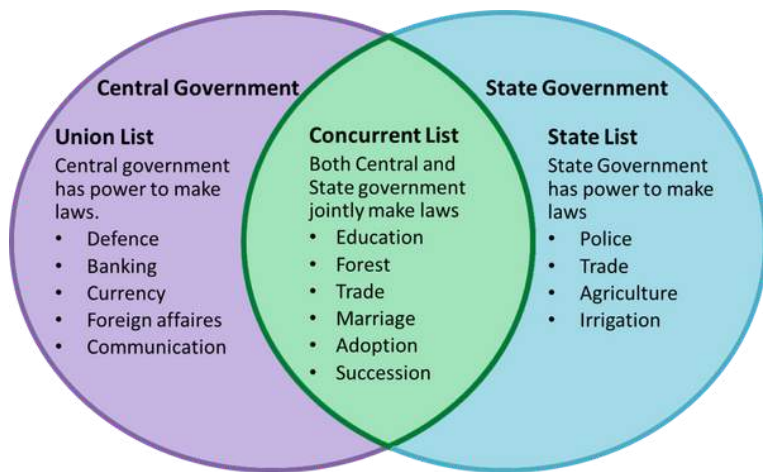
Federal Features in Indian Constitution	Unitary Features in Indian Constitution
<ul style="list-style-type: none"> Dual Government 	<ul style="list-style-type: none"> Strong Centre
<ul style="list-style-type: none"> Written Constitution 	<ul style="list-style-type: none"> States not indestructible
<ul style="list-style-type: none"> Division of Powers 	<ul style="list-style-type: none"> Single Citizenship
<ul style="list-style-type: none"> Supremacy of the Constitution 	<ul style="list-style-type: none"> Flexibility of the Constitution
<ul style="list-style-type: none"> Rigid Constitution 	<ul style="list-style-type: none"> No equality of state representation
<ul style="list-style-type: none"> Independent Judiciary 	<ul style="list-style-type: none"> Emergency provisions
<ul style="list-style-type: none"> Bicameral Legislature 	<ul style="list-style-type: none"> Single Citizenship
	<ul style="list-style-type: none"> Integrated Judiciary
	<ul style="list-style-type: none"> All India Services
	<ul style="list-style-type: none"> Integrated Audit Machinery
	<ul style="list-style-type: none"> Parliament's Authority Over State List
	<ul style="list-style-type: none"> Appointment of Governor
	<ul style="list-style-type: none"> Integrated Election Machinery
	<ul style="list-style-type: none"> Veto Over State Bills



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CENTRE- STATE RELATION



Legislative Relations	Description
Territorial extent of Centre & State Legislature [Art 245]	<ul style="list-style-type: none"> • Parliament can make laws for the whole of India. Parliament also has the power of Extra Territorial Legislation. • State Legislature can make laws for the state only. <p>Exceptions:</p> <ul style="list-style-type: none"> • President can make rules & regulations for specific Union Territories. • The governor can direct that an act is not applicable to certain areas in the state or is applicable with specified modifications and exceptions. • Governor of Assam can declare that an act of Parliament is not applicable to tribal areas in the state or is applicable with modifications and exceptions. • The President has similar powers in tribal areas of Meghalaya, Tripura, and Mizoram.
Distribution of Legislative Subject [Art-248]	<ul style="list-style-type: none"> • Union List (98 subjects, originally 97) is under the Centre's jurisdiction. • State List (59 subjects, originally 66) falls under the State's jurisdiction. • Concurrent List (52 subjects, originally 47) allows both the Centre and State to legislate, but in case of a conflict, the Centre prevails. • Residuary powers allow Parliament to make laws on matters not included in either list. • The 101st amendment act of 2016 introduced special provisions regarding goods and services tax.

Art-254	<ul style="list-style-type: none"> • In case of a conflict between state and Centre laws, Centre prevails. • An exception is if a state law is reserved for consideration and receives the President's assent, in which case the state law prevails.
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Parliamentary Legislation in the State Field	
When Rajya Sabha Passes a Resolution on a matter of national interest, Parliament can make laws	<ul style="list-style-type: none"> • 2/3 majority (P+V) required • Validity - 1 year • Can be renewed any number of times, but for a maximum of 1 year at a time.
During a National Emergency	<ul style="list-style-type: none"> • Parliament can legislate on State List subjects. • After 6 Months (X) when the Emergency ends, State Legislatures (SLA) can make laws on the same subjects; in case of a deadlock, the Centre prevails.
When a state makes a request	<ul style="list-style-type: none"> • If 2 or more states pass resolutions requesting Parliament to enact laws on State List subjects, Parliament can do so. • The law is applicable to the states that passed the resolution.
Art. 253 - To implement international Agreements	<ul style="list-style-type: none"> • For implementing international treaties, agreements, and conventions (e.g., Geneva Convention, etc.).
During President's Rule (Art 350)	<ul style="list-style-type: none"> • For the concerned state, the validity does not expire after the Emergency. • Parliament can make laws, which can be repealed or enacted by State Legislatures after President's rule is revoked.



Administrative Relations (Article 256 – Article 263 : Part XI)	
Distribution of Executive Power	- Union List – Centre has exclusive power.
	- State List – States have exclusive power.
	- Concurrent List – Exclusive power rests with states.
Obligations of States and the Centre	- Two restrictions on states for exercising executive power of the state:
	a. To ensure compliance with laws made by Parliament and any existing laws that apply to the state.
	b. To not impede or prejudice the exercise of executive power of the Centre and the state.
Direction of State	States can receive directions on various matters, including:
	a. Construction and maintenance of means of communication.
	b. Protection of railways.
	c. Education in the mother tongue.
	d. Drawing and execution of specific schemes for the welfare of tribes (Scheduled Tribes).
Mutual Delegation of Functions	States can delegate functions to other states to resolve deadlocks.
Cooperation Between the Centre and States	- Resolving interstate water disputes (Article 262).
	- Establishment of the Interstate Council (Article 263).
	- Ensuring full and faithful credit to public acts, records, and judicial proceedings of every state (Article 261).
All India Services, Public Service Commissions, and Integrated Judicial System	a. All India Services:
	- Includes IAS (Indian Administrative Service), IPS (Indian Police Service), and IFS (Indian Forest Service).
	- Comprises both central and state services.
	- Originated from the ICS (Indian Civil Service).
	- Article 312 authorizes Parliament to create new All India Services based on a Rajya Sabha resolution.
	b. Public Service Commissions:
	- Chairmanship transferred from the President to the Governor.
	- JSPC (Joint State Public Service Commission): President's role removed and Governor appointed.
	c. Integrated Judicial System:
	- Appointments, transfers, etc., are under the authority of the Center.
Legislative Relations	- Territorial Extent of Centre and State Legislatures.
	- Distribution of Legislative Subjects.
	- The State List:
	a. State legislatures have exclusive powers, generally.
	b. Contains 59 subjects such as sanitation, agriculture, etc.
	c. Covers matters of regional and local importance.
Art 355	Imposition of Duties on the Centre
	Government, through the President, submits a report to the Centre.
State Election Commission	Appointed by the Governor.
	Can be removed by the President only.
Extra Constitutional Bodies	NITI Ayog, NDC (National Development Council), NIC (National Integration Council), Zonal Councils, etc.
	Advisory bodies that promote cooperation and coordination below the center and state.
	Various conferences are organized, such as Governor Conferences and Chief Minister Conferences.
Relations During Emergency	During Article 352 (National Emergency): Centre becomes entitled to give executive directions to a state on 'any' matter.
	During Article 356: President's Rule is imposed, and the President can assume the functions of the state government and powers vested in the Governor or any other executive authority in the state.
	During Article 360 (Financial Emergency): Centre can direct the states to observe canons of financial discipline.



Distribution of Taxes → Centre to State	Distribution of Tax Revenues
<p>1. Parliament has exclusive power to levy taxes on union list</p> <p>2. State legislature can levy taxes on subjects in state list</p> <p>3. No tax entries in concurrent list</p> <p>– 101st amendment act of 2016</p> <p>– special provisions for goods and service tax</p> <p>– concurrent power of Parliament and state legislators</p> <p>4. The residuary power of taxation (that is, the power to impose taxes not enumerated in any of the three lists) is vested in the Parliament. Under this provision, the Parliament has imposed gift tax, wealth tax and expenditure tax.</p>	<ul style="list-style-type: none"> 80th Amendment Act of 2000 and 101st Amendment Act – Major changes in distribution scheme amendment provided for subsuming various central indirect taxes and levies such as: <ol style="list-style-type: none"> Central excise duty, additional excise duties, excise duties Service tax additional customs duty (CVD) Sales tax, entertainment tax, Luxury tax Octroi and entry tax, purchase tax Taxes on lottery, betting and gambling, etc <p>Distribution as follows:</p> <ol style="list-style-type: none"> Taxes levied by Centre but collected and appropriated by the state – Art. 268. Taxes levied and collected by the Centre but assigned to the state – Art. 269. Levy and collection of GST in course of interstate trade or commerce – Art. 269-A Taxes levied and collected by the Centre but distributed between the Centre and states – Art. 270 Surcharge on certain taxes and duties for the purpose of the Centre - Art. 271 Taxes levied and collected and retained by the states

Distribution of Non-Tax Revenues	Grants-in-Aid to the States are of two types
<p>The Centre (receipts from the following major sources)</p> <ol style="list-style-type: none"> Posts and telegrams. Railways. Banking. Broadcasting. Coinage and currency. Central Public sector Enterprises. Escheat and Lapse Others 	<ol style="list-style-type: none"> Statutory Grant (275) Discretionary Grant (282)
	<p>GST Council</p> <p>President to constitute GST Council in order to facilitate cooperation and coordination between Centre and state</p> <p>Finance Commission</p> <p>It is a Quasi-judicial body, Constitutional Body, It has a Chairman and 4 other Members</p> <p>Its prime functions are:</p> <ol style="list-style-type: none"> Distribution of Taxes between states and centres Devising the bases to govern 'grants-in-aids' All the matters that require sound finance are referred to it <p>It also works towards:</p> <p>Protection of state Interests</p> <p>Dealing with Borrowing of Centre & state</p> <p>Inter-Governmental Tax Immunities</p> <ol style="list-style-type: none"> Exemption of Central property from state taxation Exemption of state property or Income from central taxation
<p>The States receive their taxes mainly from these sectors</p> <ol style="list-style-type: none"> Fisheries Irrigation Forest State Public sector Enterprises. Escheat and Lapse Others 	<p>Emergency Provisions</p> <ol style="list-style-type: none"> National Emergency is proclaimed under article (352) and during which the President can modify the Constitution towards distribution of revenue b/w Centre & state. Financial Emergency is proclaimed under article (360) where: <p>Reduced salary & allowance of all class people reviving in the state.</p> <p>Reserved bill for the consideration of POI.</p>



INTER- STATE RELATIONS

Inter-State Relations	Description
Introduction	<ul style="list-style-type: none"> A successful federal system depends on harmonious relations not only between the Centre and the states but also among the states themselves. The Constitution addresses inter-state relations through four inter-state committees.
INTER-STATE WATER DISPUTES	<ul style="list-style-type: none"> Article 262 deals with the adjudication of inter-state water disputes. Parliament may provide for the adjudication of these disputes, and such decisions cannot be challenged in the Supreme Court or any other court. This is crucial for the regulation and development of inter-state rivers and river valleys. The River Board Act (1956) and the Inter-State Water Dispute Act (1956) were enacted to establish ad hoc tribunals to resolve these disputes. The decisions of these tribunals are final and binding. Several tribunals have been set up to address specific disputes, such as the first Krishna Water Disputes Tribunal, which resolved conflicts between Maharashtra, Karnataka, and Andhra Pradesh. To date, there have been nine such tribunals, exemplified by the Mahanadi dispute involving Chhattisgarh and Odisha.
INTER-STATE COUNCILS	<ul style="list-style-type: none"> The Inter-State Council is a constitutional body established when the President deems it necessary for public interest. It was established following the recommendations of the Sarkaria Commission in 1988 and was officially established in 1990 during the VP Singh government. The council comprises the Prime Minister, Chairman, Chief Ministers of all states, Chief Ministers of Union Territories, Administrators of Union Territories, Governors of states under President's rule, and six Cabinet Ministers, including the Home Minister. The Finance Minister, whether from the Cabinet or independently, is a permanent entity. The council investigates and discusses matters of common interest between states and the Centre. It functions through various bodies, including a standing committee with the Union Home Minister as chairman, five Union Cabinet Ministers, and nine Chief Ministers. There is also a secretariat for continuous processing of matters.

PUBLIC ACTS, RECORDS AND JUDICIAL PROCEEDINGS	<ul style="list-style-type: none"> The Constitution fixes the jurisdiction of each state and provides mechanisms to resolve difficulties. It mandates that full faith and credit be given to public acts, records, and judicial proceedings throughout the territory of India, both at the Centre and in every state. This extends to legislative and executive acts of the government.
INTER-STATE TRADE AND COMMERCE	
Art 301	Trade and commerce throughout the country are constitutionally mandated to be free, breaking down barriers at state borders and promoting free trade.
Art 302	Parliament has the authority to impose restrictions on trade and commerce , both inter and intra-state, in the interest of the public.
Art 303	State legislatures can impose restrictions on trade and commerce in the public interest , but such restrictions require the passage of a bill in the legislature.
Art 304	Taxation of goods imported from other states is considered valid, as long as it is not discriminatory , including sales tax, provided it is not discriminatory.
Art 305	The freedom of trade and commerce guaranteed under Article 301 is subject to nationalization laws.
ZONAL COUNCIL	Zonal Councils are statutory bodies not established by the Constitution but through the Zonal Councils Act of 1956 . The five Zonal Councils are Northern Zone (Delhi), Central Zone (Allahabad), Southern Zone (Chennai), Eastern Zone (Kolkata), and Western Zone (Mumbai).
N.E COUNCIL	The North-Eastern Council was established by the North-Eastern Council Act of 1971. It serves as a unified coordinating body for regional planning and development in the northeastern states of Assam, Manipur, Mizoram, Nagaland, Tripura, Meghalaya, and Sikkim.



EMERGENCY PROVISIONS

Parts and Articles	<ul style="list-style-type: none"> Article 352 to 360 Part XVIII (18th) Deal with emergency situations Union govt becomes supreme Federal system => Unitary system
Types of Emergency	3 types <ul style="list-style-type: none"> National emergency (352) State emergency (356) Financial emergency (360)

Article 352 - National Emergency	
Conditions	<p>Declared by President War, External aggression or armed rebellion (As per 38th CA, 1975) Can be for whole India (42nd CAA) Written form is provided by Cabinet Exempted from the Judicial review</p>
44th CA, 1978 (Judicial Review)	<p>Internal disturbance changed to Armed rebellion Must be approved within one month via Parliament Action be struck down if it was based on ground of Malafide. Secularism as the basic structure.</p>
Minerva mills case	Can be challenged on ground of malafide
Approval	<p>Case-1 → Proclamation of emergency → before 1 month → Lok Sabha (L.S.) dissolve without passing Meanwhile RS passes → dissolve Emergency and after 30 day of 1st sitting of Lok Sabha</p> <p>Case-2 → If approved by both houses → 6 month → extended for indefinite time, with the approval of Parl. after every 6 month. Originally, it was operate as long as cabinet desires after proclamation approval by parl.</p> <p>Case-3 → If L.S dissolve during the period of 6 month without approving for further continuance of Emergency → Proclamation service 30 days from first sitting of L.S. Meanwhile RS approved. Resolution of proclamation must be passed by spl. majority i.e. $\frac{2}{3} [P+V] + 50\%$ of the total member.</p>
Fundamental rights	<p>44th amendment act 1978</p> <p>a. President cannot suspend of right to move the court for enforcement of fundamental rights guaranteed by Article 21 – Article 20, Article 21 remain enforceable during emergency</p> <p>b. The first six fundamental rights under Article 19 – suspended only when national emergency is declared on the ground of war or external aggression – not on the ground of armed rebellion</p> <p>L.S can pass a resolution for its revocation</p>

State Emergency (Article 356)	
President's Power	President's rule can be imposed on a state if the President is satisfied that a situation has arisen where the government of the state cannot be carried out in accordance with the provisions of the Constitution.
Governor's Report	Usually initiated based on a report from the Governor of the concerned state. The Governor's report serves as the basis for the President's satisfaction.
Grounds for Imposition	Grounds include failure of constitutional machinery, or if a situation has arisen where the government cannot be carried out in accordance with constitutional provisions.
Judicial Review	Judicial review is available, and the Supreme Court can examine the President's satisfaction. However, the court's scope is limited and does not question the correctness of the material on which the President acted.
Duration	Initially, for a period of six months. It can be extended, but each extension must be approved by Parliament.
Parliamentary Approval	Must be approved by both Houses of Parliament within two months. Parliament can approve the proclamation or revoke it.
Special Majority Required	Approval requires a special majority, i.e., a majority of the total membership of each House and a majority of not less than two-thirds of the members present and voting.
Impact on State Government	President can take up functions of state government and powers vested in governor or any other executive authority. He can declare the powers of the state legislature to be exercised by Parliament. The law made by the President during such time does not repeal after the upliftment of the President's rule This law can again be passed by the state legislative assembly once formed. The power of the High Court of the concerned state does not vest in the president during such an emergency.
Return to Normalcy	President's rule ceases to operate if approved by Parliament. If not approved, the state government is restored, and normal constitutional machinery resumes.



Financial Emergency (Article 360)	
Provisions	Financial Emergency is covered under Article 360 of the Constitution.
Presidential Satisfaction	Initially, under the 38th Constitutional Amendment (1975), the President's satisfaction was immune from judicial review. However, the 44th Constitutional Amendment clarified that the President's satisfaction is not beyond judicial review.
Imposition History	As of now, Article 360 has not been imposed in India.
Duration and Approval	The initial duration is for two months. If the Lok Sabha dissolves without approval within two months, it continues until 30 days after the new Lok Sabha takes place. Once approved by both houses of Parliament, there is no maximum period for its operation, and repeated parliamentary approval is not required. Simple majority is required for approval.
Revocation Authority	The President has the authority to revoke the Financial Emergency.
Effects during Financial Emergency	The central government can give directions to the states on financial matters. Reduction of salaries for any person serving in a state. Reservation of all financial bills and money bills for the President. The salaries and allowances of judges of the Supreme Court and High Courts may be reduced.
Distinction from Articles 358 and 359	Article 358 applies to the suspension of fundamental rights (specifically Article 19) during a national emergency. Article 359 empowers the President to suspend the enforcement of fundamental rights during emergencies. Article 360, related to financial emergencies, does not automatically suspend any fundamental rights. It primarily deals with financial matters and the center's authority over states in such situations.

Emergency of 1975-1977	
Type	National Emergency
History	Declared by then Prime Minister Indira Gandhi on June 25, 1975, under Article 352 of the Constitution.
Reasons/ Justifications	Cited internal disturbance and threat to the security of India. - Officially stated as a response to "internal disturbance" and "threats to the security of India."
Proclamation and Duration	Proclaimed by President Fakhruddin Ali Ahmed. Initially, a state of emergency was declared for six months. However, it was extended multiple times, ultimately lasting for 21 months until March 21, 1977.
Key Outcomes	Significant curtailment of civil liberties. Mass arrests, censorship, and suppression of political opposition. Dismissal of state governments not aligned with the central government.
Major Events	June 25, 1975: Emergency declared. Suspension of Fundamental Rights: Citizens' fundamental rights, particularly those related to personal liberties, were suspended. Mass Arrests: Political leaders, activists, and journalists were arrested. Censorship: Media censorship was imposed. - Election Postponement: The general elections, scheduled for 1976, were postponed. Internal Repression: Reports of widespread human rights abuses and state repression. Economic Policies: The period saw the implementation of certain economic policies, including bank nationalization.
End of Emergency	Emergency was lifted on March 21, 1977. New elections were announced.
Election Outcome	The general elections were held in 1977. Indira Gandhi's government was defeated, and the Janata Party came to power.



THE PRESIDENT (52-78)



Droupadi Murmu is currently serving as the 15th President of India. She holds the distinction of being the first individual from the tribal community and the second woman after Pratibha Patil to assume the office. Murmu is also the youngest person to hold the post and the first President born in independent India. Prior to her presidency, Murmu served as the 8th Governor of Jharkhand from 2015 to 2021.

Union Executive Components	<ul style="list-style-type: none"> President, Vice-President, Prime Minister, Council of Ministers, Attorney General of India
President's Role	<ul style="list-style-type: none"> Head of the State, Symbol of unity, integrity, and solidarity of the nation, First citizen of India
Election of the President	<ul style="list-style-type: none"> Article 52 establishes the President of India (POI) Article 65(1): In case of a vacancy, the Vice President assumes the role If vacancy occurs simultaneously (POI + VP) then CJI + 30 other Judges carry the role of The President (Discharge of Functions) Act, 1969
Qualification for President	<ul style="list-style-type: none"> Age: 35 years Citizenship: Indian Office of profit: Not applicable Eligibility to become a member of Lok Sabha (LS)
Nomination Process	<ul style="list-style-type: none"> For Nomination: Subscribed by 50 electors as proposers and 50 electors as seconders
Election Process (No Nominated Member)	<p>Electoral college:</p> <ul style="list-style-type: none"> Elected Members of Parliament (MP) of Lok Sabha (LS) and Rajya Sabha (RS) Members of Legislative Assemblies (MLA) of State Legislatures MLAs from Delhi and Puducherry Assemblies
Value of a vote of MP or MLA	<p>Value of the vote of an MP =</p> <ul style="list-style-type: none"> Total value of votes of all MLAs of all states/ Total number of elected members of Parliament <p>Value of the vote of an MLA =</p> <ul style="list-style-type: none"> $\frac{1}{1000} \times$ (Total population of state/ Total number of elected members in the state legislative assembly) <p>Any dispute is handled by SC as per Article 71 Election Cannot be challenged on the ground of incomplete Electoral College.</p>

Article	Title
52	President of India
53	Executive power of the Union
54	Election of President
55	Manner of election of President
56	Term of office of President
57	Eligibility for re-election
58	Qualifications for election as President
59	Conditions of President's office
60	Oath or affirmation by the President
61	Procedure for impeachment of the President
62	Time of holding election to fill the vacancy in the office of President occurring by reason of expiration of his term of office and the term of office of a person elected to fill the vacancy
63	The Vice-President to be ex-officio Chairman of the Council of States
64	The President to exercise his functions during any period of illness etc.
65	The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President

Condition for President	
Should not be a member of either House of Parliament/State legislature.	<ul style="list-style-type: none"> If elected as President while being a member, deemed to have vacated the seat. This condition ensures that the President is not a member of any legislative body, which would create a conflict of interest.
Should not hold any other office of profit.	<ul style="list-style-type: none"> This condition prevents the President from holding any other job that could pay them money, which could also create a conflict of interest.
Entitlements	<ul style="list-style-type: none"> Entitled to use the official residence (Rastrapathi Bhavan) without payment of rent.
	<ul style="list-style-type: none"> Entitled to emoluments, allowances, and privileges determined by Parliament. Cannot be diminished during the term.



Term of office	The President's term of office is five years.
Resignation	The President can resign by submitting a letter to the Vice President.
Re-election	The President can continue to serve in office after their five-year term ends until a new President is elected and the former president can also be re-elected.
Article 56	The President can be removed from office through impeachment.
Process of Impeachment	Impeachment proceedings can be initiated by either house of Parliament if at least one-quarter of the members of that house support it.
	The Chairman of the Rajya Sabha or the Speaker of the Lok Sabha can decide whether to admit the impeachment motion for consideration.
	If the impeachment motion is admitted, it must be passed by a two-thirds majority in the other house of Parliament (Absolute Majority)
	The President must be given at least 14 days' notice of the impeachment proceedings.
Quasi-judicial role	The President has the right to defend themselves against the impeachment charges.
Finalisation	If the impeachment motion is passed by a two-thirds majority in both houses of Parliament, the President is removed from office.

Powers of the President

Executive Power

Art 53	The President is the head of the executive branch of the government.
Art 74	The President works with the advice and assistance of the Council of Ministers.

All executive decisions of the Union will be taken in the name of the President.

Appoints the Prime Minister and other ministers - they hold office during his pleasure.

Approval or Removal

V-POI	Appoints the Vice President.
CJI	Appoints the Chief Justice of India.
HC, SC Judge	Appoints Judges of the High Courts and the Supreme Court.
Governor	Appoints Governors of the States.
UPSC	Appoints members of the Union Public Service Commission.
EC	Appoints the Election Commissioners.
FC	Appoints the Finance Commission.

SC/ST Commission	Appoints the Scheduled Castes and Scheduled Tribes Commission.
CAG	Appoints the Comptroller and Auditor General of India.
AG	Appoints the Attorney General of India.

Other

- Can seek information relating to the administration of affairs of the Union and proposals for legislation from the Prime Minister.
- Appoint a commission to investigate into the conditions of Scheduled Castes, Scheduled Tribes and other backward classes.
- He directly administers the Union territories through an administrator appointed by him.
- He can declare any area as a scheduled area - power for administration of scheduled and tribal areas.

Legislative Power

Can summon or prorogue the Parliament and dissolve the Lok Sabha - summons a joint sitting presided over by the Speaker of the Lok Sabha.

Address the Parliament at the commencement of the first session after each general election and every year.

Can nominate 12 members of the Rajya Sabha from persons with special knowledge.

Permission needed for certain bills - expenditure from the Consolidated Fund of India, alteration of boundaries, creation of a new State.

Give assent, withhold assent, or return a bill - if not a money bill.

State legislature bill - give assent, withhold assent, or direct the Governor to return it if not a money bill.

Decides the question of disqualification of members in Parliament with the Election Commission's consultation.

Appoint the Speaker and Deputy Speaker of the Lok Sabha if vacant - In the Lok Sabha.

Appoint the Chairman and Deputy Chairman of the Rajya Sabha if vacant - In the Rajya Sabha.

Art 123: Can pass an Ordinance - subject to approval within six weeks of Parliament.

Financial Power

- Money bill with his prior permission.
- Lay the annual financial statement - Union Budget.
- No demand for a grant can be made except on his recommendation.
- Makes advances out of the Consolidated Fund of India - any unforeseen expenditure.
- Constitutes a Finance Commission after every five years to recommend the distribution of revenue between the Centre and the States.



Judicial Power	
Appoints the Chief Justice of India, Judges of the Supreme Court and the High Courts.	
Seek advice from the Supreme Court on question of law or fact but the advice is not binding on the President.	
Art 72 (Pardoning powers of the President)	<p>Pardon means either making free of conviction or punishment or both</p> <p>b. Commutation means Change in nature of a punishment (Death to Imprisonment)</p> <p>c. Remission means reducing the period of sentence without changing its character.</p> <p>d. Reprieve means Suspension of punishment till decision of President.</p> <p>e. Respite means relief due to special condition (Pregnant Lady, Handicapped)</p>
Diplomatic Powers	
International treaties and agreements negotiated and concluded on behalf of the President.	
Represents India in international forums and affairs and sends and receives diplomats.	
Military Power	
He is the Supreme commander of the defence forces of India.	
Appoints the Chief of the Army, the Navy, the Air Force, and the Chief of Defence Staff.	
Can declare war or conclude peace subject to approval of Parliament.	
Emergency Powers	
Extraordinary power during national emergency, President's rule, and financial emergency.	
Article 111 (Assent to Bills)	When a Bill has been passed by the Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom Procedures in Financial Matters

Types of Veto	Absolute Veto = to withhold the 'assent'
	Suspensive Veto = Return bill for reconsideration
	Pocket Veto = Simply keep pending bill for indefinite times
Role of Governor	Governor can reserve a bill for President Reconsideration.
	He may give or withhold or may return for reconsideration to the state legislature, if it again passed, POI is not found to give assent/no time limit for POI

Power of Issuing Ordinances	
Definition	Ordinances are temporary laws that have the same force and effect as an Act of Parliament.
Conditions for Issuance	Ordinances can only be issued when both Houses of Parliament are not in session or when either House is not in session.
Requirements for Issuance	The President must be satisfied that the circumstances exist that render it necessary for him to take immediate action.
Scope of Ordinances	Ordinances can only be issued on subjects on which Parliament can make laws.
Constitutional Limitations	Ordinances are subject to the same constitutional limitations as an Act of Parliament.
Approval by Parliament	Every ordinance must be laid before both Houses of Parliament when it reassembles.
Effect of Parliament's Action	If approved by both Houses, the ordinance becomes an Act of Parliament.
Effect of Parliament's Inaction	If Parliament takes no action, the ordinance ceases to operate six weeks after Parliament reassembles.
Termination of Ordinances	Ordinances can also be terminated if both Houses of Parliament pass resolutions disapproving them.



VICE PRESIDENT (63-71)



Jagdeep Dhankhar has served as the Vice President of the Republic of India since 2022. He previously served as the Governor of West Bengal from 2019 to 2022.

Office	Vice President
Model	American Vice President
Rank	Second highest office after President of India
Election	Elected by an electoral college consisting of members of both houses of Parliament. The members of the state legislative are Not include). Elected by system of proportional representation.
Qualifications	Citizen of India, 35 years of age, and qualified to be elected to the Rajya Sabha
Restrictions	Cannot hold any other office of profit
Nomination	Requires the support of at least 20 electors as proposers and 20 electors as seconders
Deposit	Must make a security deposit of ₹15,000 with the Reserve Bank of India
Oath	Taken before the President or a person appointed by the President
Disqualifications	Cannot be a member of either house of Parliament or a state legislature, and cannot hold any other office of profit
Term	Five years from the date of assuming office
Removal	By a resolution of the Rajya Sabha passed by an absolute majority and agreed to by the Lok Sabha, with at least 14 days' advance notice
Vacancies	Occur upon expiry of the term, resignation, removal, death, or disqualification
Disputes	Inquired into and decided by the Supreme Court, with its decision being final

Powers and Functions

Acts as the ex-officio Chairman of the Rajya Sabha, with powers and functions similar to those of the Speaker of the Lok Sabha

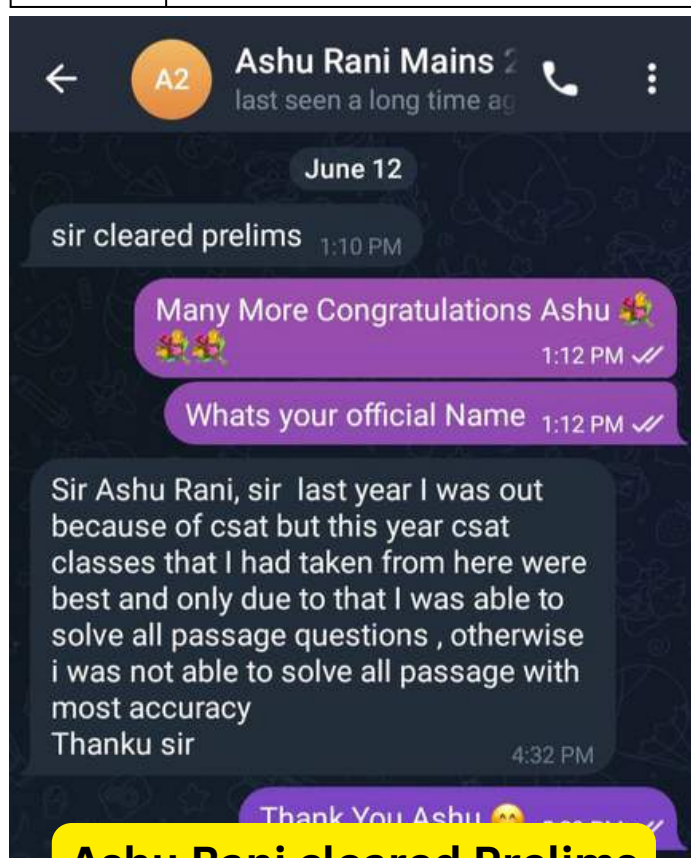
Can act as President when a vacancy occurs in the office of the President, but only for a maximum period of six months

Does not perform the duties of the office of Chairman of the Rajya Sabha while acting as President

Emoluments Draws a regular salary as ex-officio Chairman of the Rajya Sabha

Not entitled to the salary or allowance of the President while acting as President

Articles	Description
Article 63	<ul style="list-style-type: none"> The Vice-President of India is the second highest constitutional office in the country.
Article 64	<ul style="list-style-type: none"> The Vice-President is the ex-officio Chairman of the Rajya Sabha.
Article 65	<ul style="list-style-type: none"> The Vice-President acts as President in the event of the death, resignation, impeachment, or removal from office of the President.
Article 66	<ul style="list-style-type: none"> The Vice-President is elected by an electoral college consisting of the members of both Houses of Parliament.
Article 67	<ul style="list-style-type: none"> The Vice-President must be a citizen of India, at least 35 years of age, and qualified to be elected to the Rajya Sabha.
Article 68	<ul style="list-style-type: none"> The Vice-President cannot hold any other office of profit.
Article 69	<ul style="list-style-type: none"> The Vice-President can be removed from office by a resolution of the Rajya Sabha passed by an absolute majority and agreed to by the Lok Sabha.
Article 70	<ul style="list-style-type: none"> The Vice-President's term of office is five years.
Article 71	<ul style="list-style-type: none"> The Vice-President is entitled to receive a salary and allowances as determined by Parliament.



Ashu Rani cleared Prelims



PRIME MINISTER [74-78]



Narendra Damodardas Modi has served as the 14th prime minister of India since May 2014. Modi was the Chief Minister of Gujarat from 2001 to 2014 and is the Member of Parliament (MP) for Varanasi. He is a member of the Bharatiya Janata Party (BJP).

Article	Description
Article 74	The President appoints the Prime Minister and other ministers, who hold office during his or her pleasure.
Article 75	The Prime Minister and other ministers are collectively responsible to the Lok Sabha.
Article 78	The Prime Minister advises the President on all matters of administration and presides over the meetings of the Council of Ministers.
Article 79	The Prime Minister is the leader of the majority party in the Lok Sabha and is responsible for ensuring that the government's policies are implemented.
Article 88	The Prime Minister can be removed from office by a vote of no-confidence in the Lok Sabha.
Article 123	The Prime Minister can advise the President to promulgate ordinances when Parliament is not in session.
Article 286	The Prime Minister is responsible for the defense of the country.
Article 356	The Prime Minister can advise the President to impose President's rule in a state if the state government is unable to function properly.
Article 360	The Prime Minister can advise the President to declare a national emergency if there is a threat to the security of the country.

Role	De facto executive head of state President is De jure executive
Article 75	There shall be Prime Minister appointed by the president In 1980, the Delhi High Court ruled that a person must prove his majority in the Lok Sabha before he is appointed. In 1997, Supreme Court said that a person who is not a member of any House of Parliament can be appointed as Prime Minister for 6 months, he had to take permission from President.

Office	During pleasure of President i.e. as long as majority, he will not be dismissed. Cannot be dismissed by the President – can only be dismissed if he loses majority
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Powers of Prime Minister

In Relation to Council of Ministers

- Recommends the names of ministers to be appointed by the President.
- Assigns portfolios to ministers.
- Reshuffles portfolios as needed.
- Presides over meetings of the Council of Ministers.
- Guides and controls the activities of ministers.
- Can advise the President to dismiss ministers.

In Relation to the President

- Serves as the principal channel of communication between the government and the President.
- Advises the President on a wide range of matters, including the appointment of key officials, such as the Comptroller and Auditor General of India, the Attorney General of India, the Chairman and members of the Union Public Service Commission, the Election Commissioners, and the Chairman and members of the Finance Commission.

In Relation to Parliament

- Advises the President to summon and prorogue Parliament.
- May recommend the dissolution of the Lok Sabha to the President at any time.
- Announces government policies on the floor of the House.
- Leads the government's business in Parliament.

Other Powers

Serves as the Chairman of NITI Aayog, the National Defence Council, the National Intelligence Council, the Inter-State Council, and the National Water Resources Council.

Plays an important role in shaping the country's foreign policy.

Serves as the chief spokesperson of the government.

Acts as the crisis manager-in-chief at the political level during emergencies.

Serves as the leader of the party in power.

Holds the political head of services position.



Article	Description
Article 74	There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions.
Article 75	(1) The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister. (2) The Ministers shall hold office during the pleasure of the President. (3) The Council of Ministers shall be collectively responsible to the Lok Sabha.
Article 77	All executive action of the Government of India is taken in the name of the President and it shall be the duty of the Prime Minister to ensure that all executive actions of the Government of India are taken in accordance with the provisions of this Constitution.
Article 78	The Prime Minister shall keep the President constantly informed of all important matters of administration and shall also communicate to the President all matters which the President may specially call for.

Jawaharlal Nehru (1947 – 1964)	Longest-Serving Indian Prime Minister
Indira Gandhi	Second Longest-Serving Indian Prime Minister
Gulzari Lal Nanda	Acting Prime Minister Twice
Indira Gandhi	The first woman Prime Minister to receive the Bharat Ratna
Morarji Desai	First Non-Congress Prime Minister of India
Morarji Desai	Indian Prime Minister received Pakistan's highest civilian award
Rajiv Gandhi	Youngest Indian Prime Minister
P.V. Narasimha Rao	First Prime Minister from South India
Indira Gandhi	First Prime Minister of India who was a member of the Rajya Sabha



CENTRAL COUNCIL OF MINISTERS

Article	Provisions
Article 74	<p>Council of Ministers with the PM at the head advises the President, who acts accordingly.</p> <p>POI can ask for reconsideration.</p> <p>42nd and 44th Constitutional Amendment Acts rule that advice of council of ministers is binding on President and it cannot be inquired by court.</p>
Article 75	<p>PM appointed by President (other ministers on advice of PM). PM + Council of Ministers (COM) should not be more than 15% of the strength of Lok Sabha (91st Constitutional Amendment, 2003).</p> <p>Ministers hold office during the pleasure of the President. COM collectively responsible to Lok Sabha. Ministers take a secrecy oath by POI. Non-MP ministers should take membership within six months.</p>
Article 77	Conduct of business of the Government. All executed actions are taken in the name of the POI.
Article 78	PM's duties regarding furnishing information to the President, etc.
Article 88	<p>Right to speak and take part in the proceedings of any House, joint sitting, but cannot vote.</p> <p>In 1947, Supreme Court ruled that even after the dissolution of Lok Sabha, the COM does not cease to hold office.</p> <p>In 1974, clarification that the satisfaction of the President is not personal but is that of the COM.</p>
Appointment of Ministers	President appoints ministers on the advice of the Prime Minister. A person not a member of the house can become a minister. Should take membership within six months. Ministers do not vote but can take part in functions. Oath, salary determined by the President and Parliament.
Responsibility of Ministers	<p>Collective Responsibility: Article 75 states that the Council of Ministers is jointly responsible to the Lok Sabha for their acts. If a No-Confidence motion is passed, all ministers, including those from the Rajya Sabha, must resign. The Cabinet can advise the President to dissolve the Lok Sabha if it does not represent true representation, and they should publicly support decisions.</p> <p>Individual Responsibility: The President can dismiss the Council of Ministers even if they enjoy a majority in the Lok Sabha. The Prime Minister can also ask for resignation.</p>

	Legal Responsibility: No provision for a system of legal responsibility; courts cannot inquire into the nature of advice.
Composition of the Council of Ministers	<ol style="list-style-type: none"> Prime Minister: De facto ruler. Cabinet Ministers: Head important ministries like home, defense, external affairs. Attend meetings and play a crucial role in decision-making. State Ministers: Can have independent charge or support cabinet ministers. Deputy Ministers: Assist cabinet or state ministers. Parliamentary Secretary: The last member of COM, only assists.
Council of Ministers vs. Cabinet	<p>Council of Ministers: 60 to 70 ministers. COM includes deputy ministers. Does not meet as a body to transact government business. Functions determined by the Cabinet. Collectively responsible to Lok Sabha. Implements Cabinet decisions.</p> <p>Cabinet: 15 to 20 ministers. Only the Cabinet, no deputy ministers. Meets frequently, usually once a week. Controls the Council of Ministers. Supervises the implementation of its decisions. Collectively responsible to COM and Lok Sabha.</p>
Role of Cabinet	<p>Highest decision-making body.</p> <p>Chief policy formulating body.</p> <p>Supreme executive authority.</p> <p>Manages crises and emergency situations.</p> <p>Controls higher appointments like constitutional authorities. Deals with foreign policies and foreign affairs.</p>
Kitchen Cabinet	<p>Named during Indira Gandhi's era. A small body comprising the Prime Minister and 15 to 20 important ministers.</p> <p>Highest decision-making body informally, inner circle, real center of power. Efficient, can meet often, maintains secrecy.</p> <p>However, reduces the authority and status of the cabinet and circumvents legal procedures.</p> <p>Allows outside influential individuals a role in government functioning.</p>



CABINET COMMITTEES

Features of Cabinet Committee	
1.	Extra-constitutional and emergent; not mentioned in the Constitution. Rules of business provide for establishment.
2.	<p>There are two types of Parliamentary committee, the Standing committee and the Ad hoc committee.</p> <p>The Standing committees are constituted every year or frequently and they work on continuous basis.</p> <p>Ad hoc committees are temporary and created for specific task. Once that task is completed, the ad hoc committees cease to exist. (A select committee is an ad-hoc committee)</p>
3.	Setup by the PM according to the requirements of the situation; number, nomenclature, composition vary from time to time.
4.	3-8 members, usually includes Cabinet Ministers. Non-Cabinet members are not debarred.
5.	<p>Mostly headed by the Prime Minister.</p> <p>a. Sometimes, Cabinet Ministers like Home Minister, Finance Minister act as chairman, with the Prime Minister still a member of the committee.</p> <p>b. Includes ministers in charge of subjects + other senior ministers.</p>
6.	Decisions also taken subject to the review of the cabinet.
7.	Organizational devices to reduce the enormous workload of the cabinet and facilitate the examination of policy issues and effective coordination.
8.	Based on the division of labor and effective delegation.

2019 Functional Committees	
1.	Committee on Political Affairs: Deals with policy matters pertaining to domestic and foreign affairs.
2.	Committee on Economic Affairs: Controls and directs government activities in the economic sphere.
3.	Appointments Committee of Cabinet: Handles all high-level appointments (Central Secretariat, public enterprises, banks, and financial institutions).
4.	Cabinet Committee on Security: Deals with matters related to national security.
5.	Cabinet Committee on Parliamentary Affairs: Monitors the progress of government business in Parliament, chaired by the Home Minister.
6.	Cabinet Committee on Accommodation: Deals with accommodation-related matters.
7.	Cabinet Committee on Investment and Growth: Focuses on investment and growth issues.
8.	Cabinet Committee on Employment and Skill Development: Addresses matters related to employment and skill development.

GoMs (Groups of Ministers)
<ul style="list-style-type: none"> • These are ad hoc bodies formed to give recommendations to the cabinet on certain emergent issues and critical problem areas. • Ministers heading the concerned ministries are inducted into the relevant GoMs and when the advice is crystallised they are disbanded. • In the past two decades, the institution of GoMs has become a viable and effective instrument of coordination among the ministries. • Some of these GoMs have been empowered to take decisions on behalf of the Cabinet whereas the others make recommendations to the Cabinet.
Some GoMs take discussions on behalf of the Cabinet, while others make recommendations to the Cabinet.
Constituted to look into various issues/subjects.
Ministers heading the concerned ministries facing issues and critical problems are inducted into relevant GoMs.



PARLIAMENT [79-122]



Introduction	<p>Parliament is the legislative organ of the government of India.</p> <p>Based on the British pattern / Westminster model of government.</p> <p>Part V – Article 79-122 deal with organization, composition, duration, officers, producers, privileges, powers, etc., of the Parliament.</p>
Organization [Art 79]	<p>The Lok Sabha (House of the People, Lower House).</p> <p>The Rajya Sabha (The Council of States, Upper House).</p> <p>The President</p> <p>a. The President is not a member of either House and does not sit in Parliament.</p> <p>b. A bill passed by both houses cannot become law without the President's assent.</p> <p>c. He can only prorogue and summon both the houses.</p> <p>d. Addresses both the houses at the beginning of each year and on the first session of both the houses.</p>
Lok Sabha [Art 81]	<p>Not more than 530 members from states, 20 members from Union Territories. Total Members: 545 (530 from State + 13 from UT + 2 Nominated)</p> <p>a. Ratio between seats and population should be maintained.</p> <p>b. Uniformity between different states and constituencies in the same state.</p> <p>c. After every census, readjustment is to be made for allocation of seats to LS in states and division of seats in each constituency.</p> <p>d. Delimitation commissions (for drawing Lok sabha boundaries) have been set up four times in the past – 1952, 1962, 1972 and 2002 – under Delimitation Commission Acts.</p>

	<p>42nd Amendment Act froze allocation of seats to LS and division of seats into territorial constituencies at the 1971 level until the year 2000 (extended to 2026 by the 84th Amendment Act of 2001).</p> <p>84th CA set territorial constituencies based on 1991</p> <p>87th CA is based on 2001, not 1991.</p>
Rajya Sabha	<p>Allocation of seats in RS according to the 4th Schedule.</p> <p>Composition: Not more than 250 members (238 from UT and states + 12 nominated).</p> <p>Total Members: 245 (229 from States, 4 from UT and 12 Nominated persons specializing in Literature, Art, Science, Social services).</p> <p>System of Proportional Representation by Single Transferable Vote.</p> <p>For UTs, Parliament may prescribe.</p>
Reservation of Seats for SCs and STs	<p>Constitution has abandoned the system of communal representation.</p> <p>Initially, it was for 10 years (1960). Extended +10 years each time. - 95th CA 2009 – till 2020.</p>
Qualifications for Members (Lok Sabha)	<p>Age should be 25 years (Art 84)</p> <p>tenure = 5 years (Temporary) (Art 83), must be a citizen of India.</p>
Rajya Sabha	<p>Age should be 30 years (Art 84)</p> <p>Rajya Sabha is a permanent body and is not subject to dissolution. However, one third of the members retire every second year, and are replaced by newly elected members.</p> <p>Each member is elected for a term of six years. The Vice President of India is the ex-officio Chairman of Rajya Sabha.</p>
Disqualification basis (Both Lok and Rajya Sabha)	<p>A person would be ineligible for being a Member of the Lok Sabha if the person;</p> <ul style="list-style-type: none"> • Holds any office of profit • Is of unsound mind. • Is an insolvent. • Is so disqualified on the ground of defection. • Has been convicted for an offence and sentenced to imprisonment of more than two years. • Has been dismissed for corruption or for disloyalty to the state (in case of a government servant)



Speaker of the Lok Sabha	Presiding officer and highest authority of the Lok Sabha. Elected in the first meeting following general elections, serving a term of five years. Chosen from sitting members of the Lok Sabha.
Election of the Speaker	Newly elected Members of Parliament from the Lok Sabha elect the Speaker. Speaker should understand Lok Sabha functions and be accepted among ruling and opposition parties. Pro tem speaker proposed; election notified by the President. If only one nomination, elected without formal vote; if more, division (vote) is called. Elected Speaker until the next general election.
Powers and Functions	Conducts business in the house. Decides whether a bill is a money bill. Maintains discipline and decorum, can punish unruly behavior. Permits motions and resolutions such as no-confidence, adjournment, censure. Decides agenda for discussion. Presides over joint sittings of Parliament. Ranks sixth in order of precedence.
Removal of the Speaker	Removed by Lok Sabha through a resolution passed by an effective majority. Also removed if disqualified for being a Lok Sabha member under specific sections of the Representation of the People Act, 1951.
Pro tem Speaker	After a general election, a list of senior Lok Sabha members is submitted to the Minister of Parliamentary Affairs. Pro tem Speaker appointed, approval required from the President. First meeting held under pro tem Speaker until Speaker and Deputy Speaker are selected.
Eligibility for Speaker	Must be a citizen of India. Not less than 25 years of age. Not holding any office of profit under the Government of India or a state government. Not a Criminal Offender.
Deputy Speaker	Elected similarly to LS itself. Whenever the office of Deputy Speaker is vacant, LS elects. Removed or term of office is similar to LS Speaker.
Duty of Deputy Speaker	When the Speaker's office is vacant. If the Speaker is absent. Presides over joint sittings in case of the Speaker's absence. While presiding over the house, Deputy Speaker casts the vote. Receives regular salary from Parliament from CFI. In the presence of the Speaker, works as an ordinary member.
Double Membership	LS + RS (elected on both houses) RS seat will become vacant. Max time 10 days to inform. If a sitting member of one house is elected for the other house, his seat in the first house will become vacant. If a person is a member of both Parliament and state legislature within 14 days, Parliament seat becomes vacant.

Chairman of RS	The presiding officer of the Rajya Sabha is known as the Chairman. The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. The Chairman of the Rajya Sabha can be removed from his office only if he is removed from the office of the Vice-President. The powers and functions of the Chairman in the Rajya Sabha are similar to those of the Speaker in the Lok Sabha. Two special powers of LS Speaker not with Chairman: a. The Speaker decides whether a bill is a money bill or not. b. The Speaker presides over a joint sitting of two Houses of Parliament.	
	Deputy Chairman of RS	Elected by the Rajya Sabha among its members. Vacates office if he ceases to be a member of the Rajya Sabha, resigns by writing to the Chairman, or is removed by a resolution passed by a majority of all the then members of the Rajya Sabha after giving 14 days' advance notice.
	Leaders in Parliament	Leader of the House: PM. Leader of the Opposition: 1/10th of the majority in opposition. Whip: Appointed by the political party to serve as an assistant floor leader.
Summoning	President summons each House of Parliament. Maximum gap between two sessions cannot be more than six months. Sessions: Budget (February to May) Monsoon (July to September) Winter (November to December). 'Session' refers to the period between the first sitting and prorogation/dissolution. 'Recess' is the period between prorogation and reassembly.	
Adjournment	Suspends work in a sitting for a specified time (hours, days, or weeks).	
Adjournment Sine Die	Terminates a sitting for an indefinite period.	



Prorogation	Presiding officer declares the House adjourned sine die when the session's business is completed. President issues a notification for prorogation within the next few days.
Dissolution	Rajya Sabha is a permanent House. Lok Sabha is subject to dissolution. Ends the existing House's life, and a new House is constituted after general elections. Dissolution can occur automatically on the expiry of tenure or by the President's decision.
Quorum	Minimum members required to be present before the House can transact any business. Quorum is 1/10th of the total number of members in each House, including the presiding officer.
Lame-Duck Session	Last session of the existing Lok Sabha after a new Lok Sabha has been elected.

Question Hour	First hour of every parliamentary sitting. Members ask questions, ministers give answers. Three types of questions: a. Starred question (oral answer, supplementary questions allowed). b. Unstarred question (written answer, no supplementary questions, notice period 10-21 days). c. Short notice question (relates to a matter of general public importance, asked by MP to any Minister on the matter).
Zero Hour	No mention in Parliament Procedure until 1960. Hour after the question hour. Raised matters of general public importance that cannot be delayed.



Nirmala Sitharaman, Minister, Finance

Type of Motion	Description
General Principles	No discussion on matters of general public importance can take place without the consent of the presiding officer.
Categories of Motions	Substantive Motion: Self-contained independent proposal dealing with important matters (e.g., impeachment of President, CJI, CEC). Substitute Motion: Proposes an alternative, supersedes the original. Subsidiary Motion: Can't state the decision without reference to the original motion.
Types of Subsidiary Motion	Ancillary Motion: Regular way of proceeding with various kinds of business. Superseding Motion: Seeks to supersede another issue during debate. Amendment: Modifies or substitutes part of the original motion.
Closure Motion	Used to cut short the debate and put the matter to a vote. Types: Simple Closure: Puts the matter to vote after sufficient discussion. Closure by Compartments: Groups parts for separate debate and vote. Kangaroo Closure: Takes up important clauses for debate and voting. Guillotine Closure: Undiscussed clauses put to vote due to lack of time.
Privilege Motion	Raised against a Minister or member for breach of privilege or providing wrong information. Addresses violations of parliamentary privileges.
Calling Attention Motion	Requires prior permission of the speaker to call attention to any matter of general public importance. Mentioned in the Rules of Procedure.
Adjournment Motion	Introduced to draw urgent attention to a definite matter of public importance. Requires support from 50 members. Cannot be used against the Rajya Sabha. Should not be less than 2 hours and 30 minutes.
No Confidence Motion	Allows the Lok Sabha to remove the ministry through a vote of no confidence. Requires support from 50 members. Must be moved within 10 days from the date it is asked. Reasons for the motion should not be expressed.



Censure Motion	States the reasons for its adoption. Can be against a minister, group of ministers, or the entire council. Moved by the opposition. If passed against a Minister, they must seek confidence in the Lok Sabha.
Motion of Thanks	Follows the President's address after every first session post a general election. Similar to the "speech from the throne" in England. Put to vote at the end of the session.

Type of Procedure	Description
Point of Order	Raised by a member when proceedings deviate from normal house rules. Enforces the rules of the house, often by the opposition, to control the government. Can lead to the suspension of proceedings without debate.
Half an Hour Discussion	Discusses matters of sufficient public importance that have undergone extensive debate. No formal motion or voting.
Short Duration Discussion	A two-hour discussion on urgent matters of public importance. Speaker may allot two days for the discussion.
Special Mention	Only in the Rajya Sabha. Similar to 'Notices' in the Lok Sabha under Rule 377. Deals with matters that cannot be raised during the question hour.
Other Funds	Contingency Fund (Article 267): Established in 1950 with an initial corpus of 500 Crores. Held by the finance secretary on behalf of the President. Public Account Fund (Article 266): Includes all public money, provided funds, judicial deposits, bank deposits, and departmental deposits without parliamentary appropriation.

Type of Bill	Key Features
Ordinary Bill	Introduced in either house by a minister or any member. Second reading involves general discussion, committee stage, and consideration stage. Considered in the second house with first, second, and third readings. President can assent, withhold, or return for reconsideration.

Money Bill	Introduced only in Lok Sabha by a minister. Rajya Sabha cannot amend; it can only make recommendations. Rajya Sabha can detain the bill for a maximum of 14 days. President can approve or reject; no reconsideration is allowed.
Financial Bill	Two types: a. Contains matters in Article 110 and general legislation. b. Contains provisions involving expenditure from CFI, not in Article 110. Treated either as an ordinary bill or, if involving expenditure, treated as a money bill.

Joint Session of Parliament	Extraordinary machinery provided by the Constitution to resolve a deadlock between two houses. <u>Can be ordered by the President in three situations:</u> a. If the bill is rejected by the other house. b. If houses have finally disagreed to amendments made to the bill. c. If more than six months have elapsed from the date of receipt of the bill by either house – without being passed by it. The Speaker of the LS recites over the joint session – deputy Speaker in his absence.
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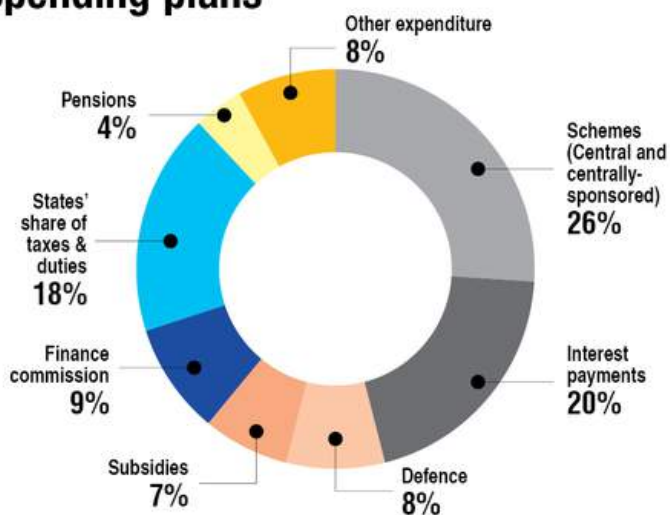


Budget in the Parliament	
Article 112	Budget is Referred to as the annual financial statement
Statement	Statement of the estimated receipts and expenditures of the GOI in financial year - 1st April to 31st March.
Bifurcation of budget	Till 2017 there were two budgets Railway budget and general budget - separated to introduce flexibility in Railway finance, secure stability of general revenues by providing annual contribution from Railway revenues.
Stages of Passing	<i>i. Presentation of budget.</i> <i>ii. General discussion.</i> <i>iii. Scrutiny by departmental committees.</i> <i>iv. Voting on demands for grants.</i> <i>v. Passing of appropriation Bill.</i> <i>vi. Passing of finance Bill</i>









Spending plans

2023



Budget 2023 at a glance

 <p>PAN to be a common identifier for Digital Systems of specified govt agencies</p>	 <p>Extend incorporation date of startups from Mar 31, 2023 to Mar 31, 2024 for I-T benefits</p>	 <p>100 labs to develop apps for 5G services, 3 AI centres of excellence</p>
 <p>Expanding the scope of Digilocker to allow more docs to be made available</p>	 <p>Accelerator fund for agritech startups</p>	 <p>Customs duty exemption on components for lithium-ion cells manufacturing</p>



Multifunctional Role of Parliament	
1. Legislative Power & Function	<ul style="list-style-type: none"> Parliament can make laws for List I (100), List II (52), Residuary, and even on the State List, provided by Art 249, 250, 252, 253, 356. Parliament can carry out approval of ordinances.
2. Financial Power	<ul style="list-style-type: none"> Provided by Art 265 Parliament provides budget.
3. Constitutional Power	<ul style="list-style-type: none"> Constitutional Amendments via (Simple 50%), Special, Absolute majorities
4. Judicial Power	<ul style="list-style-type: none"> Impeachment of POI, (V) POI, CJI, CEC, CAG, etc.
5. Electoral Power	<ul style="list-style-type: none"> Elections to the offices of POI, (V) POI + Speaker + Deputy Speaker (RS + LS).
6. Other Power	<ul style="list-style-type: none"> Approves emergency/creates or abolishes SLC (Art- 2, 3, 9, 10, etc.).
Position of Rajya Sabha where Rajya Sabha is equal to Lok Sabha in function and power	<ul style="list-style-type: none"> Ordinary, CA bill, Election, and Impeachment of POI, VPOI. Introduction and passage of financial bill. For CJIO & Judge impeachment, CAG, CEC. Approval of ordinances, Proclamation of Emergency. Selection of Ministers. - Consideration of reports of Const. Bodies (UPSC, SFC, CAG). Enlargement of jurisdiction of the Supreme Court (SC) and the Union Public Service Commission (UPSC).
Position of Rajya Sabha where Rajya Sabha is NOT equal to Lok Sabha in function and power	<ul style="list-style-type: none"> Passage of Money Bill Retake of Emergency Finance bill only in LS Speaker LS presides over Joint session LS wins. Cannot pass a no-confidence motion, Special power provided to Lok Sabha under Art 249, 312.
Parliamentary Privileges	<ul style="list-style-type: none"> Individual Privileges: The MP are not arrested during session & before & after today of session. Rt. to speech & vote cannot be challenged in Court, Art (105) MP 194 (MLA) Collective Privileges: Rights and immunities that are enjoyed by both Houses of the Indian Parliament and State Legislature as a whole, as well as their members and officers.

Individual Privileges	Collective Privileges
<ul style="list-style-type: none"> Members cannot be arrested during the session of Parliament 40 days before the beginning and 40 days after the end of a Session. Members have freedom of speech in Parliament, and no member is liable to any proceedings in any Court They are exempted from jury service when Parliament is in session. 	<ul style="list-style-type: none"> Right to publish its reports, debates, and proceedings. Right to exclude strangers from its proceedings Right to make rules to regulate its own procedure Right to punish members as well as outsiders for breach of its privileges The courts prohibited inquiring into the proceedings of a House. No person can be arrested without the permission of the presiding officer.
Special Powers of Rajya Sabha	<p>a. Can authorize Parliament to make laws on the subject and state list as per article 249.</p> <p>b. Rajya Sabha can authorize the Parliament to create all India services common to both Centre and state as per article 312.</p> <p>c. Only Rajya Sabha can alone initiate move for removal of Vice President as per article 67.</p> <p>d. During National Emergency, President's rule, financial emergency or when Lok Sabha is dissolved all powers with RS alone</p>



PARLIAMENTARY COMMITTEES

Meaning	<ul style="list-style-type: none"> Assist the Speaker/Chairman in discharge of duties due to complex and voluminous parliamentary functions. Provide expert advice and scrutiny on legislative matters and proposals. Enhance parliamentary efficiency and ensure effective implementation of decisions. Strengthen public accountability and transparency.
Criteria	<p>A parliamentary committee means a committee that:</p> <ul style="list-style-type: none"> Is appointed or elected by the House or nominated by the Speaker/Chairman. Works under the direction of the Speaker/Chairman. Presents its report to the House or to the Speaker/Chairman. Has a secretariat provided by the Lok Sabha/Rajya Sabha.
Type	Description
Standing Committees	<p>Nature is permanent, they are constituted every year or periodically.</p> <p>They work on a continuous basis. Provide ongoing oversight and scrutiny of specific areas of government activity.</p> <ul style="list-style-type: none"> Financial Committees Departmental standing committees Committees to enquire Committees to scrutinize and control Committees relating to day to day business of the house Housekeeping committee or services committee
Ad Hoc Committees	<p>They cease to exist after completing their assigned task. Created to address specific issues or inquiries.</p> <p>May be appointed to investigate a particular event, draft legislation on a specific topic, or provide expert advice on a temporary basis.</p> <ul style="list-style-type: none"> Inquiry Committees (e.g., Joint Parliamentary Committee on the 2G Spectrum Scam) Advisory Committees (e.g., Committee on National Security) Select Committees (e.g., Select Committee on the Lokpal and Lokayuktas Bill)

Category	Examples
Financial Committees	<p>Estimate Committee: Reviews and analyzes government expenditure.</p> <p>Public Accounts Committee: Examines government accounts and identifies irregularities.</p> <p>Committee on Public Undertakings: Monitors the performance of public sector undertakings.</p>
Departmental Standing Committees	<p>Committee on Health and Family Welfare: Monitors the health sector and makes recommendations for improvement.</p> <p>Committee on Home Affairs: Oversees internal security and law enforcement.</p> <p>Committee on Education: Examines educational policies and programs.</p>
Committees to Enquire	<p>(a) Committee on Petitions</p> <p>(b) Committee of Privileges</p> <p>(c) Ethics Committee (Recently came to light during expulsion of Mahua Moitra)</p>
Committees to Scrutinise and Control	<p>Committee on Subordinate Legislation: Scrutinizes delegated legislation made by the government.</p> <p>Rules Committee: Examines and proposes amendments to the rules of the House.</p>
Committees Relating to Day-to-Day Business of the House	<p>Business Advisory Committee: Allocates time for debates and other business of the House.</p> <p>Committee on Privileges: Investigates breaches of privilege of members of the House.</p>
Housekeeping Committee or Services Committee	<p>Committee on Accommodation: Manages the allocation of office space and other facilities to members and staff.</p> <p>Committee on Library: Oversees the operations of the parliamentary library.</p>



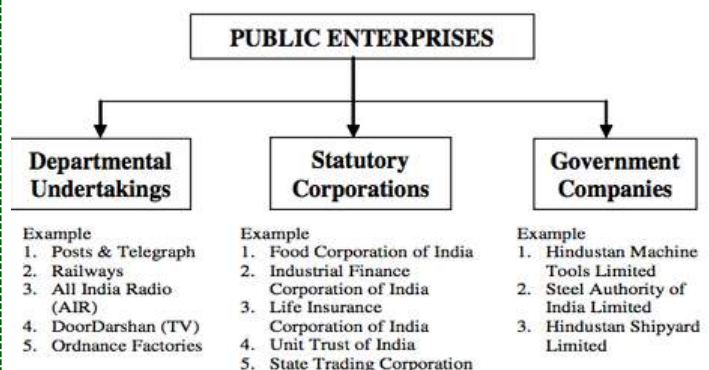
Financial committees

Public Accounts Committee (PAC)	
Composition	22 members (15 from Lok Sabha, 7 from Rajya Sabha) Setup in 1921 by the GOI Act of 1919
Selection	Elected by Parliament through proportional representation
Term	1 year
Chairman	Appointed by Speaker, traditionally from opposition (since 1967)
Function	Examine CAG reports and public expenditure
Responsibilities	<ul style="list-style-type: none"> Scrutinize appropriation and finance accounts. Examine state corporations' financial statements. Investigate accounts of autonomous bodies audited by CAG. Consider CAG reports on specific receipts or store accounts. Investigate excess expenditure.
Limitations	<ul style="list-style-type: none"> Uninterested in policy issues. Examines accounts after they are closed. Cannot intervene in daily administration. Recommendations are not binding. No authority to disallow expenditures. Cannot issue orders.
Assistance	Comptroller and Auditor General of India (CAG)

Estimates Committee	
Composition	30 members, all from Lok Sabha Set up after Independence – 1950 on recommendation of John Mathali.
Selection	Elected by Lok Sabha proportionally through single transferable vote
Term	1 year
Chairman	Appointed by Speaker Usually from ruling party
Function	Scrutinize budget estimates and suggest spending improvements
Responsibilities	<ul style="list-style-type: none"> Recommend policies for administrative efficiency and economy. Examine expenditure within policy framework. Propose dates for presenting estimates to Parliament.

Limitations	<ul style="list-style-type: none"> Reviews estimates after Parliament approval. Cannot question Parliament policy. Recommendations are not binding. Only examines select ministries/departments annually. No access to CAG expertise. Work resembles "post-mortem" analysis.
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Committee on Public Undertakings (COPU)	
Composition	Created in 1964 on the recommendation of Krishna Menon committee 22 members (15 Lok Sabha, 7 Rajya Sabha)
Selection	Elected by Parliament proportionally through single transferable vote
Term	1 year
Chairman	Appointed by Speaker Must be Lok Sabha member
Function	Examine public undertakings' reports, accounts, and CAG reports
Responsibilities	<ul style="list-style-type: none"> Scrutinize public undertakings' management. Ensure sound business principles and prudent practices. Perform other functions assigned by the Speaker.
Limitations	<ul style="list-style-type: none"> Limited examination capacity (10-12 undertakings per year). "Post-mortem" review approach. Lacks technical expertise. Recommendations are not binding.
Exclusion	<ul style="list-style-type: none"> Major policy issues Day-to-day administration Matters covered by special statutes.



Other standing Committees

<p>Departmental Standing Committee</p>	<p>There are 24 department-related standing committees (DRSCs), 8 for Rajya Sabha and 16 for Lok Sabha. 1993 – 2004 there were 17 DRSCs and 7 more were added later.</p> <p>Each of these committees have 31 members – 21 from Lok Sabha and 10 from Rajya Sabha.</p> <p>These members are to be nominated by the Speaker of Lok Sabha or the Chairman of Rajya Sabha respectively.</p> <p>The term of office of these committees does not exceed one year.</p>
<p>Committee to Inquire</p>	<p>The Committee will inquire into cases of misconduct of members of Lok Sabha including misuse of parliamentary privileges and facilities by them as may be referred to it by the Speaker from time to time and will recommend action, if any, to be taken in each case and submit the same to the Speaker.</p> <p>Three types: Petition, Privileged, Ethics</p>
<p>Committees to Scrutinize and Control</p>	<p>Committee on Government Assurances</p> <ul style="list-style-type: none"> Examine if ministers fulfill promises made in Lok Sabha <p>Committee on Subordinate Legislation</p> <ul style="list-style-type: none"> Assess government's adherence to delegated powers in making regulations <p>Committee on Papers Laid on the Table</p> <ul style="list-style-type: none"> Check the validity and compliance of papers tabled by ministers <p>Committee on Welfare of SCs & STs</p> <ul style="list-style-type: none"> Analyze reports of National Commissions for SCs and STs <p>Committee on Empowerment of Women</p> <ul style="list-style-type: none"> Review reports of the National Commission for Women <p>Joint Committee on Offices of Profit</p> <ul style="list-style-type: none"> Evaluate composition of government bodies and recommend disqualification for Parliament membership
<p>Committees relating to the day-to-day business of the house</p>	<ul style="list-style-type: none"> Business Advisory Committee – It regulates the time-table of the house. Committee on Private Members' Bills and Resolutions Rules Committee – If there is any need of amendment in the rules of the house, this committee makes a proposal Committee on Absence of Members – All the leave applications, applied by the member of the houses are taken up by this committee

<p>House-Keeping Committees</p>	<p>General Purposes Committee – Matters that do not fall under the jurisdiction of other parliamentary committees are taken up by this committee. The members of this committee comprise :</p> <ul style="list-style-type: none"> Presiding officer (Speaker / Chairman) as its ex-officio chairman Deputy Speaker (Deputy Chairman in the case of Rajya Sabha) Members of the panel of chairpersons (panel of vice-chairpersons in the case of Rajya Sabha) Chairpersons of all the departmental standing committees of the House Leaders of recognised parties and groups in the House and other members as nominated by the presiding officer House Committee – The facilities given to the members of the houses in the name of residences, food, medical aid, etc are supervised by this committee Library Committee – The library of the houses and the amenities attached with it are managed by this committee
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Consultative Committees

- **These committees are constituted by the Ministry of Parliamentary Affairs.**
- **These are normally constituted after the new Lok Sabha is constituted. This implies that these committees stand dissolved upon dissolution of every Lok Sabha and thus, are reconstituted upon constitution of each Lok Sabha.**
- **These committees are attached to various ministries/departments of the Central Government.**
- **These provide a forum for informal discussions between the ministers and the members of Parliament on policies and programmes of the government and the manner of their implementation.**
- **The Consultative Committees are not Parliamentary Committees.**



Ad Hoc Committees

Ad-Hoc Committees	Inquiry Committees	Advisory Committees
Nature	Temporary	
Proposal/Appointment	<p>These committees can be proposed by either house or</p> <p>can also be appointed by the speaker/chairman of the respective house.</p>	<p>These committees are select or joint committees appointed for the matters of bills.</p> <p>They report on particular bills.</p>
Examples (Inquiry Committees)	<p>Joint Committee on Bofors Contract</p> <p>Joint Committee on Fertilizer Pricing</p> <p>Joint Committee to Enquire into Irregularities in Securities and Banking Transactions</p> <p>Joint Committee on Stock Market Scam, etc.</p>	<p>They are different from the inquiry committees as the procedure that they follow are laid down in the Rules of Procedure and also are directed by the Lok Sabha speaker or Rajya Sabha chairman.</p> <p>Whenever a bill is introduced in either house, they refer it to the select committee which scrutinizes it clause-by-clause.</p> <p>-</p>
Procedure	<p>Follow their own procedure</p> <p>Examples of procedures laid down in the Rules of Procedure</p>	<p>Follow procedures laid down in the Rules of Procedure</p> <p>Directed by the Lok Sabha speaker or Rajya Sabha chairman</p> <p>Refer bills to select committees</p>

Select Committees

- **Select Committees are a category of ad hoc or temporary committees established with the specific purpose of examining and scrutinizing particular Bills.**
- **Its membership is limited to MPs from one House.**
- **These committees are dissolved once their designated task has been fulfilled.**
- **Although temporary, the procedures and rules governing Select Committees are well-defined within the Rules of Procedure of the Parliament.**
- **Note: Committees constituted for a specific purpose, with MPs from both Houses are called Joint Parliamentary Committees (JPC).**

Formation of Select Committees:

- **The formation of a Select Committee can be initiated through a motion proposed by the Minister in-charge of the Bill or any member of the Parliament.**
- **This proposal is then presented to the House for adoption. If adopted, the Committee is formed to consider and report on the referred Bill.**

Selecting Members for a Select Committee:

- **The members of a Select Committee are specifically named in the motion that calls for the Bill to be referred to the Committee.**
- **These members are appointed by the House, and their consent is a crucial aspect of the process.**
- **While Rajya Sabha rules mandate that no member can be appointed to a Select Committee if they are not willing to serve on it, the rules do not explicitly require the collection of signatures for proposed members.**



PARLIAMENTARY FORUMS

What are these?	<ul style="list-style-type: none"> • Informal platforms for members of Indian Parliament to discuss critical issues. • Focus on specific areas like health, education, or environment. • Members collaborate with experts and stakeholders to exchange ideas and best practices. • Contribute to improved policy-making and public engagement.
Key characteristics	<ul style="list-style-type: none"> • Established by the Parliament: Have defined rules and procedures. • Limited membership: Up to 31 members, with a mix from Lok Sabha and Rajya Sabha. • Ex-officio presidents: Speaker of Lok Sabha (most forums) or Chairman of Rajya Sabha (Population & Public Health forum). • Functions: Focused deliberations, interacting with experts, and improving Parliament's outreach.
Meaning	<ul style="list-style-type: none"> • 1st Parliamentary Forum was constituted in year 2005 on: Water Conservation and Management. • Subsequently 7 more forums were constituted. • At Present, there are 8 parliamentary Forums :- <ol style="list-style-type: none"> 1. On water conservation and Management (2005) 2. On Youth (2006) 3. On children 4. On Population and public health (2006) 5. On Global Warming and Climate change (2008) 6. On Disaster Management (2011) 7. On Artisans and Crafts -people (2013) 8. On Millennium Development Goals (2013)
Composition	<p>Head:</p> <ul style="list-style-type: none"> • President: Usually the Speaker of Lok Sabha (Lower House) for all forums except Population & Public Health. • Co-President: Chairman of Rajya Sabha (Upper House) for Population & Public Health forum. <p>Vice-Presidents:</p> <ul style="list-style-type: none"> ◦ Ex-officio: Deputy Chairman of Rajya Sabha ◦ Deputy Speaker of Lok Sabha ◦ Concerned Minister (relevant to the forum's focus)

	<ul style="list-style-type: none"> • Maximum of 31: Up to 21 from Lok Sabha Up to 10 from Rajya Sabha <p>Nominated by:</p> <ul style="list-style-type: none"> • Speaker of Lok Sabha (for Lok Sabha members) • Chairman of Rajya Sabha (for Rajya Sabha members) <ul style="list-style-type: none"> • Term: Co-terminus with their membership in the respective house <p>Members can resign</p> <p>Convener:</p> <ul style="list-style-type: none"> • Appointed by the President • Assists the President with organizing meetings and other tasks
Members	

Water Conservation and Management	<p>Identify water problems and make recommendations</p> <p>Involve MPs in conservation, organize seminars</p>
Youth	<p>Leverage human capital for development, build awareness among leaders, improve outreach</p>
Children	<p>Enhance awareness of children's issues, encourage constitutional support, undertake projects</p>
Population and Public Health	<p>Develop strategies for population stabilization and public health, build societal awareness</p>
Global Warming and Climate Change	<p>Identify problems, suggest solutions, advocate for action</p>
Disaster Management	<p>Involve MPs and undertake tasks, identify problems related to disaster management</p>
Artisans and Craftspeople	<p>Raise awareness of their challenges, enable institutional support</p>
Millennium Development Goals	<p>Review progress towards MDG targets, promote further development</p>



PARLIAMENTARY GROUPS

About IPG	
Founded	1949
Status	Autonomous body
Membership	All current and former members of the Indian Parliament
International Affiliations	
National Group of	Inter-Parliamentary Union (IPU)
Main branch of	Commonwealth Parliamentary Association (CPA)
Objectives	
Promote contact	Facilitate interaction and exchange of ideas between Indian parliamentarians and counterparts from other countries.
Organize educational events	Conduct seminars, discussions, and orientation courses on various topics relevant to parliamentarians.
Enable international exposure	Arrange visits to foreign countries for Indian parliamentarians to build relationships with other parliamentarians.
Composition	
Open to	All members of the Indian Parliament
Ex-officio positions	
President	Speaker of Lok Sabha (LS)
Vice Presidents	Deputy Speaker of LS and Deputy Chairman of Rajya Sabha
Secretary	General Secretary of LS
Functions	
<ul style="list-style-type: none"> • Connects Indian Parliament to other parliaments. • Serves as India's representative in IPU and CPA. • Organizes seminars and symposia on parliamentary issues. • Facilitates parliamentary delegations to other countries for exposure and networking. • Awards outstanding parliamentarians. 	
Benefits of IPG membership	
<ul style="list-style-type: none"> • Participation in conferences and seminars • Access to publications and information resources • Introduction to other parliamentarians • Access to parliamentary facilities in other countries • Travel assistance for parliamentary delegations 	



**Sindhuja Naidu
cleared Prelims**



SUPREME COURT



Introduction	<ul style="list-style-type: none"> Indian Constitution has established an integrated (both Central & state law) judicial system (GOI Act, 1935 had a similar system). SC at the top: inaugurated 1950. Hierarchy of subordinate courts; district courts and lower courts.
Constitutional basis	<ul style="list-style-type: none"> Articles 124-174 Part - V of the Constitution deal with SC.
Organization of SC	<ul style="list-style-type: none"> Originally there were 8. 31 judges at present (one chief justice and thirty other judges) Made by SC (no. of Judges) Amendment act 2008.
Appointment of Judges	<ul style="list-style-type: none"> Judges appointed by the President, in Consultation with other judges. Consultation with the CJI is mandatory for the appointment of judges other than CJI.
Qualifications	<ul style="list-style-type: none"> Must be a citizen of India Judge for 5 Years (HC) Advocate for 10 years (HC)/ Eminent Jurist
Oath	<ul style="list-style-type: none"> Before the President.
Tenure	<ul style="list-style-type: none"> Till attains the age of 65/Resign/Removed.
Removal	<ul style="list-style-type: none"> By President on the recommendation of Parliament Charge on provoked misbehavior or incapacity Resolution at any house In Lok Sabha – 100 Member Support RS – 50 Member Support.

125	Draft Article 104 (Article 125) was debated on 30 July 1949. It laid out the rules pertaining to the salaries, allowances, and rights of judges of the Supreme Court.
126	<p>Appointment of Acting Chief Justice: This article addresses the scenario where the Chief Justice of India (CJI) is unavailable to fulfill their duties.</p> <p>In such cases, the President, in consultation with the remaining judges of the Supreme Court, appoints an acting CJI to perform the CJI's functions.</p>
127	<p>Appointment of Ad-hoc Judges: This article provides a mechanism to address temporary shortages of judges in the Supreme Court.</p> <p>It allows the CJI to appoint ad-hoc judges for a period not exceeding six months, either from among retired judges of the Supreme Court or High Courts, or from distinguished jurists.</p> <p>This ensures that the court remains functional and can discharge its duties even when facing a temporary shortfall in its regular judges.</p>
128	As per Article 128 of Indian Constitution, any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
130	<p>Seat of the Supreme Court: While the article specifies that the seat of the Supreme Court shall be in Delhi, it also grants the CJI the flexibility to hold court sessions in any other place in India as they deem necessary.</p> <p>This allows the court to bring its proceedings closer to the people and ensures greater accessibility to justice for citizens in different parts of the country.</p>
143	<p>Article 143 confers power on the President to consult the Supreme Court and seek its opinion on question of law or fact, which is of such nature and of such importance that it is expedient to obtain Supreme Court's opinion.</p> <p>He may refer the question for consideration and the Court may, after such hearing report to the President its opinion.</p> <p>Further, the President may, notwithstanding anything in the proviso to Article 131, refer a dispute of the kind mentioned in the said proviso to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion.</p>



Jurisdictions of Supreme Court : SC has three types of jurisdictions – original, appellate and advisory as provided in Articles 131, 133 – 136 and 143 respectively of the Indian Constitution.

<p>1. Original Jurisdiction</p>	<p>There are certain cases which fall within the exclusive jurisdiction of the Supreme Court. It means that all such cases begin or originate in the Supreme Court, only. It also means that such cases cannot be initiated in any other court.</p> <ul style="list-style-type: none"> • Disputes between the Government of India on the one side and one or more States on the other side. • Disputes between the Government of India and one or more States on one side and one or more States on the other side. • Disputes between two or more States. <p>However, this jurisdiction does not extend in the following situations:</p> <ul style="list-style-type: none"> • A dispute arising out of any pre-Constitution treaty, agreement, covenant, engagement, sanad or other similar instrument. • A dispute arising out of any treaty, agreement, etc., which specifically provides that the said jurisdiction does not extend to such a dispute. • Inter-state water disputes. • Matters referred to the Finance Commission. • Adjustment of certain expenses and pensions between the Centre and the states. • Ordinary dispute of Commercial nature between the Centre and the states. • Recovery of damages by a state against the Centre.
<p>2. Writ Jurisdiction</p>	<p>The Supreme Court is empowered to issue writs, including</p> <ul style="list-style-type: none"> • Habeas corpus • Mandamus • Prohibition • Quo-warranto • Certiorari <p>In this regard, the Supreme Court has original jurisdiction in the sense that an aggrieved citizen can go directly to the Supreme Court, not necessarily by way of appeal.</p> <p>However, the writ jurisdiction of the Supreme Court is not exclusive. The High Courts are also empowered to issue writs for the enforcement of the Fundamental Rights. The writ jurisdiction of the SC is narrower than HC since HC can issue writs even for the enforcement of legal rights while SC can only issue them when an individuals' fundamental right has been violated.</p>
<p>3. Appellate Jurisdiction</p>	<p>The Supreme Court is primarily a court of appeal and hears appeals against the judgements of the lower courts. It enjoys a wide appellate jurisdiction which can be classified under four heads:</p> <ul style="list-style-type: none"> • Appeals in constitutional matters • Appeals in civil matters • Appeals in criminal matters • Appeals by special leave
<p>4. Advisory Jurisdiction</p>	<p>The Constitution under Article 143 authorises the President to seek the opinion of the Supreme Court in the two categories of matters:</p> <ul style="list-style-type: none"> • On any question of law or fact of public importance which has arisen or which is likely to arise. • On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments. (The meaning of SANAD is an Indian government charter, warrant, diploma, patent or deed.)



Writs under Supreme Court Writ Jurisdiction:

1. Habeas Corpus:

- Definition: A Latin term meaning "to have the body."
- Purpose: Ensures the release of a person from illegal detention.
- Procedure: The Supreme Court can issue a writ of habeas corpus to any person or authority holding another person in custody, demanding that they bring the person before the court and justify their detention.
- Example: If a person believes they are being held illegally, they can file a petition for a writ of habeas corpus with the Supreme Court.

2. Mandamus:

- Definition: A Latin term meaning "we command."
- Purpose: Directs a public official or authority to perform their legal duty.
- Procedure: The Supreme Court can issue a writ of mandamus to any public official or authority who has failed to perform their legal duty.
- Example: If a government agency is refusing to release information that is required by law to be made public, a writ of mandamus can be filed to compel them to do so.

3. Prohibition:

- Definition: A Latin term meaning "to forbid."
- Purpose: Prevents a lower court or tribunal from exceeding its jurisdiction.
- Procedure: The Supreme Court can issue a writ of prohibition to a lower court or tribunal if it believes that the court or tribunal is acting beyond its legal authority.
- Example: If a High Court is hearing a case that should be heard by a lower court, a writ of prohibition can be filed to prevent the High Court from proceeding with the case.

4. Quo-Warranto:

- Definition: A Latin term meaning "by what warrant."
- Purpose: Challenges the right of a person to hold a public office.
- Procedure: The Supreme Court can issue a writ of quo-warranto to a person who is holding a public office, questioning the legitimacy of their appointment or election.
- Example: If a person is suspected of being appointed to a public office through illegal means, a writ of quo-warranto can be filed to challenge their appointment and potentially remove them from office.

5. Certiorari:

- Definition: A Latin term meaning "to be certified" or "to be informed."
- Purpose: Allows the Supreme Court to review the decision of a lower court or tribunal.
- Procedure: The Supreme Court can issue a writ of certiorari to a lower court or tribunal to transfer a case to itself for review or to quash the lower court's decision.
- Example: If a High Court makes a decision that is considered to be erroneous, a writ of certiorari can be filed to request the Supreme Court to review the decision and potentially overturn it.

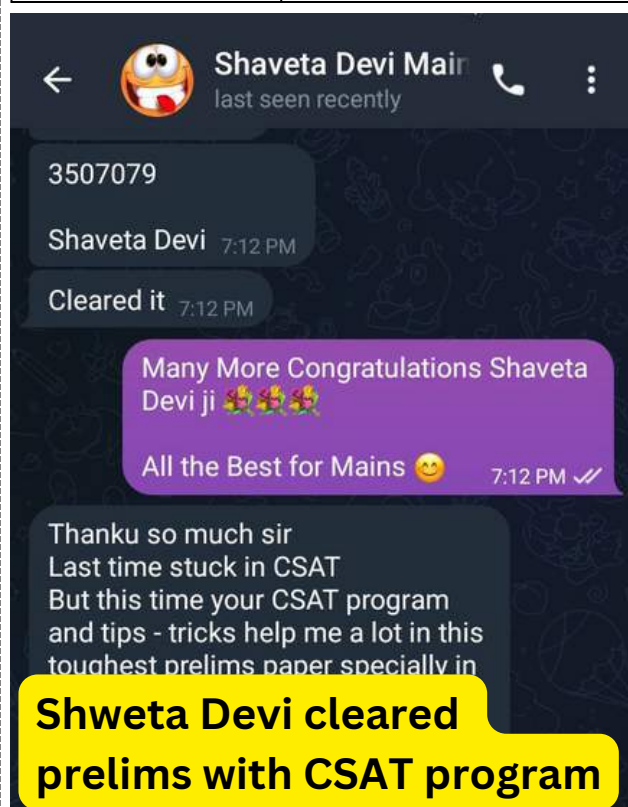
Powers of Supreme Court

Power	Description
1. Court of Record	Records all judicial proceedings and acts of the Supreme Court. Has the power to punish for contempt.
2. Power of Judicial Review	Examines the constitutionality of laws and government actions.
3. Constitutional Interpreter	Acts as the final and ultimate interpreter of the Constitution.
4. Other Powers	<p>a. Resolves disputes related to the election of the President and Vice President.</p> <p>b. Conducts inquiries into the conduct and behavior of the Chairman of UPSC on the reference of the President, with the authority to remove for misconduct.</p> <p>c. Has the power to review its own judgments or orders, as demonstrated in the Kesavananda Bharati case overturning Golak Nath.</p> <p>d. Authorized to withdraw cases pending before High Courts and dispose of them itself.</p> <p>e. The laws declared by the Supreme Court are binding on all other courts.</p> <p>f. Exercises judicial superintendence and control over the courts and tribunals functioning throughout the entire territory of the country.</p> <p>g. The Supreme Court's jurisdiction and powers concerning matters of the union list can be enlarged by Parliament.</p>



JUDICIAL REVIEW

Topic	Details
Introduction	<ul style="list-style-type: none"> The doctrine of judicial review, which originated and developed in the USA, found its roots in the 1803 case of Marbury v. Madison by Chief Justice John Marshall. In India, the power of judicial review is conferred upon the Supreme Court and High Courts by the Constitution (Articles 13, 32, 226, 131, 132, 133, 134, 135, 136, 143, 227, 245, 246, 251, 254, 372). The Supreme Court has declared judicial review to be a basic feature of the constitution.
Importance	<ul style="list-style-type: none"> Judicial review is crucial to uphold the principle of the supremacy of the Constitution and maintain federal equilibrium and fundamental rights. It serves as a mechanism to examine legislative enactments and executive orders for their constitutionality. The scope of judicial review includes instances where actions infringe upon fundamental rights (Part III), are repugnant to constitutional provisions, or question the competence of the authority.
Meaning of Judicial Review	<ul style="list-style-type: none"> Judicial review empowers the judiciary to scrutinize the constitutionality of legislative enactments and executive orders by both the Central and State governments. It grants the authority to declare orders or enactments as illegal and invalid if found to be ultra vires.
Categories of Judicial Review	<p>According to Justice Syed Shah Mohamed Quadri, judicial review can be categorized into three types:</p> <ul style="list-style-type: none"> 1. Judicial review of constitutional amendments. 2. Judicial review of legislations. 3. Judicial review of administrative actions. <p>In the Indian context, it may be narrower than in America, focusing on the due process of law, and the Supreme Court is often seen as a third chamber or a super-legislature acting as an arbiter of social policy.</p>
Judicial Review of 9th Schedule	<ul style="list-style-type: none"> The 9th Schedule, initially protected from judicial review by Article 31(B), was created to save certain acts from scrutiny. However, in the I.R. Coelho case, it was ruled that judicial review can be conducted for all acts in the 9th Schedule added after 24/04/1973, particularly if they violate Articles 14, 15, 19, or 21.



JUDICIAL ACTIVISM

<p>Origin</p>	<ul style="list-style-type: none"> The concept of judicial activism originated and developed in the USA. In 1947, Arthur Schlesinger Jr., an American historian and educator, played a key role in shaping this concept. In India, it was introduced in the 1970s by prominent justices like V.R. Krishna Iyer, P.N. Bhagwati, O. Chinnappa Reddy, and D.A. Desai. 	
<p>Meaning of Judicial Activism</p>	<ul style="list-style-type: none"> Judicial activism denotes the proactive role played by the judiciary in protecting citizens' rights and promoting justice in society, often referred to as "judicial dynamism." It involves exercising judicial power that motivates judges to depart from established judicial precedent. The judiciary actively engages in protecting individual rights and compels other branches of government to fulfill their duties. Judicial activism decisions often call for social engineering and may intrude upon legislative and executive domains. It is closely related to the concept of Public Interest Litigation (PIL), which is one of its popular manifestations. 	
<p>Concept of Judicial Activism</p>	<ul style="list-style-type: none"> Judicial activism is closely related to Public Interest Litigation (PIL), which represents its most popular form. The concept involves the judiciary actively participating in the protection of citizens' rights and interests through proactive legal intervention. 	
<p>Justification of Judicial Activism</p>	<ul style="list-style-type: none"> Dr. B.L. Wadehra argues that judicial activism becomes necessary when there is a near collapse of responsible government, with the legislature and executive failing to discharge their functions. This failure erodes citizens' confidence in the Constitution and democracy. Judicial enthusiasm liberalizes the principle of 'Locus Standi,' allowing individuals to approach the judiciary for the protection of their rights and freedoms. Legislative vacuums and constitutional provisions provide scope for judicial activism. Article 142 of the Constitution empowers the Supreme Court to pass orders necessary for complete justice in any pending matter. 	
<p>Views of Subhash Kashyap</p>	<p>According to Subhash Kashyap, judicial activism is justified in the following scenarios:</p> <ul style="list-style-type: none"> When the legislature fails to discharge its responsibilities. In a 'hung' legislature when the government is weak, insecure, and focused on survival struggles. When the power structure is afraid of making honest and hard decisions. When the legislature and executive fail to protect citizens' rights. 	
<p>Views of Dr. Vandana</p>	<p>Dr. Vandana highlights various aspects justifying judicial activism, including:</p> <ul style="list-style-type: none"> Expansion of rights of hearing in the administrative process. Excessive delegation without limitation. Increased judicial control over discretionary powers. Enhanced judicial review over the administration. Indiscriminate exercise of contempt power. Issuing orders that are per se unworkable. Overextending standard rules of interpretation to achieve economic, social, and educational objectives. Promoting open government. 	
<p>Who actually professes the Judicial Activism</p>	<ul style="list-style-type: none"> Civil Rights Activists People Rights Activists Consumer Rights Groups Bonded Labour Groups Citizen Groups against Large Irrigation Projects Rights of Child Groups Indigenous People's Rights Groups 	<ul style="list-style-type: none"> Custodial Rights Groups Poverty Rights Groups Women's Rights Groups Bar-based Groups Media Autonomy Groups Assorted Lawyer-Based Groups Assorted Individual Petitioners



<p>Apprehensions of Judicial Activism</p>	<p>Judicial activism (JA) is accompanied by several apprehensions, including: -</p> <ul style="list-style-type: none"> • Ideological fears: Concerns related to the ideology influencing judicial decisions. • Epistemic fears: Apprehensions about the knowledge and understanding guiding judicial activism. • Management fears: Worries regarding the impact of judicial activism on the efficient management of governance. • Legitimation fears: Concerns about the legitimacy of decisions made through judicial activism. 	<p>Assumption</p>	<p>Some assumptions underlie the doctrine of Judicial Restraint.</p> <p>They developed in the USA, but are equally applicable to the Indian Context as well.</p>
<p>Judicial Activism vs. Judicial Restraint</p>	<ul style="list-style-type: none"> • Judicial activism and judicial restraint represent two contrasting judicial philosophies in the U.S. legal system. • Judicial restraint proponents argue for a limited role for judges, emphasizing adherence to the 'original intent' of the constitution's authors. • Judicial restraint is associated with conservative interpretative approaches. • Judicial activism, on the other hand, involves liberal interpretative approaches to the constitution. 	<p>Democratic Deference</p>	<p>Courts, being undemocratic and unelected, should defer to the more democratic branches of government.</p>
<p>Supreme Court Observations on Judicial Restraint</p>	<ul style="list-style-type: none"> • In a December 2007 judgment, the Supreme Court of India emphasized the importance of judicial restraint. • The court urged judges not to take over the functions of the legislature or executive, emphasizing the broad separation of powers under the Constitution. • It stressed that each organ of the state must respect the others and avoid encroaching on their domains. • The court warned that judicial activism should not turn into judicial adventurism. 	<p>Critique of Judicial Review</p>	<p>Judicial review, not explicitly granted by the constitution, is criticized in the USA.</p>
		<p>Against Separation of Powers</p>	<p>Judicial restraint is seen as against the doctrine of separation of powers.</p>
		<p>Federalism Weighs In</p>	<p>It goes against federalism by requiring the court to defer to the actions of state governments and officials.</p>
		<p>Boundary Limitations</p>	<p>Courts should avoid overstepping boundaries to maintain public faith and financial stability.</p>
		<p>Law vs. Politics</p>	<p>Courts should focus on the process of reason and judgment, while politics deals with power and influence.</p>
		<p>Adjudication Restraints</p>	<p>Adjudication should occur within a system of historically validated restraints and the conscious minimization of judges' preferences.</p>
		<p>Acknowledgment of Expertise</p>	<p>Administrative authorities have expertise, which courts lack.</p>
		<p>Judicial Activism Justification</p>	<p>Judicial activism's justification, citing the failure of other state organs, is countered by the prolonged pendency of cases.</p>
		<p>Democratic Correction</p>	<p>If there are defects in the legislature and executive, it is for the people to correct in a democratic system.</p>
		<p>Judiciary's Limited Role</p>	<p>Courts should not take over legislative and executive functions, as they lack the resources and expertise for these roles.</p>
		<p>Independence Protection</p>	<p>Judicial restraint protects the independence of the judiciary, preventing encroachment on other jurisdictions.</p>



PIL [PUBLIC INTEREST LITIGATION]

Introduction	Originated and developed in the USA in 1960. To provide legal representation to previously unrepresented groups and interests.
India	<p>PIL is a product of the judicial activism role of the Supreme Court. It was introduced in 1980s.</p> <p>Justice V.R. Krishna Iyer and Justice P.N. Bhagwati were the pioneers of the concept of PIL.</p> <p>PIL is also known as- Social Action Litigation (SAL) Social Interest Litigation (SIL) Class Action Litigation (CAL).</p> <p>Any Public- spirited citizen on a social organisation can move the court for the enforcement of the Rights of any person or Group of person etc.</p> <p>Main objectives:</p> <p>Maintaining Rule of Law. Meaningful realization of Fundamental Rights</p>
1988 Guidelines of SC	<p>PIL may include primarily such cases:</p> <p>Bonded labour matters Neglected children Non-payment of minimum wages to workers Petition from riot victims harassment, burning, rape, murder, kidnapping, , Family pension etc</p>
NOT included in PIL matters	<p>Matter should serve the basic and judicial rights of a large group of people not an individual, these matters are not included in PIL cases:</p> <p>Landlord-tenant matters Service matters Complaints against Central/ State Government. Admission to medical and other educational institution. Petitions for early hearing of cases Pending in High Courts and Subordinate Courts</p>
Fundamentals of PIL	<p>Imp. exercise in powers under Articles 32 and 226 of the Constitution.</p> <p>PIL is constitutionally bounded to protect the Fundamental Rights of groups of unrepresented people, without them actually filing any case themselves.</p> <p>Disputes b/w Group of peoples in the realm of private law would not be allowed to agitate as a PIL.</p> <p>In a Special situation, Court may appoint a commission towards the PIL.</p>

Supreme court on PIL	<p>"PIL is not a pill or a panacea for all wrongs."</p> <p>PIL is supposed to protect basic Human Rights</p> <p>High Court should not accept writ petitions filed under the guise of Public Interest Litigation (PIL) if they are actually intended to address private grievances or disputes between individuals.</p>
Guidelines for filling a PIL	<p>Must encourage genuine and bona fide PIL, discourage and curb PIL filed for extraneous considerations</p> <p>High Court formulate rules for encouraging genuine PIL.</p> <p>Court should prima facie verify credentials of petitioner & satisfy itself substantially that public interest is involved.</p> <p>Ensure that PIL is aimed at redressal of genuine public come and public injuries</p>

1979: A Turning Point in Public Interest Litigation:

- In January 1979, The Indian Express exposed the **inhumane conditions in Patna and Muzaffarpur jails, Bihar, where 18 prisoners, including 6 women, languished in pre-trial detention for years.**
- **Kapila and Nirmal Hingorani, renowned lawyer-activists, recognized the prisoners' plight as a broader issue of human rights violation. But at the time, existing PIL framework restricted petitions to victims or relatives.**
- They filed a PIL petition on behalf of the prisoners themselves, challenging the legal framework. **This bold move argued that anyone could file a PIL for another person's fundamental rights.**
- **The Supreme Court, in a landmark judgment, recognized the Hingoranis' PIL petition.** This not only secured the release of the prisoners but also established a significant precedent: PIL could be used for wider public interest concerns beyond individual victims or relatives.

Justice PN Bhagwati and PIL (+ His judgements)

- He is often referred to as the **"father of PIL"**
- **Bandhua Mukti Morcha v. Union of India (1984):** Declared bonded labor as illegal and unconstitutional.
- **MC Mehta v. Union of India (1987):** Closed down polluting industries, paving the way for environmental PIL.
- **Olga Tellis v. Bombay Municipal Corporation (1985):** Recognized the right to life and livelihood for slum dwellers, leading to slum rehabilitation policies.



GOVERNOR [THE STATE]

Post	<ul style="list-style-type: none"> The Governor
Constitutional Position	<ul style="list-style-type: none"> Mentioned in Part IV (153-167) Articles deal with the post of Governor
Role	<ul style="list-style-type: none"> Chief executive head of the state A nominal head Just like the President for the Union
State Executive Composition	<ul style="list-style-type: none"> Governor Chief Minister Council of Ministers Advocate General
Dual Role	<ul style="list-style-type: none"> He is Constitutional head of the state and also works as a representative of the Centre via the President
7th Constitutional Amendment (1956)	<ul style="list-style-type: none"> A single Governor can play the role for two or more states charged simultaneously (distribution based on population ratio)
	<ul style="list-style-type: none"> Same salary regardless of the number of positions held
Appointment (As per Art. 155)	<ul style="list-style-type: none"> By President on the advice of the Council of Ministers (COM)
Tenure (As per Art. 156)	<ul style="list-style-type: none"> 5 years, but at the pleasure of the President. Can be transferred from one state to another during term
Qualification (As per Art. 157)	<ul style="list-style-type: none"> Citizen of India, 35 years of age.
Interregnum Clause	<ul style="list-style-type: none"> Holds office until the new Governor arrives.

Power Category	Powers
Executive Powers	<ul style="list-style-type: none"> Executes all executive actions in the name of the governor. Formulates rules specifying the manner for order authentication. Establishes rules for the convenient transaction of the state government's business and the allocation among ministers. Appoints Chief Minister and Ministers, who hold office during the governor's pleasure. Appoints the advocate general of a state, state election commissioner, and members of the state public service commission. Seeks information relating to the administration of the state's affairs and proposals for legislation from the Chief Minister. Recommends the imposition of constitutional emergency in a state to the president. Acts as the chancellor of universities in the state.

Legislative Powers	<ul style="list-style-type: none"> Summons or prorogues the State Legislative Assembly (SLA) and dissolves SLA. Addresses SLA at the commencement of the first session. Sends messages to the house or houses for a bill. Appoints any member of SLA to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Nominates 1/6th of State Legislative Council (SLC) members - persons having special knowledge or practical experience in literature, science, art, cooperative movement, and social service. Nominates one member to SLA from the Anglo-Indian Community. Decides on the question of disqualification of members. Deals with bills, including giving assent, withholding assent, returning for reconsideration, or reserving for the president's consideration. Promulgates ordinances when the state legislature is not in session. Lays reports of State Finance Commission, State Public Service Commission, and Comptroller and Auditor-General - accounts of the state, before the state legislature.
Financial Powers	<ul style="list-style-type: none"> Presents the Annual Financial Statement (state budget) before the state legislature. Allows the introduction of money bills only with prior recommendation. No demand for a grant can be made except on the governor's recommendation. Makes advances out of the Contingency Fund for unforeseen expenditure. Constitutes a finance commission after every five years to review the financial position of panchayats and municipalities.



Judicial Powers	<ul style="list-style-type: none"> Grants pardons, reprieves, respites, and remissions of punishment or suspends, remits, and commutes the sentence of any person convicted of any offense against any law. Consulted by the president while appointing judges of the concerned state high court. Participates in appointments, postings, and promotions of district judges in consultation with the state high court. Appoints persons to the judicial service of the state in consultation with the state high court and the State Public Service Commission.
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Governors Withholding Assent to Bills: Recent Cases in India

In recent months, several Indian states have witnessed Governors withholding their assent to bills passed by the respective state legislatures. This has sparked controversy and legal challenges, raising questions about the balance of power between the executive and the legislative branches.

Here are two prominent examples:

1. Tamil Nadu:

- Governor R.N. Ravi withheld his assent to 10 bills passed by the state Assembly in November 2023. These bills covered diverse topics, including land acquisition, education, and environmental protection.
- The state government accused the Governor of exceeding his constitutional authority and undermining democratic processes.
- The Supreme Court intervened in November 2023, ruling that Governors cannot "kill" bills by withholding assent and subsequently referring them to the President. The court directed the Governor to reconsider the bills within a specific timeframe.

2. Kerala

- Governor Arif Mohammad Khan also withheld his assent to several bills passed by the Kerala Assembly, citing concerns about their constitutionality or potential negative impacts.
- One bill, the Kerala Public Health Bill, was eventually approved after amendments were made. However, seven others remain pending the Governor's assent.
- The Kerala government has also approached the Supreme Court, seeking a direction to the Governor to act on the pending bills.

Beyond these two cases:

- In Punjab, the Governor's refusal to convene the state Assembly for its Budget Session triggered a legal challenge by the state government.
- In Telangana, several key bills passed by the Assembly await the Governor's approval.

These instances highlight the ongoing tension between state legislatures' powers and the Governors' discretionary authority to grant or withhold assent to bills.

Constitutional Position of Governor	
Function	<ul style="list-style-type: none"> Nominal Executive on aid and advise. Real Executive: Council of Ministers (COM) + Chief Minister (CM).
Constitutional Position Difference from President	<ul style="list-style-type: none"> The constitutional position of the governor differs from that of the president in the following two respects: <ul style="list-style-type: none"> Governor can use his discretion at some instances more as compared to the President of India (POI). After the 42nd Constitutional Amendment Act of 1976, advice is binding on the President, but no such provision has been made with respect to the governor.
Governor Constitutional Discretion	<ul style="list-style-type: none"> The governor has constitutional discretion in the following cases: <ul style="list-style-type: none"> Reservation of a bill for the President. Recommendation for the imposition of President's Rule. While exercising his functions in additional charge.

President	Governor
1. He can pardon, reprove, respite, remit, suspend or commute the punishment or sentence of any person convicted of any offence against a Central law.	1. He can pardon, reprove, respite, remit, suspend or commute the punishment or sentence of any person convicted of any offence against a state law.
2. He can pardon, reprove, respite, remit, suspend or commute a death sentence. He is the only authority to pardon a death sentence.	2. He cannot pardon a death sentence. Even if a state law prescribes for death sentence, the power to grant pardon lies with the President and not the governor. But, the governor can suspend, remit or commute a death sentence.
3. He can grant pardon, reprove, respite, suspension, remission or commutation in respect to punishment or sentence by a court-martial (military court).	3. He does not possess any such power.



CHIEF MINISTER

Real Executive Head	
Constitution	The Chief Minister of a state is not directly mentioned in the Indian Constitution. However, their role and position are implied in several articles and provisions.
Appointment	<p>Appointed by the Government on the basis of the recommendation of the Sarkaria Commission.</p> <p>Post-election scenario:</p> <ul style="list-style-type: none"> State legislative assembly elections are held, and the results determine the party or coalition with the majority of elected seats. <p>Governor's invitation:</p> <ul style="list-style-type: none"> The Governor of the state invites the leader of the party or coalition with the majority to form the government. <p>3. Appointment and swearing-in:</p> <ul style="list-style-type: none"> The Governor then administers the oath of office to the CM. <p>4. Proving majority (mandatory):</p> <ul style="list-style-type: none"> Following the oath, the CM must prove their majority in the state legislature within a specific timeframe, usually 30 days. This is done by winning a vote of confidence in the Assembly, where the CM needs a majority of votes from the elected members to retain their position. <p>5. Cabinet formation (optional):</p> <ul style="list-style-type: none"> If the CM successfully proves their majority, they can proceed to form their cabinet. This involves appointing other ministers to head various departments and ministries within the state government. The Governor appoints the ministers on the advice of the CM.
Term	<ul style="list-style-type: none"> Unlike the Prime Minister, who has a fixed term of five years, the CM's term is not explicitly defined in the Constitution. The CM remains in office as long as they enjoy the confidence of the majority in the state legislative assembly. If the CM loses a vote of confidence or their party loses its majority, they are obligated to resign. Dissolution of assembly: If the state assembly is dissolved before the completion of its term, fresh elections are held, and the new CM is appointed based on the election results. <p>Dismissal of a CM:</p> <ul style="list-style-type: none"> No-confidence vote: Losing a vote of confidence in the assembly is the primary reason for a CM's dismissal. Governor's discretion: Under specific circumstances, the Governor can dismiss the CM even if they haven't lost a vote of confidence. (Can be challenged in Court)

Salary	Determined by the State Legislature (SL) + supplementary allowances, etc.
Powers in Relation to COM (Council of Ministers)	<p>Suggests the name for appointment. Allocate or reshuffle portfolios.</p> <p>Ask ministers to resign or advise the government to dismiss.</p> <p>Preside, guide, control, coordinate all the COM, and a meeting can bring collapse by resigning/CM resignation/death, automatically dissolving COM.</p>
Powers in Relation to the Governor	<p>Principal channel of communication between the Governor and COM.</p> <p>Advisor for the appointment of the advocate general, members of the state Public Service Commission, etc.</p>
Powers in Relation to the State Legislature	<p>Advise the Governor for summoning, proroguing, dissolution, etc.</p> <p>Announce government policies to the State Legislature.</p>
Other Powers	<p>Chairman of the State Planning Board and acts as Vice-Chairman of the Zonal Council (1 Year).</p> <p>Member of the Inter-State Council, National Development Council, and the chief spokesperson of the government.</p> <p>Crisis manager in chief at the political level during an Emergency.</p>

Article	Description
163	Establishes a Council of Ministers with the CM at the head, advising and assisting the Governor in exercising executive functions.
164	Empowers the Governor to appoint the CM and other ministers on the CM's advice.
167	Outlines the CM's responsibility to provide information to the Governor on matters related to the state.
172	Grants the Governor the power to summon and prorogue the state legislature, which can indirectly impact the CM's position.
175	Defines the Council of Ministers, led by the CM, as responsible for advising the Governor on the exercise of executive powers.



STATE COUNCIL OF MINISTER (COM).

Article	Key Points and Explanations
163	<ul style="list-style-type: none"> Establishes a Council of Ministers headed by the Chief Minister (CM). This Council advises and assists the Governor in exercising executive functions of the state.
164	<ul style="list-style-type: none"> Governor appoints the CM and other ministers on the CM's advice.
164 (91st Amendment Act, 2003)	<ul style="list-style-type: none"> Added in 2003: Clarifies that ministers hold office during the pleasure of the Governor.
164 & 172	<ul style="list-style-type: none"> A minister who is not a member of the state legislature for six months ceases to be a minister.
164 (91st Amendment Act, 2003)	<ul style="list-style-type: none"> Added in 2003: Sets the maximum size of the COM at 15% of the total strength of the state legislature (including CM). Minimum size is set at 12 members.
164 & 175	<ul style="list-style-type: none"> Ministers are responsible to the state legislature (SLA). They can be questioned and face motions of no confidence.
166 & 167	<ul style="list-style-type: none"> CM and ministers take an oath of office before the Governor. CM communicates all decisions of the COM to the Governor.
177	<ul style="list-style-type: none"> Ministers have the right to speak and participate in the proceedings of the state legislature.

Nature of Advice of COM	Advice provided by Ministers to the Governor cannot be questioned in court. Governor's decision is final in case of ambiguity.
COM Existence after Dissolution/Resignation	The Council of Ministers must exist to advise the Governor even after the state assembly dissolves or the CM resigns.
Governor's Satisfaction vs. COM Satisfaction	The Governor must be satisfied with the advice provided by the COM for it to be valid. However, the COM remains collectively responsible for the advice even if the Governor expresses reservations.
Appointment of Ministers	Ministers are appointed solely on the advice of the Chief Minister.
Ministerial Membership Requirement	Ministers who are not members of the state legislature have six months to gain membership.
Ministerial Rights and Responsibilities	Ministers can speak and participate in the proceedings of either House of the legislature, but can vote only in the House they belong to. Ministers take an oath of office before the Governor and receive their salary from the state legislature.
Collective and Individual Responsibility	The Council of Ministers has collective responsibility for its decisions, meaning they "swim or sink together" and can face a no-confidence motion. The Governor can remove individual ministers on the advice of the CM or through a vote of no confidence within the COM.
No Legal Responsibility for Orders	Ministers are not legally responsible for signing orders issued by the Governor.
Cabinet as Nucleus of COM	A smaller body called the Cabinet, consisting of senior ministers, is the core of the COM and the real center of authority.
Cabinet Functions	Highest decision-making body in the state. Formulates key policies and exercises supreme executive authority. - Coordinates state administration and advises the Governor. Manages crises and deals with emergencies. - Handles major legislative and financial matters. Works through standing and ad-hoc committees for specialized tasks.



STATE LEGISLATURE

Topic	Key Points
Articles	<ul style="list-style-type: none"> 168-212 deal with the state legislature
Prevalence of Bicameral Legislatures	<ul style="list-style-type: none"> Only 7 out of 29 states in India have bicameral legislatures (as of 2023). These states are Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra, Karnataka, and Jammu and Kashmir.
Composition of Bicameral Legislatures	<ul style="list-style-type: none"> Bicameral legislatures consist of two houses: the Vidhan Sabha (lower house) and the Vidhan Parishad (upper house). The Governor also plays a role in the legislature.
Creation and Abolition of Bicameral Legislatures	<ul style="list-style-type: none"> Parliament can create or abolish bicameral legislatures with a special majority vote (two-thirds of present members voting, with a majority of both houses). Additionally, the state legislature itself must pass a resolution supporting the change by a majority vote.
Criticisms of Bicameralism	<ul style="list-style-type: none"> Bicameral legislatures can be seen as inefficient and a duplication of effort. They can also lead to political deadlock between the two houses.
Composition of the Assembly (Lower House)	<ul style="list-style-type: none"> Directly elected members represent the people based on universal adult franchise. - The maximum number of seats is 500 and the minimum is 60. One seat was previously reserved for an Anglo-Indian member, but this was later abolished. - Territorial constituencies ensure equal representation for all parts of the state. The Parliament has the power to adjust the total number of seats and redraw constituency boundaries.
Composition of the Council (Upper House)	<ul style="list-style-type: none"> One-third of the total strength of the assembly (except in Jammu and Kashmir, where it's one-third of the assembly excluding nominated members). Minimum strength is 40 members. Members are not directly elected but chosen through various methods like appointment by the Governor, representation of professional bodies, and election by local bodies.

Duration and Dissolution of the Assembly	<ul style="list-style-type: none"> Term of the Assembly is five years, but it can be dissolved earlier by the Governor or extended by one year during an emergency. Elections must be held within six months of the dissolution.
Qualifications for Membership	To be a member of either house, individuals must be Indian citizens, take an oath before the Election Commission , and be at least 25 years old for the Assembly and 30 years old for the Council.
Qualifications beyond Representation of the People Act, 1951	Specific state laws may impose additional qualifications for membership in the state legislature. These qualifications could include educational requirements or experience in certain fields.
Disqualifications for Membership	Holding an office of profit under the government (except certain exceptions), being insolvent, having an unsound mind, or acquiring citizenship of a foreign country can disqualify individuals from becoming members of the legislature.
Oath of Office	Members of the legislature must take an oath before the Governor or a person authorized by the Governor.
Speaker, Deputy Speaker, and Deputy Chairman	The election and roles of the Speaker, Deputy Speaker, and Deputy Chairman are similar to those in Parliament.
Summoning, Adjournment, Prorogation, and Dissolution of the Legislature	The Governor has the power to summon and prorogue the legislature, while the Speaker can adjourn it. Dissolution of the legislature can be initiated by the Governor or on the advice of the Chief Minister.
Legislative Procedure	The legislative procedures followed in the state legislature are broadly similar to those of Parliament, including debates, voting, and committee stages.
Quorum	One-tenth of the total members of the legislature must be present for a meeting to proceed.
No Joint Session with Parliament	Unlike Parliament, state legislatures do not hold joint sessions with the other House, even for matters of national importance.
Official Language and Use of Mother Tongue	The official language of the state and English or Hindi are typically used in the legislature. However, some states may allow members to address the House in their mother tongue with prior permission.



HIGH COURT [ARTICLES 214 TO 231] - PART VI

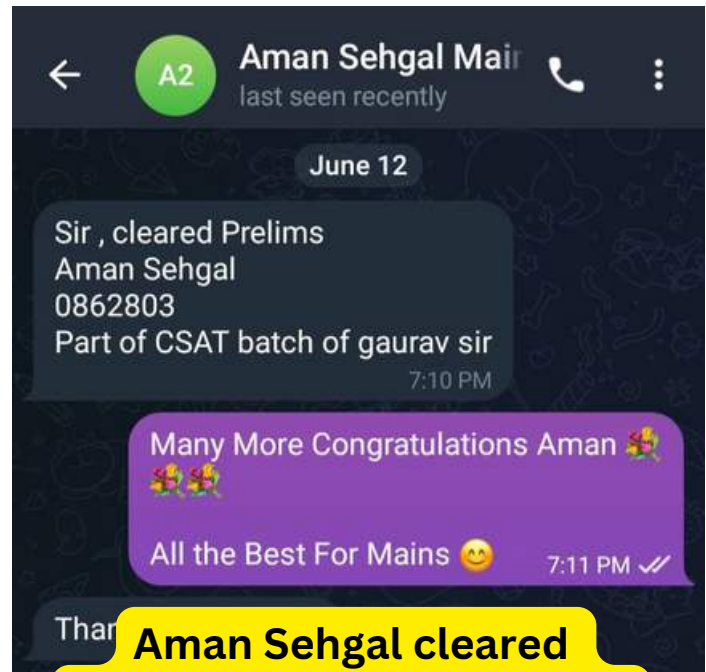
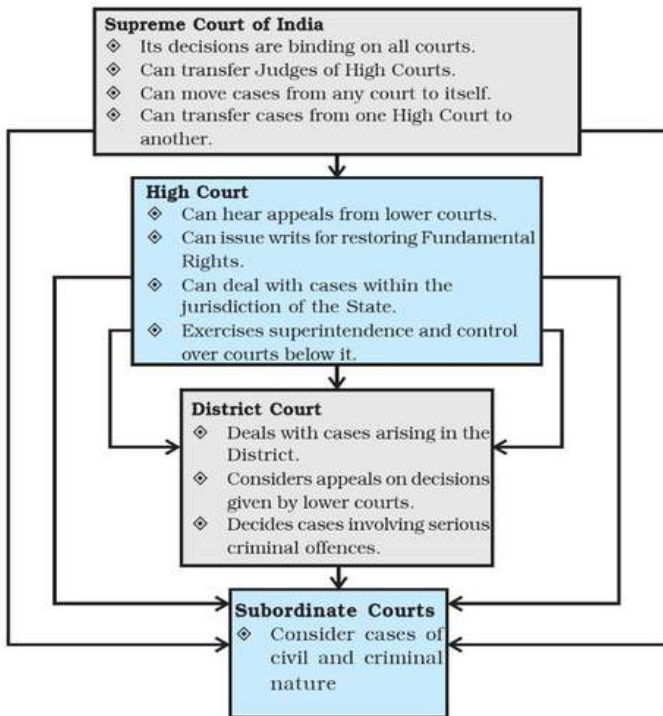
Topic	Description
Structure and Position	High Courts are below the Supreme Court and above subordinate courts in each state. They hold the top position in the state's judicial administration.
History and Development	Established in 1862 (Calcutta, Bombay, Madras), with subsequent expansion (Allahabad in 1866). Existing High Courts from British India were retained in 1950.
Constitutional Basis	Article 214 mandates a High Court for each state. 7th Constitutional Amendment (1956) allows for common High Courts for multiple states/UTs.
Current Situation	25 High Courts in India, 3 being common (Delhi has its own since 1966).
Organization	Chief Justice (CJ) leads each High Court. Number of other judges is flexible, determined by the President.
Judges' Appointment	President appoints all judges, including CJ. Consultation with CJI and Governor for CJ appointment, while CJ's input is considered for other judges. Process for common High Court judges involves consultation with all concerned state governments.
Qualification	Indian citizen with 10 years of judicial experience or 10 years as a High Court judge. No minimum age or provision for "eminent jurists."
Oath	All judges take an oath before the Governor (Article 219).

Tenure of Judges	<ul style="list-style-type: none"> No fixed term Retirement age is 62 years. Judges can resign or be removed by the President on Parliament's recommendation. They can also be appointed as judges of the Supreme Court or other High Courts.
Removal of Judges	<ul style="list-style-type: none"> Grounds for removal include misbehavior or incapacity. The removal process is similar to that for Supreme Court judges.
Salaries and Allowances	<ul style="list-style-type: none"> Chief Justice of a High Court receives an annual salary of ₹2,50,000, while other judges receive ₹2,25,000. Pensions are paid from the Consolidated Fund of India.
Transfer of Judges	<ul style="list-style-type: none"> The President can transfer judges from one High Court to another with the consent of the Chief Justice of both High Courts. Transferred judges receive additional salary.
Retired Judges	<ul style="list-style-type: none"> The Chief Justice of a High Court can appoint retired High Court judges to serve as temporary judges for a specific period, with the consent of the President and the appointee.
Independence of High Courts	<ul style="list-style-type: none"> Several factors contribute to the independence of High Courts: - Appointment of judges by the President in consultation with the judiciary. Security of tenure and removal only by the President. Fixed salaries determined by Parliament. Salaries and allowances charged to the Consolidated Fund of India, not the state. Protection from discussion of their conduct. Ban on practicing law after retirement. Power to punish for contempt of court. Separation from the executive. Jurisdiction cannot be curtailed by Parliament or state legislature.

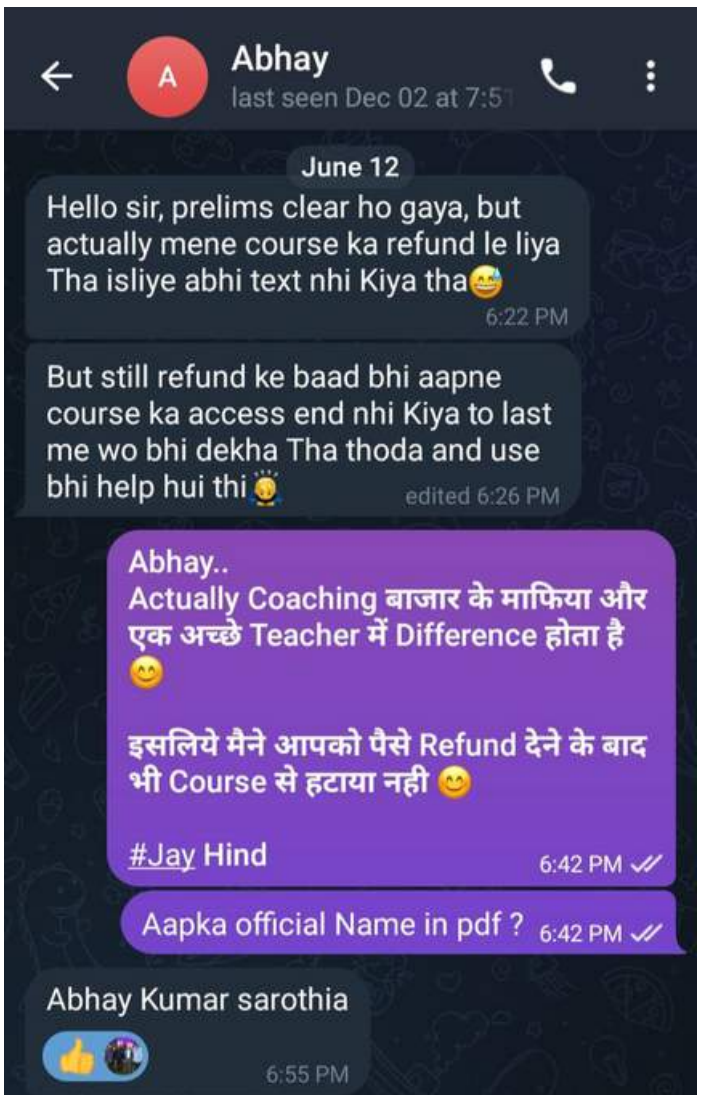


Jurisdiction and Powers of High Courts

- High Courts have original, writ, appellate, supervisory, and record-keeping powers.
- Original jurisdiction: Matters of admiralty, wills, marriage, divorce, company law, contempt of court, MP/MLA elections, and revenue disputes related to fundamental rights.
- Writ jurisdiction: Power to issue writs of habeas corpus, mandamus, certiorari, prohibition, and quo-warranto to enforce fundamental rights and prevent injustice.
- Appellate jurisdiction: Hear appeals from lower courts in both civil and criminal matters.
- Supervisory jurisdiction: Power to oversee all courts and tribunals within their territory, except military courts and tribunals.
- Record-keeping: Maintain records of all proceedings and judgments.
- Power of judicial review: Power to review the constitutionality of laws and actions of the government. **This power was curtailed by the 42nd amendment but restored by the 43rd amendment.**



Aman Sehgal cleared prelims with CSAT program



TRIBUNALS

Imagine India as a big house with many rooms. Each room deals with a different issue, like paying taxes, resolving labor disputes, or handling elections. **Tribunals for other matters are like special courts for each of these rooms. Instead of going through the usual court system, people can take their problems directly to these tribunals. This is faster and more specialized, like having an expert doctor for each room in the house.**

Tribunals deal with specific issues outside of regular courts. This includes things like taxes, labor disputes, land reforms, food distribution, and elections.

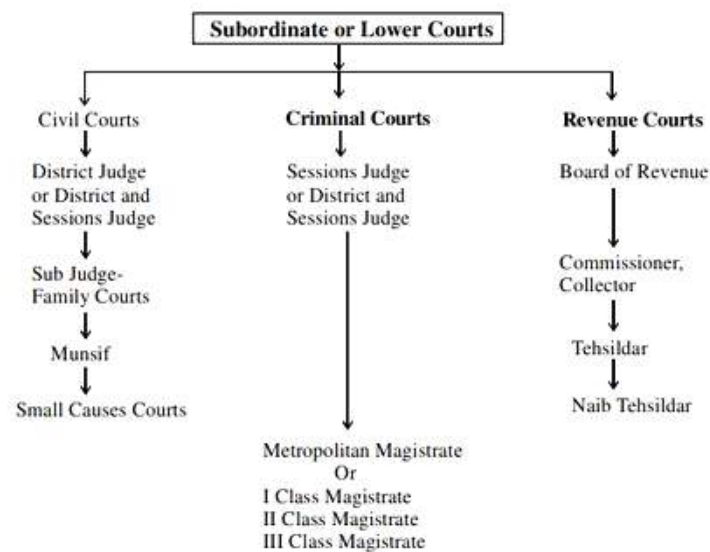
Constitutional basis	<ul style="list-style-type: none"> Original constitution did not mention any tribunals
42 CAA of 1976	<ul style="list-style-type: none"> Added in Part XIV (14) of Constitution Article 323A = Administrative tribunal Article 323B = Dealing with other matters
323A (Administrative tribunals)	<ul style="list-style-type: none"> Central government is to establish one central Administrative tribunal and the state administrative tribunals.
CAT	<ul style="list-style-type: none"> Established in 1985, the Central Administrative Tribunal (CAT) operates with a multi-member body based in Delhi and has 17 branches across various states. Headed by a Chairman (retirement at 65 years) and Vice-Chairman (at 62 years), the CAT's members are chosen by a committee chaired by a sitting Supreme Court judge nominated by the Chief Justice of India. Comprising individuals of equal stature to High Court judges, the CAT serves as a specialized adjudicatory body for public service matters.
SAT (State Administrative Tribunals)	<ul style="list-style-type: none"> Alongside the Central Administrative Tribunal, each state in India has its own State Administrative Tribunal (SAT) established by the Administrative Tribunals Act of 1985. In some states, a Joint Administrative Tribunal (JAT) may exist, acting as a higher tier within the SAT structure. The Chief of a State Administrative Tribunal is appointed by the Governor of the respective state, following consultation with the Chief Justice of India.

TRIBUNALS FOR OTHER MATTERS		
Feature	Article 323(A) (Public Service)	Article 323(B) (Other Matters)
Scope	Public service matters only	Taxation, foreign exchange, labor, land reform, food, elections
Establishment	Parliament only	Parliament and state legislatures (within their legislative competence)
Number of Tribunals	One Central Administrative Tribunal (CAT) and one per state or group of states	Varies by state and matter, potentially multi-tiered
Composition	Multi-member body (Chairman, Vice-Chairman, Members)	Varies by state and matter, can include single-member tribunals
Appointment of Members	Parliament-appointed CAT members recommended by a Supreme Court judge committee	State governments (after consultation with Governor) may have their own selection processes
Jurisdiction	National for CAT, State-level for SATs	Can vary by state and matter, potentially national for some tribunals
Hierarchy	No	Can have multi-tiered structures with Joint Administrative Tribunals (JATs)



SUBORDINATE COURTS

Meaning: They are under subordination under the high court at district and lower levels.	
Constitutional Provisions	Articles 233-237 in Part VI
Appointment of District Judges (DJs)	Governor in consultation with High Court (HC)
Appointment of Other Judges (OJs)	Governor after consulting State Public Service Commission (SPSC) & HC
Control over Subordinate Courts	Vested in HC for transfer, posting, promotion, and leave matters
Interpretation of "District Judges"	'District Judges' Judges of civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge.
Judicial Service	Service consisting exclusively of person intend to fill post of DJ and other civil Judicial post (interior of DJ)



OA (Other Judges of Subordinate courts except DJ)	
Highest Judicial Authority	Final decision-makers for most cases within their respective courts.
Original Jurisdiction	Hear cases directly, bypassing lower courts.
Appellate Jurisdiction	Review and potentially overturn decisions made by lower courts.
Civil Cases (District Judge)	Highest-ranking OJ, handles original and appellate cases within their district.
Criminal Cases (Session Judge)	Highest-ranking OJ, has original jurisdiction over serious offenses and can hear appeals within their jurisdiction.
Judicial Power	Authority to hear and decide cases.
Administrative Power	Authority to manage courts and staff.
Supervisory Power	Ensure lower courts follow proper procedures and adhere to the law.
Appeal to High Court	Decisions can be appealed to the High Court for further review.
Capital Punishment/Significant Fines	Decisions require ratification by the state government for added scrutiny and consistency with state policies.



NLSA (National Legal Service Authority)	
Purpose	<ul style="list-style-type: none"> Provide free legal aid to the poor and weaker sections to ensure justice for all (Article 39A) and promote equality before the law (Article 22(1)).
Establishment	<ul style="list-style-type: none"> Legal Services Authorities Act, 1987 (came into force on 9th November 1995)
Goal	<ul style="list-style-type: none"> Create a nationwide network of free and competent legal services.
Main Body	<ul style="list-style-type: none"> Supreme Court Legal Services Committee
Functions	<ol style="list-style-type: none"> Provide free and competent legal services to eligible persons. Organize Lok Adalats for amicable settlement of disputes. Organize legal awareness camps in rural areas.
Eligible Persons for Free Legal Aid	<ul style="list-style-type: none"> Women and children Members of SC/ST Industrial workmen Victims of mass disasters, violence, floods, droughts, earthquakes, industrial disasters Disabled persons Persons in custody Persons whose annual income does not exceed Rs.1 lakh Victims of trafficking or begar
Additional Notes	<ul style="list-style-type: none"> The NLSA also works to improve legal education and research, promote legal aid awareness, and develop legal aid programs for specific needs. The scope of free legal aid can be expanded by state governments.

LOK ADALATS	
Objective	<ul style="list-style-type: none"> Amicable settlements of pending court cases as per Gandhian principles of justice Expeditious & Economic Effective & Inexpensive Justice
Structure	<ul style="list-style-type: none"> Base on Alternative Dispute settlement ADR No Victors/no rancor by negotiation conciliation Functions SLSA, DLSA, SCLSC, HC, SC, TLSC → Organised Lok Adalat at such Interval & places as he think fits. LA-service or retired Judge + Lawyer + social worker. Requisite its own power for determining any issue- All Judicial proceeding within IPC. Award will be final no pleading. Easy trail & speedy with flexibility.

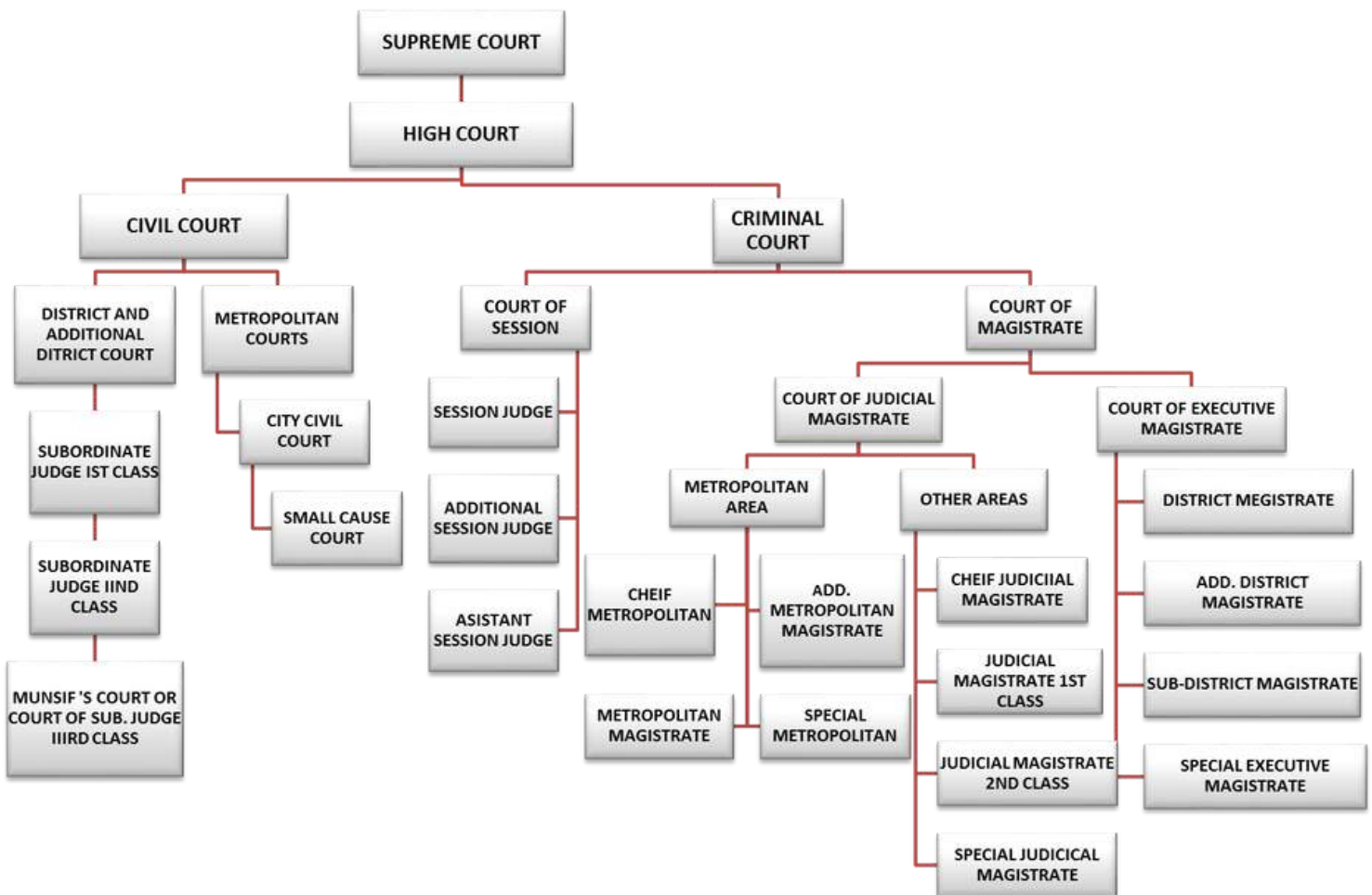
Permanent Lok Adalats	
Purpose	<ul style="list-style-type: none"> Established under the Legal service Authority Act 1987 – 2002 for permanent Lok Adalat Objective is to deal with case dealing with public utility services. (Power, Transport etc) Help weaker section/ In expensive/sprit of conciliation outside court.
Structure	<ul style="list-style-type: none"> Chairman (Other Judge + Additional OJ) +/ Other higher officer

FAMILY COURTS	
Purpose	<p>Promote conciliation and secure speedy settlement in marriage and family disputes.</p> <p>Reduces court backlog and delays.</p> <p>Provides faster resolution for families facing conflict.</p>
Establishment	Established by state governments under the Family Courts Act, 1984.
Emphasis	Conciliation and achieving socially desirable outcomes.
Mechanism of Dispute Conciliation	Trained counselors and mediators facilitate negotiation and compromise between parties.
Features	<p>Mandatory: State governments must establish a Family Court in every city.</p> <p>Focus on conciliation: Simplified procedures and flexible approach to encourage settlement.</p> <p>Simplified rules of law: Less technical and formal compared to regular courts.</p> <p>Limited appeal: Appeals against Family Court decisions can only be made to the High Court.</p>



GRAM NYAYALAYAS

Purpose	<ul style="list-style-type: none"> Provide justice at the doorstep of people in rural areas, ensuring access to the legal system regardless of social, economic, or geographic barriers.
Establishment	<ul style="list-style-type: none"> The Gram Nyayalayas Act, 2008, established a network of village courts across India.
Reasons for Establishment	<ul style="list-style-type: none"> Poor access to justice for rural populations: Addresses the challenge of geographic and economic barriers faced by rural communities in accessing traditional courts. Article 39A of the Indian Constitution: Fulfills the constitutional obligation to provide free and equal access to justice. Complements existing ADR mechanisms: Works alongside Lok Adalat and other alternative dispute resolution methods to encourage amicable settlements. Recommendations of the Law Commission: 118th report highlighted the need for Gram Nyayalayas to address specific needs of rural communities.
Features	<ul style="list-style-type: none"> Mobile courts: Conduct hearings in villages, eliminating the need for travel to distant courtrooms. Dual jurisdiction: Handle both criminal and civil cases within their designated areas. Guided by natural justice: Emphasis on fair and impartial proceedings, even without strict legal formalities. Plea bargaining: Provides an option for accused individuals to negotiate for reduced sentences in certain cases.
Location & Composition	<ul style="list-style-type: none"> Seat at the headquarters of the Intermediate Panchayat. Panel of judges with expertise in local customs and traditions.



SPECIAL PROVISIONS FOR SOME STATES

- Articles 369 through 392 (including some that have been removed) appear in Part XXI of the Constitution, titled 'Temporary, Transitional and Special Provisions'. Article 370 deals with 'Temporary Provisions with respect to the State of Jammu and Kashmir'; Articles 371, 371A, 371B, 371C, 371D, 371E, 371F, 371G, 371H, and 371J define special provisions with regard to another state (or states).
- Article 371I deals with Goa, but it does not include any provision that can be deemed 'special'.
- Articles 370 and 371 were part of the Constitution at the time of its commencement on January 26, 1950; Articles 371A through 371J were incorporated subsequently.
- Article 371, Maharashtra and Gujarat: Governor has "special responsibility" to establish "separate development boards" for "Vidarbha, Marathwada, and the rest of Maharashtra", and Saurashtra and Kutch in Gujarat; ensure "equitable allocation of funds for developmental expenditure over the said areas", and "equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment" under the state government.



Article 370 of the Indian Constitution, which was repealed in 2019, used to grant special status to the state of Jammu and Kashmir.

Article	State(s)	Key Provisions
371	Maharashtra, Gujarat	Governor has special responsibility for separate development boards in specific regions. Ensures equitable allocation of funds and opportunities for technical education, vocational training, and employment.
371A	Nagaland	Parliament cannot legislate on Naga religion, social practices, customary law, and land ownership/transfer without state Assembly concurrence.
371B	Assam	President may establish a committee of Assembly members from tribal areas.
371C	Manipur	President may establish a committee of elected members from Hill areas in the Assembly. Governor has special responsibility for its functioning.
371D	Andhra Pradesh & Telangana	President ensures equitable opportunities in public employment and education for people from different regions. Powers to create local cadres in civil service and reserve seats in educational institutions for regional balance.
371E	Andhra Pradesh	Allows for the establishment of a central university.
371F	Sikkim	Assembly elects Sikkim's representative in the House of the People. Parliament may define the number of Assembly seats reserved for different sections of the population.
371G	Mizoram	Parliament cannot legislate on Mizo religion, social practices, customary law, and land ownership/transfer without Assembly approval.
371H	Arunachal Pradesh	Governor has special responsibility for law and order with individual judgment powers.
371J	Karnataka	Separate development board for the Hyderabad-Karnataka region. Equitable allocation of funds, opportunities, and reservations for the region in education and government jobs.



PANCHAYATI RAJ

Introduction		Rural local self governance
Directive Principle	Article 40	States "The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government."
Constitutional Amendment	73rd Constitutional Amendment Act, 1992	Elevated Panchayati Raj from a non-justiciable directive principle to a justiciable fundamental right, making it mandatory for states to implement.
Three Tiers of Panchayati Raj	Part IX of the Constitution (Articles 243-243O)	Outlines the three tiers of Panchayati Raj: Gram Panchayat (village level), Panchayat Samiti (block level), and Zilla Parishad (district level).
Elections	Articles 243D-243G	Guarantees regular elections for all three tiers of Panchayati Raj, with direct elections for members and reservation of seats for women and Scheduled Castes and Tribes.
Powers and Functions	Eleventh Schedule of the Constitution	Lists 29 subjects entrusted to Panchayati Raj institutions, including agriculture, health, education, rural development, sanitation, and natural resource management.
Finance	Articles 243G-243H	Mandates states to share revenue with Panchayati Raj institutions and empowers them to levy taxes and fees to generate their own income.
Judicial Review	Supreme Court and High Courts	Panchayat institutions can approach courts for challenges regarding their powers, elections, and functions.

Committee	Year	Key Recommendations	Impact
Balwant Rai Mehta Committee (1957)	1957	<ul style="list-style-type: none"> Introduced the idea of democratic decentralization. Proposed a three-tier Panchayati Raj system: Gram Panchayat (village), Panchayat Samiti (block), and Zilla Parishad (district). Advocated for functional autonomy and devolution of financial resources. 	<ul style="list-style-type: none"> Laid the foundation for Panchayati Raj in India. Led to the establishment of Panchayati Raj in Rajasthan (1959) and Andhra Pradesh (1959)
Ashok Mehta Committee (1977)	1977	<ul style="list-style-type: none"> Criticized the decline of Panchayati Raj and recommended 132 changes. Suggested a two-tier system: Zilla Parishad at the district level and Mandal Panchayat below it. Emphasized district as the primary point of decentralization. Advocated for mandatory taxation and financial management powers for PR institutions. Proposed independent Nyaya Panchayats with qualified judges. Called for a dedicated PR minister and state accountability for PR departments. Recommended reservation of seats for SC/ST based on population. 	<ul style="list-style-type: none"> Could not be implemented due to the fall of the Janata government. Introduced new ideas like mandatory taxation and independent judiciary within PR.
GVK Rao Committee (1985)	1985	<ul style="list-style-type: none"> Analyzed the problems faced by Panchayati Raj and offered solutions. Focused on strengthening financial resources and administrative capacity. Suggested measures for training and capacity building of PR officials. 	<ul style="list-style-type: none"> Provided valuable insights into financial and administrative challenges of PR. Recommendations partially incorporated in subsequent reforms.



L M Singhvi Committee (1986)	1986	<ul style="list-style-type: none"> Emphasized the need for constitutional status for Panchayati Raj. Recommended a uniform national framework for PR institutions. Proposed reservation of seats for women in addition to SC/ST. 	<ul style="list-style-type: none"> Played a crucial role in paving the way for the 73rd Constitutional Amendment. Advocated for gender inclusion in PR.
Thungon Committee (1989)	1989	<ul style="list-style-type: none"> Appointed after the Moradabad riots to address issues of caste and communal violence. Recommended strengthening Gram Panchayats and enhancing their role in social justice. Suggested measures for conflict resolution and community participation. 	<ul style="list-style-type: none"> Highlighted the importance of social justice and conflict resolution in rural areas. Recommendations influenced policies aiming to address social inequalities.
Gadgil Committee (1988)	1988	<ul style="list-style-type: none"> Examined the effectiveness of Panchayati Raj institutions. Led to the formation of the 73rd Constitutional Amendment Committee. 	<ul style="list-style-type: none"> Provided essential groundwork for the constitutionalization of Panchayati Raj. Its recommendations became the basis for the landmark 73rd Amendment Act.

Constitutional Basis	73rd Constitutional Amendment Act, 1992 (Part IX - Articles 243-243O)	Landmark legislation granting constitutional status to Panchayats.
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Key aspects of the 73rd CAA establishing Panchayats:		
Gram Sabha	<ul style="list-style-type: none"> Village-level body consisting of all adult members of the village. 	<ul style="list-style-type: none"> Empowers communities with direct participation in decision-making.
Three-Tier System	<ul style="list-style-type: none"> Gram Panchayat (village), Panchayat Samiti (block), and Zilla Parishad (district). 	<ul style="list-style-type: none"> Decentralizes governance across different levels.
Elections	<ul style="list-style-type: none"> Direct elections for members and chairpersons at all tiers. 	<ul style="list-style-type: none"> Ensures democratic representation and accountability.
Reservation of Seats	<ul style="list-style-type: none"> Prescribed quotas for Scheduled Castes (SCs), Scheduled Tribes (STs), and women. 	<ul style="list-style-type: none"> Promotes inclusivity and diversity in Panchayats.
Fixed Duration	<ul style="list-style-type: none"> Defined term length for elected Panchayat members. 	<ul style="list-style-type: none"> Provides stability and continuity in governance.
Disqualifications	<ul style="list-style-type: none"> Grounds for removal of Panchayat members based on misconduct or ineligibility. 	<ul style="list-style-type: none"> Maintains integrity and ethical conduct within the system.
State Election Commission	<ul style="list-style-type: none"> Oversees Panchayat elections and ensures fairness and transparency. 	<ul style="list-style-type: none"> Independent body safeguarding electoral integrity.
Finance Commission	<ul style="list-style-type: none"> Recommends devolution of resources and oversees financial management of Panchayats. 	<ul style="list-style-type: none"> Promotes fiscal autonomy and accountability.
PESA Act, 1996	Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996:	
Objective	<ul style="list-style-type: none"> Extends the 73rd CAA to Scheduled Areas with modifications to suit tribal contexts. 	<ul style="list-style-type: none"> Promotes self-governance and protects the rights of tribal communities.
Key Focus	<ul style="list-style-type: none"> Safeguarding and preserving tribal traditions and customs, empowering Panchayats to address tribal needs, and fostering participatory democracy in village governance. 	<ul style="list-style-type: none"> Recognizes the unique needs and aspirations of tribal communities.



Challenges to Effective Performance		
Inadequate Devolution	Limited transfer of powers and resources from state governments to Panchayats.	Restricts autonomy and effectiveness of Panchayats.
Bureaucratic Control	Excessive state government interference and bureaucratic oversight.	Impedes decision-making autonomy and responsiveness of Panchayats.
Tied Funds	Restrictions on the use of allocated funds, limiting flexibility and responsiveness to local needs.	Constrains the ability of Panchayats to prioritize and address local issues.
Financial Dependence	Overreliance on government grants, diminishing resource mobilization and self-reliance of Panchayats.	Weakens financial autonomy and sustainability.
Gram Sabha Status	Limited role and authority of the Gram Sabha, undermining community participation.	Restricts direct involvement of villagers in decision-making processes.
Parallel Bodies	Creation of separate institutions for rural development, bypassing Panchayats.	Duplication of effort, weakens Panchayat authority, and creates confusion.
Poor Infrastructure	Lack of adequate infrastructure and capacity building hampers effective service delivery by Panchayats.	Constrains operational efficiency and limits impact on rural communities.



MUNICIPALITIES

Period	Details
1687-88	Establishment of the first municipal corporation in Madras (Chennai). The Greater Chennai Corporation (previously Madras) is the Oldest Municipal Institution in India established on the 29th September 1688.
1762	Municipal corporations established in Bombay (Mumbai) and Calcutta (Kolkata).
1935	Local self-government, including municipalities, declared a provincial subject under the Government of India Act, 1935.
1992 74th Constitutional Amendment Act	Landmark legislation granting constitutional status to municipalities.
Key Features of 74th CAA	
Part IX-A	Articles 243-P to 243-ZG in the Constitution deal with municipalities.
12th Schedule	Added to the Constitution to specify functions and powers of municipalities.
<ul style="list-style-type: none"> While the Directive Principles of State Policy refer to village Panchayats, there is no specific reference to Municipalities except the implicitly in Entry 5 of the State List, which places the subject of local self-governments as a responsibility of the states. In order to provide for a common framework for urban local bodies and help to strengthen the functioning of the bodies as effective democratic units of self-government, Parliament enacted the Constitution (74th Amendment) Act, 1992 relating to municipalities in 1992. The Act received the assent of the President on 20 April 1993. The Government of India notified 1 June 1993 as the date from which the said Act came into force. A new part IX-A relating to the Municipalities has been incorporated in the Constitution to provide for among other things, constitution of three types of Municipalities, i.e., Nagar Panchayats for areas in transition from a rural area to urban area, Municipal Councils for smaller urban areas and Municipal Corporation for large urban areas, fixed duration of municipalities, appointment of state election commission, appointment of state finance commission and constitution of metropolitan and district planning committees. 	

District Planning Commission:	New constitutional body established.
Composition:	4/5 elected representatives from Panchayats and Municipalities, 1/5 nominated by the state government.
Function:	Aims for coordinated planning and development across rural and urban areas within a district.
Chairperson:	Senior officer from the Urban Development Department recommended by the state government.
Metropolitan Planning Committee:	Established as a constitutional body under the 74th CAA.
Composition:	2/3rd elected members of municipalities within the metropolitan area, 1/3rd nominated by the state government.
Function:	Oversees planning and development in metropolitan areas.
Types of Urban Local Bodies:	Beyond the three main types defined by the 74th CAA, other forms of urban local bodies exist in India, including:
Notified Area Committee:	Established in areas transitioning from rural to urban.
Town Area Committee:	Similar to Notified Area Committees but with larger population and functions.
Cantonment Board:	Administers military cantonments.
Township:	Self-contained urban development project with its own administration.
Port Trust:	Manages and develops a specific port.
Special-Purpose Agency:	Established for specific functions, such as water supply or sanitation.



UNION TERRITORIES

Constitutional Definition	Article 1 of the Constitution defines India as consisting of states, Union Territories (UTs), and any territories acquired by the government.
Current Composition	28 states, 8 Union Territories, with no currently acquired territories.
Reasons for Creating UTs	
Political and administrative considerations: Delhi and Chandigarh.	Seeking optimal administrative structures or managing complex political situations.
Cultural distinctiveness: Puducherry, Dadra and Nagar Haveli, Daman and Diu.	Preserving unique cultural identities and traditions.
Strategic importance: Andaman and Nicobar, Lakshadweep.	Securing national security or managing geographically unique areas.
Special treatment and care: Mizoram, Manipur, Tripura, and Arunachal Pradesh (later became states).	Providing focused support for development and addressing needs of specific communities.
Jammu and Kashmir Reorganisation:	In 2019, the state of Jammu and Kashmir was bifurcated into two separate UTs: Jammu and Kashmir and Ladakh.
Administration of UTs: Article 239 outlines the administration of UTs, with different approaches for different territories.	
Article 239A: Allows for the creation of local legislatures or councils of ministers, granting some degree of autonomy to certain UTs.	
Article 239AA: Contains special provisions for Delhi, granting it a unique legislative assembly and council of ministers.	
Article 239AB: Provides for emergency provisions in case of constitutional breakdown in a UT.	
Article 239B: Empowers the Administrator of a UT to promulgate ordinances during legislative recess.	
Article 240: Grants the President power to make regulations for certain UTs.	
Article 241: Deals with the establishment of High Courts in UTs.	
Article 242: Originally covered Coorg, but this article has been repealed since Coorg joined Karnataka in 1950.	



Feature	States	Union Territories
Constitutional Basis	Part VI of the Constitution (Articles 152-227)	Part VIII of the Constitution (Articles 239-242)
Relationship with Center	Federal: Sharing legislative and executive powers with the Center through a system of checks and balances.	Unitary: Under direct control and administration of the Center, with limited autonomy.
Power Distribution	Exclusive powers: State List subjects like agriculture, education, public health, local government, etc.	No exclusive powers: All subjects of the Constitution fall under the purview of Parliament.
Concurrent powers: Shared with the Center, such as forests, economic planning, criminal law, etc.	<p>While states have primary legislative authority over subjects in the State List, there are specific circumstances under which Parliament can also legislate on these subjects for specific states:</p> <p>National emergencies: During a national emergency, Parliament can make laws on any subject, including those in the State List, for the state or states affected by the emergency.</p> <p>Public interest: Parliament can pass laws on State List subjects if it is deemed necessary for the national interest or public good. This requires a special majority vote in both houses of Parliament.</p> <p>President's assent: Certain other situations allow Parliament to legislate on State List subjects with the President's assent, such as for deployment of Central security forces within a state or for addressing inter-state issues.</p>	<p>Unlike states, UTs do not have a separate State List.</p> <p>Parliament has the ultimate legislative authority over all subjects for UTs, including those that would fall under the State List for states.</p> <p>However, some UTs like Delhi and Puducherry have been granted legislative assemblies with limited powers to legislate on certain local matters. These UTs also enjoy some degree of autonomy in their administration.</p>
Autonomy	Significant: Own elected legislature, executive (Chief Minister and Council of Ministers), and public service. Independent taxation and resource mobilization.	Limited: Administrator or Lieutenant Governor appointed by the President wields executive power. Legislative Assemblies exist in some UTs but have limited functions compared to state legislatures.
Uniformity in Administration	Relative: Each state has its own administrative structure, but general principles of governance based on the Constitution and model laws apply.	Diverse: Varies considerably depending on the UT, with some having legislatures and others without. Administration directly controlled by the Central government through appointed officials.
Executive Head	Governor: Appointed by the President but acts as the constitutional head of the state. Limited executive powers, primarily focused on constitutional functions.	Administrator, Lieutenant Governor, or Chief Commissioner: Appointed by the President and directly exercises executive power, reporting to the Central government.
Legislative Power	State Legislature: Holds exclusive power to make laws on State List subjects. Can also legislate on Concurrent List subjects, subject to limitations imposed by Parliament.	Parliament: Has ultimate legislative authority over all subjects, including those in the State List, for UTs. UT Legislatures, where they exist, have restricted powers and mainly deal with local matters.
Financial Resources	Independent: Own sources of revenue through taxes, fees, and other charges. Receive central grants under various schemes, but with some degree of autonomy in their utilization.	Limited: Primarily dependent on grants from the Central government. Limited independent sources of revenue, often restricted to local taxes and fees.
Examples	Maharashtra, Tamil Nadu, Uttar Pradesh	Delhi, Puducherry, Andaman and Nicobar Islands

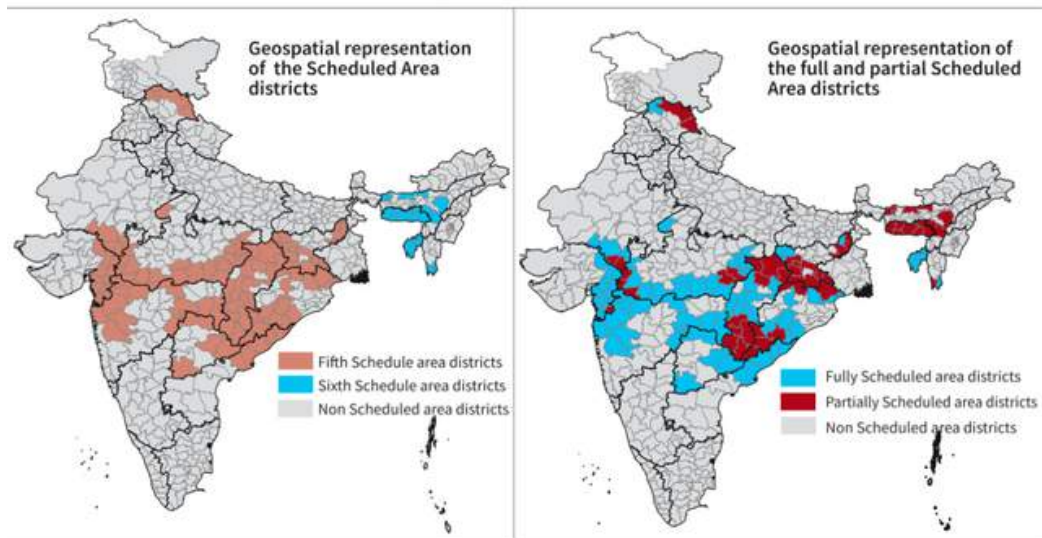


SCHEDULED AREAS

Feature	Scheduled Areas (5th Schedule)	Tribal Areas (6th Schedule)
Constitutional Basis	<ul style="list-style-type: none"> Article 244(1) of the Constitution 	<ul style="list-style-type: none"> Article 244(2) of the Constitution
Geographical Scope	<ul style="list-style-type: none"> Applicable to Scheduled Areas in any state of India 	<ul style="list-style-type: none"> Applicable only to specific tribal areas in Assam, Meghalaya, Tripura, and Mizoram
Administrative Control	<ul style="list-style-type: none"> Under the overall control of the Governor of the state 	<ul style="list-style-type: none"> Constituted as autonomous districts, not directly under state executive authority
Governor's Responsibility	<ul style="list-style-type: none"> Holds special responsibility for Scheduled Areas' administration and development 	<ul style="list-style-type: none"> Manages autonomous districts with certain powers and safeguards
Advisory Council	<ul style="list-style-type: none"> Tribes Advisory Council (TAC) advises Governor on matters relating to Scheduled Areas 	<ul style="list-style-type: none"> District Councils function as primary administrative bodies in autonomous districts
Law Applicability	<ul style="list-style-type: none"> Governor can modify or exempt application of laws in Scheduled Areas 	<ul style="list-style-type: none"> Acts of Parliament and state legislatures may not apply or apply with modifications in autonomous districts
Autonomy	<ul style="list-style-type: none"> Limited autonomy within state framework 	<ul style="list-style-type: none"> Greater autonomy in self-governance through District Councils
Key Features	<ul style="list-style-type: none"> - Declaration, alteration, or revocation of Scheduled Areas by President 	<ul style="list-style-type: none"> - Organization and reorganization of autonomous districts by Governor
Objectives	<ul style="list-style-type: none"> - Protection of tribal interests and rights 	<ul style="list-style-type: none"> - Preservation of tribal culture, customs, and civilization

The homelands of tribal communities

These maps show us geospatial representations of Scheduled Areas in India. Scheduled Areas cover 11.3% of India's land area, and have been notified in 10 States. The President holds exclusive power to declare any area as a Scheduled Area



Source: The Legal Regime and Political Economy of Land Rights of Scheduled Tribes in The Scheduled Areas of India, Namita Wahi and Ankit Bhatia, Centre for Policy Research



ELECTION COMMISSION

Introduction	Permanent Independent Constitutional body
Article	324 of Constitution Power of superintendence, direction and control of elections
Elections	It is responsible for conducting all elections in India, including the elections to the Lok Sabha (the lower house of Parliament), the Rajya Sabha (the upper house of Parliament), the state legislative assemblies, and the offices of the President and Vice-President.
Panchayat and Municipalities	State Election commission is responsible
Composition	As per article 324 The ECI is headed by the Chief Election Commissioner (CEC), who is appointed by the President of India. The CEC is assisted by two Election Commissioners. Regional commissioners can also be appointed for assistance. The CEC and the Election Commissioners hold office for a term of six years or until the age of 65, whichever is earlier.

Period	Composition	Notes	
1850-1989	Single Election Commissioner	Appropriate for simple nature of Elections	
16 October 1989	President of India + 2 Election Commissioners	Voting age was reduced to 18 from 21	This was abolished in 1993 and 2 more appointments were created
1993-Present	Chief Election Commissioner + 3 Election Commissioners	Tenure of 6 years or 65 years of age, whichever is earlier	Removal via Special majority resolution by both houses of Parliament (CEC only, on grounds of misbehavior or incapacity) Condition of Services and Tenure by President of India

Independence of Election Commission	Description
CEC Tenure:	Secure as Supreme Court judge
Removal Process:	Only by President, based on resolution passed by both houses of Parliament with special majority
Removal Grounds:	Only for proven misbehavior or incapacity
Other ECs:	Cannot be removed without CEC recommendation
Historical Evolution:	From single Commissioner to current three-member structure
Overall Significance:	Safeguards free and fair elections, fosters trust in electoral process, strengthens democracy

Function	Description
1. Delimitation of Constituencies	Determines the boundaries of electoral constituencies for elections.
2. Electoral Roll Management	Prepares, revises, and maintains accurate electoral rolls, registering all eligible voters.
3. Scheduling of Elections	Fixes dates and schedules for various elections.
4. Recognition of Political Parties	Grants official recognition to political parties.



5. Allocation of Symbols	Assigns unique symbols to contesting parties for identification on ballots.
6. Dispute Settlement	Adjudicates election-related disputes and complaints.
7. Conduct of Enquiries	Investigates breaches of the Model Code of Conduct and electoral malpractices.
8. Enforcement of Model Code of Conduct	Sets and enforces ethical guidelines for political parties and candidates during elections.
9. Disqualification Advice	Advises the President on disqualification of MPs and Governors on disqualification of MLAs.
10. Cancellation of Rigged Elections	Has the power to cancel elections marred by rigging or violence.
11. Oversight of Free and Fair Elections	Ensures elections are conducted in a free, fair, and transparent manner.
12. Feasibility Reports for State Elections	Advises the President on holding or postponing state elections under President's Rule.
13. Registration of Political Parties	Maintains a register of officially recognized political parties.

CURRENT AFFAIRS (2024)

- On December 12, 2023, the Rajya Sabha passed The Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Office and Terms of Office) Bill, 2023. It is likely to be enacted into a law after being passed by the Lok Sabha in the current winter session. It provides for the procedure for appointment of the Chief Election Commissioner (CEC) and the other two Election Commissioners (ECs).

What does the Constitution say?

- Article 324 provides for the composition of the Election Commission of India (ECI). It consists of the CEC and two other ECs. The Constitution provides that the appointment of the CEC and EC shall, subject to the provisions of any law made by Parliament, be made by the President. While the existing parliamentary law provides for their conditions of service, it is silent with respect to appointments. The appointments till date are made by the President, that is the Central Government and there is no mechanism for ensuring independence during the appointment process.

What did the Supreme Court rule?

- A Public Interest Litigation (PIL) filed by Anoop Baranwal in 2015 pleaded for the Supreme Court to issue directions to set up an independent, collegium-like system for the appointment of the CEC and ECs. The Supreme Court in this case, in March 2023, held that there has been a legislative vacuum due to the absence of any law by Parliament in the last 73 years (since the adoption of the Constitution) with respect to the appointment of the CEC and EC. The independence of the ECI is essential for ensuring free and fair elections that is paramount for a vibrant democracy. The Supreme Court drew reference to various other institutions supporting constitutional democracy that have independent mechanisms for the appointment of its head/members like the National and State Human Rights Commission, the Central Bureau of Investigation (CBI), Information Commission, Lokpal etc.
- In the past, the **Dinesh Goswami Committee on Electoral Reforms (1990)** and the Law Commission in its 255th report on Electoral Reforms (2015), had suggested that the CEC and ECs should be appointed by a committee consisting of the Prime Minister, the Chief Justice of India (CJI) and the Leader of the Opposition or the largest Opposition party in the Lok Sabha. Considering these recommendations, the Supreme Court, exercising its powers under Article 142 (to issue directions for doing 'complete justice' in any matter), laid down that the CEC and ECs shall be appointed by a committee consisting of the Prime Minister, the CJI and the Leader of the Opposition or the largest opposition party in the Lok Sabha. It said that this mechanism shall be in place till Parliament enacts a law on this matter.

What does the proposed law provide?

- The CEC and other ECs shall be appointed from persons who are holding or have held a post equivalent to the rank of Secretary to the Government of India. There shall be a search committee headed by the Minister of Law and Justice, who shall prepare a panel of five persons for consideration to the selection committee. The CEC and EC shall be appointed by the President on the recommendation of this selection committee consisting of the Prime Minister, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister to be nominated by the Prime Minister. It is for the first time that the Parliament is proposing a structured mechanism for identification of suitable persons for the post of CEC and EC. However, this bill removes the CJI from the selection process that was laid down in the Anoop Baranwal case.



UPSC (UNION PUBLIC SERVICE COMMISSION)

Introduction	<ul style="list-style-type: none"> • Central recruiting agency in India. • An independent constitutional body directly created by the Constitution.
Article	<ul style="list-style-type: none"> • 315- 323
Composition	<ul style="list-style-type: none"> • Chairman (appointed by the President of India) + Other Members (number as decided by the President, maximum of 11). • No specific qualification requirements, but at least half of the members should have held office for a minimum of 10 years under the Government of India or a State Government.
Tenure	<ul style="list-style-type: none"> • Chairman: No second term, tenure of 6 years or until the age of 65. • Can resign to the President. • Other Members: Similar tenure rules.
Removal	<p>Grounds for removal:</p> <ul style="list-style-type: none"> • Engaged in paid employment outside office, bankrupt. • President can remove Chairman or any other member on grounds of misbehavior, subject to an inquiry by the Supreme Court. • Misbehavior: Being concerned or interested in any contract or agreement made by the Government of India or a State Government. • Participating in any way in the profit of such a contract or agreement.
Independence	<ul style="list-style-type: none"> • Chairman and member removal based on grounds mentioned in the Constitution. • Salary determined by the Central Financial Institution. • Chairman cannot have a second term and no retirement appointment.
Functions	<ul style="list-style-type: none"> • Conducting examinations for All-India services, central, and public services. • Formulating and operating the scheme of the Indian Police Service Commission. • Serving a state or fulfilling any need of a state with the approval of the President of India. • Extension or re-appointment of services.
Limitations	<ul style="list-style-type: none"> • Not consulted in making reservations for any backward classes. • Not consulted in SC/ST appointments. • No role in the selection of Chairman/members of commissions, tribunals, or the highest diplomatic positions. • No involvement in temporary appointments.
Role	<ul style="list-style-type: none"> • Watchdog of the merit system in civil services. • Not concerned with the classification of service, pay conditions, cadre management, or training. • Recruits for UPSC and recommends to the government in an advisory nature. • Government must state reasons if disregarding recommendations.
CVC Relationship	<ul style="list-style-type: none"> • The Central Vigilance Commission (CVC) was formed in India on 11 February 1964. Its creation came about due to the recommendations of the Santhanam Committee on Prevention of Corruption, which was set up by the government in 1962 to investigate corruption in public administration. In 2003, the Parliament passed the Central Vigilance Commission Act, 2003, granting the CVC full statutory status and enhancing its independence and legal powers. • Both UPSC and CVC consulted before disciplinary action against civil servants. • Potential conflict arises when conflicting advice is tendered by both bodies. • President takes final decision in such cases (UPSC has upper hand)



SPSC [STATE PUBLIC SERVICE COMMISSION]

Aspect	Details
Constitution	Articles 315-323 Part XIV (14)
State Public Service Commission (SPSC)	Commissioner (Chairman) + other Members appointed by the governor. No specific qualification, but at least half should have 10 years of government or state services. Chairman & members serve a 6-year term or until 62 years of age. An acting Chairman is appointed in case of a vacant office or inability to perform functions. Removal by the President, similar to UPSC, but only the chairman of SPSC can move to UPSC.
Independence (SPSC)	Safeguards for independence: a. Chairman or member can be removed by the President only hence security of tenure. b. Conditions of service determined by the Governor. c. Entire expenses, including salaries, allowances, and pensions, charged to the consolidated fund of the state. d. Chairman eligible for appointment as UPSC chairman but not for any other government post. e. Chairman or any other member not eligible for reappointment.
Functions (SPSC)	Conducts all examinations for the appointment of services of the state Consulted in recruitment for civil services. Formulates principles relating to the appointment of civil service and transfers. Handles all disciplinary matters similar to UPSC.
Limitations (SPSC)	SPSC isn't consulted in the appointment for posts taking consideration to claims of backward caste, SC and ST. Governor can exclude posts, services, matters from purview of SPSC. With respect to state services governor can make regulations specifying matters where consultation of SPSC isn't necessary but such regulations have to be approved by state legislature within 14 days. Creation of SVC has affected its role in consultation on disciplinary matters.
Role (SPSC)	Constitution visualizes SPSC as a watchdog of the merit system, responsible for recruitment by the state. Not concerned with training, advisory functions, and is not a body like UPSC.
Relationship with SVC (SPSC)	[STATE] VIGILANCE COMMISSION ACT, 2011 formed the SVCs and SPSCs have similar relation with SVCs which UPSC has with CVC
Joint State Public service commissions	Constitution makes provision for a JPSC to cater to needs of two or more states. JPSC is formed by an act of parliament. It submits reports to state governors. President decides composition, tenure, conditions of service, removal. Chairman and Members have a term of six years or till 62. They can be suspended or removed by president. Or they can resign by writing to president.



FINANCE COMMISSION

Aspect	Details
Constitution	The Finance Commission is constituted by the President under article 280 of the Constitution
Finance Commission	<ul style="list-style-type: none"> Quasi-judicial body in India. Instituted by the President of India every fifth year or earlier, as required.
Composition	<ul style="list-style-type: none"> Consists of a Chairman + 4 other members. Tenure determined by the President of India, with eligibility for reappointment. Chairman with experience in public affairs. <p>Other members with qualifications:</p> <ul style="list-style-type: none"> 1. A judge of the high court or one qualified to be appointed as one. 2. Specialized knowledge of finance and government accounts. 3. Special knowledge of economics. 4. Wide experience in administration and financial matters.
Functions	<p>Makes recommendations to the President of India on matters such as:</p> <ul style="list-style-type: none"> 1. Tax allocation and distribution between the center and states (e.g., 29% for the 12th Finance Commission, 32% for the 13th Finance Commission, and 14% for the 42nd Finance Commission). 2. Principles for grants-in-aid based on fiscal capacity, population, and area. 3. Measures needed to augment the Consolidated Fund of states for supplementation.
Advisory Role	<ul style="list-style-type: none"> Recommendations made by the Finance Commission are advisory and not binding on the government. Constitution envisions the Finance Commission as a balancing wheel of fiscal federalism. Before 2014, the Planning Commission (a non-constitutional and non-statutory body) undermined Centre-state fiscal relations. In 2015, the Planning Commission was replaced by NITI Aayog (National Institute for Transforming India).

Aspect	Finance Commission	Planning commission	NITI Ayog
Establishment	1950	1950- 2015	2015
Constitutional Body?	No	Yes	No
Reporting to	President of India	National Development Council	Prime Minister of India
Main Function	Recommends the distribution of central taxes between the Union and the States	Formulated national five-year plans and sectoral plans	Provides policy and strategic advice to the government on economic matters
Composition	Chairperson and four members	Deputy Chairperson, Member-Secretary, and Full-time Members	Chairperson, Vice-Chairperson, Special Advisors, and Officials
Focus	Fiscal federalism and transfer of resources	Overall economic development and social planning	Sustainable development, policy innovation, and knowledge creation
Powers	Recommendatory	Advisory and recommendatory	Advisory
Criticisms	Lack of transparency and accountability	Rigid focus on five-year plans, lack of flexibility	Lack of legal backing, overcentralization



GOODS AND SERVICES TAX

Aspect	Details
Establishment of the Council	<ul style="list-style-type: none"> The GST Council was established by the 101st Amendment Act of 2016. It introduced a new tax regime, GST. Inserted new Article 279-A in the Constitution. Empowered Parliament to constitute the GST Council with its Secretariat in New Delhi. The Union Revenue Secretary serves as the ex-officio Secretary of the Council.
Vision and Mission	<ul style="list-style-type: none"> Vision: "This council sets the highest standards of cooperative federation in the current functioning of the council, which is the first constitutional federal body vested with powers to take all major decisions relating to GST." Mission: "Evolving, by a process of wider consultation, a GST structure that is information technology-driven and user-friendly."
Composition of the Council	<ul style="list-style-type: none"> a. Union Finance Minister serves as the Chairperson. b. Union Minister of State in charge of revenue or finance. c. Minister in charge of finance or taxation or any other minister nominated by each state government. Members of the council select the vice-chairperson and decide their term. The Union Cabinet includes the Chairperson of the Central Board of Excise and Customs as a permanent invitee, non-voting, in all proceedings of the council.
Working of the Council	<p>Decisions of the council are made at meetings where half of the total number of members of the council forms the quorum.</p> <p>Decision-making involves:</p> <ul style="list-style-type: none"> a. Vote of Central Government (CG) with 1/3 weightage. b. Vote of State Governments (SG) with 2/3 weightage. The Act or any proceedings will not become invalid on grounds such as vacancy, defect in council constitution, or procedural irregularity not affecting the merits of the case.
Functions of the Council	<p>The Council makes recommendations on the following:</p> <ul style="list-style-type: none"> 1. Tax, cess, and surcharge levied by the Centre, state, and local bodies merged with GST. 2. Goods and services that may be subjected or exempted from GST. 3. Model GST law principles, including levy, apportionment, and principles governing the place of supply. 4. Threshold limit of turnover below which goods and services may be exempted from GST. 5. Rates and floor rates. 6. Special provisions for certain states. 7. Any other matter related to GST as decided by the Council.
Other Functions	<p>The Council also performs other functions such as:</p> <ul style="list-style-type: none"> 1. Determining the commencement date on which GST may be levied on petroleum crude, high-speed diesel, motor spirit, natural gas, and aviation turbine fuel. 2. Addressing disputes and providing an adjudication mechanism. 3. Recommending compensation for revenue loss to states.



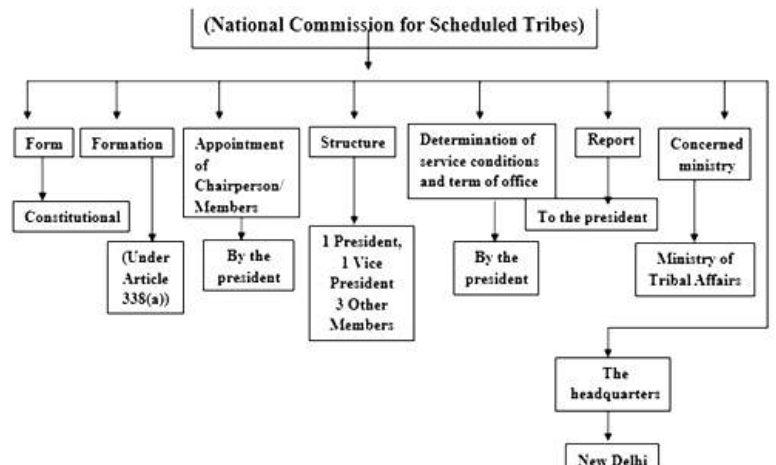
NCSC [NATIONAL COMMISSION FOR SC]

Constitutional Body	<ul style="list-style-type: none"> National Commission for SCs
Establishment	<ul style="list-style-type: none"> Art 338 – Appoint special officer for SCs and STs to constitutional safeguards. Bifurcated in 1978 and further by the 89th Constitutional Amendment Act of 2003.
Formation	<ul style="list-style-type: none"> Multi-member Commission: Chairperson + Vice-chairperson + 3 other members.
Appointment	<ul style="list-style-type: none"> Appointed by the President of India.
Year of Establishment	<ul style="list-style-type: none"> 2004
Functions	<ul style="list-style-type: none"> - Investigate and monitor all matters relating to SCs.
	<ul style="list-style-type: none"> - Inquire into complaints regarding the deprivation of rights and safeguards of the SCs.
	<ul style="list-style-type: none"> - Provide advice on the socio-economic development of SCs.
	<ul style="list-style-type: none"> - Present reports of work to the President of India.
	<ul style="list-style-type: none"> - Recommend measures to improve socio-economic development.
Reports	<ul style="list-style-type: none"> Commission submits reports to the President, who may forward them to the Parliament.
Powers	<ul style="list-style-type: none"> - Summon and enforce attendance of persons for examination on oath.
	<ul style="list-style-type: none"> - Require the discovery of any product.
	<ul style="list-style-type: none"> - Receive evidence on affidavits.
	<ul style="list-style-type: none"> - Requisition any public record from any court.
	<ul style="list-style-type: none"> - Investigate any matter as decided by the President.
	<ul style="list-style-type: none"> - Central and state governments should consult the Commission for SC major policy.
	<ul style="list-style-type: none"> - Similar functions for OBC and Anglo-Indian communities with reports to the President.
Amendments	<ul style="list-style-type: none"> - 65th Amendment (1990): Replaced the one-member system with a multi-member National Commission for SC and ST.
	<ul style="list-style-type: none"> - 89th Amendment (2003): Replaced the National Commission for SC and ST with two separate commissions - NCSC and NCST.
What are SC?	<p>As per Article 366 (24) of Constitution of India the Scheduled Castes is defined as; Such castes, races or tribes or part of or groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes for the purpose of this [Indian] constitution.</p>



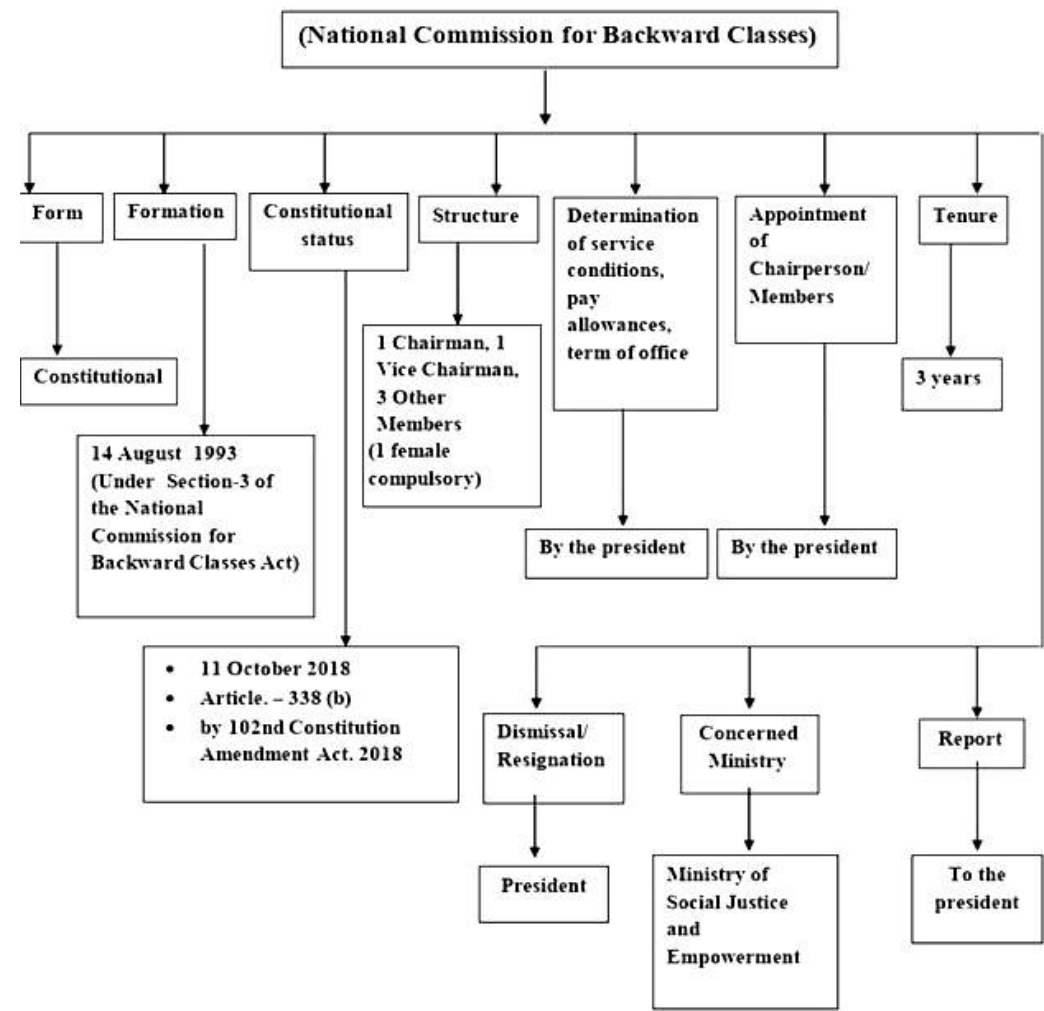
NCST (NATIONAL COMMISSION FOR ST)

Aspect	Details
Type	<ul style="list-style-type: none"> Constitutional Body
Establishment	<ul style="list-style-type: none"> Established by the 65th Constitutional Amendment Act, 1990.
	<ul style="list-style-type: none"> The amendment introduced Article 338-A to establish a separate commission for Scheduled Tribes (ST).
Reason for Separate Commission	<ul style="list-style-type: none"> Geographical and cultural differences between Scheduled Castes (SC) and Scheduled Tribes (ST).
Ministry of Tribal Affairs (1999)	<ul style="list-style-type: none"> Created in 1999 to address tribal-related issues, highlighting the distinct challenges faced by STs.
Constitutional Basis	<ul style="list-style-type: none"> Article 338-A of the Constitution of India.
Amendments	<ul style="list-style-type: none"> 89th Constitutional Amendment Act, 2003: Provided for the bifurcation of the National Commission for SCs and STs into two separate commissions.
Composition (Post-2003)	<ul style="list-style-type: none"> Chairperson
	<ul style="list-style-type: none"> Vice-Chairperson
	<ul style="list-style-type: none"> Members (Appointed by the President).
Functions	<ul style="list-style-type: none"> Investigate and monitor all matters relating to constitutional and legal safeguards for STs.
	<ul style="list-style-type: none"> Inquire into specific complaints regarding the deprivation of rights and safeguards for STs.
	<ul style="list-style-type: none"> Participate and advise on the planning process for socio-economic development and evaluate progress.
	<ul style="list-style-type: none"> Make recommendations for measures to be taken by the Union or State governments.
	<ul style="list-style-type: none"> Discharge other functions for the protection, welfare, and development of STs.
Report and Powers	<ul style="list-style-type: none"> Similar to the SC Commission; Reports submitted to the President, powers include summoning, enforcing attendance, receiving evidence, etc.
Additional Functions (2005)	<ul style="list-style-type: none"> Ownership rights to Minor Forest Produce for STs.
	<ul style="list-style-type: none"> Safeguarding STs' rights on minerals and water resources.
	<ul style="list-style-type: none"> Development of work for viable livelihoods for STs.
	<ul style="list-style-type: none"> Addressing the alienation of tribals and their rehabilitation.
	<ul style="list-style-type: none"> Encouraging maximum cooperation and involvement of tribals in afforestation and forest conservation.



NCBC [NATIONAL COMMISSION FOR BACKWARD CLASSES]

Aspect	Details
Establishment	<ul style="list-style-type: none"> • Constituted in response to the Mandal Commission Case.
	<ul style="list-style-type: none"> • Directive from the Supreme Court to establish a permanent statutory body.
	<ul style="list-style-type: none"> • Attained constitutional status through the 102nd Amendment Act of 2008 (Article 338B).
Functions	<ul style="list-style-type: none"> • 1. Investigate and monitor all matters relating to constitutional and legal safeguards for Backward Classes (BC).
	<ul style="list-style-type: none"> • 2. Inquire into specific complaints regarding the deprivation of rights and safeguards for BC.
	<ul style="list-style-type: none"> • 3. Participate and advise on the planning process for socio-economic development and evaluate progress.
	<ul style="list-style-type: none"> • 4. Make recommendations as measures to be taken by the Union or state government.
	<ul style="list-style-type: none"> • 5. Discharge other functions for the protection, welfare, and development of BC.
Report of Commission	<ul style="list-style-type: none"> • Presents an annual report to the President, placed before Parliament.
	<ul style="list-style-type: none"> • Accompanied by a memorandum explaining recommended actions.
	<ul style="list-style-type: none"> • Reports related to state governments forwarded to the concerned states, placed before SLA.
	<ul style="list-style-type: none"> • Memorandum includes reasons for non-acceptance of any recommendations.
Powers of the Commission	<ul style="list-style-type: none"> • Empowered to regulate its own procedure.
	<ul style="list-style-type: none"> • While investigating or enquiring into any complaint, the commission has powers of a civil court.
	<ul style="list-style-type: none"> • Powers include summoning, enforcing attendance, discovery, production of documents, receiving evidence via affidavits, and issuing summons.



NCBC
(National Commission for Backward Classes)



SPECIAL OFFICER FOR LINGUISTIC MINORITIES

Aspect	Details
Linguistic Minorities	<ul style="list-style-type: none"> • The linguistic minorities are considered as a group or collectivities of individuals residing in the territory of India or any part thereof having a distinct language or script of their own. • Although the word linguistic minorities has not been defined in the Constitution of India, but the language of the minority group need not be one of the twenty two languages mentioned in the Eighth Schedule of the Constitution. • In a nutshell, Linguistic Minorities at the State level means any group or groups of people whose mother tongues are different from the principal language of the State, and at the district and taluka /tehsil levels, different from the principal language of the district or taluka/tehsil concerned. • Therefore, States Reorganization Commission (SRC) 1956, recommended for creation of a mechanism to address the grievances of the Linguistic Minorities. • Based on the recommendations of the SRC, 7th Constitutional (Amendment) Act, 1957 was enacted, whereby Articles, 350 A & B were included in the Constitution.
Constitutional Provisions	<ul style="list-style-type: none"> • No original provision. • Recommended by the State Reorganization Commission. • 7th Constitutional Amendment, 1956 – Article 350 (B) – XVII.
Article 350 (B), 1957	<ul style="list-style-type: none"> • Special Officer for Linguistic Minorities appointed by the President. • Investigates matters related to the safeguard of linguistic minorities. • Reports placed before Parliament (both houses) and the Governor (with State Government's concurrence).
Commission For Linguistic Minorities	<ul style="list-style-type: none"> • Special Officer for Linguistic Minorities designated as "Commissioner for Linguistic Minorities." • Headquarters in Allahabad (Prayagraj). • Regional Headquarters in Belgaum (Karnataka), Chennai (Tamil Nadu), Kolkata (West Bengal) – led by Assistant Commissioners. • Nodal officers in Union Territories.
Role Of The Commissioner	<ul style="list-style-type: none"> • 1. Bring matters related to Linguistic Minorities to the attention of the state or center and recommend action. • 2. Safeguard the interests of Linguistic Minorities. • 10 Point Programme: Lend fresh impetus to governmental efforts towards preservation.
Vision And Mission	<ul style="list-style-type: none"> • Vision: To safeguard the speakers of minority languages and provide equal opportunities for inclusive development. • Mission: Safeguard the interests of linguistic minorities.
Functions And Objectives	<ul style="list-style-type: none"> • Function: Recommend, inquire, and submit reports to the President. • Objective: Spread awareness, ensure effective implementation, represent grievances, provide equal opportunities for inclusive development and national integrity.



COMPTROLLER AND AUDITOR GENERAL OF INDIA

Aspect	Details
Article 148	<ul style="list-style-type: none"> • CAG is the guardian of the public purse, controlling the entire financial system.
	<ul style="list-style-type: none"> • Appointed by the President of India, takes oath by the President, holds office until 65 years of age, tenure of 6 years, can resign or be removed by the President – manner similar to a judge of the Supreme Court.
Independence	<ul style="list-style-type: none"> • Removal process ensures security of tenure. Salary and all benefits are from the Consolidated Fund of India (CFI) – equivalent to a judge of the Supreme Court. Not eligible for further office. No alteration in pension, leave, or salary after appointment. Can participate in Parliament but cannot vote.
Article 149	<ul style="list-style-type: none"> • Duties and Powers of the CAG defined by the CAG's (Duties, Powers and Conditions of Service) Act, 1971. This Act was amended in 1976 to separate accounts from audit in the Central government.
	<ul style="list-style-type: none"> • 1. Audit related to CFI, consolidated fund of states and territories.
	<ul style="list-style-type: none"> • 2. Audit of all expenditures from CFI, consolidated fund, Public Account.
	<ul style="list-style-type: none"> • 3. Audit of trading balance sheets, manufacturing, and other subsidiary accounts.
	<ul style="list-style-type: none"> • 4. Audit of all receipts and expenditures related to government debt, sinking funds, deposit funds.
	<ul style="list-style-type: none"> • 5. Audit of accounts of any authority when required by the President or Governor (audit of local bodies).
	<ul style="list-style-type: none"> • 6. Audit reports submitted to the President and Government of India.
	<ul style="list-style-type: none"> • 7. Prescribes the form in which accounts should be kept (Article 150).
	<ul style="list-style-type: none"> • 8. Deals with the net proceeds of any tax or duty (Article 151).
Role of CAG	<ul style="list-style-type: none"> • 1. Upholding the Constitution of India and laws of Parliament in financial administration.
	<ul style="list-style-type: none"> • 2. Acting as an agent of Parliament, conducting audits on behalf of Parliament.
	<ul style="list-style-type: none"> • 3. Ascertaining whether money bills shown in accounts have been dispersed properly.
	<ul style="list-style-type: none"> • 4. Conducting wisdom, faithfulness, expenditure, legal, and regulatory audits as mandated.
	<ul style="list-style-type: none"> • 5. No control over the issue of money from CFI, and many are authorized to draw money by issuing cheques without specific authority of CAG.
	<ul style="list-style-type: none"> • 6. Limited role in the audit of government companies, which are audited by private auditors appointed by the Governor on the advice of CAG.
Criticism of CAG	<ul style="list-style-type: none"> • - Function criticized as a colonial inheritance.
	<ul style="list-style-type: none"> • - Auditory influence perceived as repressive and neglectful.
	<ul style="list-style-type: none"> • - Parliament having an upper hand in auditing, with a failure to define the specific functions of CAG.



ATTORNEY GENERAL OF INDIA

Aspect	Details
Article 76	<ul style="list-style-type: none"> • Highest law officer of the country with solicitor and additional solicitor generals to assist.
Appointment And Term	<ul style="list-style-type: none"> • Appointed by the President. • Qualifications same as a judge of the Supreme Court. • Citizen of India/Judge of HC = 5 years/Advocate of HC = 10 years/Eminent Jurist. • Can resign under President of India (POI). • Conventionally resigns when the government resigns.
Duties	<ul style="list-style-type: none"> • Advises the Government of India on general legal matters. • Performs duties of a legal advisor provided by the President of India. • Discharges functions conferred by the Constitution. • Appears on behalf of GOI in SC or HC. • Represents GOI in references made by POI under Article 143.
Rights	<ul style="list-style-type: none"> • Private practice allowed. • Right of audience in all courts and right to participate in Parliament joint sittings and committees but not to vote. • Enjoys all privileges and immunities of a Member of Parliament. • Not a full-time counsel for the Government.
Limitations	<ul style="list-style-type: none"> • Cannot accept a brief against the Government of India. • Should defend criminal prosecutions only with GOI permission. • Should not accept appointment as a director of any company without GOI permission. • Cannot appear in cases against GOI.
Art. 76 Solicitor General of India	<ul style="list-style-type: none"> • Two additional law officers: Solicitor General of India and Additional Solicitor General of India. Assist the AG in fulfilling official responsibilities. • Article 76 doesn't explicitly mention the solicitor general and additional solicitor general.
Art. 88 Rt. of AG as respects the Houses	<ul style="list-style-type: none"> • Specifies the rights of the Attorney-General regarding the Houses of Parliament and its committees.
Art. 105 Power, Privileges & immunities	<ul style="list-style-type: none"> • Defines the power, privileges, and immunities of the Attorney-General.



The main difference between the Attorney General and the Solicitor General in India lies in their respective roles and seniority. The Attorney General, appointed by the President, serves as the highest law officer representing the Government of India. This position involves advising the government on legal matters, appearing in significant cases, and representing the government in the Supreme Court. On the other hand, the **Solicitor General, also appointed by the President, functions as an assistant to the Attorney General, supporting in legal responsibilities and representing the government. While both can engage in private practice and enjoy parliamentary privileges, the Attorney General holds a higher and more senior position, dealing with critical legal issues and enjoying a distinct standing in the legal framework of the country.**



Tushar Mehta
(Solicitor general of India)



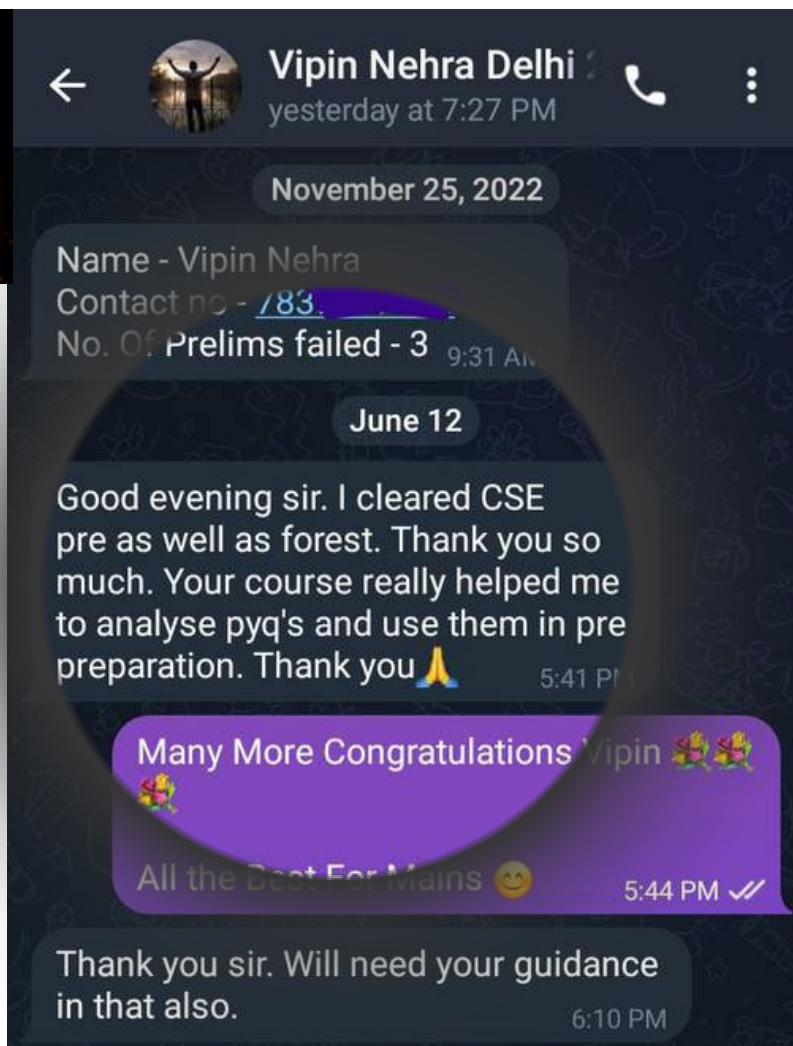
ADVOCATE GENERAL OF STATE

Aspect	Advocate General
Appointment	Appointed by the Governor of the State
Qualifications	Citizen of India, Advocate of High Court with 10 years of experience, or a person who has held a judicial office for 10 years
Term	Not fixed; serves at the pleasure of the Governor
Duties	Advises the state government on legal matters referred by the Governor, performs duties assigned by the Governor
Functions	Appears before any court, speaks and takes part in the proceedings, enjoys privileges and immunities similar to a member of the state legislature

- The Advocate General of the State is the highest law officer in the state, responsible for providing legal advice to the state government and performing other duties assigned by the Governor.
- They have the authority to appear in any court and participate in legal proceedings, enjoying privileges and immunities akin to those of a state legislator.
- The appointment is made by the Governor, and the qualifications include being a citizen of India, an advocate with at least 10 years of experience, or an individual who has served in a judicial office for 10 years.
- The term, salary, remuneration, and removal procedure are not fixed and are subject to the Governor's order or pleasure.



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be
the
next
one**



NITI AAYOG

Aspect	<ul style="list-style-type: none"> NITI Aayog (National Institution for Transforming India)
Establishment	<ul style="list-style-type: none"> August 2014, replacing the Planning Commission
Nature	<ul style="list-style-type: none"> Executive Resolution of the Government of India
Type	<ul style="list-style-type: none"> Not a constitutional body or statutory body
Policy Approach	<ul style="list-style-type: none"> Think Tank of the Government of India Center-state collaboration Command & Control Uses bottom-up approach Change was needed as India is in Modern time 5 years plan don't work anymore as state of affairs is very dynamic
Role	<ul style="list-style-type: none"> Catalyst of development Fostering an environment through a holistic approach Cooperative federalism Expertise on strategic issues Collaborative platform for implementation (All executive bodies are closer to NITI ayog)
Rationale for Establishment	<ul style="list-style-type: none"> Planning Commission deemed redundant Command economy structure outdated for a diverse country Move away from one size fits all approach
Composition	<p>Chairperson: Prime Minister</p> <p>Governing Council: Chief Ministers of all States and UTs, Lt. Governors of other UTs,</p> <p>Regional Councils: Address specific regional issues (Can be for more than one state), convened by PM, comprises CMs of states/Lt. Governors of UTs in the region,</p> <p>Special Invitees: Experts, specialists, and practitioners invited by PM</p> <p>Full-time Organizational Framework:</p> <ol style="list-style-type: none"> Vice Chairperson - appointed by PM (rank of Cabinet Minister) Members - full time (rank of Minister of State) Part-Time Members - max 2 from leading universities or research organizations on a rotation basis, Official Members - max 4 nominated by PM from Union Council of Ministers CEO - appointed by PM (rank of Secretary to GOI, fixed tenure) Secretariat - if necessary
Specialised Wings	<ul style="list-style-type: none"> 1. Research Wing 2. Consultancy Wing 3. Team India Wing
Objectives	<ul style="list-style-type: none"> Cooperative federalism (increase collaboration) Establish collaboration & work on 'National agenda' Set long-term strategic goals - Focus on the agenda of development
Aims	<ul style="list-style-type: none"> Government as an 'Enabler,' not a provider for the first and last resort Aim for an economically vibrant middle class (increase) Position India as a global active player Focus on technology (increase) while addressing opacity and potential for misadventure in government (decrease) View urbanization as an opportunity to create a secure and wholesome habitat



Guiding Principles	<ul style="list-style-type: none"> • Antodaya: Prioritize service and uplift the poor • Inclusion: Empower vulnerable and marginalized sections • Village: Integrate villages into the development process • Demographic dividend: Harness the potential of the Indian population through education and skilling • People's participation: Transform the development process into a people-driven one • Governance: Nurture an open, transparent, and accountable style of governance • Sustainability: Maintain sustainability at the core of planning and the developmental process, building on the ancient tradition of respect for the environment
Critics Opposition	<ul style="list-style-type: none"> • Move labeled as mere "fluff" and "gimmickry" • Concerns that the new body may lead to discrimination, with critics suggesting that corporates will have significant influence in policymaking
Planning Commission (1950)	<ul style="list-style-type: none"> • By executive Resolution of Gol. • A supreme organ for planning (social & economic development). • Function to plan for 'balanced utilization,' check progress, and make recommendations.
Composition	<ul style="list-style-type: none"> • PM + Dy. Chairman + several ministers (4-7 expert members) + Member Secretary (IAS)
Criticism	<ul style="list-style-type: none"> • Seen as a staff agency with an advisory role • Took the form of a social or economic cabinet, a parallel cabinet, or the fifth wheel of the coach • No representation of states as an advisory body, seen more as administration
Attached Offices of NITI Aayog	<ul style="list-style-type: none"> • 1. National Institute of Labour Economics Research and Development (NILERD) (Formerly Institute of Applied Manpower Research) • 2. Development Monitoring and Evaluation Office
NDC (National Development Council)	<ul style="list-style-type: none"> • Last meeting in Dec 2012 • Rumors of ending NDC, but no resolution yet • Composition: PM + all Union Cabinet ministers + CMs of all states + CMs/Adms of UTs + Member of Planning Commission + Secretary of Planning Commission
Objective	<ul style="list-style-type: none"> • Secure a plan for the cooperation of states, common economic policies, balance, and rapid growth.
Functions	<ul style="list-style-type: none"> • Provide guidelines for the national program • Make assessments of resources • Consider social and economic policies • Review the working of the National Plan • Approve Five-Year plans, with the Union Cabinet after approval by NDC, now replaced by NITI Aayog.
Importance	<ul style="list-style-type: none"> • Highest body for policy matters regarding social and economic development. Non-binding in nature.
Critical Evaluation	<ul style="list-style-type: none"> • Seen as a super cabinet, providing the upper stamp of decisions taken by the Central government.



NATIONAL HUMAN RIGHTS COMMISSION

Establishment	<ul style="list-style-type: none"> • 1993, by the Protection of Human Rights Act through an act of Parliament.
Role	<ul style="list-style-type: none"> • Watchdog of human rights • Safeguarding rights related to life, liberty, equality, and dignity guaranteed by the Constitution or international covenants.
Objectives	<ul style="list-style-type: none"> • 1. Strengthen institutional arrangements for addressing human rights. • 2. Ensure government participation in upholding human rights. • 3. Build upon previous efforts.
Composition	<ul style="list-style-type: none"> • Chairman: Retired Chief Justice of India + 4 members (judges and individuals with human rights expertise).
Other Members	<ul style="list-style-type: none"> • Speaker of the Lok Sabha • Deputy Chairman of the Rajya Sabha • Leaders of the Opposition in both Houses • Central Home Minister • Election Committee Chairman • Ex-officio members • Chairman of the National Commission for Minorities • Chairman of the National Commission for Women.
Appointment Process	<ul style="list-style-type: none"> • Consultation with the Chief Justice of India (CJI).
Terms and Conditions	<ul style="list-style-type: none"> • Appointment for 5 years or until age 70. • No additional employment. • Removal for insolvency, employment outside, or unsound mind. • President can remove for incapacity or misbehavior, subject to Supreme Court reference.
Functions	<ul style="list-style-type: none"> • Inquire into human rights violations (suo motu, petition, or court order). • Visit jails, making recommendations and increasing awareness. • Intervene in proceedings involving human rights violations. • Review constitutional and legal safeguards. • Examine factors, including acts of terrorism. • Study international instruments on human rights. • Promote research and support NGOs.
Location	<ul style="list-style-type: none"> • Delhi, with the power to regulate headquarters at other places.
Judicial Power	<ul style="list-style-type: none"> • Possesses the powers of a civil court.
Jurisdiction	<ul style="list-style-type: none"> • Can inquire into any Central or state employment matter.
Information Sources	<ul style="list-style-type: none"> • Gathers first-hand information from NGOs.
Timeframe for Action	<ul style="list-style-type: none"> • Matters to be addressed within 1 year of occurrence.
Recommendations	<ul style="list-style-type: none"> • a) Recommends compensation and interim relief to the victim. • b) Recommends actions against guilty public servants to the concerned government. • c) Has the authority to approach the Supreme Court or High Court for necessary directions, orders, or writs.
Role	<ul style="list-style-type: none"> • Recommends actions; no power to punish or provide monetary awards. • Publishes an annual report detailing government actions, submitted to the Executive and Legislature, explaining actions taken or reasons for not taking action.



STATE HUMAN RIGHTS COMMISSION

Attribute	Details
Jurisdiction	<ul style="list-style-type: none"> Works at the state level, addressing human rights violations in states where enquiries against human rights violations fall under the concurrent List (III) and state list (II) of the 7th Schedule. Can inquire into cases transferred by NHRC.
Composition	<ul style="list-style-type: none"> Chairperson + 2 members, including retired Chief Justice. Appointed by the governor based on committee recommendations. Members include serving or retired judges of the High Court, district judges (min 7 years), or individuals with practical experience. Term: 5 years/70 years with no further employment under state or center. Can be removed by the President of India (POI). Salary allowance by the State Legislature.
Functions	<ul style="list-style-type: none"> Performs functions similar to NHRC, focusing on human rights violations at the state level. Establishes Human Rights Courts.
Working	<ul style="list-style-type: none"> Empowered to regulate its own procedures, possessing all powers of a civil court with judicial character. Time limit for inquiries: Not empowered to inquire into any matter after 1 year from the date of the commission of the act. Recommendations are mainly advisory, lacking the power to punish, and are not binding on the State Government (SG). Submits regular or special reports to the SG.
Human Rights Courts	<ul style="list-style-type: none"> Established under the Protection of Human Rights Court Act (1993), with one in every district. Set up by the Chief Justice (HC) and includes a Special Public Prosecutor (min 7 years).
2019 Amendment Act	<ul style="list-style-type: none"> Introduced several changes, including eligibility criteria for NHRC chairperson Increased NHRC members from 2 to 3 with at least one woman Reduced term for NHRC chairperson and members to 3 years with reappointment allowed Eligibility criteria for State HRC chairperson, and empowerment of the Secretary-General of NHRC with administrative and financial powers (no judicial functions). The Secretary of the State HRC has similar powers at the state level.



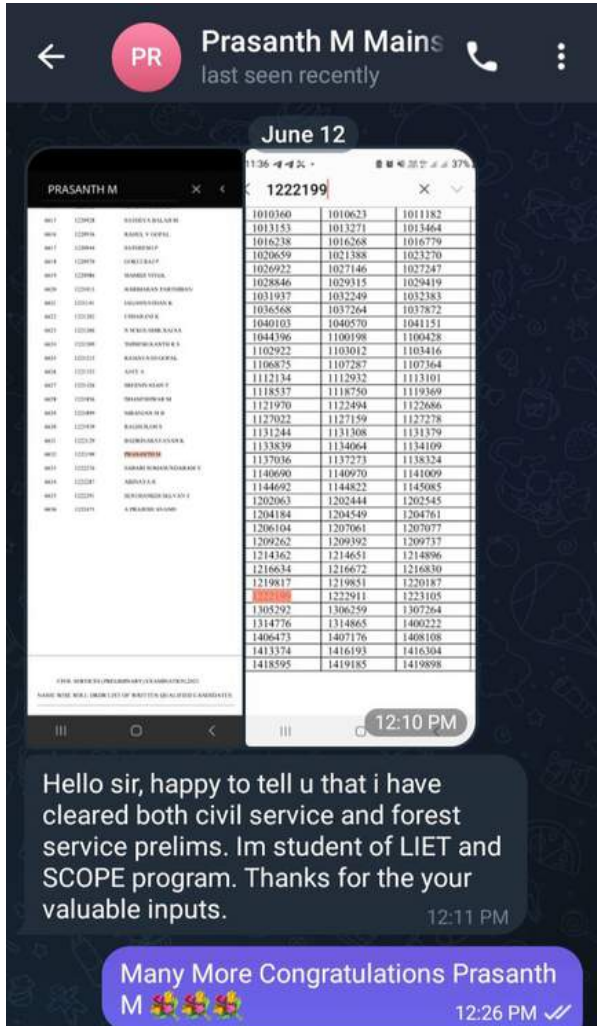
CENTRAL INFORMATION COMMISSION

Attribute	Details
Introduction	<ul style="list-style-type: none">Established under the RTI Act, 2005, the CIC operates at both the central and state levels.It is not a constitutional body and functions to address complaints and make decisions.Comprises the CIC and a maximum of 10 Information Commissioners (ICs) recommended by the President of India (POI) based on a committee's recommendation (PM+ LOP + Union Cabinet Minister), representing diverse fields such as law, science, management, social services, and journalism.Eligibility criteria exclude individuals holding positions as MLA/MP, political party members, and those involved in a business.Term: 65 years/5 years. Removal follows the same process as members of BHRC by the POI. Salary and powers are equivalent to the Chief Election Commissioner (CEC).The ICs have powers similar to Election Commissioners but cannot face variation in service conditions to their disadvantage during service.
Powers and Functions	<ul style="list-style-type: none">The Commission is duty-bound to receive and inquire into complaints related to the RTI Act.This includes cases where individuals were unable to submit information requests, faced refusals, did not receive responses within specified time limits, deemed charged fees as unreasonable, found information incomplete, misleading, or false, and any other matter related to obtaining information.Suo Motu orders and inquiries can be initiated with reasonable grounds.Powers include those of a civil court: summoning persons, compelling them to provide evidence, requiring document discovery and inspection, receiving evidence on affidavit, requisitioning public records, and issuing summons for witness or document examination.During inquiries, all public records must be provided to the Commission.The Commission holds the power to secure compliance with its decisions from public authorities.Additionally, it submits an annual report to the Central Government on the RTI Act's implementation and recommends steps for promoting conformity.



STATE INFORMATION COMMISSION

Attribute	Details
Composition	<ul style="list-style-type: none"> Headed by the State Chief Information Commissioner (SCIC). Maximum of 10 State Information Commissioners (SICs) can be appointed. Appointed by the Governor based on recommendations from a committee comprising the Chief Minister, Leader of the Opposition, and a State Cabinet Minister.
Powers and Functions	<ul style="list-style-type: none"> 1. Duty to Inquire: The Commission is obligated to receive and inquire into complaints filed by any person. 2. Suo Motu Power: The Commission can initiate an inquiry into any matter based on reasonable grounds (suo motu power). 3. Judicial Powers: While conducting inquiries, the Commission possesses the powers of a civil court. 4. Enforcement Authority: The Commission has the authority to ensure compliance with its decisions from the public authority involved.
RTI Amendment Act 2019	<ul style="list-style-type: none"> 1. The Act allows the Chief Information Commissioner (CIC) and Information Commissioners (ICs) to hold office for a tenure as prescribed by the Central Government, departing from the earlier fixed five-year term. 2. The Act provides for salary allowances and other services to be prescribed by the Central Government. Previously, the compensation was similar to that of election offices. 3. Provisions related to deductions in the salary of the Chief Information Commissioner, Information Commissioner, State Chief Information Commissioner, and State Information Commissioner, due to pension or other retirement benefits received for their previous government service, were removed.



CENTRAL VIGILANCE COMMISSION

Attribute	Details
Establishment	<ul style="list-style-type: none"> Established in 1964 by an exclusive resolution of the Central Government. Neither a constitutional nor statutory body. In 2004, Parliament enacted a law conferring statutory status.
Composition	<ul style="list-style-type: none"> Consists of the Chief Vigilance Commissioner (CVC) as the chairperson and not more than two vigilance commissioners. Appointed by the President on the recommendation of a committee comprising the Prime Minister, Union Minister of Home Affairs, and the Leader of Opposition in the Lok Sabha.
Term and Removal	<ul style="list-style-type: none"> Hold office for a term of 4 years or until the age of 65, whichever is earlier. Removal by the President on the same grounds as the Chief Information Commissioner (CIC).
Organisation	<ul style="list-style-type: none"> Secretariat. Chief Technical Examiner's wing. Wing of Commissioners for Departmental Enquiries (CIDs).
Functions	<ul style="list-style-type: none"> Enquire or cause an enquiry or investigation based on references from the Central Government for offenses committed under the Prevention of Corruption (PC) Act, 1988. Jurisdiction includes members of All India Services serving in the Union, Group "A" officers of the Central Government, and specified levels of offices of the Central Government. Exercise superintendence, give directions, and review the progress of the Delhi Special Police Establishment-Central Bureau of Investigation (CBI).
Working	<ul style="list-style-type: none"> Conducts proceedings at its headquarters in Delhi. Empowered with the authority to regulate its own procedure. Possesses all the powers of a civil court, and its proceedings have a judicial character. Presents an annual report to the President before each house of Parliament.
Jurisdiction	<ul style="list-style-type: none"> Covers all Indian Administrative Service (IAS) members and Group A officers. Includes officers of Scale V and above in private sector banks. Encompasses officers in Grade D & above in RBI, NABARD, SIDBI. Applies to SDMs in LIC and Managers (+) in GIC. Pertains to officers in PSU with Grade E-8 & E7. - Includes officers drawing a salary above Rs 8700/-.
Whistle Blower Act 2011	<ul style="list-style-type: none"> The Public Interest Disclosure & Protection to Persons Making the Disclosure Bill, 2010, introduced in the Lok Sabha on 26/08/2010. Received Presidential Assent on 2 May 2014.



CENTRAL BUREAU OF INVESTIGATION

Attribute	Details
Establishment	<ul style="list-style-type: none"> Established in 1963 by a resolution of the Ministry of Home Affairs. Derives powers from the Delhi Special Police Establishment Act 1946. Merged with CBI, 1941 (special powers). Non-statutory body and investigative agency under the control of the government. Plays a crucial role in preventing corruption and provides assistance to the CVC and Lokpal.
Composition	<ul style="list-style-type: none"> Headed by a Director assisted by a Special Director or Additional Director. Director of CBI holds the position of Inspector-General of Police, Delhi Special Police Establishment, responsible for organizational administration. Director has a 2-year tenure secured by the CVC Act, 2003. Mechanism for the selection of the Director and officers of the rank of SP & above in CBI provided by the CVC Act. Director appointed by the Central Government on the recommendation of a committee comprising the CVC (Chairman), Vigilance Commission, Secretary to the Government of India in charge of the Ministry of Home Affairs, and Secretary Coordination & Public Grievances in the Cabinet Secretariat.
Lokpal and Lokayuktas Act (2013)	<ul style="list-style-type: none"> Amended the Delhi Special Police Establishment Act (1946). Director appointment involves a 3-member committee chaired by the PM, with the Leader of the Opposition and the Chief Justice of India or a Judge of the Supreme Court.
Functions	<ol style="list-style-type: none"> Investigates cases of corruption, bribery, and misconduct of Central Government employees. Coordinates activities of anti-corruption agencies and various state police. Takes up, upon the request of a state government, cases of public importance for investigation. Investigates cases related to infringement of fiscal and economic laws. Investigates serious crimes with national and international ramifications committed by organized gangs of professional criminals.
CBI vs. State Police	<ul style="list-style-type: none"> Role of Special Police Establishment-division of CBI is supplementary to that of state police forces. Special Police Establishment enjoys concurrent powers of investigation and prosecution under the Delhi Police Establishment Act, 1946.
CBI Academy	<ul style="list-style-type: none"> Located at Ghaziabad, Uttar Pradesh, established in 1996. Vision: Excellence in training in the fields of crime investigation, prosecution, and vigilance functioning. - Mission: Train human resources of CBI. - Regional centres in Kolkata, Mumbai, and Chennai.



LOKPAL AND LOKAYUKTAS

Background	<ul style="list-style-type: none"> Democracy and social-economic development necessitate infrastructure. Bureaucracy expansion to address infrastructure needs. Bureaucrats wield maximum power, which can lead to harassment, malpractice, maladministration, and corruption grievances.
Ombudsman System	<ul style="list-style-type: none"> Inspired by the Scandinavian model proposed by Donald C. Rowat. Objectives include addressing abuse of administrative discretion, maladministration, administrative corruption, nepotism, and discourtesy.
Implementation in India	<ul style="list-style-type: none"> In India, the Ombudsman is known as Lokpal. The 2nd Administrative Reforms Commission (ARC) recommended the establishment of Lokpal for hearing grievances against the central and state levels. Also recommended Lokayuktas at both central and state levels, keeping it out of the purview of the judiciary.
Appointment of Lokpal	<ul style="list-style-type: none"> Administrative Reforms Commission (ARC) recommended the appointment by the President of India after consultation with the Chief Justice of India.
Lokpal & Lokayuktas Act, 2013	<ul style="list-style-type: none"> Passed in 2013 and received presidential assent on 01/01/2014. Came into effect on 16th Jan 2014.
Lokpal and Lokayuktas	<ul style="list-style-type: none"> Lokpal at the center, Lokayuktas at the state level.
Composition of Lokpal	<ul style="list-style-type: none"> Lokpal comprises a Chairperson and 8 members, with 50% from the judiciary and representation for SCs, STs, minorities, women, and OBCs.
Appointment of Lokpal Chairperson	<ul style="list-style-type: none"> Chairperson appointed by a 5-member selection committee consisting of the Prime Minister, Speaker of Lok Sabha, Leader of Opposition in Lok Sabha, and the Chief Justice of India or his nominee.
Search Committee	<ul style="list-style-type: none"> Assists the selection committee in the appointment process.
Timelines for Enquiry	<ul style="list-style-type: none"> Preliminary enquiry to be completed in 3 months. - Investigation to be completed in 6 months. - Trial to be completed in 1 year.
Punishment Duration	<ul style="list-style-type: none"> Provides for a punishment of 7 to 10 years.
Financial Support	<ul style="list-style-type: none"> Financed by the government.
Entities under Lokpal	<ul style="list-style-type: none"> All entities receiving donations above 10 lakhs come under Lokpal scrutiny.
Drawbacks	<ul style="list-style-type: none"> Lack of suo moto power. Heavy punishment for false complaints not specified. Emphasis on complaints. Complaints can be filed within 7 years. Non-transparent nature of complaints against the Prime Minister.
Lokayuktas Structure	<ul style="list-style-type: none"> Lokayuktas exist in many states even before 2013. Variation in structure, with some states having only Lokayuktas, while others have both Lokayuktas and Up-Lokayuktas.
Appointment of Lokayuktas	<ul style="list-style-type: none"> Appointed by the governor, Chief Justice of the High Court, and Leader of Opposition in the State Assembly.
Qualifications	<ul style="list-style-type: none"> Qualifications vary, with some states specifying judicial qualifications and others not mentioning any.
Tenure	<ul style="list-style-type: none"> Term is 5 years, and reappointment is not allowed.
Jurisdiction	<ul style="list-style-type: none"> Jurisdiction covers the Chief Minister, ministers, and local bodies. Excluded in some states like MP, UP, Bihar, RJ, Orissa. Former ministers and civil servants in MH are also included.
Investigation Scope	<ul style="list-style-type: none"> Can investigate based on complaints or suo moto, excluding UP, MP, and Assam.
Scope of Inquiry	<ul style="list-style-type: none"> Covers grievances and allegations. - Some states like MH, UP, Bihar, Karnataka are excluded from grievances. - Reports are submitted to the Governor and state legislature (explanatory memorandum).
Assistance in Inquiry	<ul style="list-style-type: none"> Lokayuktas can seek the help of state investigating agencies for conducting inquiries.
Binding Nature of Reports	<ul style="list-style-type: none"> Reports can call for relevant fines but are only advisory in nature.



NATIONAL INVESTIGATION AGENCY

Aspect	Details
Establishment	<ul style="list-style-type: none"> Established in 2009 under the NIA Act, 2008. Central counterterrorism and law-enforcement agency. Formed in response to the 2008 Mumbai terror attacks. Headquarters in Delhi, with branch offices in Hyderabad, Guwahati, Mumbai, Lucknow, Kochi, Kolkata, Jammu, and Raipur. Separate cell for dealing with fake currency notes and terror funding (TFFC cell). Headed by a Director-General appointed by the central government, with powers equivalent to a Director-General of Police (DGP). Works under the administrative control of the Ministry of Home Affairs (MoHA).
Rationale	<ul style="list-style-type: none"> India has been a victim of large-scale terrorism sponsored from across borders. Many incidents involve interstate and international linkages, connecting to activities like smuggling and counterfeit currency. Establishment recommended by the Second Administrative Reforms Commission (ARC).
Functions	<ul style="list-style-type: none"> Investigate and prosecute offences specified in the Schedule of the NIA Act. Provide and seek assistance from other intelligence agencies of the State and Central Government. Take necessary measures for the speedy and effective implementation of investigations.
Mission	<ul style="list-style-type: none"> Conduct in-depth professional investigations of scheduled offences using the latest scientific methods. Set high standards to ensure the detection of all cases entrusted to the NIA. Ensure effective and speedy trials.
Jurisdiction	<ul style="list-style-type: none"> Concurrent jurisdiction to investigate and prosecute offences affecting the sovereignty, security, and integrity of India, security of the state, friendly relations with foreign states, and other internationally related offences. In 2019, jurisdiction extended to include offences related to human trafficking, counterfeit currency, banknote manufacture, sale of prohibited arms, cyber terrorism, and explosive substances.
NIA (Amendment) Act, 2019	<ul style="list-style-type: none"> Applicable to persons committing crimes against Indian citizens or affecting the interests of India. Officers have powers, duties, privileges, and liabilities similar to police officers in connection with investigations. Empowers the central government to schedule offences committed outside the country, allowing the NIA to treat them as if they occurred in India. Central and state governments can designate sessions courts as special courts for the trial of offences. Added certain new offences to the schedule of the NIA Act.



NATIONAL DISASTER MANAGEMENT AUTHORITY

Aspect	Details
Establishment	<ul style="list-style-type: none">• Formed after the Gujarat earthquake in 2001 by the National Committee.• Established as per the Disaster Management Act of 2005.• NDMA is created under the act and consists of a chairperson and up to nine other members.• The Prime Minister serves as the ex-officio chairperson.• Other members are nominated by the chairperson.• NDMA operates as the apex body for disaster management and is under the administrative control of the Ministry of Home Affairs (MoHA).
Objectives	<ul style="list-style-type: none">• Promote a culture of prevention, preparedness, and resilience at all levels through knowledge, innovation, and education.• Encourage mitigation measures based on technology, traditional wisdom, and environmental sustainability.• Mainstream disaster management into the developmental planning process.• Establish an institutional and techno-legal framework to enable a regulatory environment and compliance regime.• Develop contemporary forecasting and early warning systems.• Undertake reconstruction, effective response, and relief with a caring approach.• Promote a productive and proactive partnership with media for disaster management.
Functions	<ul style="list-style-type: none">• Lays down principles, plans, and guidelines for disaster management to ensure timely and effective response to disasters.• Approves national plans and plans prepared by ministries or departments.• Provides guidelines to be followed by State Disaster Management Authorities (SDMA).• Defines broad principles and guidelines for the functioning of the National Institute of Disaster Management. Oversees the National Disaster Response Force (NDRF), a force constituted for specialist response to threatening disaster situations.• Encourages SDMAs to set up district-level authorities known as District Disaster Management Authorities (DDMA).



CO-OPERATIVE SOCIETIES

Aspect	Details
Introduction	<ul style="list-style-type: none"> The 97th Constitutional Amendment Act (CAA), 2011, granted constitutional status and protection to co-operative societies. Co-operative societies were made Fundamental Rights (FRs) under Article 19 and became part of the Directive Principles of State Policy (DPSP) under Article 43-B. Part IX-B in the Constitution is entitled "The Co-operative Societies," consisting of Articles 243-ZH to 243-ZT.
Composition	<ul style="list-style-type: none"> Co-operative societies can have a maximum of 21 directors, including provisions for representation (1 SC/ST and 2 women) for each society. Directors serve a term of 5 years after the date of election. In banking and finance, a maximum of 2 additional directors can be appointed.
Election	<ul style="list-style-type: none"> State Legislature (S.L) is responsible for conducting elections. Elections must be held before the end of 5 years. Provision for suspension and supervision of the Board and interim management. Negligence, incompetence, or persistent default can lead to suspension for a maximum of 6 months.
Audit of Accounts	<ul style="list-style-type: none"> Cooperative society accounts must be audited at least once a year. Annual general cooperative meetings should be held, ensuring the rights of members to receive information and participate. Penalties are specified for non-compliance by cooperative societies and members.
Reasons for 97th CA, 2011	<ul style="list-style-type: none"> Recognized the outstanding contribution of co-operative societies to various sectors of the national economy. Addressed issues like continuous elections, inadequate professionalism, and the presence of long-term members.



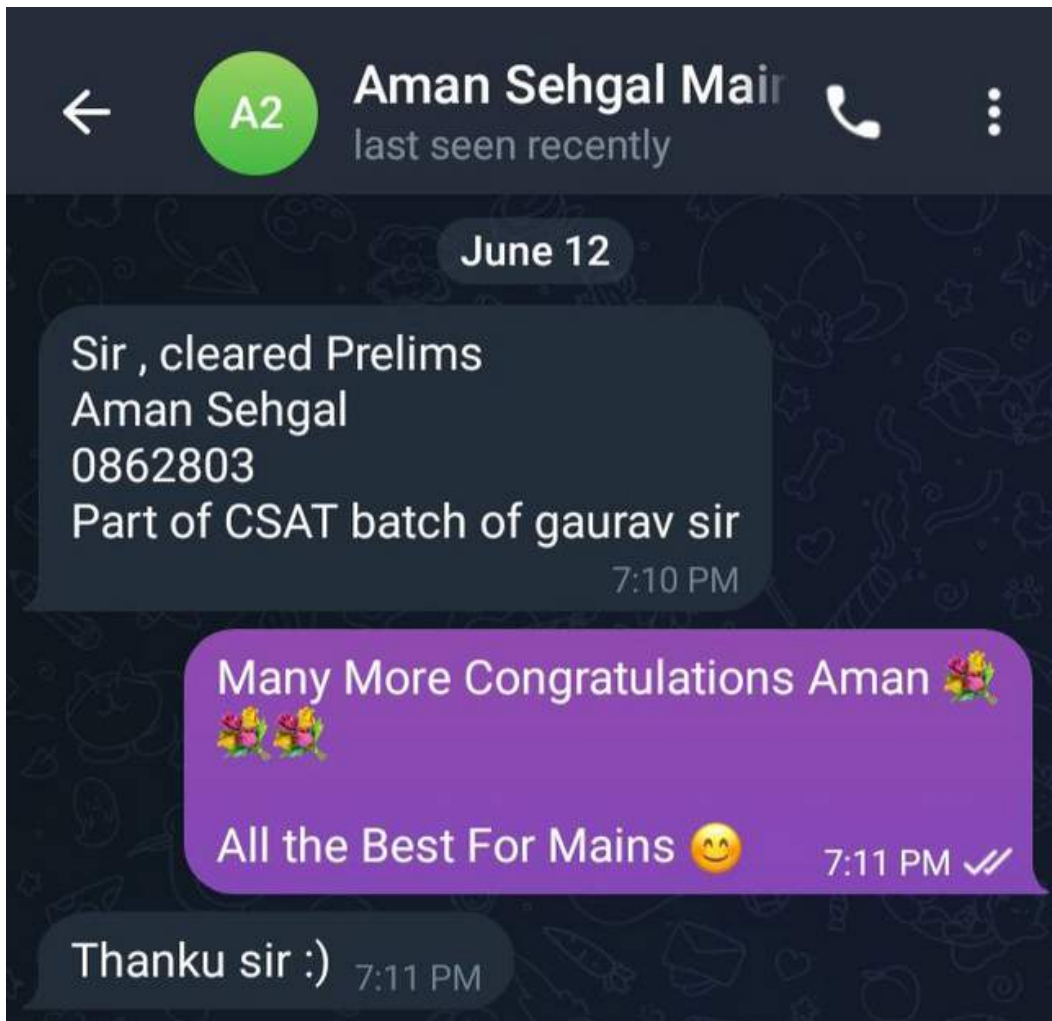
OFFICIAL LANGUAGES

<p>Language of the Union</p>	<ul style="list-style-type: none"> • Part XVII of the Constitution (Articles 343 - 351) deals with the official language. • Hindi, written in the Devanagari script with Indian numerals, is specified. • English can be used for 15 years, and beyond that, its use is subject to the Official Languages Act of 1965. • Regional languages can be adopted by states, with English serving as the official language for non-Hindi states. • If president of India is satisfied with the use case then any language can be recognised as the state language
<p>Language of the Judiciary and Texts of Laws</p>	<ul style="list-style-type: none"> • Until Parliament provides otherwise, English is used in all proceedings in the Supreme Court and every high court. • English is the authoritative language for bills, acts, ordinances, orders, rules, regulations, and bye-laws at the Central and state levels.
<p>Protection of Minorities Language</p>	<ul style="list-style-type: none"> • Grievances can be submitted in Hindi or the state language or any other languages . • Mother tongue education is compulsory, and a special linguistic office investigates related matters.
<p>Development of Hindi Language</p>	<ul style="list-style-type: none"> • The promotion of Hindi as a lingua franca is considered a duty of citizens. • The Eighth Schedule originally had 14 languages, and through amendments, it now includes 22 languages. • Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmir, Konkani, Maithali, Malayalam, Maniouri, Marathi, Nepali, Odia, Punjabi Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu. • The 71st Amendment Act (1992) added Konkani and Manipuri, while the 92nd Amendment Act (2003) added Bodo, Dogri, Maithili, and Santhali.
<p>Committee of Parliament on Official Language</p>	<ul style="list-style-type: none"> • The Official Language Act (1963) designated Hindi for official use. • A committee, consisting of 20 members from the Lok Sabha and 10 from the Rajya Sabha, was set up in 1976 to review the progress of Hindi. • The committee, chaired by a Union minister, plays a crucial role in promoting Hindi.
<p>Classical Language Status</p>	<ul style="list-style-type: none"> • In 2016, Tamil, Sanskrit, Telugu, Kannada, Malayalam, and Odia were granted classical language status. <p>Criteria:</p> <ul style="list-style-type: none"> • 1. High antiquity of its early text/recorded history over a period of 1500-2000 years. • 2. Body of ancient literature or texts considered valuable heritage by generations of speakers. • 3. Literary tradition that is original and not borrowed from another speech community • 4. Discontinuity between the classical language and later forms or its offshoots



PUBLIC SERVICES

Category	Services
All-India Services	<ul style="list-style-type: none"> • IAS (Indian Administrative Service), IPS (Indian Police Service), IFS (Indian Forest Service)
Central Services	<ul style="list-style-type: none"> • Central Engineering Service, Health Service, Information Service, Legal Service, Secretariat Service, Audit and Accounts, Defence Accounts Service, Economic Service, Foreign Service, Meteorological Service, Postal Service, Revenue Service (Customs, Excise and Income Tax), Statistical Service, Overseas Communication Service, Railway Personnel Service
State Services	<ul style="list-style-type: none"> • Various state-specific services
Articles	Conditions
Article 309	<ul style="list-style-type: none"> • Empowers Parliament to regulate recruitment and service conditions
Article 310	<ul style="list-style-type: none"> • Specifies tenure during the pleasure of the President/Governor and compensation for abolition of posts or non-misconduct-related vacation
Article 311	<ul style="list-style-type: none"> • Provides safeguards - no dismissal or removal by a subordinate, and inquiry before dismissal or removal
Article 312	<ul style="list-style-type: none"> • Requires a two-thirds majority for creating a new All India Service
Sardar Patel	<ul style="list-style-type: none"> • "Father of all India Civil services."
Additional	<ul style="list-style-type: none"> • Central services – group A, B, C, D • Any disciplinary Action – consult with CVC. • Uniformity in salary & allowance of cadre. • Group A & Group B comprises of gazetted officers. • While Group C & Group D are non- gazetted.



RIGHTS AND LIABILITIES OF THE GOVERNMENT

<p>Property of the Union & States (Art 294-300, Part XII)</p>	<ul style="list-style-type: none"> • Succession: All property assets from the Dominion of British India and princely states, including rights, liabilities, and obligations. Becomes part of the Union with respective rights, liabilities, and obligations. • Escheat, Lapse, and Bona Vacantia: Escheat and lapse lead to compulsory acquisition by the state. Government can acquire, hold, dispose, and contract under certain conditions.
<p>Sea Wealth</p>	<ul style="list-style-type: none"> • Territorial water boundary extends up to 12 nautical miles. • Union holds all land, minerals, and valuable areas up to the Exclusive Economic Zone (200 nautical miles).
<p>Compulsory Acquisition by Law</p>	<ul style="list-style-type: none"> • 44th Constitutional Amendment Act abolished the obligation to pay compensation, except in specific cases. • Compensation required for acquiring property of minority educational institutions or land under personal cultivation.
<p>Acquisition under Executive Power</p>	<ul style="list-style-type: none"> • Union or state can acquire, hold, and dispose of property under their executive power. • Conditions: Must be expressed to be made by the governor or President of India, on behalf of the President of India or governor, and as directed by the President of India or governor.
<p>Official Act</p>	<ul style="list-style-type: none"> • Ministers: No constitutional immunity for official acts. • Judicial Officers: Immunity in performing duties; cannot be sued during their term. • Civil Servants: Immunity from legal liability in civil proceedings after a 2-month notice.
<p>Escheat, Lapse, Bona Vacantia</p>	<ul style="list-style-type: none"> • Escheat: Occurs upon the death of a person interstate without any heir. • Lapse: Termination of rights through disuse or failure to follow. • Bona Vacantia: Property found without any owner; becomes state property for lack of a rightful owner.



SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

Legislative Reservations (Art. 334)	<ul style="list-style-type: none"> Reserves seats in the Lok Sabha and state legislative assemblies for Scheduled Castes (SC) and Scheduled Tribes (ST) based on population ratios. Also allows for the nomination of Anglo-Indians.
Claims of SCs and STs to Services and Posts	<ul style="list-style-type: none"> The 82nd Amendment Act of 2000 empowers the government to make provisions in favor of SCs and STs for reservations in services and posts.
Special Provisions in Services and Educational Grants for Anglo-Indians	<ul style="list-style-type: none"> Before independence, certain posts in the Union's railway, customs, postal, and telegraph services were reserved for Anglo-Indians.
National Commissions for SCs and STs (Art. 338, Art. 338-A)	<ul style="list-style-type: none"> Establishes national commissions to safeguard the interests of SCs and STs.
Control of the Union over Scheduled Areas and Welfare of STs (Art. 339)	<ul style="list-style-type: none"> Empowers the President to appoint a commission to report on the administration of scheduled areas and the welfare of STs in the states.
Commission to Investigate Conditions of BCs	<ul style="list-style-type: none"> The President may appoint a commission to investigate the conditions of socially and educationally backward classes (BCs) and recommend steps to improve their condition. The commission's report is to be presented to Parliament with an action taken memorandum.
Backward Classes	<ul style="list-style-type: none"> Kaka Kalelkar Commission Mandal Commission
SC/ST	<ul style="list-style-type: none"> UN Dhrbar Commission Dilip Singh Bhuria Commission
1. Reservation for SCs and STs and Special Representation for Anglo-Indians in Legislatures	<ul style="list-style-type: none"> Seats reserved for SCs and STs in Lok Sabha and state legislative assemblies based on population ratios. Anglo-Indians nominated. [Art. 333]
2. Claims of SCs and STs to Services and Posts	<ul style="list-style-type: none"> 82nd Amendment Act of 2000 allows provisions in favor of SCs and STs in services and posts.
3. Special Provision in Services and Educational Grants for Anglo-Indians	<ul style="list-style-type: none"> Certain posts reserved for Anglo-Indians in railway, customs, postal, and telegraph services before independence.
4. National Commissions for SCs and STs	<ul style="list-style-type: none"> Article 338, Article 338-A establish National Commissions for SCs and STs.
5. Control of the Union over the Administration of Scheduled Areas and the Welfare of STs	<ul style="list-style-type: none"> Article 339 requires the President to appoint a commission to report on the administration of scheduled areas and the welfare of STs in states.
6. Appointment of a Commission to Investigate the Conditions of BCs	<ul style="list-style-type: none"> The President may appoint a commission to investigate the conditions of socially and educationally backward classes, recommending steps for improvement. The commission's report is placed before Parliament with an action-taken memorandum.



POLITICAL PARTIES

Political Parties	Voluntary association of individuals sharing similar political views, aiming for power to achieve common goals aligned with national interests.
Party Ideologies	Reactionary, Conservative, Leftist, Centrist, Rightist, Liberal, Radical
1. One Party System	Comparable to the USSR, where there is no opposition.
2. Two Party System	Similar to the political systems in the USA and Britain, characterized by the dominance of two major parties.
3. Multi-Party System	Resembles the political systems of Switzerland, Italy, and India, indicating the presence of multiple political parties.
Factors Contributing to Multiparty System in India	India's vast size, diverse cultures, and geographical, biological, and socio-economic diversities contribute to the existence of a multiparty system. After the 16th Lok Sabha election, there are 6 national parties, 47 state parties, and 1593 unregistered parties. Notably, India experienced a shift from a Single Party dominance (1947–1967) to a multiparty system. Key events include the emergence of Janta Party (1977), Janta Dal (1989), and BJP (1991).
Emergence of Regional Parties	<ul style="list-style-type: none"> Regional parties like BKP in Odisha, DMK, AIADMK in Tamil Nadu, and Akali Dal in Punjab have played a crucial role in coalition governments, addressing national issues. However, there is a trend of deviation in political parties such as Congress, Janta Dal, TDP, etc., often driven by a lust for power and material considerations, leading to party disintegration and mergers. A lack of an effective opposition has hindered constructive roles.
Recognition of National and State Parties	<ul style="list-style-type: none"> To be recognized as national or state parties, certain conditions must be met. Recognition provides benefits such as a party symbol, time for political broadcasts on TV and radio, and access to electoral rolls. National parties have a symbol recognized throughout the country, while state parties have a symbol limited to their respective states. There are specific conditions for the recognition of national and state parties.
Conditions for Recognition as a National Party	<ol style="list-style-type: none"> 1. Securing 6% of valid votes polled in any four or more states at a general election to the Lok Sabha or legislative assembly and winning four seats in the Lok Sabha from any state or states. 2. Winning 2% of seats in the Lok Sabha at a general election, with these candidates elected from three states. 3. Being recognized as a state party in four states.
Conditions for Recognition as a State Party	<ol style="list-style-type: none"> 1. Securing 6% of the valid votes polled in the state at a general election and winning two seats in the assembly of the concerned state. 2. Securing 6% of the valid votes polled in the state at a general election to the Lok Sabha and winning one seat in the Lok Sabha from the concerned state. 3. Winning 3% of seats in the legislative assembly at a general election or three seats in the assembly. 4. Securing 8% of the total valid votes polled in the state at a general election.
Party Landscape in India	<ul style="list-style-type: none"> India has 6 national parties, 47 state parties, and 1593 registered-unrecognized parties contributing to its diverse political landscape.



REGIONAL PARTIES

Role of Regional Parties	<ul style="list-style-type: none">• Regional parties play a vital role in Indian politics at the local, state, and national levels. They operate within specific states or regions, with their electoral base limited to a single region.• These parties articulate regional interests and often identify themselves with a particular cultural, religious, linguistic, or ethnic group.• They focus on local or regional issues, aiming to capture political power at the state level without a strong inclination to expand to the national level.• Regional parties are characterized by a political desire for greater regional autonomy within the Indian Union.
Classification of Regional Parties	<p>Regional parties can be classified into four categories:</p> <ul style="list-style-type: none">• 1. Those rooted in a specific eastern regional culture or ethnicity.• 2. Parties with an all-India outlook but lacking a national electoral base.• 3. Parties formed as a result of splits within national parties.• 4. Regional parties formed by individual leaders based on their charismatic personality.
Reasons for Emergence	<ul style="list-style-type: none">• 1. Cultural, ethnic, economic disparities, and regional imbalances.• 2. Failure of national politics to meet regional aspirations.• 3. Reorganization of states based on language.• 4. Centralizing tendencies of the Congress party.• 5. Absence of a strong opposition party at the central level.
Dysfunctions of Regional Parties	<ul style="list-style-type: none">• Despite their significance, regional parties have negative aspects, including: -• Giving more importance to regional interests than national interests.• Encouraging regionalism, casteism, linguisticism, communalism, and tribalism.• Contributing to the unresolved interstate disputes and border issues.• Involvement in corruption, nepotism, and favoritism.• Focusing more on populist schemes to expand their electoral base.



ELECTIONS

<p>Elections - Electoral System</p>	<p>Articles 324 to 329 in Part XV of the Constitution establish key provisions for the electoral system in India:</p> <ul style="list-style-type: none"> • 1. The Constitution (Article 324) mandates an independent Election Commission, consisting of the President of India, the Chief Election Commissioner, and other Election Commissioners. • 2. It prescribes a unified electoral roll for both Parliament and state legislatures, eliminating communal and separate electorates. • 3. Prohibitions are set on discussions during elections based on religion, race, caste, or sex. • 4. The principle of adult franchise ensures that every Indian citizen aged 18 and above has the right to vote. • 5. The Election Commission is responsible for tasks such as preparing electoral rolls and delimiting constituencies. • 6. While state legislatures can make laws on matters not covered by the Parliament • 7. The validity of laws related to delimitation or seat allotment cannot be questioned in any court. • 8. Article 323 B establishes a tribunal for election disputes, with the Supreme Court having jurisdiction only for special leave appeals. In the Chandra Kumar case (1997), the Supreme Court declared this provision unconstitutional, allowing an appeal to lie in the High Court if an election tribunal is established.
<p>Election Machinery</p>	<ul style="list-style-type: none"> • Election Commission of India (ECI): As the apex body, the ECI comprises three members, including the Chief Election Commissioner and two Election Commissioners. • Chief Electoral Officer (CEO): Authorized to supervise election work in a state or Union Territory, the CEO plays a crucial role in ensuring smooth electoral processes. • District Election Officer (DEO): At the district level, the DEO oversees and coordinates various aspects of election-related activities. • Returning Officer (RO): Appointed by the Election Commission of India, the RO manages specific election-related duties and procedures. • Electoral Registration Officer (ERO): Appointed by the Election Commission of India, in consultation with the state or UT government, the ERO is responsible for maintaining accurate electoral rolls. • Presiding Officer: Responsible for conducting elections at polling stations, the Presiding Officer is appointed by the District Election Officer or Returning Officers. • Observers: The Election Commission appoints various types of observers to monitor different aspects of the electoral process. These include General Observers, Expenditure Observers, Police Observers, Awareness Observers, Micro Observers, and Assistant Expenditure Observers. Each type serves a specific role in ensuring free and fair elections.
<p>Time of Elections</p>	<ul style="list-style-type: none"> • Elections for the Lok Sabha and every state occur every five years, unless called earlier. • The Constitution specifies that there can be a maximum of six months between the last session of the dissolved Lok Sabha and the recalling of the new House. • The Election Commission announces the mode of conduct just before the elections, and the effect is immediate.



<p>Oath or Affirmation</p>	<ul style="list-style-type: none"> • Candidates are required to take an oath or affirmation in front of the Returning Officer (RO) and Assistant Returning Officer (ARO). • For candidates in prison or detention, the oath is administered by the superintendent of the prison or commandant. • If a candidate is confined to a hospital, the medical superintendent in charge or an authorized person can administer the oath. • If a candidate is outside India, the High Commissioner or diplomatic consular authorized by them can administer the oath or affirmation.
<p>Polling Days and Voting Procedure</p>	<ul style="list-style-type: none"> • Polling Days: Voting takes place on different days in different constituencies. • Voting Procedure: Since 1998, the Election Commission has used Electronic Voting Machines (EVMs) instead of ballot boxes. • In 2003, all state elections utilized EVMs, and in the 2004 Lok Sabha elections, 1 million EVMs were used. • The advantages of EVMs include the elimination of doubtful votes, a reduction in printing costs, ease of vote counting, and environmental benefits due to reduced paper usage.
<p>Election Petitions</p>	<ul style="list-style-type: none"> • If an elector or candidate believes there has been malpractice during the election, they can file an election petition in the High Court. • Election petitions are not ordinary suits but are treated as contests involving the entire constituency. • They are tried by the High Court of the state involved, and if upheld, they may lead to the re-staging of elections in that constituency.
<p>Area-wise Largest Constituency</p>	<ul style="list-style-type: none"> • Largest Constituencies: Ladakh, Barmer, Kutch, Arunachal Pradesh (West to East)
<p>Area-wise Smallest Constituency</p>	<ul style="list-style-type: none"> • Smallest Constituencies: Mulkaigiri (Telangana), Ghaziabad (UP), Bangalore North (Karnataka), Unao (UP), North West Delhi (NCT of Delhi)
<p>Smallest Constituency (Population-wise)</p>	<ul style="list-style-type: none"> • Smallest Constituencies: Lakshadweep, Daman & Diu, Ladakh (J&K), Dadar and Nagar Haveli, A & N Islands



ELECTION LAWS

<p>Representation of the People Act, 1950</p>	<ul style="list-style-type: none"> • India's maximum number of seats in Parliament and Legislative Assemblies of states are determined by Article 81 and Article 170. • Article 171 of the Constitution establishes the maximum and minimum number of seats in the Legislative Council of a State. • Since it was not mentioned in the Constitution until March 1, 1950, the Representation of the People Act, 1950, provides for this. • However, it does not contain all provisions for elections; it only provides for allocation and delimitation.
<p>Representation of the People Act, 1951</p>	<ul style="list-style-type: none"> • This Act includes provisions for the qualifications and disqualifications of Members of Parliament (MP) and Members of Legislative Assembly (MLA), notification of general elections, administrative machinery, registration of political parties, conduct of elections, and the free supply of certain materials to candidates of recognized political parties. It also addresses disputes regarding elections.
<p>Delimitation Act, 2002</p>	<ul style="list-style-type: none"> • Articles 82 to 171 of the Constitution provide for the readjustment and division of each state into territorial constituencies (Parliamentary and Assembly constituencies) based on the 2001 census. • Articles 330 and 332 deal with the reallocation and redefining of the number of seats for Scheduled Castes (SC) and Scheduled Tribes (ST) in the legislature, using the 2001 census, whereas previously, it was based on the 1971 census.
<p>Other Acts Relating to Elections</p>	<ul style="list-style-type: none"> • 1. Parliament (Prevention of Disqualification) Act, 1959 • 2. SC/ST Orders (Amendment) Act, 1976 • 3. Government of Union Territories Act, 1963 • 4. Government of National Capital Territory of Delhi Act, 1991 • 5. Presidential and Vice-Presidential Elections Act, 1952
<p>Rules Relating to Elections</p>	<ul style="list-style-type: none"> • 1. Registration of Electors Rules, 1960 - Prepares and publishes electoral rolls. • 2. Conduct of Elections Rules, 1961 - Facilitates the conduct of fair and free elections to Parliament and State Legislatures. • 3. Prohibition of Simultaneous Membership Rules, 1950 • 4. Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985 • 5. Members of Rajya Sabha (Disqualification on Ground of Defection) Rules, 1985 • 6. Presidential and Vice-Presidential Elections Rules, 1974
<p>Orders Relating to Elections</p>	<ul style="list-style-type: none"> • 1. Election Symbols Order, 1968 - Specifies, reserves, chooses, and allots symbols at elections in parliamentary and assembly constituencies. • 2. Registration of Political Parties Order, 1992 - Provides for furnishing additional particulars by associations or individual citizens of India.



ELECTORAL REFORMS

Committees and Reports on Electoral Reforms	<ul style="list-style-type: none"> • J.S. Verma Committee Report on Amendments to Criminal Law (2013). • Law Commission of India 244th Report on Electoral Disqualifications (2014). • Law Commission of India 255th Report on Electoral Reforms (2015).
Electoral Reforms Before 1996	<ul style="list-style-type: none"> • Lowering of Voting Age: The 61st Constitutional Amendment Act, 1988, reduced the voting age from 21 years to 18 years for preparation, revision, and electoral office engagement. • Increase in Number of Proposers: The number of proposers for Rajya Sabha and state legislative council increased to 10 percent of the electors of the constituency or 10 electors for RS and SLC. - • Deputation to Election Commission: In 1988, a provision was made for officers and staff engaged in the preparation, revision, and correction of electoral rolls for elections. • Electronic Voting Machines (EVMs): EVMs were first used in 1998 on an experimental basis. • Booth Capturing: In 1989, measures were introduced to prevent booth capturing, including the seizure of a polling station, surrender of ballot papers or voting machines, and taking possession of a polling station, allowing only one's own supporters to exercise their franchise. • Elector's Photo Identity Card (EPIC): In 1993, the Election Commission decided to issue photo identity cards to electors.
Electoral Reforms of 1996	<ul style="list-style-type: none"> • In 1990, V P Singh appointed a committee on electoral reforms under the chairmanship of Dinesh Goswami, and the recommendations were implemented in 1996. Some key reforms include: <ol style="list-style-type: none"> 1. Listing of Names of Candidates: Candidates classified into three categories. <ul style="list-style-type: none"> ◦ Candidates of recognised political parties ◦ Candidates of registered-unrecognised political parties ◦ Other (independent) candidates 2. Disqualification for Insulting the National Honour Act: Disqualification under the Prevention of Insults to National Honour Act of 1971. 3. Prohibition on the Sale of Liquor: Prohibition 48 hours before the conclusion of the poll. Violation punishable with imprisonment or fine. 4. Number of Proposers: Increased to 10 registered electors per party. 5. Death of a Candidate: Election stops; option to propose another candidate within seven days. 6. Time Limit for By-Elections: By-elections to be held within 6 months. 7. Holiday to Employees on the Polling Day: Applies even to daily wagers; violation punishable with a fine. 8. Prohibition of Arms: Entering into the neighborhood of a polling station with arms is a cognizable offense. 9. Effective Campaigning Period Reduced: Minimum gap between withdrawal of candidature and polling date reduced from 20 to 14 days.
Electoral Reforms After 1996	<p>Several reforms were introduced after 1996:</p> <ul style="list-style-type: none"> • Number of electors and proposers for President of India increased. • Domicile rule for Rajya Sabha removed. • Open ballot system introduced in 2003. • Traveling expenditure of campaigning leaders excluded. • Free supply of electoral rolls. • Parties can accept contributions. • Allocation of airtime on electronic media. • Braille signage feature for visually impaired voters.



Electoral Reforms Since 2010	<ol style="list-style-type: none"> 1. Restrictions Imposed on Exit Polls: Prohibited during the notified period. 2. Increase in Security Deposit: Increased for general candidates in Lok Sabha elections. 3. Appellate Authority within the District: Introduced in 2009. 4. Online Enrollment in the Electoral Roll: Implemented in 2013. 5. Introduction of NOTA (None of the Above): Allows voters to express disapproval. 6. Introduction of VVPAT (Voter Verified Paper Audit Trail): Ensures the accuracy of the voting system. 7. Persons in Jail or Police Custody Can Contest Elections: Allowed to contest. 8. Immediate Disqualification of Convicted MPs and MLAs: Immediate disqualification after conviction. 9. Ceiling on Election Expenditure Increased: Increased limits on election expenditure. 10. Photos of Candidates on EVMs and Ballot Papers: Introduced for identification. 11. Voting Rights to Citizens of India Living Abroad: Provision for citizens living abroad to vote.
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VOTING BEHAVIOUR

Meaning of Voting Behaviour	Voting behaviour, also known as electoral behaviour, is a form of political behaviour that signifies the actions of voters in a democratic political system, particularly during elections.
Significance of Voting Behaviour	<ol style="list-style-type: none"> 1. Helps in comprehending the process of political socialisation. 2. Aids in examining the internalisation of democracy. 3. Emphasizes the real impact of the revolutionary ballot box. 4. Enables understanding continuity or deviation of electoral parties from the past. 5. Measures whether it is modern or primordial in the context of political development.
N.G.S. Kini's Perspective	<p>According to N.G.S. Kini, voting behaviour can be regarded as:</p> <ol style="list-style-type: none"> 1. A mode of legitimising democratic rule. 2. Instancing an act of decision-making. 3. A direct relation of the individual citizens to the formal government.
Determinants of Voting Behaviour	Caste, Religion, Language, Region, Money, Performance of the Ruling Party, Party Identification, Ideology.
Role of Media in Elections	<ol style="list-style-type: none"> 1. Information Dissemination: Providing every minute detail to the public to spread awareness. 2. Enforcement of MCC and other Laws: Exposing violations such as divisive or hate speeches and unverified allegations that aim to influence electors. 3. Compliance to Election Laws: The media does not regulate but plays a role in exposing violations of laws such as Section 126A, 126, 127A, and 171H. 4. Voter Education: Partnering with media for voter awareness, bridging the gap between what voters 'should know' and what they 'actually know' in crucial areas like registration, EPIC/identity proofs, Polling Station location, use of EVMs, timings of the poll. 5. Responsibility of Government Media: Public Service Broadcasters are expected to lead by example in terms of neutrality and objectivity, adhering to various guidelines including their own.



COALITION GOVERNMENT

Meaning	<ul style="list-style-type: none"> • Latin term – “coalition” meaning “to grow together.” • Politically, it refers to an alliance of distant political parties, usually formed in modern parliaments when no single party can secure a majority of votes.
Formation	<ul style="list-style-type: none"> • Occurs when no single party attains a majority. • Two or more parties with enough elected members agree on a common program to form a government.
Features	<ul style="list-style-type: none"> • 1. Formed for the sake of some reward, material, or psychic. • 2. Implies the existence of two partners. • 3. Stands on the temporary conjunction of specific interests. • 4. Operates on a minimum program, not ideal for all coalition partners. • 5. Purpose is to seize power.
Merits	<ul style="list-style-type: none"> • 1. Accommodates diverse interests in government functioning. • 2. Represents a broader spectrum of public opinion than a single-party government. • 3. Involves consensual decision-making. • 4. Decisions are made in a more balanced way.
Demerits	<ul style="list-style-type: none"> • 1. Prone to instability and can fall at any time. • 2. Members may not assume responsibility for failures, leading to blame games. • 3. Challenges in portfolio distribution and proper coordination among members.
Purpose	<ul style="list-style-type: none"> • To achieve a majority and form a government when no single party can do so independently.
Formation Criteria	<ul style="list-style-type: none"> • Based on the agreement of two or more parties with enough elected members.
Operational Basis	<ul style="list-style-type: none"> • Works on a minimum program, often compromises on individual party ideals for the sake of collaboration.
Decision-Making	<ul style="list-style-type: none"> • Consensual decision-making process involving all coalition partners.
Public Opinion	<ul style="list-style-type: none"> • Represents a broader spectrum of public opinion compared to a single-party government.
Responsibility	<ul style="list-style-type: none"> • Members may not always assume responsibility for administrative failures, leading to blame games.
Challenges	<ul style="list-style-type: none"> • Instability, challenges in portfolio distribution, and coordination among coalition members.



ANTI DEFECTION LAW

Introduction	<ul style="list-style-type: none"> • 52nd Amendment Act, 1985 – Introduces disqualification of members of Parliament and state legislatures for defection from one political party to another. • Four articles amended and a new schedule (10th schedule) added. Often referred to as the anti-defection law.
Amendment	<ul style="list-style-type: none"> • 91st Amendment Act, 2003 – Omitted disqualification on the ground of defection in case of a split.
Provision of the Act	<p>Disqualification:</p> <ul style="list-style-type: none"> • 1. Member of the house belonging to a political party becomes disqualified if: a. Voluntarily gives up his membership of such political party. b. Votes or abstains contrary to party direction without prior permission. • 2. Independent member becomes disqualified if joining a political party after election. • 3. Nominated members disqualified if joining another party after six months. <p>Exception:</p> <ul style="list-style-type: none"> • 1. No disqualification if a member leaves due to a merger. • 2. Presiding officer voluntarily giving up party membership after becoming the officer.
Deciding Authority	<ul style="list-style-type: none"> • Any question regarding disqualification arising out of defection is to be decided by the presiding officer of the House. • However, the Supreme Court, in the Kihoto Hollohan case (1993), declared this provision as unconstitutional.
Rule-Making Power	<ul style="list-style-type: none"> • The presiding officer is empowered to make rules to give effect to the provisions of the Tenth Schedule.
Advantages	<ul style="list-style-type: none"> • 1. Ensures stability in the body politic by checking the propensity of legislators to change parties. • 2. Facilitates democratic realignment. • 3. Reduces corruption. • 4. Provides clear constitutional recognition to the existence of political parties.
Criticisms	<ul style="list-style-type: none"> • 1. Fails to distinguish between dissent and defection. • 2. The distinction between individual and group defection is seen as irrational. • 3. Does not provide for the expulsion of a legislator from their party, only disqualification. • 4. Illogical discrimination between independent and nominated members. • 5. Vesting decision-making authority in the presiding officer is criticized.
91st Amendment Act, 2003	<p>Provisions:</p> <ul style="list-style-type: none"> • 1. Limits the size of the Council of ministers. • 2. Debars defectors from holding public offices. • 3. Strengthens the anti-defection law.



PRESSURE GROUPS

Meaning	<ul style="list-style-type: none">• Also called interest groups or vested groups.• Originated in the USA.• Concerned with specific programs and issues, focusing on protecting and promoting the interests of their members by influencing the government.• Use various methods like lobbying, correspondence, publicity, propagandization, petitioning, public debating, and maintaining contacts with legislators.
Techniques by Odegard	<ul style="list-style-type: none">• Engineering: Placing individuals in public office who are favorably disposed towards the group's interests.• Lobbying: Persuading public officers, whether initially favorable or not.• Propagandization: Influencing public opinion to gain direct influence over the government.
Pressure Groups in India	<p>Categories:</p> <ul style="list-style-type: none">• Business Groups• Trade Unions• Agrarian Groups• Professional Associations• Student Organizations• Religious Organizations• Caste Groups• Tribal Organizations• Linguistic Groups• Ideology-Based Groups• Anomic Groups



NATIONAL INTEGRATION

Introduction	<ul style="list-style-type: none">• Definition by Dr. R. S. Radhakrishna: "National integration is not a house that could be built by mortar and bricks. It is not an industrial plan discussed and implemented by experts. Integration is a thought that means to go into the heads of people. It is consciousness that must awaken the people at large."• Involves political, economic, social, cultural, and psychological dimensions and their interrelations.
Obstacles	<ul style="list-style-type: none">• Regionalism• Communalism• Casteism• Linguism
National Integration Council	<ul style="list-style-type: none">• Constituted in 1961 - Formed following a decision taken at a national conference on 'unity in diversity,' convened by the Central government in New Delhi.• Composition includes the prime minister as chairman, central home minister, chief ministers of states, political party leaders, UGC chairman, educationists, commissioner for SCs and STs, and others nominated by the prime minister.• Directed to examine the problem of national integration and make necessary recommendations.
16th Meeting of NIC (2013)	<ul style="list-style-type: none">• Resolution passed condemning violence and promoting harmonious relationships.• Emphasis on resolving differences within the framework of the law.• Condemnation of atrocities on SC/ST.• Condemnation of sexual abuse and ensuring women's freedom.• Pursuit of social and economic development with equal opportunities.• Safeguarding the right of movement for all in public spaces.
National Foundation for Communal Harmony	<p>Set up in 1992</p> <ul style="list-style-type: none">• Vision: "India free from communal and all other forms of violence where all citizens, especially children and youth, live together in peace and harmony."• Mission includes promoting communal harmony, strengthening national integration, fostering unity in diversity through social action, awareness programs, reaching out to victims of violence, and encouraging interfaith dialogue for shared security, peace, and prosperity.



FOREIGN POLICY

Introduction	<ul style="list-style-type: none">• Regulates India's relations with other states of the world in promoting its national interests.
Principles of Foreign Policy	<ul style="list-style-type: none">• 1. Promotion of World Peace• 2. Anti-Colonialism• 3. Anti-Racialism• 4. Non-Alignment• 5. Panchsheel• 6. Afro-Asian Bias• 7. Links with Commonwealth• 8. Support the UNO• 9. Disarmament
Objectives	<ul style="list-style-type: none">• 1. Protect India's core national interests and concerns in the rapidly changing international environment-foster support and understanding.• 2. Preserve autonomy of decision-making process - establishment of a stable, prosperous, and secure global order.• 3. Strengthen the international campaign against terrorism.• 4. Build an international environment supportive of India's rapid growth.• 5. Work closely with P5 countries.• 6. Work for the realization of SAARC, BIMSTEC, IBSA, IOR-ARC, UNSC goals.• 7. Intensify and stand in ties with neighbors through mutually beneficial cooperation. 8. Ensure cross-border terrorism is brought to an end.
Gujral Doctrine	<ul style="list-style-type: none">• Advocates that India, being the biggest country in South Asia, should extend unilateral concessions to smaller neighbors.
Nuclear Doctrine	<ul style="list-style-type: none">• A posture of "No First Use" - nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere.
Connect Central Asia Policy	<ul style="list-style-type: none">• Aimed at strengthening and expanding India's relations with Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan).• A broad-based approach including political, security, economic, and cultural connections.
Act East Policy	<ul style="list-style-type: none">• "A new era of economic development, industrialization, and trade has begun in India. Externally, India's 'Look East Policy' has become 'Act East Policy'".



NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION

Introduction	<ul style="list-style-type: none"> • Set up by a resolution of the Government of India in 2000. • 11-member commission headed by MN Venkatachaliah. • No specific agenda; 11 areas of study self-identified.
Areas of Study	<ul style="list-style-type: none"> • 1. Strengthening institutions of parliamentary democracy. • 2. Electoral reforms; standards in political life. • 3. Socio-economic change and development under the Constitution. • 4. Promoting literacy, generating employment, ensuring social security, poverty alleviation. • 5. Union-State relations. • 6. Decentralization and devolution; empowerment and strengthening of PRI. • 7. Enlargement of Fundamental Rights. • 8. Effectuation of Fundamental Duties. • 9. Effectuation of Directive Principles and achievement of Preambular objectives. • 10. Legal control of fiscal and monetary policies; public audit mechanism. • 11. Administrative system and standards in public life.
Observations (1950-2000)	<ul style="list-style-type: none"> • Political accomplishments. • Impressive performance in economic infrastructure. • Achievements in social infrastructure. • Political failures. • Economic failures. • Social figures. • Administrative failures. • Gender justice and equality failures. • Judicial system failures.
Recommendations	<ul style="list-style-type: none"> • Made 249 recommendations. • 58 involving amendments to the Constitution. • 86 involving legislative measures. • 105 recommendations could be accomplished through executive action. • Areas of recommendations include fundamental rights, right to property, directive principles, fundamental duties, Parliament and state legislators, executive and administration, center-state and interstate relations, judiciary, pace of socio-economic change and development, decentralization (panchayats and municipalities), institutions in Northeast India, electoral processes, political parties, anti-defection law.

