

INDEX

1: HISTORICAL BACKGROUND OF THE INDIAN CONSTITUTION	2
2.THE INDIAN CONSTITUTION	4
3: INDIA AS A DEMOCRACY.....	10
4: PREAMBLE OF THE INDIAN CONSTITUTION	12
5.CITIZENSHIP	14
6.FUNDAMENTAL RIGHTS.....	17
7.DIRECTIVE PRINCIPLES OF STATE POLICY	23
8.FUNDAMENTAL DUTIES.....	26
9.CONSTITUTIONAL AMENDMENTS	27
10.BASIC STRUCTURE DOCTRINE.....	29
11.FEDERALISM IN INDIA.....	30
12.CENTRE–STATE RELATIONS	34
13.UNION EXECUTIVE	35
14.PARLIAMENT.....	42
15.JUDICIARY	51
16.Concept of separation of power and functional overlap.	58
17.LOCAL SELF-GOVERNMENT	59
18.CONSTITUTIONAL AND STATUTORY BODIES.....	67
19.ELECTORAL SYSTEM.....	71
20. POLITICAL PARTIES, PRESSURE GROUPS AND MEDIA	76

PRAYAAS

1: HISTORICAL BACKGROUND OF THE INDIAN CONSTITUTION

Constitutional and Administrative Developments under British Rule

Company Rule (1773–1858)	Crown Rule (1858–1947)
<p>Regulating Act, 1773</p> <ul style="list-style-type: none"> • First step to regulate East India Company → start of centralisation • Governor of Bengal became Governor-General of Bengal + 4-member council • Bombay & Madras subordinated to Bengal • Supreme Court established at Calcutta (1774) • Company officials barred from private trade & bribes <p>Pitt's India Act, 1784</p> <ul style="list-style-type: none"> • Separated commercial and political functions • Board of Control created → political control by British Government • Court of Directors retained commercial role • Introduced Double Government system • Company territories termed British possessions in India <p>Charter Act, 1793</p> <ul style="list-style-type: none"> • Governor-General's overriding power over council continued • Central control over Bombay & Madras strengthened • Company trade monopoly extended for 20 years • Commander-in-Chief excluded from council by default • Board of Control salaries paid from Indian revenues <p>Charter Act, 1813</p> <ul style="list-style-type: none"> • Company monopoly ended except tea & China trade • British Crown's sovereignty over India asserted • Christian missionaries allowed entry • Promotion of Western education encouraged • Local governments empowered to levy taxes <p>Charter Act, 1833</p> <ul style="list-style-type: none"> • Governor-General of Bengal → Governor-General of India • Centralised legislative power → Bombay & Madras lost law-making power • Company ceased all commercial activities • Laws termed Acts instead of Regulations • Open civil services proposed (not implemented) <p>Charter Act, 1853</p> <ul style="list-style-type: none"> • Legislative & executive functions separated • Legislative Council became a mini-Parliament • Open competitive exams for civil services introduced • No fixed tenure for Company rule • Provincial representation in Central Legislative Council 	<p>Government of India Act, 1858</p> <ul style="list-style-type: none"> • Company rule abolished → power transferred to Crown • Governor-General became Viceroy of India • Secretary of State for India created (British Cabinet member) • Council of India (15 members) formed as advisory body • Ended Double Government system <p>Indian Councils Act, 1861</p> <ul style="list-style-type: none"> • Indians nominated as non-official legislative members • Legislative powers restored to Bombay & Madras • Legislative councils allowed in other provinces • Portfolio system formally recognised • Viceroy empowered to issue ordinances (6 months) <p>Indian Councils Act, 1892</p> <ul style="list-style-type: none"> • Non-official members increased in councils • Budget discussion & questioning allowed (no voting) • Indirect representation via local bodies • Beginning of electoral principle • Officials still retained majority <p>Indian Councils Act, 1909 (Morley-Minto Reforms)</p> <ul style="list-style-type: none"> • Legislative councils expanded significantly • Non-official majority in provinces (not Centre) • Indians included in Executive Councils • Separate electorates for Muslims introduced • Special representation to universities & commerce <p>Government of India Act, 1919</p> <ul style="list-style-type: none"> • Division into Central & Provincial subjects • Dyarchy introduced at provincial level • Bicameral Central Legislature created • Separate electorates expanded • Public Service Commission & Statutory Commission provided <p>Government of India Act, 1935</p> <ul style="list-style-type: none"> • Provincial autonomy → dyarchy abolished in provinces • Federal, Provincial & Concurrent Lists introduced • Dyarchy proposed at Centre (not implemented) • RBI, Federal Court & PSCs established • Franchise expanded to ~14% population <p>Indian Independence Act, 1947</p> <ul style="list-style-type: none"> • End of British rule from 15 August 1947 • India & Pakistan created as sovereign dominions • Constituent Assemblies made fully sovereign • Paramountcy over princely states lapsed • Government of India Act, 1935 as interim constitution

Constitutional Legacy of British Rule

<p>Administrative Legacy</p> <ul style="list-style-type: none"> • Strong centralised bureaucracy → continuation of ICS as IAS • District administration model (Collector-Magistrate) retained • Permanent executive with security of tenure • Rule-based administration → procedures, files, hierarchy • Concept of public services & neutrality institutionalised 	<p>Federal Legacy</p> <ul style="list-style-type: none"> • Quasi-federal structure inherited from GoI Act, 1935 • Division of powers → Union, State & Concurrent Lists • Strong Centre with residuary powers • Office of Governor as Centre's representative • Emergency provisions inspired by colonial control mechanisms
<p>Legislative Legacy</p> <ul style="list-style-type: none"> • Bicameralism at Centre adopted from 1919 & 1935 Acts • Parliamentary procedures → question hour, budget, motions • Law-making supremacy of legislature formalised • Concept of ordinances retained • Codified statutes and Acts system continued 	<p>Judicial Legacy</p> <ul style="list-style-type: none"> • Independent judiciary structure retained • Supreme Court inspired by Federal Court (1937) • Judicial review evolved from colonial courts • Hierarchical court system → High Courts & subordinate courts • Common law principles & precedents followed

Constituent Assembly of India: Formation and Composition

<p>Formation</p> <ul style="list-style-type: none"> • Proposed under Cabinet Mission Plan, 1946 • Constituted in July 1946 → first meeting on 9 December 1946 • Formed as a representative, indirectly elected body • Tasked with framing India's Constitution • Became fully sovereign after Independence (1947) 	<p>Composition</p> <ul style="list-style-type: none"> • Total members: 389 <ul style="list-style-type: none"> ◦ British Indian Provinces: 296 ◦ Princely States: 93 • Members elected by Provincial Legislative Assemblies • Elections based on communal representation • Seats allotted proportionate to population • After Partition → strength reduced to 299
<p>Representation Features</p> <ul style="list-style-type: none"> • Congress dominated; Muslim League later withdrew • Included social diversity → women, minorities, SCs • Eminent leaders, jurists, administrators represented • Not directly elected, yet broadly representative • Worked through committees & debates 	<p>Working Nature</p> <ul style="list-style-type: none"> • Functioned as legislative + constituent body • Adopted consensus-driven decision-making • Operated independently of British Parliament

Constituent Assembly of India: Nature of Representation

<p>Communal & Social Representation</p> <ul style="list-style-type: none"> • Communal representation provided (Muslims, Sikhs, etc.) • Muslim League initially participated, later withdrew • Adequate presence of SCs, STs & minorities • 15 women members ensured gender representation • Balanced social composition despite limitations 	<p>Political Representation</p> <ul style="list-style-type: none"> • Dominance of Indian National Congress • Presence of diverse ideological views • Leaders from national & provincial politics included • Absence of universal adult franchise • Yet reflected political realities of the time
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Representative Character of the Constituent Assembly

- **Not directly elected**, yet broadly representative of Indian society
- Reflected **regional, communal, and ideological diversity**
- Included leaders, jurists, administrators, and social reformers
- Gained legitimacy through **open debates and public scrutiny**
- Exercised **moral and political authority after Independence (1947)**

Critical Assessment: Nature of Representation of the Constituent Assembly

- **Indirect election** diluted strict democratic legitimacy due to absence of adult franchise
- **Communal representation** conflicted with the Constitution's later commitment to secularism
- **Congress dominance** limited proportional representation of political opposition
- **Princely States' nomination** reduced popular accountability of their representatives
- **Yet ensured inclusiveness and deliberative depth** through diversity, expert members, and open debates

Constituent Assembly of India: Criticism and Defence

Criticism

- **Indirectly elected body** → absence of universal adult franchise
- **Congress dominance** questioned political balance
- **Communal representation** contradicted later secular ideals
- **Princely States' nominees** lacked popular mandate
- Took **long time (1946-49)** to frame the Constitution

Defence

- Elections followed the **best feasible democratic method** under colonial constraints
- Congress represented the **dominant nationalist consensus** of the time
- Communal basis was a **historical necessity**, later consciously rejected
- Included **experts, jurists, and administrators**, ensuring quality drafting
- Lengthy deliberation ensured a **detailed, flexible, and durable Constitution**

2. THE INDIAN CONSTITUTION

Introduction

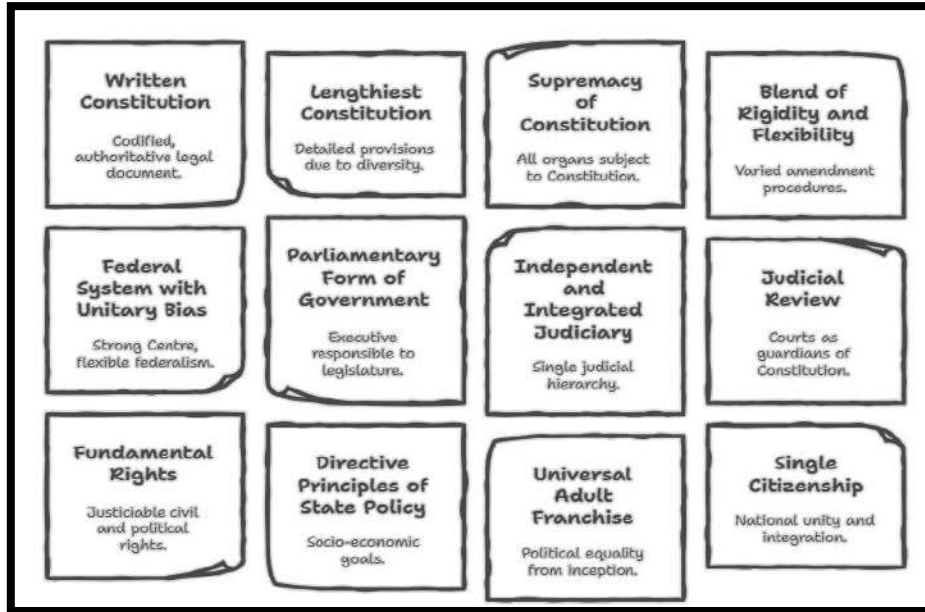
A Constitution is the supreme law of the land that lays down the framework of governance, defines rights and duties of citizens, and reflects the philosophy and vision of a nation.

Philosophy of the Indian Constitution

- **Popular sovereignty** → authority flows from people → reflected in "*We, the People of India*"
- **Democratic ethos** → political equality + participation → universal adult franchise (Art. 326)
- **Liberal values** → protection of individual liberty → Fundamental Rights (Arts. 14-21)
- **Social justice orientation** → reduce inequalities → DPSPs (Arts. 38, 39, 46)
- **Secularism** → equal respect for all religions → Arts. 25-28, no state religion
- **Federalism with unity** → diversity accommodated within strong Union → Seventh Schedule
- **Rule of law** → supremacy of Constitution → equality before law (Art. 14)
- **Constitutional morality** → power exercised within constitutional limits → checks & balances

- **Transformative vision** → change society, not preserve status quo → abolition of untouchability (Art. 17)

Salient Features of the Indian Constitution



Evolution of Constitutional Features

Positive Developments

- **Expansion of Fundamental Rights** → Art. 21 widened → *Maneka Gandhi case*
- **Basic Structure doctrine** → limits amendment power → *Kesavananda Bharati case*
- **Federal strengthening** → fiscal cooperation → *GST Council (101st Amendment)*
- **Judicial independence** → appointment safeguards → *Second Judges Case*
- **Decentralisation** → grassroots democracy → *73rd-74th Amendments*
- **Electoral deepening** → peaceful power transfer → *1977 General Election*
- **Transparency & accountability** → citizen oversight → *RTI Act, 2005*

Negative Developments

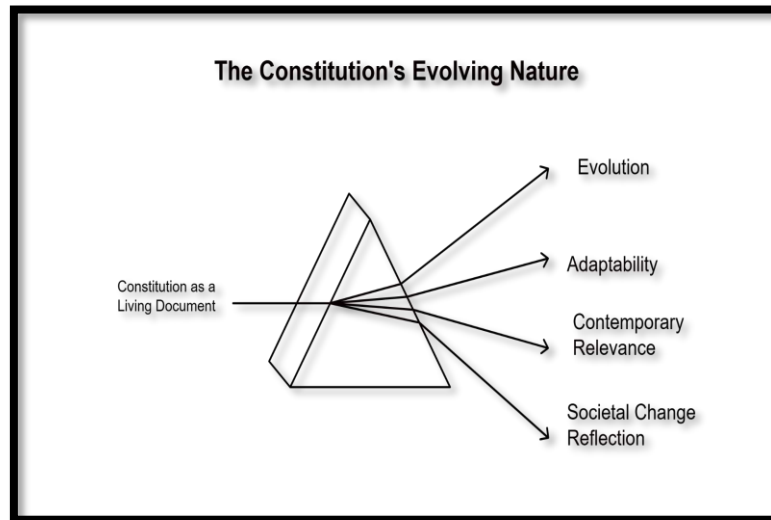
- **Centralisation of power** → misuse of President's Rule → *Art. 356 before Bommai case*
- **Frequent amendments** → constitutional dilution fears → *42nd Amendment, 1976*
- **Executive dominance** → ordinance overuse → *Art. 123 frequent promulgations*
- **Judicial overreach** → policy domain intrusion → *NJAC judgment (2015)*
- **Federal imbalance** → fiscal stress on states → *Centrally Sponsored Schemes*
- **Rights curtailment** → emergency-era suspension → *ADM Jabalpur case*
- **Institutional stress** → autonomy concerns → *Election Commission controversies*

Indian Constitution as a Living Document

At the 75th anniversary of the adoption of the Indian Constitution, President **Droupadi Murmu** addressed the joint sitting of **Parliament of India**. She described the **Constitution as a living and progressive document** that has enabled social justice and inclusive development.

Meaning

- Dynamic framework → adapts to changing societal needs
- Balances **constitutional stability with flexibility**



Factors Making the Indian Constitution a Living Document

- **Amendment power (Article 368)** → enables formal constitutional change → e.g., land reforms, GST, reservations
- **Judicial interpretation** → adapts constitutional meaning to present needs → socio-economic rights expanded
- **Basic Structure doctrine** → permits amendments while protecting core values → democracy, federalism intact
- **Expansive Article 21** → "life" interpreted as dignity, privacy, livelihood → rights grow with society
- **Democratic conventions** → practices evolve beyond text → PM's role, cabinet responsibility strengthened
- **Directive Principles usage** → guide welfare legislation → labour laws, social justice measures
- **Federal flexibility** → reorganisation of states, special provisions → accommodates diversity

Limitations / Concerns

- **Excessive amendments** risk constitutional instability
- **Judicial overreach** may dilute separation of powers
- **Political misuse of amendment power**
- **Executive dominance** through ordinances
- **Delayed reforms** due to procedural rigidity
- **Centre-heavy bias** affecting federal spirit
- **Implementation gap** between ideals and reality

Important Concepts associated with Constitution

1. Constitutionalism

Meaning

- Principle that **government power is limited by the Constitution**
- Emphasises **rule of law, checks and balances, and accountability**
- Constitution is supreme → rulers subject to law, not above it

Core Elements of Constitutionalism

- **Supremacy of Constitution** → all organs bound by constitutional limits
- **Rule of Law** → equality before law, absence of arbitrariness
- **Separation of Powers** → prevents concentration of authority

	<ul style="list-style-type: none"> • Fundamental Rights → protection of individual liberty • Judicial Review → courts enforce constitutional limits
Constitutionalism in the Indian Context <ul style="list-style-type: none"> • Written and supreme Constitution • Detailed Fundamental Rights + DPSPs • Independent judiciary with review powers • Federal structure with unitary bias • Democratic and representative government 	Threats to Constitutionalism <ul style="list-style-type: none"> • Excessive executive dominance • Frequent constitutional amendments • Judicial overreach • Misuse of emergency provisions • Weak legislative oversight

Writing answer on Constitutionalism, you can remember following Acronym LIMITED"

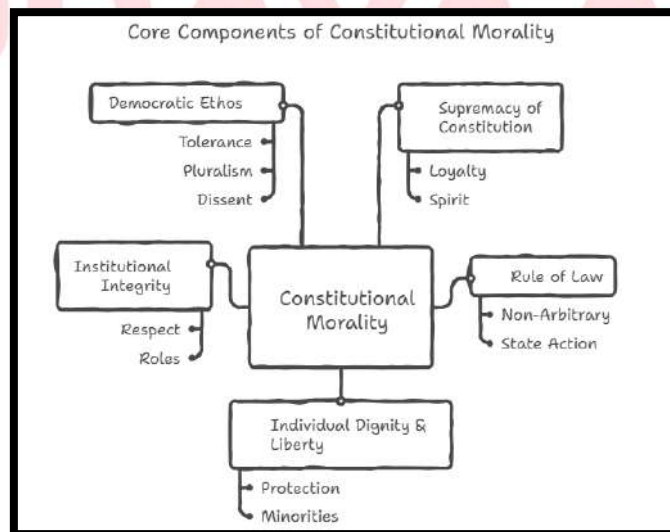
This helps structure your answer in a **logical and memorable** way:

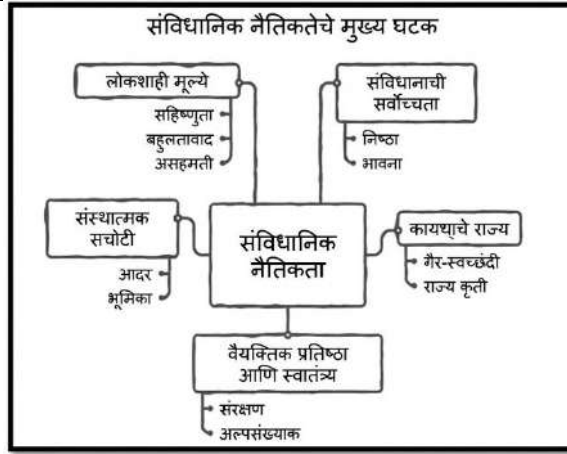
- **L – Limited Government:** No absolute authority; power is constrained by law
- **I – Individual Rights:** Protection of fundamental rights and liberties
- **M – Mechanisms of Checks and Balances:** Judiciary, Parliament, Executive roles
- **I – Independent Judiciary:** To uphold constitutional values and rule of law
- **T – Transparent Governance:** Accountability, RTI, democratic ideals
- **E – Established Rule of Law:** Law is supreme, not will of the ruler
- **D – Doctrine of Basic Structure:** Ensures Parliament cannot destroy constitutional ethos

2. Constitutional Morality

Meaning

- Commitment to **constitutional values over social or political majorities**
- Ensures **power is exercised within constitutional limits**
- Emphasises **ethics of governance, not just legality**





How Constitutional Morality Operates

- **Text + spirit** → guides constitutional interpretation → **Articles 14, 19, 21**
- **Checks on majoritarianism** → protects rights against popular will → **Articles 13, 25, 29**
- **Judicial enforcement** → courts uphold constitutional ethics → **Articles 32, 226**
- **Governance practices** → decisions guided by constitutional values → **Articles 74, 75, 163**
- **Social transformation** → challenges regressive traditions → **Articles 15, 17, 38**

Importance in Indian Context

- Society marked by **hierarchies & diversity**
- Prevents misuse of power by elected majorities
- Strengthens constitutional democracy beyond elections
- Bridges gap between **law and justice**

Challenges

- Political populism vs constitutional limits
- Executive disregard for institutional norms
- Selective constitutional interpretation
- Weak constitutional culture at grassroots

Criticisms of the Indian Constitution

Criticism	Defence / Justification
Borrowed Constitution (<i>general critics</i>)	Adapted borrowings, not blind copying – B.R. Ambedkar
Carbon copy of 1935 Act (<i>N. Srinivasan, Sir Ivor Jennings</i>)	Only administrative details borrowed; democracy was original – Ambedkar
Un-Indian / Western (<i>K. Hanumanthaiya, Lokanath Misra</i>)	Reflected needs of modern India , not ancient polity
Un-Gandhian (<i>K. Hanumanthaiya, T. Prakasam</i>)	Gandhian ideals later realised via DPSPs & Panchayats
Elephantine size (<i>Sir Ivor Jennings, H.V. Kamath</i>)	Detailed text needed due to diversity & lack of conventions
Lawyer's paradise (<i>Sir Ivor Jennings, H.K. Maheswari, P.R. Deshmukh</i>)	Precision essential to protect rights and limit power

Do We Need a Constitution 2.0?

<p>Arguments in Favour (Need for Constitution 2.0)</p> <ul style="list-style-type: none"> • Vast social and economic transformation since 1950 • New challenges → digital rights, AI, data protection • Frequent amendments indicate structural strain • Persistent centre-state tensions in federal design • Over-centralisation affecting cooperative federalism • Complex and over-detailed constitutional text • Inadequate constitutional response to climate change & environment 	<p>Arguments Against (Why Not Needed)</p> <ul style="list-style-type: none"> • Constitution already a living and adaptable document • Article 368 provides sufficient amendment flexibility • Judicial interpretation evolves meaning with time • Basic Structure doctrine prevents constitutional breakdown • Risk of political misuse in redrafting process • Stability and continuity essential for democracy • Implementation deficit, not constitutional deficiency
<p>Way Forward – Balanced View</p> <ul style="list-style-type: none"> • Prefer selective, need-based amendments • Strengthen constitutional morality & conventions • Improve institutional accountability and governance • Enhance federal cooperation without redrafting • Focus on effective implementation, not replacement 	

Comparison of the Indian Constitutional Scheme with Other Countries

Aspect	India	USA	UK	France	Japan
Nature of Constitution	Written, detailed	Written, brief	Unwritten	Written	Written
Source of Sovereignty	People	People	Parliament	People	People
Form of Government	Parliamentary	Presidential	Parliamentary	Semi-Presidential	Parliamentary
Federal Structure	Federal with unitary bias	Rigid federal	Unitary	Unitary	Unitary
Separation of Powers	Flexible	Strict	Flexible	Partial	Flexible
Judicial Review	Yes (explicit)	Yes (judicially evolved)	No (parliamentary supremacy)	Limited (Constitutional Council)	Yes

Fundamental Rights	Justiciable FRs	Bill of Rights	No codified rights	Rights + Duties	Pacifist, rights-centric
Amendment Process	Mix of rigidity & flexibility	Very rigid	Parliamentary supremacy	Relatively rigid	Rigid
Emergency Provisions	Detailed	No constitutional emergency	Parliament supreme	Strong executive	Limited
Role of Judiciary	Powerful & independent	Very powerful	Subordinate to Parliament	Limited review	Independent

3: INDIA AS A DEMOCRACY

Why India Adopted Democracy

- **Freedom struggle legacy** → mass participation, national movement culture
- **Civilisational pluralism** → diversity needed inclusive system
- **Leadership vision** → Nehru, Ambedkar favoured constitutional democracy
- **Colonial experience** → rejection of authoritarian rule
- **Social justice goal** → democracy as tool for equality & representation

Initial Challenges Before Indian Democracy

- **Illiteracy & poverty** → weak political awareness → limited civic understanding → **illiteracy rate as per 1951 Census only 18.33%** → doubts on informed voting
- **Partition trauma (1947)** → mass violence & displacement → refugee resettlement burden → communal polarisation → threat to democratic stability
- **Integration of princely states** → 560+ entities → diverse laws & loyalties → risk of political fragmentation → challenge to national democracy
- **Social divisions (caste, religion, language)** → entrenched inequalities → elite domination fear → danger of majoritarianism
- **Economic backwardness** → low industrial base → unemployment & inequality → democracy seen as luxury
- **Absence of democratic traditions** → colonial authoritarian governance → lack of self-rule experience → institutional vacuum
- **Security challenges** → border disputes, insurgencies → pressure for strong central authority → tension with democratic freedoms

Evolution of Indian Democracy

- **1950s-60s (Foundation)** → Constitution + universal franchise → institution building → democratic legitimacy

- **1970s (Stress Phase)** → Centralisation → Emergency (1975–77) → suspension of rights → democracy tested
- **Post-1977 (Resilience)** → Electoral defeat of Emergency regime → restoration of rights → faith in democracy
- **1990s (Expansion & Federalisation)** → Coalition politics → rise of regional parties → social & federal inclusion
- **2000s (Participatory Deepening)** → RTI, media, civil society → accountability & citizen participation
- **Recent Phase (Recalibration)** → Strong executive + digital governance → efficiency gains → institutional balance debate

Features of Indian Democracy

- **Representative parliamentary system** → people elect representatives → executive accountable to legislature
- **Universal adult franchise (Art. 326)** → political equality → mass participation despite diversity
- **Written & supreme Constitution** → democratic governance within constitutional limits
- **Federal structure** → Union + States → unity with diversity
- **Independent judiciary** → judicial review → protection of rights & rule of law
- **Fundamental Rights** → civil & political liberties → individual dignity
- **Free & fair elections** → Election Commission → legitimacy of governments
- **Multi-party system** → political pluralism → representation of diverse interests
- **Decentralised democracy** → Panchayati Raj & urban bodies → grassroots participation

Recent Developments in Indian Democracy

- **Digital democracy** → e-governance, DBT, online services → expanded state–citizen interface
- **Electoral reforms debate** → EVM–VVPAT, funding transparency → trust vs accountability concerns
- **Strong executive leadership** → policy stability & speed → debate on institutional balance
- **Judicial assertiveness** → constitutional morality & rights protection → governance oversight
- **Media & social media influence** → wider political engagement → misinformation challenges
- **Civil society regulation** → accountability emphasis → participation space debate
- **Federal dynamics** → cooperative & competitive federalism → Centre–State tensions

Path Ahead -Way Forward for Indian Democracy

- **Strengthen democratic institutions** → ensure independence of ECI, judiciary, CAG → reduce executive influence → restore institutional credibility
- **Comprehensive electoral reforms** → regulate political funding, curb criminalisation → level playing field → cleaner and fairer elections
- **Deepen cooperative federalism** → regular Centre–State consultation, fiscal fairness → reduce tensions → inclusive governance
- **Promote constitutional morality** → respect dissent, minority rights, rule of law → move beyond majoritarianism
- **Revitalise parliamentary democracy** → stronger committee system, quality debates → executive accountability

- **Empower local self-government** → fiscal & administrative devolution → grassroots democracy strengthened
- **Responsible digital democracy** → counter misinformation, promote digital literacy → informed participation
- **Active civil society & media** → watchdog role with accountability → democratic resilience

4: PREAMBLE OF THE INDIAN CONSTITUTION

Meaning

- The Preamble is the **introductory and declaratory part** of the Indian Constitution, embodying its philosophy, objectives, and guiding principles.
- Called “Identity Card of the Constitution” → N. A. Palkhivala
- Called “Horoscope of the Constitution” → K. M. Munshi
- Rooted in Objectives Resolution (1946) → moved by Jawaharlal Nehru

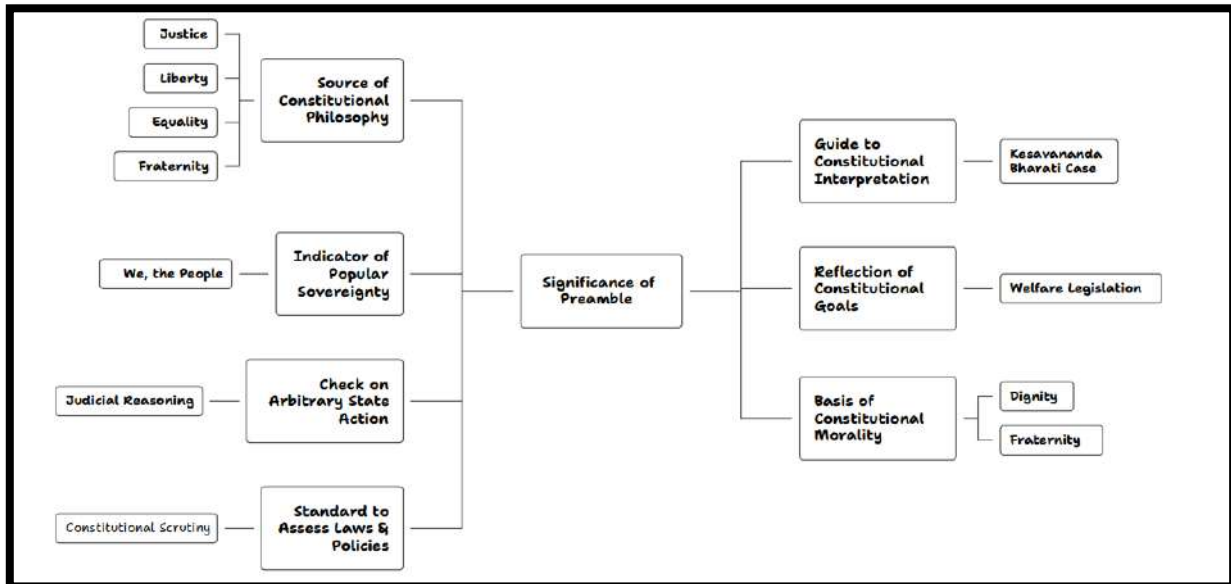
Keywords in Preamble

Keyword	Meaning
We, the People	Indicates that the Constitution derives its authority from the citizens of India.
Sovereign	India is independent and free to govern itself, not subject to any external authority.
Socialist	Commitment to social and economic equality, reducing disparities in wealth and opportunities.
Secular	The state maintains neutrality in matters of religion and treats all religions equally.
Democratic	Governance is based on the will of the people, expressed through free and fair elections.
Republic	The head of state is elected by the people, not a hereditary monarch.
Justice	Ensures fairness in social, economic, and political spheres for all citizens.
Liberty	Guarantees individual freedoms such as thought, expression, belief, faith, and worship.
Equality	Provides equal status and opportunities to all citizens, prohibiting discrimination.

Fraternity

Promotes a sense of brotherhood and unity among the people, fostering national integration.

Significance of the Preamble



Debate: Whether the Preamble is Part of the Constitution

Arguments Against the Preamble Being Part of the Constitution

- **Not enforceable** → no rights or duties → only declaratory in nature
- **Prefatory character** → seen as introductory note → *Sir Ivor Jennings*
- **Original intent argument** → summary of objectives → placed before Articles
- **Non-amendable view (initially)** → stood outside Constitution → *Berubari Union Case (1960)*
- **No independent legal force** → cannot invalidate laws by itself

Arguments For the Preamble Being Part of the Constitution

- **Integral to interpretation** → reflects constitutional philosophy → *Kesavananda Bharati Case (1973)*
- **Part of Basic Structure** → justice, liberty, equality, fraternity → constitutional core
- **Amendability recognised** → changed by Parliament → *42nd Amendment Act, 1976*
- **Judicial usage** → supports rights-based interpretation → *Maneka Gandhi Case (1978)*
- **Moral-constitutional authority** → guides governance despite non-justiciability

Resolution of the Debate: Is the Preamble Part of the Constitution?

- **Berubari Union Case (1960)** → Preamble **not part** of Constitution → only a *key-note* → aids interpretation, no legal force
- **Kesavananda Bharati Case (1973)** → earlier view **overruled** → Preamble **part of Constitution** → embodies **Basic Structure**
- **Minerva Mills Case (1980)** → Preamble part of **Basic Structure** → guides balance between FRs & DPSPs

- **LIC of India Case (1995)** → Preamble **integral to Constitution** → key to understanding constitutional spirit

Criticism of the Preamble of the Indian Constitution

- **Vague terminology** → terms like *Socialist, Secular, Equality* lack precise definition → interpretational ambiguity
- **Non-enforceable nature** → not justiciable → courts cannot directly enforce Preamble ideals
- **Late additions questioned** → *42nd Amendment (1976)* added Socialist & Secular during Emergency → political motive debate
- **Unrealistic ideals** → equality & fraternity vs social realities → caste, religion, economic inequality persist
- **Judicial over-reliance** → interpretative expansion via *Kesavananda Bharati (1973)* → risk of subjectivity
- **Socialism controversy** → economic liberalisation (1991) vs constitutional socialism → relevance questioned
- **Secularism debate** → equal respect vs appeasement perception → politicisation of the term

5. CITIZENSHIP

Introduction

Constitutional Provisions

- **Part II (Articles 5-11)** → deals with citizenship at commencement
- **Articles 5-8** → citizenship at the time of Constitution (1950)
- **Article 9** → voluntary foreign citizenship → Indian citizenship lost
- **Article 10** → continuity of citizenship
- **Article 11** → Parliament empowered to regulate citizenship

Nature of Indian Citizenship

- **Single citizenship** → only Indian citizenship → promotes unity
- No dual/state citizenship → unlike USA
- Citizenship law flexible → governed by parliamentary law

Citizenship Act, 1955

Modes

- **By birth** → territorial + parental conditions
- **By descent** → citizenship through parents

Loss of Citizenship in India

- **Renunciation:** Voluntarily giving up Indian citizenship.
- **Termination:** Acquiring foreign citizenship (single citizenship principle).

<ul style="list-style-type: none"> • By registration → persons of Indian origin • By naturalisation → long residence + conditions • By incorporation of territory → merger of new areas 	<ul style="list-style-type: none"> • Deprivation: By government order for fraud, disloyalty, or specific violations.
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------

Citizenship Amendment Act (CAA), 2019

<p>What</p> <ul style="list-style-type: none"> • Core provision → grants citizenship to specified illegal migrants → special exemption route • Eligible groups → Hindus, Sikhs, Buddhists, Jains, Parsis, Christians → from Afghanistan, Bangladesh, Pakistan → Muslims excluded • Persecution basis → religious persecution presumed → entry on or before 31 Dec 2014 • Territorial exemptions → Sixth Schedule areas + ILP regions → demographic protection • Legal relief → exemption from Passport Act, 1920 & Foreigners Act, 1946 penalties • Reduced residency → naturalisation period 11 → 5 years for covered migrants • OCI changes → Adds five grounds (e.g., fraud, disloyalty) for the Central Government to cancel Overseas Citizenship of India registration. 	<p>Concerns Associated with Citizenship Amendment Act (CAA), 2019</p> <ul style="list-style-type: none"> • Secularism concern → religion-based eligibility → exclusion of Muslims → questioned under Art. 14 (equality) • Discrimination issue → persecuted Muslim minorities excluded (Ahmadis, Rohingya) → unequal protection → Art. 15 debate • Federal tensions → Northeast opposition → demographic & cultural fears → Assam experience + regional sensitivities • CAA-NRC linkage → CAA protection selective → NRC exclusion risk for Muslims → fear of statelessness • International criticism → UN & rights groups flag discrimination → impact on India's pluralistic image • Implementation ambiguity → proof of persecution & pre-2014 entry unclear → bureaucratic discretion & harassment risk • Political polarisation → electoral mobilisation → social cohesion weakened → constitutional values questioned
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

OCI

<p>What is OCI</p> <ul style="list-style-type: none"> • Quasi-citizenship status → lifelong visa + limited rights • Introduced via Citizenship (Amendment) Act, 2005 → under <i>Citizenship Act, 1955</i> • Not dual citizenship → Indian Constitution allows only single citizenship 	<p>Eligibility</p> <ul style="list-style-type: none"> • Foreign nationals of Indian origin → former Indian citizens • Children & grandchildren of Indian citizens • Spouse of Indian citizen / OCI holder → marriage ≥ 2 years • Excludes → Pakistan & Bangladesh origin
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Rights & Privileges

- **Lifelong multiple-entry visa** → no registration with FRRO
- **Parity with NRIs** → education, economic & cultural fields
- **Property rights** → except agricultural land
- **No political rights** → no voting, elections, constitutional posts

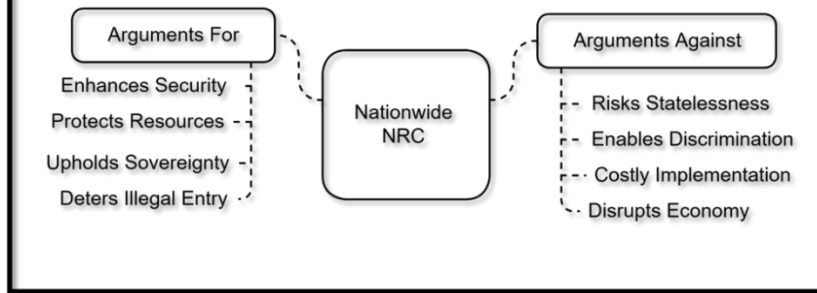
Grounds for Cancellation of OCI Registration

- **Fraud / Misrepresentation** → OCI obtained by false information or concealment
- **Disaffection towards Constitution** → acts showing hostility to sovereignty & integrity of India
- **Enemy collaboration** → assisting or communicating with enemy during war/conflict
- **National security / public interest** → actions prejudicial to sovereignty or security
- **Criminal conviction** → imprisonment ≥ **2 years within 5 years** of OCI registration

NRC (National Register of Citizen)

<p>What</p> <ul style="list-style-type: none"> • Official register of Indian citizens → identifies legal citizens • Prepared under Citizenship Act, 1955 & Citizenship Rules • Implemented fully only in Assam → <i>Assam Accord (1985)</i> 	<p>Need</p> <ul style="list-style-type: none"> • Identify illegal migrants → demographic & security concerns → Assam context • Protect indigenous rights → cultural & linguistic identity → Northeast states • Policy clarity → targeted welfare & citizenship administration • Border management → migration control & national security
<p>Challenges</p> <ul style="list-style-type: none"> • Documentation burden → poor & marginalised lack proof → exclusion risk • Administrative complexity → errors, delays, high cost → Assam NRC experience • Statelessness fear → excluded persons lack remedy → humanitarian concern • Legal uncertainty → tribunals & appeals overburdened • CAA linkage anxiety → selective protection → equality concerns • Federal opposition → uneven political consensus 	<p>Way Forward</p> <ul style="list-style-type: none"> • Clear legal framework → nationwide clarity before rollout • Robust grievance redressal → accessible, time-bound appeals • Humanitarian safeguards → prevent statelessness → international norms • Decouple from religion → maintain secular citizenship principles • Phased & pilot-based approach → learn from Assam experience • Federal consultation → cooperative decision-making

Arguments for and Against a Nationwide NRC



6.FUNDAMENTAL RIGHTS

Importance of Fundamental Rights

- **Protection of individual liberty** → shields citizens from arbitrary state action → *Art. 19, Art. 21*
- **Foundation of democracy** → free speech, association, movement → *Romesh Thappar case*
- **Rule of law ensured** → equality before law → *Art. 14*
- **Check on state power** → limits legislature & executive → *Judicial Review, Art. 32*
- **Social transformation** → abolishes untouchability & exploitation → *Arts. 17, 23*
- **Judicial enforceability** → rights justiciable → *Dr. Ambedkar called Art. 32 "heart and soul"*
- **Minority & vulnerable protection** → cultural & educational rights → *Art. 29-30*
- **Balance liberty & order** → rights with reasonable restrictions → *Art. 19(2)-(6)*

Right to Equality

Overview

Article	Limitation
Article 14 → equality before law + equal protection of laws → prohibits arbitrariness → Unnao Rape Case	<ul style="list-style-type: none"> • Reasonable classification → intelligible differentia + rational nexus → valid state action → <i>State of West Bengal v. Anwar Ali Sarkar</i>
<ul style="list-style-type: none"> • Article 15 → no discrimination on religion, race, caste, sex, place of birth → social equality 	<ul style="list-style-type: none"> • Protective discrimination → special provisions for women, SC/ST, OBCs → <i>Art. 15(3), 15(4), 15(6)</i>
Article 16 → equality of opportunity in public employment	<ul style="list-style-type: none"> • Affirmative actions → Reservations in promotion → SC/ST with safeguards → <i>M. Nagaraj case</i>
Article 17 → abolition of untouchability → offence punishable → <i>Protection of Civil Rights Act</i>	

Article 18 → abolition of titles → ensures social equality → exception for military & academic titles

Reservation and Affirmative Action

Need for Reservation / Affirmative Action

- **Historical injustice** → caste-based exclusion & discrimination → SC/ST marginalisation → *Arts. 15(4), 16(4)*
- **Social inequality** → unequal access to education & jobs → level-playing field → *Indra Sawhney case (1992)*
- **Political empowerment** → inclusion in governance → reserved seats → *Arts. 330-332*
- **Substantive equality** → equality in outcomes, not just form → *Art. 14 (reasonable classification)*
- **Nation-building** → integration of deprived sections → social stability & justice

Issues / Concerns with Reservation

- **Creamy layer problem** → benefits cornered by elites → exclusion of most backward → *Indra Sawhney (creamy layer)*
- **Merit vs equity debate** → perceived efficiency loss → institutional performance concerns
- **Political misuse** → vote-bank politics → demands without data → *Maratha quota issue*
- **Quota expansion pressure** → breach of 50% limit → constitutional tension → *Indra Sawhney ceiling*
- **Inadequate data** → outdated caste census → weak evidence-based policy
- **Inter-generational dependence** → reduced incentive for mobility → policy stagnation
- **Urban-rural imbalance** → rural poor underrepresented despite quotas

Conclusion - Balanced View - Reservation remains essential for **substantive equality and social justice**, but requires **periodic review, data-driven targeting, and balance with merit** to stay constitutionally sustainable.

Sub-classification Debate in Reservation

The recent significant Supreme Court case on SC sub-classification is **State of Punjab v Davinder Singh** (August 1, 2024), where a **seven-judge bench, in a 6-1 decision**, ruled that **states can create sub-classifications within Scheduled Castes (SCs)** for reservation purposes, **overturning the 2004 E.V. Chinniah ruling**.

Need for Sub-classification

- **Unequal benefit distribution** → dominant groups within OBC/SC/ST corner benefits → marginalised sub-groups remain excluded
- **Intra-category inequality** → social & educational gaps within reserved categories → substantive equality goal
- **Targeted justice** → tailor benefits to most backward → effective affirmative action

Issues / Concerns with Sub-classification

- **Constitutional ambiguity** → SC/ST treated as homogenous groups → *E.V. Chinniah case (2004)*
- **Political manipulation risk** → vote-bank driven categorisation → erosion of social consensus
- **Data deficiency** → lack of credible, updated caste data → weak evidence base

<ul style="list-style-type: none"> • Constitutional backing → equality as fairness, not uniformity → <i>Article 14 (reasonable classification)</i> • Policy experience → uneven outcomes despite decades of reservation → need for refinement 	<ul style="list-style-type: none"> • Fragmentation fear → excessive sub-groups → dilution of collective bargaining power • Implementation complexity → administrative burden → disputes & litigation • Inter-se competition → conflict among backward groups → social tensions
Earlier Judicial Position on Sub-classification <ul style="list-style-type: none"> • Indra Sawhney (1992) → sub-classification within OBCs permitted → creamy layer principle • E.V. Chinniah (2004) → SC/ST treated as homogeneous → sub-classification barred 	
Conclusion - Balanced View - Sub-classification seeks deeper social justice within reservation, but must balance constitutional clarity, data integrity, and social cohesion to remain effective and legitimate.	

Caste Census

A **Caste Census provides the necessary empirical foundation for**, which seeks deeper social justice within reservation, It provides the **quantifiable data** needed to identify beneficiaries for Affirmative Action (Reservations). It is challenged as an intrusion into personal identity under article 21. The State must prove it is "voluntary" and "secure" to pass this test.

Arguments in Favour <ul style="list-style-type: none"> • Evidence-based policy → updated caste data → targeted welfare & reservation → <i>Art. 15(4), 16(4)</i> • Substantive equality → identify most backward within OBC/SC → refine affirmative action → <i>Indra Sawhney logic</i> • Correcting outdated data → last caste census 1931 → current realities unknown → policy blind spots • Social justice delivery → better allocation of education, jobs, schemes → inclusive growth • Federal relevance → states need local caste data → tailored policies → cooperative federalism • Transparency & accountability → data-driven debates → reduce politicised claims 	Arguments Against <ul style="list-style-type: none"> • Social fragmentation risk → caste identities hardened → social cohesion weakened • Political misuse → vote-bank mobilisation → short-term populism • Administrative complexity → enumeration challenges → data accuracy concerns • Economic criteria sidelined → caste over income/need → equity distortion • Privacy concerns → personal data collection → misuse fears → <i>informational privacy debate</i> • Policy rigidity → quotas become data-locked → reduced flexibility
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Right to Freedom

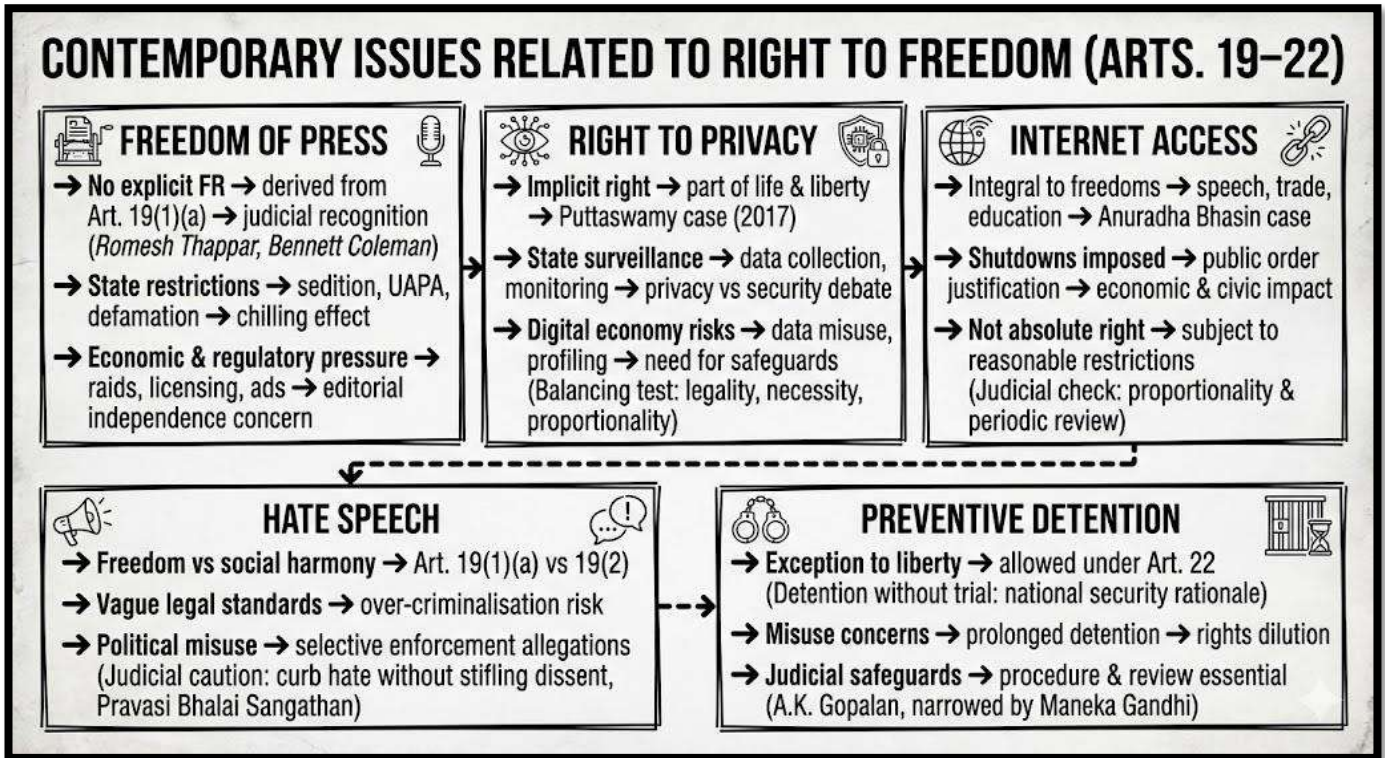
Overview

Article 19 – Six Freedoms (Citizens only) <ul style="list-style-type: none"> • Speech & expression → free press, dissent → <i>Romesh Thappar case</i> 	→ Reasonable restrictions → sovereignty, security,
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------

<ul style="list-style-type: none"> • Assembly → peaceful, without arms → <i>Himmat Lal Shah case</i> • Association → unions, parties → <i>Damyanti Naranga case</i> • Movement → throughout India → personal liberty expansion • Residence → settle anywhere → national integration • Profession/Trade → livelihood choice → <i>State of Gujarat v. Mirzapur Moti Kureshi</i> 	public order, morality → Arts. 19(2)-(6)
Article 20 – Protection in Criminal Law <ul style="list-style-type: none"> • No ex post facto law → punishment only under existing law • Double jeopardy barred → no double punishment → <i>Maqbool Hussain case</i> • Self-incrimination prohibited → accused not compelled → <i>Nandini Satpathy cas</i> 	
Article 21 – Protection of Life & Personal Liberty <ul style="list-style-type: none"> • Life ≠ mere existence → dignity & quality of life → <i>Maneka Gandhi case</i> • Due process → just, fair, reasonable procedure • Expanded rights → privacy (<i>Puttaswamy</i>), livelihood (<i>Olga Tellis</i>) 	
Article 21A – Right to Education <ul style="list-style-type: none"> • Free & compulsory education (6-14 yrs) → <i>86th Amendment</i> • State obligation → universal elementary education 	
Article 22 – Protection against Arrest & Detention <ul style="list-style-type: none"> • Arrest safeguards → informed grounds, legal counsel, magistrate within 24 hrs • Preventive detention allowed → exception to liberty → <i>A.K. Gopalan case</i> 	Limits imposed → detention laws subject to constitutional scrutiny

Issues in Exercising Right to Freedom in India (Arts. 19-22)

- **Broad reasonable restrictions** → public order, security, morality → frequent state control → Art. 19(2)-(6)
- **Free speech constraints** → sedition, UAPA, internet shutdowns → chilling effect → *Anuradha Bhasin case*
- **Preventive detention misuse** → prolonged detention without trial → liberty diluted → *NSA / Art. 22*
- **Arbitrary arrests** → misuse of police powers → procedural violations → *D.K. Basu guidelines*
- **Internet restrictions** → suspension of digital expression → economic & civic impact → Art. 19(1)(a),(g)
- **Assembly restrictions** → Section 144, denial of permission → limits peaceful protest → *Himmat Lal Shah case*
- **Press freedom pressures** → raids, legal intimidation → self-censorship concerns
- **Unequal enforcement** → selective application of laws → equality-freedom tension → Art. 14 + 19



Right against Exploitation

Overview

- **Article 23** → prohibits human trafficking, begar & forced labour → offence punishable
- **Article 24** → bans employment of children below 14 in hazardous work
- **Applies to citizens & non-citizens** → enforceable against State & private individuals

Issues / Challenges

- **Forced labour persists** → bonded labour in informal sector → weak enforcement
- **Child labour continuation** → poverty-driven violations → loopholes in regulation
- **Trafficking networks** → inter-state & cross-border → limited conviction rates
- **Informal economy dominance** → inspection & monitoring gaps
- **Rehabilitation deficit** → rescued victims lack long-term support

Right to Freedom of Religion

Articles 25-28

- **Article 25** → freedom of conscience + practice, profess, propagate religion → subject to public order, morality, health
- **Article 26** → religious denominations manage own affairs → institutions & property
- **Article 27** → no compulsory tax for promotion of any religion
- **Article 28** → religious instruction barred in state-funded institutions (with exceptions)

Key Features

- **Individual + collective right** → persons & denominations protected
- **Not absolute** → regulated for social reform → *Sabarimala (social reform rationale)*
- **Secular state model** → equal respect, not strict separation

Issues / Challenges

- **Public order vs faith** → restrictions during conflicts → proportionality concerns
- **Conversion debates** → anti-conversion laws vs free conscience → *Rev. Stanislaus*
- **State intervention** → temple administration laws → autonomy vs reform
- **Minority rights tensions** → uniformity vs diversity → personal laws debate
- **Political mobilisation** → religion in politics → secularism stress

[Places of worship act.](#)

What ?

- **Status quo mandate** → religious character of places of worship frozen as on **15 August 1947**
- **Conversion barred** → no change of denomination or religious nature
- **Exception** → **Ram Janmabhoomi-Babri Masjid** dispute excluded
- **Applies nationwide** → all places of public worship

Objectives

- **Preserve secularism** → prevent communal mobilisation
- **Maintain public order** → avoid reopening historical disputes
- **Protect fraternity** → constitutional value under Preamble

Judicial Position

- **Ayodhya Judgment (2019)** → Act termed a **legislative instrument of secularism**
- **Constitutional backing** → aligns with **Basic Structure (secularism)**
- **Pending challenges** → questions on constitutional validity under judicial scrutiny

Issues / Challenges

- **Access to justice concern** → bar on claims limits remedies
- **Historical grievances** → unresolved disputes persist socially
- **Selective exception** → Ayodhya carve-out questioned
- **Federal & legislative competence** → debated in challenges

Cultural and Educational Rights

Need

- **Protect cultural diversity** → language, script, culture safeguarded → *Art. 29*
- **Minority confidence** → assurance against majoritarian dominance → plural democracy
- **Educational autonomy** → minorities manage institutions → *Art. 30*
- **National integration** → unity through accommodation of diversity
- **Historical marginalisation** → constitutional protection against assimilation

Issues / Challenges

- **Minority definition ambiguity** → state-wise vs national → legal inconsistency
- **Regulatory overreach** → state control over minority institutions → autonomy diluted
- **Quality vs autonomy tension** → standards vs management rights → governance conflict
- **Unequal benefit access** → elite capture of minority institutions

Way Forward

- **Clarify minority criteria** → uniform & transparent standards
- **Balanced regulation** → ensure quality without eroding autonomy
- **Inclusive access norms** → prevent exclusivity & commercialisation
- **Judicial consistency** → clear principles on regulation vs rights
- **Promote constitutional morality** → diversity as democratic strength

- **Judicial complexity** → frequent litigation → uncertainty in application

Right to Constitutional Remedies

<p>What</p> <ul style="list-style-type: none"> • Article 32 → right to move Supreme Court for enforcement of FRs • Called "heart and soul of the Constitution" → <i>Dr. B.R. Ambedkar</i> • Makes Fundamental Rights meaningful & enforceable • Supreme Court as guarantor of rights 	<p>Writs under Article 32</p> <ul style="list-style-type: none"> • Habeas Corpus → release from illegal detention → <i>ADM Jabalpur (overruled later)</i> • Mandamus → command to public authority → <i>Bhim Singh case</i> • Prohibition → stop lower court from excess jurisdiction • Certiorari → quash unlawful judicial/quasi-judicial orders • Quo Warranto → legality of public office → <i>University of Mysore case</i>
<p>Issues / Challenges</p> <ul style="list-style-type: none"> • SC overburdening → routine matters bypass High Courts → delay • Restricted scope → only FR violations → other rights excluded • Judicial overreach concerns → policy interference via writs • Access inequality → cost, awareness barriers for poor • Emergency suspension risk → Art. 32 suspended during National Emergency (Art. 359) 	<p>Way Forward</p> <ul style="list-style-type: none"> • Strengthen High Courts → effective use of Art. 226 • Filter mechanism → limit trivial petitions in SC • Legal aid & awareness → widen access to remedies • Judicial restraint → respect separation of powers • Rights-duties balance → responsible invocation of remedies

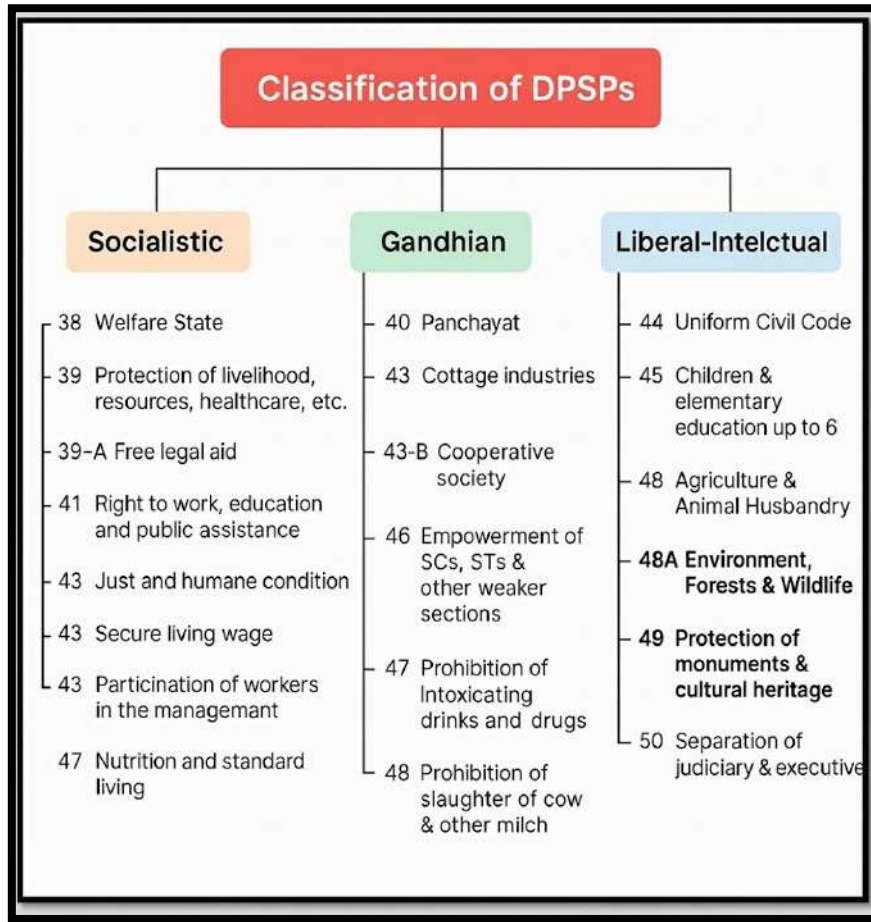
7. DIRECTIVE PRINCIPLES OF STATE POLICY

Importance of DPSPs.

Importance of Directive Principles of State Policy

- **Welfare state blueprint** → socio-economic justice goal → land reforms, labour laws
- **Conscience of the Constitution** → moral obligation on State → *Granville Austin*
- **Novel constitutional feature** → bridges rights & governance → *Dr. B.R. Ambedkar*
- **Guide to law-making** → policy direction to legislature & executive → education, health schemes
- **Instrument of social transformation** → reduce inequality → *Art. 38, Art. 39*
- **Complement Fundamental Rights** → balance liberty with welfare → *Minerva Mills case*
- **Judicial harmonisation** → used in interpretation of laws → FR-DPSP balance doctrine

- **Dynamic & adaptable** → respond to changing needs → environmental protection (Art. 48A)



Judicial Interpretation of Conflict between Fundamental Rights and DPSPs

- **Champakam Dorairajan Case (1951)** → DPSPs non-enforceable (Art. 37) → **Fundamental Rights prevail** in case of conflict
- **Golak Nath Case (1967)** → FRs given **transcendental status** → Parliament cannot amend FRs to implement DPSPs
- **Kesavananda Bharati Case (1973)** → **Basic Structure doctrine** → FRs can be amended to advance DPSPs **without destroying core values**
- **Minerva Mills Case (1980)** → FRs and DPSPs **complementary & harmonious** → balance essential for social justice

Challenges in Implementation of Directive Principles of State Policy (DPSPs)

- **Non-justiciable nature** → no direct enforcement → state discretion dominates
- **Resource constraints** → fiscal limits hinder welfare goals → health, education gaps
- **FR-DPSP conflict** → property rights vs reforms → *Champakam Dorairajan case*
- **Political will deficit** → selective implementation → populist prioritisation
- **Centre-State issues** → federal coordination problems → uneven implementation
- **Administrative capacity limits** → poor delivery mechanisms → scheme leakage
- **Judicial ambiguity** → varying interpretations → inconsistent outcomes
- **Changing socio-economic needs** → outdated directives → relevance gap

Way Forward for Effective Implementation of DPSPs

- **Gradual justiciability** → selective elevation to FRs → *Art. 21A (Right to Education)*

- **Fiscal prioritisation** → align budgets with welfare goals → health, nutrition, education
- **FR-DPSP harmonisation** → balance liberty & welfare → *Minerva Mills case*
- **Judicial guidance, not enforcement** → interpretative support → constitutional balance
- **Centre-State cooperation** → shared responsibility → social sector schemes
- **Administrative reforms** → last-mile delivery, transparency → DBT, tech use
- **Periodic review** → update DPSPs to current needs → environment, digital rights

Difference between Fundamental Rights and DPSPs

Aspect	Fundamental Rights (Part III)	DPSPs (Part IV)
Nature	Justiciable → legally enforceable	Non-justiciable → moral obligation
Objective	Protect individual liberty	Promote social & economic justice
Articles	Articles 12–35	Articles 36–51
Enforceability	Enforced by courts → Art. 32, 226	Cannot be enforced by courts
Focus	Individual-centric rights	Society-centric welfare goals
Type of Rights	Mainly civil & political	Mainly socio-economic
Against State	Yes → limits state power	Yes → guides state policy
During Emergency	Can be suspended (except Art. 20, 21)	Not suspended
Judicial Role	Direct protection → writs	Interpretative aid → harmonisation
Relationship	Initially dominant → <i>Champakam case</i>	Later balanced with FRs → <i>Minerva Mills</i>

Contemporary Issues Associated with DPSPs

<p>1. Uniform Civil Code (Article 44)</p> <ul style="list-style-type: none"> • DPSP mandate → uniform personal laws → national integration • Equality vs diversity → gender justice vs cultural autonomy • Judicial push → need for UCC reiterated → <i>Shah Bano, Sarla Mudgal</i> • Implementation challenge → minority apprehensions → federal & social sensitivity • Current debate → state-level initiatives → gradualist approach discussed 	<p>2. Redistribution of Wealth (Article 39(b) & (c))</p> <ul style="list-style-type: none"> • DPSP objective → equitable distribution of material resources • Tools used → taxation, land reforms, welfare schemes • Judicial interpretation → broad meaning of “material resources” → <i>Ranganatha Reddy case</i> • Economic reforms tension → market efficiency vs state intervention (post-1991) • Contemporary relevance → inequality debate → inclusive growth policies
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

--	--

8.FUNDAMENTAL DUTIES

Importance of Fundamental Duties

- **Balance rights with responsibilities** → citizens not only rights-holders → democratic discipline
- **Promote constitutional morality** → respect Constitution, institutions → *Art. 51A(a)*
- **Strengthen national unity** → harmony, brotherhood → integrity of India
- **Aid judicial interpretation** → used to limit misuse of FRs → *AIIMS Students case*
- **Environmental protection** → citizen duty → *Art. 51A(g)* → reinforced in *MC Mehta cases*
- **Social reform tool** → renounce practices derogatory to women → gender justice
- **Civic consciousness** → public property protection → reduce vandalism
- **Educational relevance** → moral-civic values → inserted via *42nd Amendment, 1976*

Legal Provisions Available for Enforcing Fundamental Duties:

- **Prevention of Insults to National Honour Act, 1971:** Penalizes disrespect to national symbols like the flag or anthem, aligning with Article 51A(a).
- **Wildlife Protection Act, 1972:** Supports duty to protect the environment under Article 51A(g) by regulating wildlife conservation.
- **Protection of Civil Rights Act, 1955:** Reinforces Article 51A(e) by penalizing practices like untouchability, promoting equality.
- **Environment Protection Act, 1986:** Enforces duty to safeguard natural resources, supporting Article 51A(g).
- **Judicial Interpretations:** Courts may refer to duties in judgments to guide policy or interpret laws.

Criticism of Fundamental Duties

- **Non-justiciable nature** → no legal enforcement → symbolic value questioned
- **Vague and abstract wording** → duties like harmony, scientific temper → interpretational ambiguity
- **No penalties specified** → weak compliance mechanism
- **Selective political invocation** → used to curb dissent → freedom concerns
- **Incomplete list** → excludes duties of state toward citizens
- **Unequal awareness** → limited civic education → poor public adherence
- **Overemphasis on obedience** → risk of diluting rights discourse

Relationship between Fundamental Rights, DPSPs and Fundamental Duties

Feature	Fundamental Rights (FRs) (Part III, Arts 12-35)	Directive Principles (DPSPs) (Part IV, Arts 36-51)	Fundamental Duties (FDs) (Part IV-A, Art 51A)
Nature	Justiciable (Enforceable by courts).	Non-justiciable (Not enforceable by courts).	Non-justiciable (Not enforceable by courts).
Primary Focus	Political Democracy & Individual Liberty.	Social & Economic Democracy & Welfare State.	Civic Responsibility & National Integrity.
Direction	Mostly negative injunctions against the State ("The State shall not...").	Positive instructions to the State ("The State shall strive to...").	Moral obligations on the Citizen ("It shall be the duty of every citizen...").

9.CONSTITUTIONAL AMENDMENTS

Introduction

What is a Constitutional Amendment?	Need for Constitutional Amendments
<ul style="list-style-type: none"> • Formal change in constitutional text → addition, alteration, or repeal of provisions • Done under Article 368 → special constituent power of Parliament • Ensures adaptability of the Constitution without replacing it 	<ul style="list-style-type: none"> • Social change → new rights & justice demands → <i>Art. 21A (RTE)</i> • Political evolution → federal adjustments → <i>GST (101st Amendment)</i> • Correcting limitations → address judicial interpretations → <i>24th Amendment after Golak Nath</i> • Administrative efficiency → governance reforms → <i>73rd-74th Amendments</i> • National integration → address regional needs → reorganisation provisions

Types of Constitutional Amendments

- **Simple Majority** → like ordinary laws → e.g., creation of states (*Art. 3*)
- **Special Majority** → 2/3rd members present & voting + majority of total membership
- **Special Majority + State Ratification** → federal provisions → e.g., *Seventh Schedule, Article 368 itself*

Importance of Constitutional Amendments

- **Ensures constitutional adaptability** → respond to changing needs → *RTE via 86th Amendment*
- **Facilitates social justice** → affirmative action, welfare → *103rd Amendment (EWS)*
- **Strengthens federalism** → fiscal & administrative coordination → *101st Amendment (GST)*
- **Corrects judicial constraints** → restore parliamentary intent → *24th Amendment after Golak Nath*
- **Deepens democracy** → grassroots empowerment → *73rd-74th Amendments*
- **Promotes national integration** → territorial & political adjustments → state reorganisation
- **Prevents constitutional rigidity** → avoids obsolescence → continuity with change

Amendment Process (Article 368)

Procedure	Criticism of the Constitutional Amendment Process
<ul style="list-style-type: none"> • Introduction → bill introduced in either House → by minister or private member → no prior President's permission • Special majority passage → majority of total membership + 2/3rd of members present & voting → each House separately • No joint sitting → disagreement between Houses → bill fails • State ratification (if federal provisions) → approval by ½ of State Legislatures → simple majority • President's assent → mandatory → cannot withhold or return bill • Final outcome → bill becomes Constitutional Amendment Act → Constitution amended accordingly 	<ul style="list-style-type: none"> • Excessive parliamentary dominance → limited public participation → amendment driven by political majority • Weak federal safeguard → only half of states needed → Centre's dominance → <i>GST ratification debate</i> • No joint sitting provision → deadlock risk between Houses → procedural rigidity • Frequent amendments → constitutional instability → <i>42nd Amendment (1976)</i> • Possibility of misuse → amendments for political ends → erosion of constitutional spirit • Limited role of President → bound to give assent → no constitutional check • Judicial intervention necessity → Basic Structure doctrine needed → <i>Kesavananda Bharati case</i>

Impact of Amendments on Federalism and Democracy

Impact on Federalism	Impact on Democracy
<ul style="list-style-type: none"> • Strengthening cooperative federalism → shared fiscal powers → <i>101st Amendment (GST Council)</i> • Centralisation tendency → greater Union control → <i>42nd Amendment (Concurrent List expansion)</i> • State empowerment → local self-government → <i>73rd-74th Amendments</i> 	<ul style="list-style-type: none"> • Democratic deepening → grassroots participation → <i>73rd-74th Amendments</i> • Rights expansion → socio-economic entitlements → <i>86th Amendment (RTE)</i> • Electoral equality debates → new reservation categories → <i>103rd Amendment (EWS)</i>

<ul style="list-style-type: none"> • Asymmetrical federalism reinforced → special provisions for states → <i>Art. 371 amendments</i> • Fiscal dependence risk → cesses & surcharges outside devolution → Centre-heavy finances 	<ul style="list-style-type: none"> • Executive dominance concerns → amendment for political ends → <i>42nd Amendment era</i> • Judicial balancing role → limits misuse → <i>Basic Structure doctrine (Kesavananda)</i>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

10. BASIC STRUCTURE DOCTRINE

Origin and evolution

- **Early conflicts** → Court upheld Parliament's unlimited amending power upheld → *Shankari Prasad (1951), Sajjan Singh (1965)*
- **Golaknath shift (1967)** → Fundamental Rights made non-amendable → constitutional rigidity created
- **Kesavananda Bharati landmark (1973)** → Parliament can amend any part → **cannot damage Basic Structure**
- **Judicial clarification** → scope refined → *Indira Nehru Gandhi (1975), Minerva Mills (1980)*
- **42nd Amendment challenge (1976)** → curtailed judicial review → struck down → doctrine reinforced
- **Protected elements evolved** → supremacy of Constitution, secularism, judicial review, federalism
- **Comparative influence** → inspired by German constitutionalism → adapted to Indian democracy

Concept

Basic Structure Doctrine

<p>What</p> <ul style="list-style-type: none"> • Judicial doctrine → limits Parliament's amending power under Article 368 • Parliament can amend any part → cannot destroy core constitutional features • Established in Kesavananda Bharati Case (1973) 	<p>Importance</p> <ul style="list-style-type: none"> • Protects constitutional supremacy → prevents authoritarian amendments → <i>42nd Amendment struck down</i> • Safeguards democracy → free elections, judicial review protected • Balances flexibility & rigidity → allows reform without erosion • Preserves federalism & secularism → constitutional identity intact • Judicial check on Parliament → prevents misuse of constituent power
<p>Criticism</p> <ul style="list-style-type: none"> • No textual basis → doctrine not explicitly mentioned in Constitution 	<p>Way Forward</p> <ul style="list-style-type: none"> • Judicial self-restraint → avoid policy encroachment

<ul style="list-style-type: none"> • Judicial overreach claim → courts act as super-constitutional authority • Uncertainty → no exhaustive list of basic features • Democratic deficit argument → unelected judges override elected Parliament • Case-by-case expansion → unpredictability in application 	<ul style="list-style-type: none"> • Clear articulation → consistent identification of core features • Parliamentary responsibility → respect constitutional spirit • Institutional dialogue → legislature-judiciary balance • Public constitutional literacy → democratic vigilance
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

11.FEDERALISM IN INDIA

Concept

- Power-sharing arrangement → authority divided between Union & States → Articles 245–246 (1950)
- Dual polity → two levels of government over same citizens → Centre–State structure under Article 1
- Written Constitution → supremacy of Constitution over all governments → Keshavananda Bharati case (1973)

Importance of Federalism

- Unity with diversity → accommodates regional, linguistic, cultural variations → Eighth Schedule + States Reorganisation Act, 1956
- Decentralisation of power → prevents concentration at Centre → Seventh Schedule + Articles 245–246
- Administrative efficiency → governance closer to people → State List subjects like Police, Public Health (List II)
- Democratic deepening → multiple power centres enhance participation → 73rd & 74th Constitutional Amendments, 1992
- Conflict management → institutional resolution of Centre–State disputes → Article 131 + Supreme Court jurisdiction
- National integration → flexibility to meet regional aspirations → Article 371 provisions (e.g., 371A Nagaland)

Features of Indian Federalism

- Written Constitution → clear allocation of powers → Constitution of India, 1950
- Dual polity → Centre & States function simultaneously → Article 1 + Seventh Schedule
- Division of powers → Union, State & Concurrent Lists → Articles 245–246
- Strong Centre bias → residuary powers with Union → Article 248
- Independent judiciary → umpire in Centre–State disputes → Article 131 + R. Bommai case (1994)

- Asymmetrical federalism → special provisions for certain states → Article 371A (Nagaland), Sixth Schedule

Indian vs Western Federalism

Aspect	Indian Federalism	Western Federalism (USA/Canada)
Nature	Federal with unitary bias	Classical / pure federal
Source of powers	Powers derived from Constitution	Powers derived from states (USA)
Centre's strength	Strong Centre → residuary powers with Union	Strong states → residuary powers with states
Constitution	Written, detailed, supreme	Written (USA), brief
Division of powers	Union–State–Concurrent Lists → flexibility	Clear division → limited overlap
Emergency provisions	Centre can assume state powers	No constitutional emergency takeover
Single vs dual citizenship	Single citizenship	Dual citizenship
Judicial role	Strong judicial review → Centre–State balance	Judicial review with limited central dominance
State reorganisation	Parliament can alter state boundaries	States' consent essential
Fiscal federalism	Centre-dominated taxation → shared revenues	Greater fiscal autonomy to states
Example	India	USA / Canada

Evolution of Indian

1. Inner-Party Federalism (1950–1968)	<ul style="list-style-type: none"> Congress system dominance → Centre–State issues settled within party → consensus federalism Centralisation trend → Indira Gandhi era → state leaders subordinated Use of Art. 356 → dismissal of Kerala govt (1959) → Centre's supremacy signal National programmes → <i>Garibi Hatao</i>, 20-point programme → Centre-centric politics Outcome → stability ensured, but state autonomy weakened
----------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2. Multi-Party Federalism (1990s–Early 2000s)	<ul style="list-style-type: none"> • Coalition era → UPA/NDA dependent on regional parties → Centre restrained • Economic liberalisation (1991) → states compete for investment → policy autonomy • Grassroots federalism → 73rd–74th Amendments → local empowerment • Judicial safeguard → <i>S.R. Bommai (1994)</i> → misuse of Art. 356 curtailed • Outcome → federal balance strengthened
3. Cooperative Federalism (2000s–2014)	<ul style="list-style-type: none"> • Centre–State collaboration → reform consensus → shared governance • Fiscal devolution → Finance Commission transfers ↑ → state autonomy • Institutional coordination → inter-governmental mechanisms strengthened • Administrative flexibility → states pursue growth strategies • Outcome → partnership-based federalism
4. Competitive Federalism (2014 onwards)	<ul style="list-style-type: none"> • NITI Aayog (2015) → rankings & indices → performance-based competition • GST framework → common market + state innovation → mixed federal impact • Investment race → ease of doing business → state branding • Outcome → efficiency-driven federalism
5. Confrontational Federalism (2014 onwards)	<ul style="list-style-type: none"> • Strong central leadership → friction with opposition-ruled states • Governor’s role disputes → Centre–State trust deficit • Policy conflicts → CAA, farm laws, GST compensation → federal strain • Mass mobilisations → farmers’ protests, CAA protests → state assertion • Outcome → cooperative spirit under stress

Cooperative and Competitive Federalism

Co-operative Federalism <ul style="list-style-type: none"> • Shared governance model → Centre & States jointly design and implement policies → Inter-State Council (Article 263) • Fiscal cooperation → collective decision-making on taxation → GST Council under Article 279A (101st Amendment, 2016) • Planning partnership → states involved in national policy formulation → NITI Aayog (2015) • Enhanced devolution → greater financial autonomy to states → 14th 	Competitive Federalism <ul style="list-style-type: none"> • Performance-based competition → states compete on development outcomes → NITI Aayog State Rankings (Health Index, 2017) • Investment attraction → states reform policies to draw capital → Ease of Doing Business rankings (DPIIT, 2016 onwards) • Targeted development push → competition to uplift backward regions → Aspirational Districts Programme (2018)
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Finance Commission (2015, 42% tax share)

- **Innovation-driven governance** → best practices replicated across states → **India Innovation Index (NITI Aayog, 2019)**

Asymmetric Federalism in India

- **Differential constitutional treatment** → unequal powers to some states → **Articles 370, 371-371J**
- **Historical-cultural accommodation** → protect distinct identity & customs → **Article 371A (Nagaland, 1963)**
- **Administrative flexibility** → special governance arrangements → **Sixth Schedule (tribal areas of Assam, Meghalaya)**
- **Security considerations** → autonomy to sensitive border regions → **Article 371F (Sikkim, 1975)**
- **Developmental imbalance correction** → tailored provisions for backward regions → **Article 371D (Andhra Pradesh, 1973)**
- **Unity with diversity** → strengthens national integration without uniformity → **State Reorganisation Acts (1956 onwards)**

Issues and Challenges in Indian Federalism

- **Centralisation of powers** → strong Union bias in Constitution → **Residuary powers with Centre** → **Article 248** → weak fiscal & legislative autonomy of states
- **Misuse of Article 356** → Centre dismisses elected state governments → political instability → judicial correction → **S.R. Bommai case (1994)**
- **Governor-related disputes** → discretionary powers used politically → interference in floor tests & bills → constitutional ambiguity → **Article 163 + Nabam Rebia case (2016)**
- **Fiscal federal imbalance** → limited state taxation powers → dependence on central transfers → delayed releases & conditions → **15th Finance Commission (2021)**
- **GST-related conflicts** → subsuming of state indirect taxes → loss of revenue autonomy → compensation delays → **Article 279A + GST rollout (2017)**
- **Inter-state water disputes** → competing claims over shared rivers → tribunal delays → politicisation → **Cauvery Water Disputes Tribunal (1990)**
- **Inter-state boundary disputes** → colonial-era demarcation ambiguities → ethnic & administrative tensions → recurring conflicts → **Assam-Meghalaya dispute (2022)**
- **Demand for separate statehood** → regional identity & development neglect → political mobilisation → reorganisation of states → **Telangana State Act (2014)** → New demand - Separate Vidarbha, Bodoland
- **Autonomy & secessionist demands** → cultural protection & self-rule → special provisions under Constitution → Centre-state trust deficit → **Article 371A + Sixth Schedule**
- **Language & cultural tensions** → perceived imposition by Centre → resistance by states → federal friction → **Official Language debate under Article 343**
- **Uneven regional development** → economic disparities among states → migration & social pressure → Centre-led corrective schemes → **Aspirational Districts Programme (2018)**

12.CENTRE–STATE RELATIONS

Legislative Relations

- **Distribution of legislative powers** → subjects divided into Union, State & Concurrent Lists → **Articles 245–246 + Seventh Schedule (1950)** → issue → **overlapping entries** blur jurisdiction → Centre legislates expansively on Concurrent List → e.g., **Criminal Law, Education**
- **Union supremacy in Concurrent List** → Union law prevails in case of conflict → **Article 254** → issue → **state laws overridden despite local needs** → President's assent rarely protects states → e.g., **GST framework laws (2017)**
- **Residuary legislative powers** → subjects not enumerated vest in Union → **Article 248** → issue → **emerging domains centralised by default** → limits state innovation → e.g., **IT, cyber laws, data regulation**
- **Parliament's power over State List** → legislation in national interest or emergency → **Articles 249 & 250** → issue → **temporary exceptions become routine tools** → weakens federal balance → e.g., **Rajya Sabha resolutions**
- **Parliamentary power to reorganise states** → alter boundaries, names without state consent → **Article 3** → issue → **consultation not binding** → political centralisation → e.g., **Telangana State Act (2014)**

Administrative Relations

- **Executive power distribution** → Union executes Union laws, States execute State laws → **Articles 256–257** → issue → **Union directions override state discretion** → e.g., **centrally sponsored schemes**
- **Union directions to States** → Centre ensures compliance with parliamentary laws → **Article 256** → issue → **administrative autonomy of states diluted** → e.g., **implementation of national laws**
- **Delegation of Union functions to States** → Centre entrusts tasks to state machinery → **Article 258** → issue → **unfunded mandates burden states** → e.g., **census operations**
- **All-India Services** → common bureaucracy for Centre & States → **Article 312** → issue → **dual control creates accountability conflict** → e.g., **IAS cadre control disputes**
- **Inter-State coordination mechanisms** → resolve administrative conflicts → **Inter-State Council (Article 263)** → issue → **advisory nature limits effectiveness** → e.g., **irregular meetings post-2016**

Financial Relations

- **Division of taxing powers** → Centre levies major taxes, States limited sources → **Articles 268–271 + Seventh Schedule** → issue → **vertical fiscal imbalance** → states depend on transfers → e.g., **Income Tax with Union**

- **Distribution of tax revenues** → share of central taxes to states → **Article 270 + Finance Commission (15th FC, 2021)** → issue → **conditional devolution & shrinking divisible pool** → cesses outside sharing
- **Grants-in-aid to States** → financial assistance to needy states → **Article 275** → issue → **discretionary & unequal allocation** → Centre influence over state priorities
- **GST fiscal framework** → subsuming of state indirect taxes → **Article 279A + 101st Amendment (2016)** → issue → **loss of taxation autonomy** → **GST compensation delay (2020)**
- **Borrowing powers** → Centre controls state borrowing → **Article 293** → issue → **fiscal sovereignty constrained** → e.g., **FRBM limits on state borrowings**

Key Recommendations to Strengthen Centre-State Relations in India

Sarkaria Commission (1988)	Punchhi Commission (2010)
<ul style="list-style-type: none"> • Article 356 restraint → President's Rule only for constitutional breakdown → federal balance protected → Article 356 + Bommai case (1994) • Centre-State consultation → mandatory consultation on Concurrent List laws → reduce unilateralism → Article 246 + Seventh Schedule • Governor reforms → CM consultation in appointment + secure tenure → political neutrality → Articles 155-156 • Residuary powers reform → shift residuary subjects to Concurrent List → balance legislative power → Article 248 • Institutional federalism → strengthen Inter-State & Zonal Councils → cooperative dispute resolution → Article 263 	<ul style="list-style-type: none"> • Limit Governor discretion → narrow scope under Article 163 → prevent partisan role → Article 163 + Nabam Rebia case (2016) • Hung assembly guidelines → clear rules for CM appointment → curb arbitrariness → Article 164 • Amend Articles 355-356 → define "constitutional breakdown" → prevent misuse → Emergency provisions • Fiscal federalism reforms → permanent Finance Commission → predictable devolution → Article 280 • Apolitical Governors → cooling-off period + collegium selection → Centre-State trust → Punchhi recommendation

13. UNION EXECUTIVE

The Union executive consists of the President, the Vice- President, the Prime Minister, the council of ministers and the attorney general of India.

President

The President is the head of the Indian State. He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation.

Election Process

- **Indirect election** → elected by Electoral College, not people → **Article 54**
- **Electoral College** → elected MPs + elected MLAs of States, Delhi & Puducherry → **Article 54 + 14th Amendment (1962)**
- **Exclusions** → nominated MPs, MLAs, all MLCs excluded → **Article 54**

- **Secret ballot** → no party whip applicable → **Presidential Elections Act, 1952**
- **Election authority** → conducted & supervised by ECI

Powers and Functions of the President of India

<p>Executive Powers</p> <ul style="list-style-type: none"> • Formal executive head → all executive action in President's name → Article 74 • Appointments → PM, Council of Ministers, Governors, CAG → Articles 75, 155, 148 • Rules of business → allocation of work among ministers → Article 77 • Information power → seek reports from PM → Article 78 	<p>Legislative Powers</p> <ul style="list-style-type: none"> • Parliament sessions → summon, prorogue, dissolve Lok Sabha → Article 85 • Address Parliament → policy outline at first session → Article 87 • Nominations → Rajya Sabha members → Article 80 • Ordinance power → law during recess → Article 123
<p>Judicial Powers</p> <ul style="list-style-type: none"> • Judicial appointments → CJI & SC judges → Article 124 • Advisory jurisdiction → consult SC → Article 143 • Clemency power → pardon, reprieve, remission → Article 72 	<p>Financial Powers</p> <ul style="list-style-type: none"> • Money Bill recommendation → prior approval required → Article 110 • Union Budget → laid in President's name → Article 112 • Finance Commission → constituted by President → Article 280
<p>Military & Diplomatic Powers</p> <ul style="list-style-type: none"> • Supreme Commander → armed forces authority → Article 53 • Foreign relations → treaties & diplomats → Article 253 	<p>Emergency Powers</p> <ul style="list-style-type: none"> • National Emergency → war/external aggression → Article 352 • President's Rule → state breakdown → Article 356 • Financial Emergency → fiscal crisis → Article 360

Issues and Challenges

- **Nominal executive status** → President bound by Council of Ministers' advice → no independent decision-making → **Article 74 + 42nd Amendment (1976)**
- **Ambiguity in discretionary powers** → limited clarity on when discretion applies → scope for constitutional friction
- **Delay in bill assent** → Constitution sets no time-limit → legislative uncertainty & policy paralysis → **Article 111**
- **Politicisation of office** → indirect election dominated by party arithmetic → perception of partisan President → **Presidential elections post-1969**
- **Ordinance route overuse** → executive legislates without Parliament → weak deliberative democracy → **Article 123 + D.C. Wadhwa case (1987)**
- **Emergency powers misuse** → President acts on Centre's advice → erosion of federal balance → **Article 356 misuse before Bommai (1994)**

Way Forward

- **Clarify discretionary powers** → define exceptional situations for independent action → reduce executive–President friction → **Article 74 proviso + Punchhi Commission (2010)**
- **Time-limit for bill assent** → prevent indefinite withholding of assent → ensure legislative certainty → **Article 111 + Sarkaria Commission (1988)**
- **Strengthen constitutional conventions** → moral authority guides formal powers → neutrality of office preserved → **Dr. Rajendra Prasad–Nehru correspondence (1951)**
- **Restrict ordinance misuse** → apply necessity & immediacy test → prevent executive law-making abuse → **Krishna Kumar Singh case (2017)** → broadened judicial review of ordinances, invalidated repromulgation
- **Judicially guided emergency use** → objective material mandatory for President’s Rule → safeguard federalism → **S.R. Bommai case (1994)** → limited arbitrary use of Article 356
- **Promote non-partisan election practice** → consensus-based candidates → enhance legitimacy & neutrality → **Presidential Elections Act, 1952**

Vice-President

The **Vice President of India**, established under **Article 63** of the Constitution, is the second-highest constitutional office and serves as the ex-officio **Chairman of the Rajya Sabha**.

Election Process

- **Indirect election** → elected by Electoral College of MPs only → **Article 66**
- **Electoral College** → elected + nominated MPs of both Houses → states excluded → **Article 66(1)**
- **Voting system** → proportional representation + single transferable vote → **Article 66(3)**
- **No parity principle** → vote value same for all MPs → unlike Presidential election → **Article 66**

Vice-President of India – Powers and Functions

- **Ex-officio Chairman of Rajya Sabha** → presides over Upper House proceedings → ensures order & decorum → **Article 64**
- **Casting vote** → votes only in case of tie → maintains neutrality → **Article 100(1)**
- **Regulatory authority** → decides on admissibility of motions & questions → procedural control → **Rules of Procedure of Rajya Sabha**
- **Disciplinary powers** → maintains discipline, can adjourn House → orderly functioning → **Article 118**
- **Link between Legislature & Executive** → facilitates smooth parliamentary functioning → constitutional convention → **Parliamentary practice**
- **Acts as President** → discharges presidential functions during vacancy/absence → continuity of executive → **Article 65**

Issues and Challenges

- **Limited functional role** → confined mainly to Rajya Sabha Chairmanship → underutilisation of constitutional office → **Article 64**
- **No executive authority** → lacks role in governance & policy-making → symbolic position → **Parliamentary system framework**

- **Partisan perception risk** → elected on party lines → neutrality as Chairman questioned → **Article 66 election by MPs**
- **Weak removal safeguard** → removed by Rajya Sabha resolution + Lok Sabha concurrence → no impeachment process → **Article 67(b)**
- **Acting President ambiguity** → exercises full presidential powers without direct mandate → democratic legitimacy concern → **Article 65**
- **Dependence on conventions** → effectiveness relies on personal conduct, not clear rules → inconsistency across tenures → **Parliamentary conventions**

Way Forward

- **Clarify neutrality norms** → codified code of conduct as Rajya Sabha Chairman → reduce partisan allegations → **Article 64 + Rajya Sabha Rules**
- **Expand functional role** → greater involvement in parliamentary reforms & ethics → better institutional utility → **Second ARC (2007)**
- **Strengthen removal safeguards** → higher threshold for removal → protect independence of office → **Article 67(b) reform suggested by experts**
- **Define Acting President conventions** → clear guidelines during temporary incumbency → avoid legitimacy concerns → **Article 65 + past precedents (VV Giri, 1969)**

Prime Minister

Powers and Functions

- **Real executive authority** → exercises powers in President's name → heads Council of Ministers → **Article 74**
- **Leader of Council of Ministers** → allocates portfolios, reshuffles ministers → ensures collective responsibility → **Article 75**
- **Policy leadership** → formulates domestic & foreign policy → coordinates ministries → **Cabinet system convention**
- **Parliamentary leadership** → leader of Lok Sabha, controls legislative agenda → government bills piloted → **Article 85 + Rules of Lok Sabha**
- **Centre-State coordination** → chairs Inter-State bodies → cooperative governance → **Inter-State Council (Art.263)**
- **Crisis leadership** → key role during emergencies → advises President → **Articles 352-356**

Issues and Challenges

- **Over-centralisation of power** → PMO dominance over Cabinet → weak collective decision-making → **Cabinet decline debate (post-1970s)**
- **Marginalisation of Parliament** → ordinances & money bills overused → reduced deliberation → **Article 123 + Aadhaar Bill (2016)**
- **Federal tensions** → unilateral policy decisions affect states → Centre-heavy governance → **GST disputes post-2017**
- **Personality-centric governance** → leadership overshadowing institutions → institutional erosion risk → **PM-centric campaigns (post-2014)**
- **Accountability dilution** → strong majority limits internal checks → weak opposition oversight → **Anti-Defection Law, 52nd Amendment (1985)**

- **Administrative overload** → PM handles excessive portfolios → governance bottlenecks → **PMO expansion trend**

Way Forward

- **Revive Cabinet government** → strengthen collective decision-making → institutional balance → **Article 75 convention**
- **Empower Parliament** → reduce ordinance route, enhance scrutiny → democratic accountability → **Article 123 + Krishna Kumar Singh (2017)**
- **Strengthen federal consultation** → institutionalise Centre–State dialogue → cooperative federalism → **Article 263**
- **Institutionalise PMO limits** → clear role demarcation with ministries → administrative efficiency → **Second ARC (2007)**

Council of Ministers

Council of Ministers – Structure & Responsibility

- **Constitutional basis** → CoM to aid & advise President → real executive authority → **Article 74**
- **Composition** → PM + Cabinet Ministers + Ministers of State + Deputy Ministers → functional hierarchy → **Article 75**
- **Collective responsibility** → CoM jointly accountable to Lok Sabha → ensures parliamentary control → **Article 75(3)**
- **Individual responsibility** → ministers hold office at President's pleasure → PM's control over team → **Article 75(2)**
- **Size limitation** → total ministers ≤ 15% of Lok Sabha strength → prevent jumbo cabinets → **91st Constitutional Amendment (2003)**

Issues and Challenges

- **Erosion of collective responsibility** → PMO dominance over Cabinet → reduced deliberation → **Cabinet decline post-1970s**
- **Rubber-stamp Cabinet** → key decisions taken outside Cabinet → weak institutional role → **PMO–Cabinet Secretariat overlap**
- **Frequent reshuffles** → policy discontinuity → administrative inefficiency → **Cabinet reshuffles trend**
- **Lack of expertise** → political considerations override competence → weak policy outcomes → **Coalition era cabinets**
- **Parliamentary accountability weakened** → strong party discipline limits scrutiny → executive dominance → **52nd Amendment (1985)**

Way Forward

- **Revive Cabinet system** → restore collective deliberation → strengthen constitutional spirit → **Article 75 convention**
- **Limit PMO overreach** → clear functional demarcation → institutional balance → **Second ARC (2007)**
- **Strengthen parliamentary oversight** → empower committees & debates → executive accountability → **DRSC system**

- **Promote merit-based induction** → domain expertise in ministries → policy effectiveness → **Administrative reform recommendations**

Attorney General of India

Importance of Attorney General

- **Chief legal advisor to Union** → advises Government on constitutional & legal matters → **Article 76**
- **Government's top law officer** → represents Union in Supreme Court & High Courts → **Article 76(2)**
- **Guardian of Constitution** → assists courts on constitutional interpretation → **Special Reference cases under Article 143**
- **Parliamentary access** → right to speak in Parliament without voting → bridges executive-legislature → **Article 88**
- **Policy legality check** → vetting of bills, ordinances, executive actions → reduces unconstitutional actions → **Pre-legislative consultation practice**

Issues and Challenges

- **Conflict of interest** → allowed private practice alongside office → questions neutrality → **Article 76 silent on restrictions**
- **Executive dependence** → appointed & removed at President's pleasure → limited independence → **Article 76(1)**
- **Politicisation risk** → legal opinions may align with ruling government → credibility concerns → **Controversies during emergency-era opinions**
- **No fixed tenure** → insecurity affects impartial advice → institutional weakness → **Unlike CAG (Art.148)**
- **Lack of accountability** → not answerable to Parliament formally → democratic deficit → **Only advisory role**

Way Forward

- **Codify service conditions** → fix tenure, remuneration & conduct rules → enhance independence → **Law Commission suggestions (14th Report)**
- **Restrict private practice** → avoid conflict of interest → improve public trust → **UK Attorney General model**
- **Strengthen autonomy norms** → convention of objective legal advice over political interest → constitutional morality → **Kesavananda Bharati spirit (1973)**
- **Institutional transparency** → publish important legal opinions selectively → accountability in governance → **RTI-era good governance practices**

Governor

Role of Governor

- **Constitutional head of State** → executive action in Governor's name → **Article 154**
- **Link between Centre & State** → reports constitutional breakdown to Centre → **Article 356**
- **Legislative role** → summons, prorogues Assembly; assents to bills → **Articles 174, 200**
- **Appointment role** → appoints CM, CoM, Advocate General → **Articles 164, 165**
- **Judicial role** → appoints District Judges → **Article 233**

Discretionary Powers of Governor

- **CM appointment** → discretion in hung Assembly → ensure stable govt → **Article 164 + Bommai case (1994)**
- **Floor test decision** → timing & mode of trust vote → prevent horse-trading → **Nabam Rebia case (2016)**
- **Bill reservation** → reserves state bills for President → Centre's review → **Article 200**
- **President's Rule report** → subjective satisfaction communicated → federal impact → **Article 356**
- **Special responsibility states** → discretionary powers in certain states → **Article 371A, 371J**

Issues and Challenges

- **Politicisation of office** → partisan behaviour favouring Centre → erosion of neutrality → **Bommai case (1994)**
- **Misuse of discretionary powers** → arbitrary CM appointment, floor tests → democratic distortion → **Nabam Rebia (2016)**
- **Delay in bill assent** → no constitutional time-limit → legislative paralysis → **Article 200**
- **President's Rule misuse** → Centre dominance over states → federal imbalance → **Pre-1994 Article 356 misuse**
- **Lack of accountability** → Governor not answerable to state legislature → trust deficit → **Article 361 immunity**

Way Forward

- **Codify discretionary powers** → restrict to exceptional situations → reduce arbitrariness → **Punchhi Commission (2010)**
- **Time-limit for bill assent** → prevent indefinite delays → legislative certainty → **Sarkaria Commission (1988)**
- **Consultative appointment process** → involve CM in Governor selection → enhance neutrality → **Punchhi Commission (2010)**
- **Judicial safeguards** → mandatory floor test norms → protect majority rule → **Bommai + Nabam Rebia cases**
- **Strengthen conventions** → act as constitutional umpire, not agent → cooperative federalism → **Article 163 spirit**

Chief Minister

Powers and Functions of Chief Minister

- **Real executive authority in State** → exercises power in Governor's name → **Article 154 read with Article 163**
- **Leader of Council of Ministers** → selects ministers, allocates portfolios, advises removal → **Article 164**
- **Policy leadership** → formulates state policies, coordinates departments → **Cabinet system convention**
- **Legislative leadership** → leader of House, controls legislative agenda → **Rules of State Legislature**
- **Governor interface** → advises Governor on administration & legislation → **Article 163**

- **Centre-State coordination** → represents state in federal forums → **Inter-State Council (Art.263)**

Issues and Challenges

- **Governor interference** → discretionary actions affect CM authority → instability → **Nabam Rebia case (2016)** → **The State of Tamil Nadu v. the Governor of Tamil Nadu & the Union of India case (2025)**
- **Centralisation within state** → CM dominates cabinet & bureaucracy → weak collective responsibility → **Cabinet decline at state level**
- **Fiscal constraints** → limited revenue autonomy → dependence on Centre → **Article 293 + GST regime (2017)**
- **Coalition pressures** → policy compromises → governance inefficiency → **Coalition governments (1990s-)**
- **Anti-defection constraints** → legislators lack autonomy → executive dominance → **52nd Amendment (1985)**

Way Forward

- **Respect federal conventions** → Governor to act on CoM advice → stability → **Article 163 spirit**
- **Strengthen state cabinet system** → revive collective decision-making → balanced governance → **Article 164 convention**
- **Enhance fiscal autonomy** → predictable transfers & borrowing space → cooperative federalism → **Finance Commission reforms**
- **Institutional Centre-State dialogue** → regular consultation mechanisms → reduce friction → **Inter-State Council (Art.263)**

14.PARLIAMENT

Features of the Indian Parliamentary System

- **Nominal executive (President) + real executive (PM)** → PM exercises power → **Articles 74-75**
- **Collective responsibility** → Council of Ministers accountable to Lok Sabha → executive survives on majority support → **Article 75(3)**
- **Fusion of powers** → ministers drawn from legislature → overlap of executive & legislative roles → **Article 75(5)**
- **Leadership of Prime Minister** → PM as pivot of governance → cabinet coordination & policy direction → **Cabinet system convention**
- **Bicameral legislature** → Lok Sabha (popular will) + Rajya Sabha (federal check) → **Articles 79-80**
- **Opposition role** → scrutiny of executive through debates & questions → democratic accountability → **Rules of Procedure of Parliament**

Comparison with Other Systems of Government

Feature	Indian Parliamentary System	Presidential System (USA)	Semi-Presidential System (France)
Nature of Executive	Nominal President + real PM → dual executive → Articles 74-75	Single executive President → head of state & govt → US Constitution, 1787	Dual executive → President + PM share power → French Constitution, 1958
Executive Accountability	CoM collectively responsible to Lok Sabha → removable anytime → Article 75(3)	President not accountable to legislature → removable only by impeachment → US impeachment process	Govt responsible to Parliament but President dominant → Art. 20, France
Tenure Stability	Flexible tenure → no-confidence motion allowed → Article 75(3)	Fixed tenure → 4 years → US Constitution	Semi-fixed → depends on cohabitation → French practice
Relation between Organs	Fusion of powers → ministers from legislature → Article 75(5)	Strict separation of powers → no overlap → US doctrine	Partial separation → President dominates executive → French model
Legislative Control	Strong parliamentary control → Question Hour, debates → Rules of Parliament	Weak legislative control → checks & balances only → US system	Limited control during presidential dominance → France
Judicial Role	Strong judicial review → Constitution supreme → Kesavananda Bharati (1973)	Judicial review but Constitution rigid → Marbury v Madison (1803)	Constitutional Council oversight → France

Functions of Parliament

- **Legislative function** → enacts, amends, repeals laws → ordinary & constitutional bills → **Articles 107-111, 368**
- **Executive control** → holds Council of Ministers accountable → questions, motions, debates → **Article 75(3) + Question Hour**
- **Financial function** → controls public finance → budget approval, taxation, expenditure → **Articles 112-117**
- **Constituent function** → amends Constitution → special majority & state ratification → **Article 368**

- **Judicial function** → impeachment & removal of high officials → checks abuse of office → **Articles 61, 124(4), 324(5)**
- **Deliberative function** → forum for national debate → public opinion articulation → **Rules of Procedure of Parliament**

Composition of Parliament

Component	Details	Article(s)
A. Parliament (Union Legislature)	Comprises the President, Rajya Sabha, and Lok Sabha	Article 79
2. Rajya Sabha (Council of States)	<ul style="list-style-type: none"> • Total Strength: 245- 233 elected by State Legislative Assemblies (Proportional Representation)- 12 nominated by President for expertise in art, literature, science, social service • Permanent House; 1/3rd members retire every 2 years- • Chairman: Vice President of India 	Articles 80, 84, 99
3. Lok Sabha (House of the People)	<ul style="list-style-type: none"> • Total Strength: 545 (543 elected + 2 nominated (nominated seats removed by 104th Amendment)- • Direct elections through First-Past-the-Post • Tenure: 5 years unless dissolved earlier • Presiding Officer: Speaker 	Articles 81, 83, 84, 93, 110

Comparison of Powers of Rajya Sabha and Lok Sabha

Areas of Equal Powers

- **Legislative role** → both Houses pass ordinary & constitutional amendment bills → except Money Bills → **Articles 107, 368**
- **Electoral functions** → both participate in election & impeachment of President → VP election included → **Articles 54, 61, 66**
- **Emergency approval** → both Houses approve National, State & Financial Emergencies → parliamentary control → **Articles 352, 356, 360**
- **Ordinance approval** → ordinances must be approved by both Houses → otherwise lapse → **Article 123**
- **Oversight functions** → discuss reports of CAG, UPSC, Finance Commission → accountability → **Articles 148, 280, 315**

Areas Where Rajya Sabha Has Lower Powers

- **Money Bills** → can only discuss & recommend → Lok Sabha final authority → **Articles 109-110**

- **Budgetary control** → Demands for Grants voted only by Lok Sabha → fiscal supremacy → **Article 113**
- **Executive accountability** → CoM responsible only to Lok Sabha → no-confidence motion exclusive → **Article 75(3)**
- **Emergency revocation** → only Lok Sabha can revoke National Emergency → RS limited role → **Article 352(8)**
- **Joint sitting** → Speaker of Lok Sabha presides → LS numerical advantage → **Article 108**

Special / Exclusive Powers of Rajya Sabha

- **State List legislation** → authorises Parliament to legislate in national interest → 2/3rd resolution → **Article 249**
- **All-India Services creation** → initiates creation of AIS → strengthens national integration → **Article 312**
- **Vice-President removal** → resolution can be initiated only in RS → federal safeguard → **Article 67(b)**
- **Emergency approval when LS dissolved** → RS alone can sustain Emergency → continuity of governance → **Articles 352, 356, 360**

Office of speaker

Importance of Speaker

- **Presiding authority of Lok Sabha** → ensures orderly conduct of House → parliamentary efficiency → **Article 93**
- **Guardian of parliamentary privileges** → protects members' rights & dignity → legislative independence → **Articles 105, 194**
- **Decision on defection** → adjudicates disqualification petitions → political stability → **10th Schedule**
- **Certifies Money Bills** → final authority on Money Bill status → financial supremacy of Lok Sabha → **Article 110(3)**

Issues and Challenges

- **Partisan perception** → elected from ruling party → neutrality questioned → **Anti-Defection decisions post-2000**
- **Delay in defection rulings** → prolonged political uncertainty → misuse of time → **Keisham Meghachandra Singh case (2020)** → held Speaker must decide within reasonable time
- **Money Bill misuse** → certification bypasses Rajya Sabha → federal concern → **Aadhaar Act case (2018)**
- **Weak accountability** → Speaker's decisions largely final → limited judicial review → **Article 122**

Way Forward

- **Institutional neutrality norms** → resign from party or follow UK convention → restore trust → **Westminster practice**
- **Time-bound defection decisions** → fixed timeline for rulings → curb political manipulation → **Keisham case (2020)**
- **Objective Money Bill test** → narrow interpretation of Article 110 → protect bicameralism → **Roger Mathew case (2019)**
- **Strengthen Speaker's accountability** → limited judicial review in constitutional matters → checks & balance → **Article 122 reinterpretation**

- **Disruption management failure** → frequent adjournments → declining parliamentary productivity → **Recent Lok Sabha sessions**

Role of opposition

- **Executive accountability** → questions, debates, adjournment motions → exposes policy failures → **Question Hour + Article 75(3)**
- **Legislative scrutiny** → critiques bills, proposes amendments → improves law quality → **Articles 107-111**
- **Financial oversight** → examines budget, demands for grants → checks fiscal misuse → **Articles 112-117**
- **Alternative government** → presents counter-policies & vision → democratic choice → **Shadow cabinet practice (UK model influence)**
- **Protection of federalism** → raises state concerns at national level → Centre-State balance → **Debates on GST (2017)**
- **Safeguard of rights** → highlights civil liberties & minority issues → constitutional morality → **Debates under Part III**
- **Committee participation** → detailed policy examination beyond House politics → bipartisan scrutiny → **DRSC system**
- **No-confidence mechanism** → tests majority support of government → political stability check → **Article 75(3)**

Parliamentary Committees

Importance of Parliamentary Committees

- **Detailed scrutiny of bills** → clause-by-clause examination → improves legislative quality → **DRSC system (1993)**
- **Executive accountability** → examines ministry performance & expenditure → checks misuse → **Public Accounts Committee (PAC)**
- **Non-partisan functioning** → cross-party consensus-based work → reduces political confrontation → **Committee conventions**
- **Time efficiency** → Parliament handles workload through delegation → effective law-making → **Rules of Procedure**
- **Policy expertise** → evidence-based inputs from experts & stakeholders → informed decisions → **Standing Committees practice**

Issues and Challenges

- **Declining bill referrals** → fewer laws sent to committees → weak scrutiny → **Trend post-2014**
- **Advisory nature** → recommendations not binding → executive disregard → **Committee reports status**

Way Forward

- **Mandatory bill referral rule** → ensure pre-legislative scrutiny → legislative quality → **Suggested by NCRWC (2015)**
- **Strengthen research support** → professional staff & data access → evidence-based oversight → **PRS model**

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">• Limited research support → MPs lack technical assistance → shallow analysis → Secretariat constraints• Low public visibility → reports not widely debated → weak public pressure → Parliamentary practice• Time constraints → short deadlines reduce effectiveness → Sessional calendar issues | <ul style="list-style-type: none">• Follow-up mechanism → track implementation of recommendations → accountability → PAC conventions• Public engagement → publish reports, invite stakeholder inputs → transparency → Digital Parliament initiatives |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Parliamentary Privileges

What are Parliamentary Privileges

- **Special rights & immunities** → ensure free functioning of Parliament → protect members from external interference → **Article 105**
- **Freedom of speech in Parliament** → MPs not liable for words spoken in House → uninhibited debate → **Article 105(1)**
- **Immunity from legal proceedings** → no court action for votes or speeches → legislative independence → **Article 105(2)**
- **Right to publish proceedings** → authorised publications protected → transparency → **Article 105(2)**
- **Power to punish for breach** → Parliament can penalise contempt → maintain authority → **Article 105(3)**
- **Types of privileges** → classified as **individual privileges** (freedom of speech, immunity from court action) and **collective privileges** (right to punish for contempt, regulate proceedings) → **Article 105(1)-(3)**

Issues and Challenges

- **Undefined privileges** → scope based on conventions, not codified → legal uncertainty → **Article 105(3)**
- **Conflict with Fundamental Rights** → privilege vs free speech & personal liberty → constitutional tension → **Searchlight case (1964)**
- **Judicial review ambiguity** → extent of court intervention unclear → institutional friction → **Keshav Singh case (1965)** → SC upheld limited judicial review
- **Potential misuse** → privilege invoked to suppress criticism → democratic concern → **Breach notices against media**
- **Colonial legacy** → privileges borrowed from UK House of Commons → outdated norms → **Article 105(3) reference**

Role of Parliament in Ensuring Accountability of the Executive

- **Parliamentary Motions** → direct instruments to control executive → test majority, censure actions → **Various types of motions as follows**
 - **No-Confidence Motion** → removes Council of Ministers if passed → executive survival linked to House → **Article 75(3)**

- **Confidence Motion** → government seeks explicit majority → legitimises executive authority → **Parliamentary convention**
- **Censure Motion** → condemns specific policy/action → no removal but political warning → **Lok Sabha Rules**
- **Adjournment Motion** → discusses urgent public matter → exposes executive lapses → **Rule 56, Lok Sabha**
- **Cut Motions** → reduce budget demands → financial discipline on executive → **Article 113**
- **Question Hour & Zero Hour** → ministers answer policy & administrative questions → transparency in governance → **Rules of Parliament**
- **Financial control** → approval of Budget, taxation & expenditure → executive cannot spend without consent → **Articles 112-117**
- **Parliamentary Committees** → detailed scrutiny of ministries & policies → non-partisan oversight → **DRSC system (1993)**
- **Debates & discussions** → highlight failures, demand explanations → public accountability → **Rules of Procedure**
- **Impeachment & removal powers** → checks constitutional authorities → rule of law upheld → **Articles 61, 124(4), 324(5)**

State legislature

Composition

State Legislatures	Can be unicameral or bicameral , depending on the state	Articles 168-212
3. Legislative Assembly (Vidhan Sabha)	<ul style="list-style-type: none"> ● Directly elected by people of the state ● Tenure: 5 years- Makes laws on State List & Concurrent List ● Controls state executive via questions, debates, motions 	Articles 170-172
4. Legislative Council (Vidhan Parishad)	<ul style="list-style-type: none"> ● Partly elected, partly nominated: <ul style="list-style-type: none"> ○ 1/3 by local bodies ○ 1/12 by graduates ○ 1/12 by teachers ○ 1/3 by MLAs 1/6 nominated by Governor- ● Permanent body, 1/3rd members retire every 2 years- Limited legislative powers, esp. in Money Bills (can delay, not reject) ● Procedure to form legislative council in states: <ul style="list-style-type: none"> ○ Constitutional Provision: Article 169 allows creation or abolition of Legislative Councils in states. 	Articles 169,171, 182, 196-200

	<ul style="list-style-type: none"> ○ State Assembly Resolution: State Legislative Assembly passes a resolution by special majority (majority of total membership and two-thirds of members present and voting). ○ Parliamentary Approval: <ul style="list-style-type: none"> ■ Resolution is sent to Parliament. ■ Parliament enacts a law by simple majority (ordinary legislation). ○ Presidential Assent: <ul style="list-style-type: none"> ■ Bill is sent to the President for assent. ■ Upon assent, the Legislative Council is established in the state. 	
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Position of Legislative Council vis-à-vis Legislative Assembly

Equal Status

- Introduction and passage of ordinary bills
- Approval of ordinances issued by the governor
- Selection of ministers
- Consideration of the reports of the constitutional bodies
- Enlargement of the jurisdiction of the state public service commission

Unequal Status

- Limited powers with respect to money bills and the budget.
- Only a dilatory chamber or an advisory body
 - As the final power of passing an ordinary bill lies with the assembly. LC can only detain or delay the bill for a period of four months.
- Cannot remove council of ministers.
- No participation in election of the President and representatives of the state in the Rajya Sabha.
- No effective say in the ratification of a constitutional amendment bill.
- Existence of the LC itself depends on the will of the assembly.

Anti-Defection Law (Tenth Schedule)

Provisions

- **Constitutional basis** → inserted to curb political defections → **52nd Constitutional Amendment Act, 1985**
- **Grounds of disqualification** → voluntarily giving up party membership or voting against party whip → **Tenth Schedule**
- **Decision-making authority** → Speaker/Chairman decides disqualification
- **Judicial review allowed** → Speaker’s decision subject to court scrutiny → **Kihoto Hollohan case (1992)**

Importance

Criticism

<ul style="list-style-type: none"> • Political stability → prevents frequent government collapse → stable executive → Experience of 1967-77 defections • Party discipline → ensures adherence to party manifesto → electoral mandate respected → Tenth Schedule objective • Ethical politics → curbs opportunistic floor-crossing → democratic morality → 52nd Amendment rationale • Strengthens parliamentary system → executive accountability through stable majority → Article 75(3) 	<ul style="list-style-type: none"> • Erosion of legislator autonomy → MPs/MLAs reduced to party numbers → weak deliberation → Whip provision (Para 2) • Speaker bias risk → partisan decisions in defection cases → delayed rulings → Keisham Meghachandra case (2020) → SC directed time-bound decisions • Encourages mass defections → merger loophole exploited → undermines intent → Para 4 misuse post-2000s • Weakens separation of powers → Speaker acts as quasi-judicial authority → institutional conflict → Kihoto Hollohan (1992) • Undermines federalism → state governments destabilised through engineered defections → Recent state crises (2019-2023)
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Decline of parliament

What is the Issue

- **Declining productivity** → fewer sittings + frequent disruptions + weak scrutiny → legislative dysfunction → **Parliamentary practice (post-2010s)**

Evidence of Decline (17th Lok Sabha)

- **Lowest sittings** → only **274 sittings (2019-24)** → lowest for full-term Lok Sabha → **PRS Legislative Research data**
- **Sharp fall in sitting days** → ~55 days/year vs ~120 days/year in 1950s → reduced deliberation → **Historical comparison**
- **Committee scrutiny collapse** → only ~16% bills referred to committees → earlier ~60-70% → **14th & 15th Lok Sabha data**
- **Hasty law-making** → 58% bills passed within 2 weeks → weak debate → **PRS analysis**
- **Minimal discussion** → 35% bills passed with <1 hour debate → poor legislative quality → **17th LS record**
- **Budget guillotined** → ~80% demands passed without debate → fiscal scrutiny diluted → **Article 113 practice**
- **Mass disruptions** → 146 MPs suspended (Winter Session 2023) → loss of debate time → **Rules of Parliament**
- **Institutional lapse** → no Deputy Speaker for full term → violation of convention → **Article 93**

Impact

- **Poor quality laws** → drafting gaps & implementation failures →

Way Forward

<p>repeal/amendments needed → Farm Laws repeal (2021)</p> <ul style="list-style-type: none"> • Executive dominance → reduced Question Hour & debate → weak accountability → Article 75(3) • Federal voice weakened → state concerns bypassed → bills not examined in committees → GST, farm sector laws • Public trust erosion → disruptions replace deliberation → Parliament seen as rubber stamp → Democratic perception 	<ul style="list-style-type: none"> • Fixed parliamentary calendar → minimum 100–120 sittings/year → ensure deliberation → NCRWC (2015) • Mandatory committee referral → all major bills to DRSCs → improve law quality → Best practice of 14th LS • Productivity benchmarking → MP-wise attendance & debate index → accountability → PRS-style metrics • Opposition days → agenda-setting by Opposition → constructive scrutiny → UK parliamentary practice • PM Question Time → weekly direct accountability of PM → strengthen executive oversight → UK model
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

15. JUDICIARY

Concept of Integrated Judicial System

- **Single judicial hierarchy** → one unified court system for Union & States → constitutional unity → **Articles 124–227**
- **Supreme Court at apex** → final interpreter of Constitution & laws → binding authority → **Article 141**
- **High Courts as state-level courts** → jurisdiction over states & UTs → administrative control over subordinates → **Articles 214, 227**
- **Subordinate judiciary** → District & lower courts under HC supervision → uniform justice delivery → **Articles 233–235**
- **Common laws & procedures** → same IPC, CrPC, CPC across India → legal uniformity → **Central laws**
- **Integrated appeals structure** → appeals move from lower courts to HC to SC → consistency in judgments → **Articles 132–136**
- **Federal balance ensured** → state courts apply central & state laws → cooperative federalism → **Concurrent List laws**

Supreme Court

Overview

<p>Constitutional Position</p> <ul style="list-style-type: none"> • Apex court of India → final interpreter of Constitution → guardian of basic structure → Article 124 	<p>Composition</p> <ul style="list-style-type: none"> • Strength → Chief Justice of India + other judges (as prescribed by law) → judicial capacity → Article 124(1)
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- **Court of record** → judgments have evidentiary value → power to punish for contempt → **Article 129**
- **Binding authority** → SC law binding on all courts → legal uniformity → **Article 141**

- **Appointment system** → President appoints judges on Collegium recommendation → judicial independence → **Collegium system (SC cases, 1993-98)**
- **Tenure** → judges hold office till 65 years → security of tenure → **Article 124(2)**

Jurisdictions

Original Jurisdiction

- **Centre-State disputes** → adjudicates federal conflicts → constitutional balance → **Article 131**
- **Inter-State disputes** → resolves boundary, water, power conflicts → federal umpire → **Article 131**

Appellate Jurisdiction

- **Constitutional appeals** → appeals involving interpretation of Constitution → legal clarity → **Article 132**
- **Civil appeals** → substantial question of law → corrective justice → **Article 133**
- **Criminal appeals** → serious criminal matters → protection of liberty → **Article 134**
- **Special Leave Petition (SLP)** → discretionary appellate power → justice beyond procedure → **Article 136**

Advisory Jurisdiction

- **Presidential reference** → legal advice on public importance → constitutional guidance → **Article 143**
- **Non-binding opinion** → advisory, not enforceable → executive assistance → **Article 143(1)**

Writ Jurisdiction

- **Enforcement of Fundamental Rights** → SC as guarantor of rights → “heart & soul” of Constitution → **Article 32**
- **Types of writs** → Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto → rights protection → **Article 32**

Judicial Review

- **Review of legislation** → invalidates unconstitutional laws → constitutional supremacy → **Article 13**
- **Review of executive action** → checks arbitrariness & mala fide → rule of law → **Maneka Gandhi case (1978)**

Constitutional Interpretation

- **Final interpreter** → authoritative meaning of Constitution → legal uniformity → **Article 141**
- **Basic Structure doctrine** → limits amending power of Parliament → constitutional continuity → **Kesavananda Bharati case (1973)**

Supervisory and Other Powers

- **Court of Record** → power to punish for contempt → judicial authority → **Article 129**
- **Complete justice power** → pass any order to do justice → equity-based relief → **Article 142**
- **Transfer of cases** → between courts for fair trial → judicial efficiency → **Article 139A**

Concept of PIL

What is PIL

- **Public Interest Litigation** → litigation filed for enforcement of rights of disadvantaged groups → relaxed locus standi
- **Who can file** → any public-spirited individual/organisation → represents voiceless → **Article 32 & 226**
- **Nature** → procedural flexibility, even letters treated as petitions → access to justice

Significance of PIL

- **Access to justice** → poor, prisoners, bonded labour get legal remedy → social justice
- **Judicial activism tool** → courts intervene for governance failures → rights expansion → **Maneka Gandhi case (1978)**
- **Protection of Fundamental Rights** → effective enforcement beyond formalism → constitutional morality → **Article 21 expansion**
- **Executive accountability** → exposes administrative apathy & corruption → responsive governance → **Vineet Narain case (1997)**
- **Environmental protection** → sustainable development jurisprudence → public good → **MC Mehta cases (Oleum Gas Leak, 1986)**

Criticism of PIL

- **Judicial overreach** → courts enter policy & executive domains → separation of powers concern → **Critiques post-2000s**
- **Frivolous PILs** → publicity-oriented or politically motivated cases → docket burden → **SC warnings in Subhash Kumar case (1991)**
- **Dilution of locus discipline** → misuse of liberal standing → credibility erosion → **Judicial observations**
- **Implementation gap** → court orders lack follow-up → weak outcomes → **Continuing mandamus cases**
- **Unequal access persists** → marginalised still depend on judicial discretion → inconsistent relief → **PIL practice trends**

Judicial Review

Concept of Judicial Review

- **Judicial Review** → power of courts to examine constitutionality of laws & executive actions → uphold Constitution → **Article 13**
- **Source** → implicit in Constitution, not explicitly named → derived from supremacy of Constitution → **Kesavananda Bharati case (1973)**
- **Objective** → prevent legislative & executive excesses → protect Fundamental Rights → **Article 32, 226**

Scope of Judicial Review

- **Review of legislation** → laws violating FRs or basic structure invalidated → constitutional supremacy → **Article 13 + Minerva Mills case (1980)**
- **Review of executive action** → arbitrariness, mala fide, unreasonableness checked → rule of law → **Maneka Gandhi case (1978)**
- **Review of constitutional amendments** → subject to basic structure limitation → controlled amending power → **Kesavananda Bharati (1973)**

	<ul style="list-style-type: none"> • Federal disputes → Centre–State actions reviewed → federal balance → Article 131 cases
<p>Importance / Significance</p> <ul style="list-style-type: none"> • Guardian of Constitution → ensures constitutional supremacy → democratic stability → Article 141 • Protection of Fundamental Rights → courts as guarantor of liberties → rights enforcement → Article 32 (Ambedkar: heart & soul) • Checks and balances → restrains misuse of power by organs → separation of powers → Basic structure doctrine • Rule of law → arbitrary state action invalidated → legal certainty → Article 14 jurisprudence 	<p>Limitations / Criticism</p> <ul style="list-style-type: none"> • Judicial overreach risk → courts enter policy domain → separation of powers concern → Judicial activism debates • Democratic deficit argument → unelected judges override elected legislature → accountability issue → Critiques post-1970s • Delay & backlog → extensive review increases pendency → access to justice affected → Judicial pendency data • Self-restraint needed → political questions avoided → institutional balance → Doctrine of judicial restraint

Judicial Activism

<p>Concept of Judicial Activism</p> <ul style="list-style-type: none"> • Judicial activism → proactive role of judiciary in policy & governance → beyond traditional adjudication → Term popularised in India post-1970s • Basis → expansive interpretation of Constitution → justice-oriented approach → Articles 32, 226 <p>Trigger → executive/legislative failure or inertia → judicial intervention → Post-Emergency phase (1977)</p>	
<p>Significance / Contribution</p> <ul style="list-style-type: none"> • Expansion of Article 21 → right to life includes dignity, livelihood, environment → rights enrichment → Maneka Gandhi case (1978) • Strengthening PIL → relaxed locus standi for marginalised → access to justice → S.P. Gupta case (1981) • Executive accountability → courts monitor investigations & reforms → clean governance → Vineet Narain case (1997) • Environmental protection → judicially enforced sustainable development → public interest safeguarded → MC Mehta cases (1986 onwards) • Social justice delivery → intervention for prisoners, bonded labour, women → inclusive justice → Hussainara Khatoon case (1979) 	<p>Criticism / Limitations</p> <ul style="list-style-type: none"> • Judicial overreach → courts encroach into policy domain → separation of powers concern → Critique after 2000s • Democratic legitimacy issue → unelected judges shaping policy → accountability deficit → Parliamentary sovereignty debate • Implementation gaps → court orders lack administrative follow-through → weak outcomes → Continuing mandamus cases • Ad-hoc decision-making → absence of uniform standards → unpredictability → Judicial discretion criticism • Institutional strain → activism adds to pendency & workload → efficiency challenge → Judicial backlog data

Judicial Overreach

- **Judicial overreach** → judiciary encroaches into legislative/executive policy domain → violates separation of powers → **Critique of post-2000 activism**
- **Policy-making by courts** → directions on governance & administration → democratic legitimacy questioned → **2G case monitoring (2012)**
- **Executive substitution** → courts frame guidelines where law exists → parallel governance → **Vishaka guidelines (1997)**
- **Lack of accountability** → unelected judges take binding decisions → no political responsibility → **Basic structure debate**
- **SC caution** → self-restraint essential to preserve institutional balance → doctrine reaffirmed → **Divisional Manager, Aravali Golf Club case (2008)**

Debate of Judicial Accountability vs Judicial Independence

Difference

Aspect	Judicial Independence	Judicial Accountability
Meaning	Freedom from external pressure	Responsibility for conduct & decisions
Purpose	Ensure impartial justice	Prevent misuse of judicial power
Constitutional basis	Security of tenure → <i>Arts. 124, 217</i>	Impeachment process → <i>Arts. 124(4), 217(1)(b)</i>
Protection mechanism	Fixed salaries, removal only by Parliament	Inquiry & motion by MPs
Key doctrine	Independence part of Basic Structure → <i>Kesavananda Bharati</i>	Accountability through constitutional procedure
Judicial control	In-house procedure → discipline judges	Limited transparency criticism
Appointment debate	Collegium system → autonomy	NJAC struck down → <i>NJAC case (2015)</i>
Risk if excessive	Judicial overreach	Executive interference
Ideal balance	Independence with restraint	Accountability without pressure

Core Tension

- **Independence without accountability** → opacity → public trust erosion
- **Accountability without independence** → executive dominance → rule of law weakened

Way to Balance

- **Transparent appointments** → improve collegium functioning

- **Strengthen in-house mechanisms** → credible disciplinary process
- **Judicial restraint** → respect separation of powers
- **Public confidence focus** → reasoned judgments & openness

Alternative dispute redressal mechanism

ADR Mechanism	Legal Mechanism	Key Features	Advantages	Challenges	Way Forward
Gram Nyayalaya	Gram Nyayalayas Act, 2008	Village-level courts → summary procedure → mobile courts	Speedy, low-cost local justice	Poor implementation, staff shortage	Infrastructure support → awareness & funding
Lok Adalat	Legal Services Authorities Act, 1987	Compromise-based settlement → final & binding award	No court fee → quick disposal	Only consensual cases	Expand pre-litigation Lok Adalats
NALSA	Legal Services Authorities Act, 1987	Free legal aid → ADR promotion → legal literacy	Inclusive justice for marginalised	Awareness & reach deficit	Digital legal aid → grassroots outreach
Family Courts	Family Courts Act, 1984	Conciliation-oriented → informal & in-camera	Speedy, sensitive dispute resolution	Backlog, counsellor shortage	Strengthen counselling & mediation
Tribunals	Articles 323A & 323B	Specialised adjudication → service, tax, environment	Expertise-based, faster decisions	Independence concerns, overlap with courts	Uniform framework → judicial oversight

Issues of Indian judiciary

- **Pendency of cases** → overburdened courts delay justice → justice delayed = justice denied → **Over 5 crore cases pending**
- **Judicial vacancies** → shortage of judges at all levels → workload imbalance → **Articles 124, 217 + Law Commission 245th Report**
- **Access to justice gap** → high cost, distance, language barriers → exclusion of poor → **Article 39A**
- **Delay in appointments** → executive-judiciary tussle → institutional friction → **Collegium vs Government debates post-2015**

- **Opacity in Collegium system** → lack of transparency in selection → credibility concerns → **NJAC judgement (2015)**
- **Judicial overreach** → courts entering policy/executive domain → separation of powers issue → **Aravali Golf Club case (2008)**
- **Infrastructure deficits** → inadequate courtrooms, staff, technology → efficiency loss → **e-Courts Mission Mode Project**
- **Quality of judgments** → inconsistent rulings & frequent reviews → legal uncertainty → **Conflicting SC judgments**
- **Contempt power misuse concerns** → limits free criticism → democratic tension → **Article 129 + Prashant Bhushan case (2020)**

Major reforms taken and way ahead.

Major Reforms Taken	Way Ahead / Reforms Needed
<ul style="list-style-type: none"> • e-Courts Project → digitisation of courts, e-filing, virtual hearings → speed & access improved → e-Courts Mission Mode Project (Phase I-III) • Fast Track Courts → time-bound disposal of serious cases → pendency reduction → 11th Finance Commission + FTCs (2000) • National Judicial Appointments Commission attempt → sought transparency in appointments → later struck down → 99th Amendment + NJAC case (2015) • Live-streaming of court proceedings → transparency & public access → open justice → Swapnil Tripathi case (2018) • Alternative Dispute Resolution push → mediation, arbitration, Lok Adalats → reduce court burden → Article 39A + Lok Adalat Act, 1987 • Specialised tribunals → subject-matter expertise → faster adjudication → NCLT under Companies Act, 2013 	<ul style="list-style-type: none"> • Fill judicial vacancies → time-bound appointments → reduce pendency → Articles 124, 217 + Law Commission 245th Report • Reform Collegium system → transparency, published criteria & reasons → trust-building → NJAC judgment suggestions (2015) • Strengthen judicial infrastructure → courtrooms, staff, technology → efficiency → Centrally Sponsored Scheme for Judiciary (CSSJ) • Case management reforms → strict timelines, judge-led scheduling → faster disposal → Civil Procedure Code amendments (2018) • Expand ADR & mediation → mandatory pre-litigation mediation → decongestion → Mediation Act, 2023 • Judicial accountability mechanisms → strengthen in-house inquiry & ethics norms → credibility → SC In-House Procedure (1999)

.....

16. Concept of separation of power and functional overlap.

Concept of Separation of Powers

<p>Doctrine of Separation of Powers</p> <ul style="list-style-type: none"> • Doctrine meaning → division of state power among Legislature, Executive, Judiciary → prevent concentration of power → Montesquieu, Spirit of Laws (1748) • Core objective → avoid tyranny by power separation → ensure liberty & constitutional governance → Liberal democratic theory 	<p>Examples and Provisions in Indian Constitution</p> <ul style="list-style-type: none"> • Legislative domain → Parliament makes laws → exclusive competence → Articles 107-111 • Executive domain → President & CoM execute laws → governance responsibility → Articles 74-75 • Judicial domain → courts interpret laws → constitutional guardian → Articles 124-147 • Functional separation → no organ can encroach core functions → Ram Jawaya Kapur case (1955)
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Checks and Balances / Functional Overlap

<p>Executive in Legislature</p> <ul style="list-style-type: none"> • Ministers as MPs → executive drawn from legislature → fusion of powers → Article 75(5) • Ordinance-making power → executive legislates during recess → temporary law → Article 123 • Assent to bills → President part of legislative process → executive check → Article 111 	<p>Legislature in Executive</p> <ul style="list-style-type: none"> • Control over executive → questions, motions, no-confidence → accountability → Article 75(3) • Budgetary control → approval of expenditure & taxation → financial discipline → Articles 112-117 • Impeachment/removal powers → checks constitutional authorities → Articles 61, 124(4)
<p>Judiciary in Legislature</p> <ul style="list-style-type: none"> • Judicial review of laws → courts invalidate unconstitutional legislation → constitutional supremacy → Article 13 + Kesavananda Bharati (1973) • Interpretation of statutes → judiciary defines scope of legislative intent → binding meaning → Doctrine of interpretation 	<p>Legislature in Judiciary</p> <ul style="list-style-type: none"> • Judge impeachment → removal for misbehaviour/incapacity → democratic control → Article 124(4) • Parliament defines jurisdiction → expands SC/HC powers → legislative role → Article 138
<p>Executive in Judiciary</p> <ul style="list-style-type: none"> • Judicial appointments → executive participates in appointing judges → 	<p>Judiciary in Executive</p>

<p>consultative overlap → Article 124 + Collegium system</p> <ul style="list-style-type: none"> • Clemency powers → executive can pardon sentences → humane justice → Article 72 	<ul style="list-style-type: none"> • Judicial review of executive action → checks arbitrariness → rule of law → Maneka Gandhi case (1978) • Advisory jurisdiction → SC advises President → constitutional guidance → Article 143
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Benefits of Separation of Powers

- **Prevents absolutism** → no single organ dominates → checks arbitrariness → **Montesquieu principle**
- **Ensures accountability** → each organ answerable within limits → responsible governance → **Democratic theory**
- **Protects individual liberty** → misuse of power restrained → rule of law strengthened → **Article 21 context**
- **Administrative efficiency** → functional specialisation improves governance quality → **Modern state practice**

Criticism of Doctrine of Separation of Powers

- **Rigid separation impractical** → modern governance needs coordination among organs → strict separation causes deadlock → **Indian parliamentary system practice**
- **Functional overlap unavoidable** → welfare state requires executive rule-making & judicial oversight → blurred boundaries → **Articles 123, 13**
- **Executive dominance risk** → fusion of executive & legislature weakens checks → PM/Cabinet supremacy → **Article 75 + Anti-Defection Law (1985)**
- **Judicial overreach concern** → courts entering policy domain → separation diluted → **Judicial activism debates post-Maneka Gandhi (1978)**
- **Accountability dilution** → shared functions make responsibility unclear → blame-shifting → **Coalition governance experience**
- **Not textually explicit** → Constitution does not provide strict separation → doctrine inferred, not mandated → **Ram Jawaya Kapur case (1955)**

17.LOCAL SELF-GOVERNMENT

Panchayati Raj Institutions

Panchayati Raj → system of rural local self-government → grassroots democracy Main features [Panchayati Raj Institutions](#)

- **Constitutional status** → rural local self-government made mandatory → democratic decentralisation → **73rd Constitutional Amendment Act, 1992**

- **Three-tier structure** → village, intermediate & district levels → decentralised administration → **Article 243B**
- **Gram Sabha primacy** → foundation of PRI system → direct democracy → **Article 243A**
- **Fixed tenure** → 5-year term with timely elections → stability → **Article 243E**
- **Independent elections** → State Election Commission conducts polls → autonomy → **Article 243K**
- **Reservation system** → SC/ST reservation + ≥33% women → inclusive governance → **Article 243D**
- **Devolution of functions** → local planning & development subjects → subsidiarity principle → **11th Schedule (29 subjects)**
- **Financial decentralisation** → State Finance Commission every 5 years → fiscal autonomy → **Article 243I**

Significance of 73rd Constitutional Amendment

- **Constitutionalisation of PRIs** → rural local bodies given constitutional status → permanence & uniformity → **Part IX (Articles 243–243O)**
- **Grassroots democracy** → power shifted closer to people → participatory governance → **Article 243A (Gram Sabha)**
- **Democratic decentralisation** → institutional devolution of powers → subsidiarity strengthened → **Article 243G + 11th Schedule**
- **Social justice & inclusion** → reservation for SC/ST & women (≥33%) → representative governance → **Article 243D**
- **Regular & independent elections** → fixed tenure + SEC oversight → continuity & autonomy → **Articles 243E, 243K**
- **Fiscal decentralisation** → periodic State Finance Commission → predictable devolution → **Article 243I**
- **Local planning framework** → district-level integrated planning → bottom-up development → **Article 243ZD (DPC)**
- **Accountability at local level** → elected bodies answerable to Gram Sabha → transparency

Role of women in PRI

Positive Role / Contributions	Challenges Faced by Women in PRI
<ul style="list-style-type: none"> • Enhanced political participation → mandatory reservation enabled entry of women → mass inclusion → Article 243D + 73rd Amendment (1992) • Grassroots leadership development → women emerge as local decision-makers → democratic deepening → Women Sarpanch experience (Bihar, MP) • Focus on social sectors → priority to health, nutrition, sanitation → welfare-oriented governance → Swachh Bharat Mission 	<ul style="list-style-type: none"> • Proxy representation → male relatives exercise real power → symbolic leadership → 'Sarpanch Pati' phenomenon • Patriarchal constraints → social norms restrict voice & mobility → participation deficit → Rural gender studies • Capacity & awareness gaps → lack of training in governance & finance → effectiveness limited → CAG reports on PRIs

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Improved transparency → reduced corruption & clientelism → ethical governance → Studies by Ministry of Panchayati Raj • Role-model effect → inspires female participation beyond politics → social empowerment → UN Women PRI assessments | <ul style="list-style-type: none"> • Resource constraints → limited funds & staff → weak implementation → State Finance Commission gaps • Violence & intimidation → harassment deters independent functioning → safety concern → Cases reported by NCW |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Overall Issues, challenges in PRI

- **Incomplete devolution** → powers not fully transferred by states → weak local governance
- **Fiscal weakness** → inadequate own revenue + irregular grants → dependency on states
- **Administrative control by states** → state bureaucracy dominates PRIs → autonomy diluted → **State Panchayat Acts**
- **Capacity deficit** → lack of training, technical expertise → poor planning & execution → **CAG audits on PRIs**
- **Proxy leadership** → elected representatives controlled by elites/relatives → democratic distortion → **'Sarpanch Pati' phenomenon**
- **Irregular elections/delays** → supersession or postponement by states → constitutional violation → **Article 243E**
- **Weak Gram Sabha functioning** → low participation, symbolic meetings → accountability loss → **Article 243A**
- **Corruption & leakages** → weak monitoring at local level → trust deficit → **Social audit findings (MGNREGA)**
- **Political interference** → party politics affects local priorities → governance inefficiency → **State-level PRI practices**

Maharashtra specific

Structure of Zilla Parishad (Maharashtra)

- **District-level PRI** → apex rural local body → district planning & coordination → **Article 243B + Maharashtra Zilla Parishads Act, 1961**
- **Composition** → elected members from territorial constituencies + MPs/MLAs (ex-officio) → representative governance → **1961 Act**
- **Leadership** → President (Adhyaksha) & Vice-President elected → political executive → **State Panchayat law**
- **Standing Committees** → subjects like finance, education, health → decentralised administration → **1961 Act provisions**
- **CEO as executive head** → IAS officer controls administration → state oversight → **Section under ZP Act, 1961**

Role of Village Panchayat Head (Sarpanch)

- **Elected head of Gram Panchayat** → grassroots leadership → local governance → **Article 243C**

- **Presides over meetings** → Gram Sabha & Panchayat sessions → participatory democracy → **Article 243A**
- **Implementation authority** → executes development schemes → service delivery → **MGNREGA, SBM**
- **Financial supervision** → oversees village funds & works → accountability → **Maharashtra Gram Panchayat Act, 1959**
- **Interface role** → link between people & higher PRIs → grievance redressal → **State PRI framework**

Empowerment of PRIs in Maharashtra

- **Early adoption** → PRI laws enacted before 73rd Amendment → reformist state → **GP Act 1959, ZP Act 1961**
- **Devolution of functions** → agriculture, water supply, sanitation → local planning → **11th Schedule subjects**
- **Fiscal measures** → grants + own revenue powers → limited autonomy → **State Finance Commission (Maharashtra)**
- **Capacity building** → training via YASHADA & PRI institutes → governance skills → **State training programmes**
- **Digital governance** → e-Panchayat, online services → transparency → **e-Gram initiatives (Maharashtra)**

Role of PRIs in Rural Development

- **Village infrastructure** → roads, drainage, drinking water → basic services
- **Participatory planning** → Gram Sabha decides priorities → bottom-up development
- **Employment generation** → convergence with MGNREGA → livelihood support → **MGNREGA (2005)**
- **Asset creation** → durable village-level assets → long-term development
- **Social accountability** → local monitoring of works → reduced leakages → **Social audits practice**

Urban Local Bodies (ULBs)

Structure of Urban Local Bodies

- **Constitutional basis** → urban local governance constitutionalised → **74th Constitutional Amendment Act, 1992**
- **Types of ULBs** → Nagar Panchayat (transitional) + Municipal Council (small cities) + Municipal Corporation (large cities) → **Article 243Q**
- **Elected council** → councillors elected from wards → representative governance → **Article 243R**
- **Mayor/President** → political head of ULB → ceremonial/limited executive role → **State Municipal Acts**
- **Municipal Commissioner** → executive head appointed by state → administrative control → **State laws (e.g., MMC Act)**
- **Ward Committees** → decentralised urban governance → citizen participation → **Article 243S**

Functions of Urban Local Bodies

- **Urban planning** → land-use regulation & city development → planned growth
- **Civic services** → water supply, sanitation, solid waste management → quality of life
- **Urban infrastructure** → roads, street lighting, public transport → city mobility
- **Public health** → primary health services, sanitation → urban well-being
- **Social welfare** → slum improvement, poverty alleviation → inclusive cities
- **Revenue collection** → property tax, user charges → financial base → **State Municipal Finance laws**

Issues and Challenges

- **Incomplete devolution** → functions, funds & functionaries not fully transferred → weak autonomy → **Article 243W**
- **Financial stress** → low own revenue + high dependence on states → poor service delivery
- **Administrative domination** → Commissioner over elected Mayor → democratic deficit → **State control pattern**
- **Capacity constraints** → lack of skilled manpower & planning expertise → inefficiency → **CAG reports on ULBs**
- **Weak citizen participation** → Ward Committees ineffective → accountability gap
- **Urbanisation pressure** → rapid population growth overwhelms services → infrastructure deficit → **Census 2011 trends**

Way Forward

- **Strengthen devolution** → transfer all 3Fs to ULBs → genuine urban self-governance
- **Fiscal empowerment** → property tax reforms + predictable grants → financial sustainability → **15th FC recommendations**
- **Empowered Mayor system** → clear executive authority to Mayor → accountability → **Second ARC (2007)**
- **Capacity building** → professional staff, urban planning cadres → efficient governance → **AMRUT capacity reforms**
- **Citizen participation** → activate Ward Committees & area sabhas → grassroots accountability → **Article 243S**

PESA

Key Provisions

- **Extension of PRI system to Scheduled Areas** → tribal self-governance recognised → **PESA Act, 1996 + Article 243M(4)**
- **Gram Sabha supremacy** → competent to safeguard customs, traditions, resources → community control
- **Control over natural resources** → Gram Sabha ownership of minor forest produce → livelihood security
- **Land alienation powers** → Gram Sabha prevents transfer & restores land → tribal land protection
- **Consent for development projects** → mandatory consultation for mining & acquisition → participatory development

- **Control over local institutions** → authority over markets, moneylending, social sectors → decentralised governance

Significance

- **Tribal autonomy** → empowers Adivasi communities → self-rule in Scheduled Areas → **Article 244(1) + Fifth Schedule**
- **Participatory democracy** → bottom-up decision-making → Gram Sabha centrality → **PESA framework**
- **Resource justice** → community rights over forests & commons → livelihood protection → **MFP rights under PESA**
- **Check on exploitation** → limits state/private encroachment → inclusive development → **Mining consent provision**
- **Cultural preservation** → protects tribal customs & traditions → identity security

Challenges

- **Poor state-level implementation** → delayed/incomplete PESA rules → legal vacuum → **State PESA rules gaps**
- **Administrative dominance** → bureaucracy overrides Gram Sabha decisions → autonomy diluted → **Ground-level studies**
- **Lack of awareness** → tribal communities unaware of rights → underutilisation → **MoTA reports**
- **Conflict with other laws** → overlap with Forest Acts, Land Acquisition laws → dilution of consent → **LARR Act, 2013**
- **Token Gram Sabhas** → meetings symbolic, not empowered → democratic deficit → **Field reports (Scheduled Areas)**

Way Forward

- **Uniform & robust state rules** → align laws with spirit of PESA → effective implementation → **MoTA guidelines**
- **Capacity building of Gram Sabhas** → legal literacy & leadership training → real empowerment → **Tribal Sub-Plan**
- **Administrative sensitisation** → train officials on PESA mandate → reduce interference → **DoPT training modules**
- **Legal harmonisation** → align forest, mining & land laws with PESA → avoid dilution → **Fifth Schedule reforms**
- **Judicial enforcement** → uphold Gram Sabha consent as binding → strengthen rights → **SC judgments on tribal land rights**

Forest Rights Act 2006

Key Provisions

- **Legal recognition of forest rights** → correct historical injustice to STs/OTFDs → **Preamble + FRA, 2006**
- **Individual Forest Rights (IFR)** → cultivation rights up to 4 hectares → livelihood security → **Section 3(1)(a)**

- **Community Forest Rights (CFR)** → community rights over forest resources → collective governance → **Section 3(1)(i)**
- **Minor Forest Produce rights** → ownership, collection, sale vested in Gram Sabha → income autonomy → **Section 3(1)(c)**
- **Habitat rights** → PVTGs' customary habitat protection → cultural survival → **Section 3(1)(e)**
- **Gram Sabha authority** → initiates claims, verifies rights → bottom-up recognition → **Section 6**
- **Consent safeguard** → Gram Sabha consent for diversion of forest land → participatory decision → **MoEFCC guidelines, 2009**

Significance

- **Corrective justice** → addresses colonial-era exclusion → constitutional morality → **Article 46**
- **Livelihood security** → tenure security for forest dwellers → poverty reduction → **IFR recognition data**
- **Community conservation** → CFR enables sustainable management → biodiversity protection → **Section 5**
- **Democratic decentralisation** → empowers Gram Sabha in forest governance → local self-rule → **PESA-FRA synergy**
- **Conflict reduction** → reduces eviction & forest conflicts → social stability → **Post-FRA eviction decline**

Challenges

- **Low CFR recognition** → focus skewed to IFRs → community rights neglected → **CAG audits**
- **Implementation delays** → slow claims processing & appeals → rights uncertainty → **Section 6 timelines**
- **Administrative resistance** → forest bureaucracy dominance → dilution of Gram Sabha role → **Field reports**
- **Eviction threats** → court orders without FRA compliance → rights violations → **SC interim orders (2019)**
- **Awareness gaps** → beneficiaries unaware of entitlements → under-claiming → **MoTA reports**

Way Forward

- **Prioritise CFR scaling** → map & recognise community rights → sustainable forestry → **Section 3(1)(i)**
- **Strengthen Gram Sabhas** → capacity building & legal literacy → effective verification → **Section 6**
- **Inter-departmental convergence** → align forest, tribal & revenue agencies → smooth implementation → **MoTA-MoEFCC coordination**
- **Rights-first conservation** → integrate FRA with wildlife laws → people-centric conservation → **WLPA-FRA harmonisation**

- **Judicial safeguards** → mandatory FRA compliance before diversion/eviction → rule of law
→ **SC guidelines on due process**

Fifth Schedule vs Sixth Schedule

Aspect	Fifth Schedule	Sixth Schedule
Constitutional Basis	Scheduled Areas administration → tribal protection → Article 244(1)	Autonomous tribal areas → self-rule → Article 244(2)
Area of Application	Tribal areas in states (except NE Sixth Schedule areas) → Fifth Schedule	Assam, Meghalaya, Tripura, Mizoram → Sixth Schedule
Governing Authority	State government with special role of Governor → Para 5	Autonomous District/Regional Councils (ADCs) → Para 2
Governor's Powers	Modify/apply state laws; make regulations for land & resources → Para 5	Limited role; laws mainly by ADCs → Para 12
Representative Body	Tribes Advisory Council (TAC) → advisory in nature → Para 4	Autonomous District Councils → elected bodies → Para 2
Legislative Powers	No independent law-making power → state laws applicable with modifications → Para 5	ADCs legislate on land, forests, customs → Para 3
Executive Powers	Implemented through state administration → limited autonomy → State control	ADCs execute laws & manage administration → Para 4
Judicial Powers	Regular state courts apply → no separate system → State judiciary	Village courts for customary disputes → Para 4
Financial Powers	Dependent on state funds & grants → weak autonomy → State Finance	Power to levy taxes & manage funds → Para 7
Significance	Protective discrimination for tribals → prevent exploitation	Deep autonomy preserves culture & identity → Asymmetric federalism
Major Challenges	Governor's role underused; TAC ineffective; PESA-FRA overlap → MoTA reports	Elite capture; ADC-state conflict; weak accountability → CAG observations

Way Forward	Activate Governor’s powers; strengthen TAC; harmonise PESA & FRA → Para 5 reforms	Improve accountability; capacity building; clarify jurisdictions → Centre-State-ADC coordination
--------------------	------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

18.CONSTITUTIONAL AND STATUTORY BODIES

Standard Template For Constitutional and Statutory Body

Constitutional Body – Standard Answer Template

- 1. Constitutional Basis/ LEGAL basis**
 - Article ___ of the Constitution / Act
 - Established to ensure _____ (core constitutional objective)
- 2. Structure and Composition**
 - Composition → Chairperson + Members
 - Appointment authority → President / Governor
 - Tenure & removal → security of tenure / procedure
 - Eligibility → qualifications (if any)
- 3. Powers, Functions and Role**
 - Core function → _____
 - Advisory / recommendatory / binding role
 - Oversight / regulatory / adjudicatory powers
 - Reports submitted to → Parliament / State Legislature
 - Importance → democracy / accountability / social justice
- 4. Significance**
 - Strengthens _____ (democracy / federalism / rights)
 - Ensures _____ (fairness / transparency / inclusion)
 - Acts as _____ (watchdog / guardian / facilitator)
- 5. Issues and Challenges**
 - Autonomy concerns → executive influence
 - Enforcement gaps → non-binding recommendations
 - Capacity issues → manpower / data / delays
 - Overlap / jurisdictional ambiguity
 - Low public awareness / poor follow-up
- 6. Way Forward**
 - Transparent & independent appointment process
 - Time-bound action on recommendations
 - Strengthen powers & resources
 - Improve coordination with states / agencies
 - Promote constitutional morality

Major Constitutional Bodies

Body	Structure & Composition	Powers / Functions / Importance	Issues / Challenges	Way Forward
Election Commission of India (ECI)	CEC + ECs → appointed by President (Art. 324) → security of tenure like SC judge	Conducts LS, RS, State & Presidential elections → ensures free & fair elections → model code enforcement	Executive dominance in appointments, weak enforcement powers, post-poll role limited	Independent collegium for appointments → statutory backing to MCC → financial autonomy
Union Public Service Commission (UPSC)	Chairperson + members → President (Art. 315) → fixed tenure	Merit-based recruitment → neutrality & professionalism of bureaucracy	Delay in recruitment cycle, limited reform advisory role	Digitisation, faster exams, stronger policy advisory function
State Public Service Commission (SPSC)	Chairperson + members → Governor (Art. 315)	Recruitment to state services → administrative continuity	Political interference, credibility issues	Uniform standards, independent selection process
Comptroller & Auditor General (CAG)	Single constitutional authority → President (Art. 148) → removable like SC judge	Audits Union & State finances → legislative oversight → fiscal accountability	Post-facto audit, poor implementation of audit reports	Strengthen PAC follow-up → real-time auditing tools
Finance Commission	Chairperson + 4 members → President (Art. 280)	Vertical & horizontal devolution → fiscal federalism → grants-in-aid	Cesses & surcharges bypass FC → Centre dominance	Rationalise cesses → strengthen cooperative federalism
Attorney General of India	Appointed by President (Art. 76) → must be SC-qualified	Chief legal advisor → represents Union in courts	Conflict of interest → political alignment	Codified ethical guidelines

Advocate General (State)	Appointed by Governor (Art. 165)	Legal advisor to State govt → represents state	Over-politicisation	Professional independence norms
Special Officer for SC/ST	Appointed by President (Art. 338 – earlier)	Reports on safeguards → constitutional monitoring	Advisory nature only → weak enforcement	Stronger reporting action & follow-up

National Commission for Scheduled Castes (NCSC)	Constitutional body → Article 338 → Chairperson, Vice-Chairperson & 3 members → appointed by President	Monitor safeguards for SCs → inquire into rights violations → advise Centre & States on policy → submit annual reports → promote social justice	Advisory nature only → recommendations not binding → overlap with NCST/State commissions → delayed report action	Make recommendations time-bound → strengthen follow-up mechanism → improve coordination with States
--------------------------------------------------------	---------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------

National Commission for Scheduled Tribes (NCST)	Constitutional body → Article 338A → Chairperson, Vice-Chairperson & 3 members → President-appointed	Protect ST rights → monitor tribal welfare & forest rights → advise on development & displacement issues → safeguard cultural identity	Weak enforcement → poor implementation of FRA, PESA → development vs rights conflict → capacity gaps	Strengthen implementation role → integrate tribal consent mechanisms → enhance data & field presence
--------------------------------------------------------	-------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------

National Commission for Backward Classes (NCBC)	Constitutional status via 102nd Amendment (Art. 338B) → Chairperson, Vice-Chairperson & 3 members	Examine OBC inclusion/exclusion → advise on reservation & welfare → grievance redressal → socio-educational justice	Reduced state role post-102nd Amendment → data deficiency → centre-state friction → policy delays	Restore balanced federal role (105th Amendment) → regular caste data →
--------------------------------------------------------	----------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------	------------------------------------------------------------------------

transparent
criteria

Statutory Bodies

Body	Structure & Composition	Powers / Functions / Importance	Issues / Challenges	Way Forward
National Human Rights Commission (NHRC)	Chairperson (ex-CJI) + members → Protection of Human Rights Act, 1993	Protect human rights → inquire into violations → advisory role → awareness	Limited enforcement power → recommendations non-binding → jurisdiction limits	Grant binding powers → expand jurisdiction → timely action
Central Vigilance Commission (CVC)	CVC + Vigilance Commissioners → CVC Act, 2003	Anti-corruption oversight → supervises CBI vigilance → integrity in administration	No prosecutorial power → dependency on executive	Strengthen autonomy → empower prosecution
Central Information Commission (CIC)	Chief IC + ICs → RTI Act, 2005	Enforce right to information → transparency & accountability	Vacancies, delays → dilution via amendments	Time-bound appointments → restore independence
State Information Commissions (SICs)	State CIC + ICs → RTI Act, 2005	RTI enforcement at state level	Political interference → backlog	Capacity building → digital RTI systems
National Commission for Women (NCW)	Chairperson + members → NCW Act, 1990	Safeguard women's rights → policy advice → grievance redressal	Advisory nature → limited enforcement	Legal backing → stronger coordination

National Commission for Minorities (NCM)	Chairperson + members → NCM Act, 1992	Protect minority rights → promote harmony	Weak impact → symbolic role	Binding recommendations → outreach
Central Bureau of Investigation (CBI)	Director + officers → DSPE Act, 1946	Investigates corruption & major crimes	Consent issue → political misuse allegations	Statutory autonomy → oversight mechanism
NITI Aayog	PM as Chair → CEO → Governing Council	Policy think tank → cooperative federalism	No financial powers → advisory only	Strengthen policy implementation role
Lokpal	Chairperson + members → Lokpal Act, 2013	Anti-corruption ombudsman → public officials	Delayed appointments → weak staff	Operational autonomy → fast-track cases

19.ELECTORAL SYSTEM

Concept of Universal Adult Franchise

- **Universal Adult Franchise** → right to vote granted to all adults without discrimination → democratic inclusiveness → **Article 326**
- **Age criterion** → every citizen aged 18 years or above eligible → political equality → **61st Constitutional Amendment Act, 1988**
- **No discrimination** → voting rights irrespective of caste, religion, gender, wealth or education → egalitarian democracy → **Article 326**
- **Mass democracy principle** → sovereignty rests with people → broad-based representation → **Preamble (We the People)**
- **Political empowerment** → enables participation of marginalised groups → social justice → **First General Elections, 1951-52**
- **Foundation of representative government** → legitimacy of legislature & executive → accountable governance → **Articles 79, 74**

Importance of Free and Fair Elections

- **Democratic legitimacy** → government derives authority from genuine public mandate → consent of governed → **Article 324**

- **Political equality** → equal value of every vote → prevents elite capture → **Universal Adult Franchise under Article 326**
- **Accountability of rulers** → regular elections enable reward/punishment of governments → responsive governance → **Article 83 + 5-year term**
- **Peaceful transfer of power** → change of government without violence → political stability → **General Elections, 1977**
- **Protection of rights** → fair process safeguards civil & political rights → democratic freedoms → **Indira Nehru Gandhi v Raj Narain (1975)**
- **Strengthening federalism** → fair state & national elections reflect regional aspirations → balanced polity → **Assembly elections under Article 172**
- **Public trust in institutions** → credibility of ECI & process → democratic faith sustained → **ECI reforms post-1990s (EVMs, MCC)**

Problems in Electoral System

- **Money power** → excessive election expenditure → unequal political competition → **ECI expenditure limits + ADR reports**
- **Criminalisation of politics** → candidates with pending criminal cases elected → weak voter choice → **Article 102 + Association for Democratic Reforms case (2002)**
- **Muscle power & violence** → voter intimidation, booth capturing → distorted mandate → **Representation of People Act, 1951**
- **Misuse of government machinery** → ruling party advantage → violation of level playing field → **Model Code of Conduct (ECI)**
- **Paid news & media bias** → covert political advertising → voter manipulation → **ECI Paid News Guidelines (2010)**
- **Caste & communal mobilisation** → identity-based voting → policy issues sidelined → **Electoral practices under RPA, 1951**
- **Low inner-party democracy** → high command candidate selection → weak representative character → **Law Commission 255th Report (2015)**
- **Voter apathy** → low participation in some regions → democratic deficit → **Urban voter turnout data (ECI)**
- **Defection & opportunism** → post-election mandate distortion → instability → **Anti-Defection Law, 10th Schedule**

Electoral Reforms Measure taken

Measure Taken	Various Committees on Electoral Reforms (MPSC Micro-Notes)
<ul style="list-style-type: none"> • Curbing criminalisation → mandatory disclosure of criminal cases → informed voter choice → ADR case (2002) + Section 33A, RPA 1951 • Disqualification reforms → faster trial & conviction-based disqualification → cleaner politics → Law Commission 244th Report (2014) • Election expenditure control → ceiling on candidate spending → reduce 	<ul style="list-style-type: none"> • Tarkunde Committee (1975) → first civil society committee on electoral reforms → recommended independent ECI & curbing money power → Citizens for Democracy • Goswami Committee (1990) → electoral reforms focus → suggested disqualification for defection, election

money power → **RPA 1951 + ECI expenditure limits**

- **Electoral bonds reform** → transparency in political funding → curb anonymous donations → **SC judgement on Electoral Bonds (2024)**
- **Paid news regulation** → monitoring & penalties → fair media coverage → **ECI Paid News Guidelines (2010)**
- **Model Code of Conduct enforcement** → level playing field during elections → ethical campaigning → **Article 324 + MCC**
- **Simultaneous elections** → reduce cost & policy paralysis → governance stability → **Law Commission 170th Report + NITI Aayog**
- **Inner-party democracy** → transparent candidate selection → representative parties → **Law Commission 255th Report (2015)**
- **Voter participation reforms** → SVEEP, postal ballots, EVM-VVPAT → inclusive elections → **ECI initiatives post-2013**

expenses control → **Dinesh Goswami Committee**

- **Indrajit Gupta Committee (1998)** → state funding of elections → partial state funding to curb money power → **1998 Report**
- **Law Commission (170th Report, 1999)** → electoral system reforms → proportional representation & anti-defection review → **Law Commission of India**
- **Election Commission Reforms Proposals (2004)** → strengthening MCC & paid news control → transparency → **ECI recommendations**
- **Second Administrative Reforms Commission (2007)** → ethics in elections → decriminalisation & inner-party democracy → **ARC Report on Ethics**
- **Law Commission (244th Report, 2014)** → criminalisation of politics → fast-track courts & disqualification → **Justice A.P. Shah Committee**
- **Law Commission (255th Report, 2015)** → electoral funding & party reforms → transparency & inner-party democracy → **Electoral Reforms Report**

Electoral Laws

1. Delimitation Act

What

- **Delimitation Act** → redraws constituencies on population basis → equal representation → **Articles 82, 170 + Delimitation Act, 2002**
- **Finality of orders** → Delimitation Commission decisions not challengeable in courts → stability → **Article 329(a)**

Issues

- **Population freeze distortion** → seat allocation ignores population growth → unequal representation → **42nd Amendment (1976), extended till 2026**
- **Regional imbalance** → southern states penalised for population control → federal tension → **Post-2026 delimitation debate**
- **Urban under-representation** → rapid urbanisation not reflected in seats → skewed democracy → **Census 2011 trend**

- **Limited public consultation** → technocratic exercise → weak grassroots acceptance → **Commission procedure**
- **Political sensitivity** → delimitation triggers resistance & unrest → governance challenge → **Historical delimitation protests**

2.Representation of the People Act, 1950

What

- **Electoral rolls framework** → voter registration & seat allocation → universal franchise → **RPA 1950**
- **Administrative machinery** → EROs & DEOs manage rolls → decentralised process → **Sections 13-13CC**

Issues

- **Inaccurate voter rolls** → duplication, wrongful deletions → disenfranchisement → **ECI revision reports**
- **Migrant exclusion** → place-based registration limits mobility → urban voter drop → **Urban turnout data**
- **Administrative bias risk** → dependence on local officials → uneven neutrality → **State machinery role**
- **Slow grievance redressal** → correction delays → voter frustration → **Claims & objections process**
- **Technology gaps** → digital divide affects enrolment → inclusion challenge → **Online voter services**

3.Representation of the People Act, 1951

What

- **Election conduct law** → nominations, polling, counting → electoral integrity → **RPA 1951**
- **Disqualification & ethics** → criminal acts, corrupt practices barred → clean politics → **Sections 8, 123**

Issues

- **Criminalisation of politics** → disqualification only after conviction → slow justice → **ADR data + Lily Thomas case (2013)**
- **Money power dominance** → expenditure caps bypassed → unequal competition → **Section 77 loopholes**
- **Weak enforcement** → low conviction in corrupt practices → limited deterrence → **Election offence data**
- **Lengthy election litigation** → delayed verdicts affect governance → **Article 329(b)**
- **Party finance opacity** → RPA weak on party funding → transparency deficit → **Electoral funding debates**

One Nation One Election (ONOE)

What is ONOE	Need for ONOE
<ul style="list-style-type: none"> • Simultaneous elections → Lok Sabha & all State Assemblies elections held 	<ul style="list-style-type: none"> • Governance continuity → frequent elections trigger Model Code of

<p>together → single electoral cycle → Pre-1967 practice in India</p> <ul style="list-style-type: none"> • Single mandate cycle → voters elect governments at Centre & States at same time → governance continuity → 1st-4th General Elections (1952-67) 	<p>Conduct → policy paralysis avoided → Article 324 + MCC</p> <ul style="list-style-type: none"> • Cost reduction → high expenditure by ECI, parties & states → fiscal efficiency → ECI estimates on election costs • Administrative efficiency → repeated deployment of security & staff reduced → service delivery improved → Election duty burden • Political stability → constant campaign mode reduced → focus on governance → Post-1989 election frequency • Voter convenience → reduced election fatigue → higher participation → Turnout trends (ECI data)
<p>Issues and Challenges</p> <ul style="list-style-type: none"> • Federalism concerns → State issues overshadowed by national narratives → erosion of state autonomy → Basic structure (Bommai case, 1994) • Constitutional complexity → requires amendments for tenure curtailment/extension → legal rigidity → Articles 83, 172 • Hung Assemblies risk → mid-term collapse disrupts cycle → governance vacuum → Coalition era experience • Logistical challenge → massive EVM-VVPAT & security requirement → capacity strain → ECI infrastructure limits • Democratic choice dilution → voters may vote uniformly → reduced accountability → Second-order election theory 	<p>Way Forward</p> <ul style="list-style-type: none"> • Phased implementation → elections in two synchronised cycles → gradual transition → Law Commission 170th Report • Constitutional amendments → fixed terms with safeguards → legal clarity → Articles 83, 172 reform • Constructive no-confidence → government change only with alternative ready → stability → German model suggestion • Strengthen federal safeguards → protect state-specific debates → balanced campaigns → Inter-State Council (Art.263) • Political consensus building → all-party agreement before rollout → democratic legitimacy → NITI Aayog discussion paper (2017)

20. POLITICAL PARTIES, PRESSURE GROUPS AND MEDIA

Features of Indian Party System

- **Multi-party system** → presence of national, state & regional parties → social diversity representation → **EC recognition under Election Symbols Order, 1968**
- **Dominant-party phases** → long single-party dominance followed by competition → system flexibility → **Congress era (1950s–60s), BJP era (post-2014)**
- **Coalition politics** → governments formed through alliances → consensual governance → **NDA/UPA governments (1996–2014)**
- **Regionalisation of politics** → strong state-based parties influence national policy → federal deepening → **DMK, TMC, BJD influence**
- **Ideological diversity** → parties span left, centre, right → policy contestation → **CPI(M), Congress, BJP**
- **Centralised party leadership** → high-command culture in parties → weak inner democracy → **Law Commission 255th Report (2015)**
- **Electoral volatility** → frequent shifts in voter preference → competitive democracy → **Alternation of power in states**
- **Role of identity politics** → caste, religion, region mobilised → vote-bank politics → **RPA, 1951 context**

National Parties vs State Parties

National Parties	State (Regional) Parties
<ul style="list-style-type: none"> • Area of influence → operate across multiple states → pan-India agenda → ECI recognition under Election Symbols Order, 1968 • Policy orientation → national issues dominate → defence, economy, foreign policy → Manifestos of BJP/Congress • Government formation role → capable of forming Union government → stable majority or coalitions → NDA/UPA at Centre • Organisational structure → centralised leadership → high-command culture → Law Commission 255th Report (2015) • Electoral base → broad social coalition → cross-regional appeal → Lok Sabha elections pattern 	<ul style="list-style-type: none"> • Area of influence → confined to one/few states → regional aspirations → ECI recognition under Symbols Order, 1968 • Policy orientation → state-specific issues → language, culture, regional development → DMK (Tamil identity), TMC (Bengal issues) • Federal significance → strengthen federalism → voice of states at Centre → Coalition era (1996–2014) • Kingmaker role → decisive in coalition governments → bargaining power → Support to NDA/UPA • Leadership pattern → strong regional leaders → personality-centric politics → Regional party

Regional parties

Factors Responsible for Rise	Contribution of Regional Parties

<ul style="list-style-type: none"> • Federal structure → state-specific political space → regional leadership emergence → Articles 245–246 • Linguistic reorganisation → identity-based mobilisation → regional aspirations → States Reorganisation Act, 1956 • Coalition era politics → decline of single-party dominance → bargaining power to regions → Post-1989 Lok Sabha elections • Uneven development → regional economic disparities → demand for focused governance → Planning Commission era imbalance • Cultural & linguistic assertion → protection of regional identity → electoral mobilisation → Dravidian movement (TN) 	<ul style="list-style-type: none"> • Deepening federalism → strong state voice in national politics → Centre–State balance → Inter-State Council debates • Coalition stability → support/participation in Union governments → inclusive governance → NDA/UPA coalitions • Policy innovation → state-level welfare models → policy diffusion → TN social justice model, Odisha welfare schemes • Representation of minorities → articulation of local concerns → inclusive democracy → North-East regional parties • Checks on centralisation → resistance to unilateral Centre actions → federal safeguard → Opposition to Farm Laws (2020)
<p>Challenges Faced</p> <ul style="list-style-type: none"> • Limited national outlook → over-focus on regional issues → fragmented polity → Coalition constraints • Personality-centric leadership → dynastic or leader-dominated parties → weak institutions → Regional party structures • Opportunistic alliances → frequent shifts for power → ideological dilution → Coalition politics practice • Governance deficits → patronage & populism over reforms → fiscal stress → State finances data • Internal democracy deficit → weak cadre participation → leadership monopoly → Law Commission 255th Report (2015) 	<p>Way Forward</p> <ul style="list-style-type: none"> • Strengthen inner-party democracy → transparent leadership & candidate selection → credibility → Law Commission 255th Report • Policy capacity building → move beyond identity politics → development focus → NITI Aayog best practices • Responsible coalition behaviour → program-based alliances → stability → Common Minimum Programme model • Federal institutional engagement → active participation in national forums → cooperative federalism → Article 263

Pressure Groups (Interest Groups)

What are Pressure Groups	Types of Pressure Groups
--------------------------	--------------------------

<ul style="list-style-type: none"> • Pressure groups → organised associations seeking to influence public policy → no direct electoral contest → Almond & Powell definition • Mode of action → lobbying, protests, litigation, media campaigns → indirect influence → Democratic process practice 	<ul style="list-style-type: none"> • Sectional groups → represent specific section interests → narrow focus → Trade unions (AITUC) • Promotional groups → promote general causes → public interest → NGOs like PUCL • Institutional groups → part of political system → insider influence → Bureaucracy, Armed forces • Associational groups → formally organised bodies → structured lobbying → FICCI, CII • Anomic groups → spontaneous, unorganised → protest-based → Farmers' protests (2020-21)
<p>Characteristics</p> <ul style="list-style-type: none"> • Non-political nature → do not seek political power → policy-oriented → Pressure vs political parties • Issue-specific focus → limited objectives → targeted influence → Environmental groups & forest laws • Extra-constitutional methods → operate outside formal institutions → informal pressure → Bandhs, dharnas • Leadership-driven → effectiveness depends on leadership & resources → uneven impact → Business lobbies 	<p>Importance of Pressure Groups</p> <ul style="list-style-type: none"> • Interest articulation → channel societal demands → responsive governance → Pluralist democracy model • Policy expertise → provide technical inputs → informed decision-making → Parliamentary committees consultations • Democratic participation → citizens engage beyond elections → deepened democracy → Civil society role • Check on executive → expose policy gaps → accountability → RTI activism (post-2005) • Minority voice → amplify marginalised concerns → inclusive polity → Tribal rights movements
<p>Challenges / Issues</p> <ul style="list-style-type: none"> • Elite capture → business groups dominate policy → unequal influence → Corporate lobbying debates • Lack of transparency → informal lobbying → accountability deficit → No lobbying law in India 	<p>Way Forward</p> <ul style="list-style-type: none"> • Legal framework for lobbying → regulate & disclose influence → transparency → Law Commission suggestions • Inclusive consultation mechanisms → balanced stakeholder engagement →

<ul style="list-style-type: none"> • Policy distortion risk → sectional interests override public interest → governance bias → Farm law opposition critique • Violent methods → protests turn disruptive → law & order issues → Anomic group actions • Foreign influence concerns → NGO funding scrutiny → sovereignty issues → FCRA regulation 	<p>public interest safeguarded → Pre-legislative consultation policy</p> <ul style="list-style-type: none"> • Strengthen civil society capacity → evidence-based advocacy → quality inputs → Think tanks & NGOs • Democratic protest norms → peaceful, constitutional methods → legitimacy → Article 19(1)(a),(b)
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Pressure Groups in Maharashtra

<p>Major Pressure Groups</p> <ul style="list-style-type: none"> • Farmers' organisations → represent agrarian interests → MSP, loan waivers, irrigation → Shetkari Sanghatana (Sharad Joshi, 1980s) • Co-operative sector groups → sugar, dairy, credit co-ops influence policy → rural political power → Sugar Cooperatives under Maharashtra Co-operative Societies Act, 1960 • Labour unions → protect industrial & informal workers → wages, job security → INTUC, AITUC presence in Mumbai-Pune belt • Business & industry groups → lobby for investment-friendly policies → infrastructure, taxation → Maharashtra Chamber of Commerce (MACCIA) • Caste-based organisations → social justice & reservations → political mobilisation → Maratha Kranti Morcha (2016-18) • Regional/identity groups → language & regional pride → cultural politics → Shiv Sena (initially pressure group phase, 1966) • Environmental groups → oppose ecologically harmful projects → sustainable development → Save Aarey Movement (2019) 	<p>Characteristics</p> <ul style="list-style-type: none"> • Issue-centric mobilisation → focused demands → time-bound protests → Maratha reservation agitation • Strong rural base → agrarian & co-operative dominance → policy leverage → Western Maharashtra sugar belt • Street politics orientation → rallies, morchas, bandhs → high visibility → Azad Maidan protests
<p>Impact / Importance</p> <ul style="list-style-type: none"> • Policy influence → loan waivers, reservation decisions → responsive governance → Farm loan waivers (2017) • Democratic participation → channels mass demands outside elections → political awareness → State-wide agitations 	

- **Social justice push** → articulation of backward class demands → equity discourse → **OBC & Maratha movements**

Issues / Challenges

- **Politicisation** → overlap with political parties → diluted neutrality → **Co-op sector-party nexus**
- **Elite dominance** → powerful groups overshadow marginal voices → imbalance → **Sugar lobby influence**
- **Law & order strain** → prolonged protests disrupt public life → governance challenge → **State-wide morchas**

Way Forward

- **Institutional consultation** → formal dialogue platforms with govt → constructive engagement → **State advisory councils**
- **Transparency norms** → disclosure of leadership & funding → accountability → **Co-operative reforms**
- **Peaceful mobilisation** → constitutional methods only → democratic legitimacy → **Article 19(1)(a),(b)**

Difference between Political Parties and Pressure Groups

Aspect	Political Parties	Pressure Groups
Primary objective	Capture political power	Influence public policy
Participation in elections	Contest elections → form government	Do not contest elections
Nature	Formal, institutionalised organisations	Informal / semi-formal associations
Accountability	Directly accountable to electorate	Not electorally accountable
Scope of action	Broad governance agenda	Issue-specific demands
Method of influence	Elections, legislation, governance	Lobbying, protests, advocacy

Legal recognition	Recognised under election laws	No constitutional/legal status
Continuity	Permanent political actors	Often temporary / interest-based
Example (India)	INC, BJP	Farmers' unions, trade unions, business associations

Role of Media in Democracy

- **Information dissemination** → informs citizens about government actions & policies → informed electorate → **Article 19(1)(a)**
- **Watchdog function** → exposes corruption & abuse of power → executive accountability → **Bofors case (1987)**
- **Agenda setting** → prioritises public issues → shapes policy debate → **Media-led social issue coverage**
- **Public opinion formation** → reflects and moulds citizen views → democratic participation → **Editorials & debates**
- **Electoral role** → educates voters & monitors elections → free & fair polls → **ECI-media voter awareness drives**
- **Voice of marginalised** → highlights suppressed concerns → inclusive democracy → **Media support to social movements**

PRAYAAS