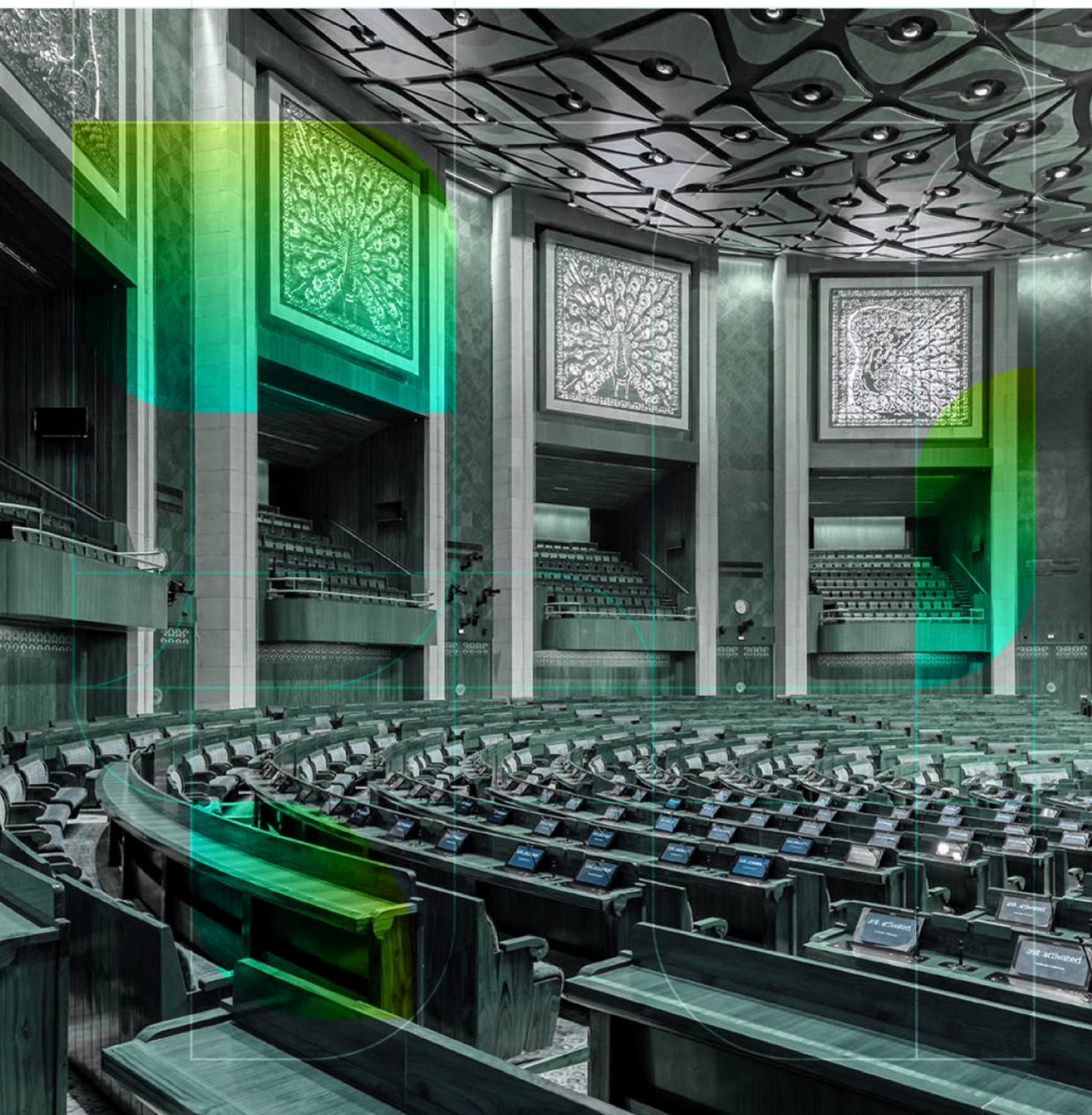


**UPSC
Prelims**



Polity Static

Class Notes



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- (EIC → British Crown)
- 1600 – East India Company (EIC) granted exclusive trading rights in India.
- 1765 – EIC obtained Diwani rights
 - → Revenue + civil justice rights in Bengal, Bihar, Orissa.
- 1857–1947 – Direct British governance.

COMPANY RULE (1773–1858)

<p>REGULATING ACT, 1773</p>	<p>Purpose</p> <ul style="list-style-type: none"> ○ First step by British govt to control & regulate EIC affairs. ○ Recognised political + administrative functions of EIC. ○ Laid foundation of central administration. <p>Features</p> <ul style="list-style-type: none"> ○ Governor of Bengal → Governor-General of Bengal <ul style="list-style-type: none"> ■ Executive Council (4 members) ■ First: Lord Warren Hastings. ○ Governors of Bombay & Madras subordinated to Bengal (Earlier independent). ○ Supreme Court at Calcutta (1774) – 1 CJ + 3 judges. ○ EIC servants prohibited from: <ul style="list-style-type: none"> ■ Private trade ■ Accepting gifts/bribes from natives. ○ Court of Directors (CoD) – Governing body.
<p>PITT'S INDIA ACT, 1784</p> <p>Before this Act (Amending Act of 1781: Also called Act of Settlement, amendment to RA 1773)</p>	<p>Objective</p> <ul style="list-style-type: none"> ○ Rectified defects of the Regulating Act. <p>Features</p> <ul style="list-style-type: none"> ○ Commercial & political functions separated. ○ Dual Government system: <ul style="list-style-type: none"> ■ CoD → Commercial affairs ■ Board of Control (BoC) → Political affairs. ○ BoC empowered over civil, military & revenue matters. <p>Significance</p> <ul style="list-style-type: none"> ○ British possessions in India defined. ○ British control over the company's administration was established.
<p>CHARTER ACT, 1793</p>	<ul style="list-style-type: none"> ○ Renewed EIC's commercial privileges for 20 years. ○ Company to pay 5 lakh pounds annually to British govt. ○ Royal approval mandatory for appointments. ○ Senior officials barred from leaving India without permission.

CHARTER ACT, 1813	<ul style="list-style-type: none"> ○ Company empowered to grant licences for trade.
CHARTER ACT, 1833	<ul style="list-style-type: none"> ○ Company's monopoly ended in India <ul style="list-style-type: none"> ■ Trade with China & tea trade retained. ○ 10.5% dividend guaranteed to shareholders. ○ Constitutional position of British territories defined (first time). ○ BoC powers enlarged. ○ Funds for education – literature & science for Indians. ○ Christian missionaries permitted in India. <p>○ Final step towards centralisation.</p> <p>Provisions</p> <ul style="list-style-type: none"> ○ Governor-General of Bengal → Governor-General of India <ul style="list-style-type: none"> ■ Civil & military powers. ■ First: Lord William Bentinck. ○ Governors of Bombay & Madras were deprived of legislative powers. ○ EIC ended as a commercial role → became a purely administrative body. ○ Open competition for civil services ○ Indians theoretically allowed (opposed by CoD). ○ Indian laws to be codified. ○ Monopoly over China & tea ended. ○ European immigration & property restrictions lifted. ○ Slavery abolished
CHARTER ACT, 1853	<ul style="list-style-type: none"> ○ Separated legislative & executive functions of GG's Council. ○ 6 new members added → Governor-General's Legislative Council. (Indian Central Legislative Council – "Mini Parliament"). ○ Open competition for civil services introduced. <ul style="list-style-type: none"> ■ Macaulay Committee (1854) – Civil services. ○ Local representation in ILC: <ul style="list-style-type: none"> ■ 4/6 appointed from Madras, Bombay, Bengal, Agra.

CROWN RULE (1858–1947)

GOVERNMENT OF INDIA ACT, 1858	<p>Outcome</p> <ul style="list-style-type: none"> ○ Abolished EIC. ○ Transferred territories, revenues & powers to British Crown. <p>Features</p> <ul style="list-style-type: none"> ○ Governor-General → Viceroy of India (Direct representative of British Crown). <ul style="list-style-type: none"> ■ First: Lord Canning. ○ Dual government ended (CoD + BoC abolished). ○ New office: Secretary of State for India (SoS) <ul style="list-style-type: none"> ■ British cabinet member ■ Responsible to British Parliament ■ Complete authority over Indian administration. ○ 15-member Council of India to assist SoS (advisory). <ul style="list-style-type: none"> ■ SoS = Chairman. ○ Secretary of State-in-Council constituted as body corporate.
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	<ul style="list-style-type: none"> ○ Council → Viceroy → SoS → British Parliament (Responsible Government → Answerable Government)
<p style="text-align: center;">INDIAN COUNCILS ACT, 1861</p>	<ul style="list-style-type: none"> ○ Indians included in law-making. <ul style="list-style-type: none"> ■ Viceroy to nominate Indians as non-official members. ■ Three Indian nominees by Lord Canning (1882): <ul style="list-style-type: none"> ◆ Raja of Benaras ◆ Maharaja of Patiala ◆ Sir Dinkar Rao. ○ Decentralisation – legislative powers restored to: <ul style="list-style-type: none"> ■ Bombay & Madras. ○ New Legislative Councils: <ul style="list-style-type: none"> ■ Bengal (1862) ■ NWFP (1866) ■ Punjab (1897). ○ Portfolio system recognised (introduced by Lord Canning, 1859). ○ Viceroy empowered to issue ordinances: <ul style="list-style-type: none"> ■ Without LC consent (during emergency) ■ Valid for 6 months. ○ Limitations of LC (Act of 1861 later clarified) <ul style="list-style-type: none"> ■ Cannot discuss budget/financial matters without govt approval. ■ No control over budget. ■ Cannot discuss executive actions.
<p style="text-align: center;">INDIAN COUNCILS ACT, 1892</p>	<ul style="list-style-type: none"> ○ Increased non-official members in Central & Provincial Legislative Councils (6 → 16) ○ Councils allowed to discuss budget and ask questions to executive (no voting power) ○ No elections → only nomination ○ CLC: Non-official members nominated by Viceroy on recommendation of <ul style="list-style-type: none"> ■ Provincial Legislative Councils ■ Bengal Chamber of Commerce ○ PLCs: Non-official members nominated by Governors on recommendation of <ul style="list-style-type: none"> ■ District Boards, Municipalities, Universities, Trade Associations, Zamindars, Chambers of Commerce ○ Nature: Indirect, elitist representation; advisory councils only ○ Significance: First step towards budget discussion, not financial control ○ Limitation: No real legislative power, no executive responsibility
<p style="text-align: center;">INDIAN COUNCILS ACT, 1909</p>	<p>(Morley–Minto Reforms)</p> <ul style="list-style-type: none"> ○ First attempt to introduce representative & popular element. <p>Provisions</p> <ul style="list-style-type: none"> ○ Size of LCs increased: <ul style="list-style-type: none"> ■ CLC & PLC → 16–60 (not uniform). ■ Non-official majority allowed. ○ Functions of LCs increased. ○ Indians appointed to Executive Councils of:

	<ul style="list-style-type: none"> ■ Viceroy & Governors. ■ First Indian law member: Satyendra Prasad Sinha (1909). ○ Separate electorate for Muslims introduced <ul style="list-style-type: none"> ■ → Legalised communalism. ■ → Minto = Father of communal electorate.
<p>GOVERNMENT OF INDIA ACT, 1919</p>	<p>(Montagu-Chelmsford Reforms)</p> <ul style="list-style-type: none"> ○ August 1917 declaration: <ul style="list-style-type: none"> ■ Gradual introduction of responsible government ■ India to remain integral part of British Empire. <p>Features</p> <ul style="list-style-type: none"> ○ Central control relaxed by separating: <ul style="list-style-type: none"> ■ Central subjects ■ Provincial subjects. ○ Provincial subjects divided: <ul style="list-style-type: none"> ■ Transferred → Administered by Governor + ministers (responsible to LC). ■ Reserved → Administered by Governor + executive council (not responsible). ■ → System called Dyarchy. ■ This dual scheme of governance was known as 'dyarchy'-a term derived from the Greek word "di-arche" which means double rule. However, this experiment was largely unsuccessful. ○ Bicameralism introduced at centre: <ul style="list-style-type: none"> ■ Upper House → Council of State ■ Lower House → Legislative Assembly ■ Majority elected directly. ○ 3 of 6 members of Viceroy's Executive Council to be Indians. ○ Separate electorates extended: <ul style="list-style-type: none"> ■ Sikhs, Christians, Anglo-Indians, Europeans. ○ Franchise granted on property, tax & education basis. ○ New office: High Commissioner for India (London). <ul style="list-style-type: none"> ■ Some functions of SoS given to him. ○ Public Service Commission established <ul style="list-style-type: none"> ■ 1926 → Central PSC set up to recruit civil servants. ○ Provincial budgets separated from central budget. ○ After 10 years → Statutory Commission.
<p>SIMON COMMISSION, 1927</p>	<ul style="list-style-type: none"> ○ Statutory commission under Act of 1919. ○ Chairman: Sir John Simon. ○ All members British. ○ Report submitted in 1930. ○ Recommendations <ul style="list-style-type: none"> ■ Abolition of dyarchy. ■ Extension of responsible govt in provinces. ■ Establishment of federation. ■ Continuation of communal electorates.

	<ul style="list-style-type: none"> ○ Led to Round Table Conferences. <ul style="list-style-type: none"> ■ White Paper → Basis of GOI Act, 1935.
<p>COMMUNAL AWARD, 1932</p>	<ul style="list-style-type: none"> ○ August, 1932 ○ Announced by Ramsay MacDonald (British PM). ○ Scheme for minority representation. ○ Separate electorates extended to depressed classes. ○ Led to Poona Pact.
<p>GOVERNMENT OF INDIA ACT, 1935</p>	<p>Key Provisions</p> <ul style="list-style-type: none"> ○ All-India Federation established ○ Powers divided into 3 lists: <ul style="list-style-type: none"> ■ Federal list ■ Provincial list ■ Concurrent list ■ Residuary powers → Viceroy. ○ Dyarchy abolished in provinces, introduced at centre. ○ Bicameralism in 6 provinces: <ul style="list-style-type: none"> ■ Bengal, Bombay, Madras, Bihar, Assam, United Provinces. ○ Separate electorates for: <ul style="list-style-type: none"> ■ Depressed classes ■ Women ■ Labour. ○ Council of India abolished (established by GoI Act, 1858) ○ Franchise extended → ~10% population got voting rights. ○ RBI established. ○ Established → Federal, Provincial & Joint Public Service Commissions. ○ Federal Court established (1937).
<p>INDIAN INDEPENDENCE ACT, 1947</p>	<ul style="list-style-type: none"> ○ 20 Feb 1947 – British PM Clement Atlee announced transfer of power by 30 June 1948. ○ 3 June 1947 – Mountbatten Plan announced. <p>Features</p> <ul style="list-style-type: none"> ○ Ended British rule → India independent from 15 Aug 1947. ○ Two independent dominions: <ul style="list-style-type: none"> ■ India ■ Pakistan. ○ Viceroy abolished; post of Governor-General retained. ○ Constituent Assemblies empowered. ○ Secretary of State abolished. ○ British paramountcy lapsed. ○ Princely states free to: <ul style="list-style-type: none"> ■ Join India ■ Join Pakistan ■ Remain independent. ○ Lord Mountbatten <ul style="list-style-type: none"> ■ → First Governor-General of Dominion India. ■ → Swore Nehru as first Prime Minister.

POLITY

With reference to the Government of India Act, 1935, consider the following statements: (2024)

1. It provided for the establishment of an All India Federation based on the union of the British Indian Provinces, and Princely States.
2. Defence and Foreign Affairs were kept under the control of the federal legislature.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

By which one of the following Acts was the Governor General of Bengal designated as the Governor General of India?

- (a) The Regulating Act (2023)
(b) The Pitt's India Act
(c) The Charter Act of 1793
(d) The Charter Act of 1833

In the Government of India Act 1919, the functions of Provincial Government were divided into "Reserved" and "Transferred" subjects. Which of the following were treated as "Reserved" subjects? (2022)

1. Administration of Justice
2. Local Self-Government
3. Land Revenue
4. Police

Select the correct answer using the code given below:

- (a) 1, 2 and 3
(b) 2, 3 and 4
(c) 1, 3 and 4
(d) 1, 2 and 4

The distribution of powers between the Centre and the States in the Indian Constitution is based on the scheme provided in the: (2012)

- (a) Morley-Minto Reforms, 1909
(b) Montagu-Chelmsford Act, 1919
(c) Government of India Act, 1935
(d) Indian Independence Act, 1947

1934 – M.N. Roy: **First proposed the idea of Constituent Assembly (CA).**

1935 – INC officially demanded a Constituent Assembly.

1938 – Jawaharlal Nehru declared:

- Constitution must be framed by a Constituent Assembly.
- CA to be elected on adult franchise basis.

1940 – August Offer accepted by the British.

1942 – Cripps Mission:

- Draft proposal of British for constitution-making.
- Constitution to be adopted after World War II.
- Rejected by Muslim League.

March 1946 – Cabinet Mission:

- To formalise August Offer.
- Rejected the idea of two Constituent Assemblies.

November 1946 – Constituent Assembly formed.

COMPOSITION OF THE CONSTITUENT ASSEMBLY

1. Total seats: 389

- 296 – British India
- 93 – Princely States

2. British India seats:

- 292 – Governor's Provinces
- 4 – Chief Commissioner's Provinces

3. Seat allocation:

- In proportion to population.
- British Provinces divided into 3 communities:
 - ◆ Muslims
 - ◆ Sikhs
 - ◆ General (all except Muslims & Sikhs)

4. Voting method – PRSTV (Proportional Representation by Single Transferable Vote).

5. CA was partly elected + partly nominated.

- Princely States' representatives:
 - ◆ Nominated by rulers.
- British Provinces:
 - ◆ Elected by own community in provincial legislative assembly (Single Transferable Vote)

	<p>6. First elections – July–August 1946:</p> <ul style="list-style-type: none"> ■ Congress – 208 ■ Muslim League – 73 ■ Independents – 15
<p>WORKING OF THE CONSTITUENT ASSEMBLY</p>	<ul style="list-style-type: none"> ○ First meeting – 9 December 1946 <ul style="list-style-type: none"> ■ Attended by 211 members ■ Muslim League boycotted ○ Dr. Sachchidanand Sinha <ul style="list-style-type: none"> ■ Oldest member ■ Elected temporary President ○ Second meeting - 11 December 1946 <ul style="list-style-type: none"> ■ Dr. Rajendra Prasad – President ■ H.C. Mukherjee – Vice-President (25 January 1947) ■ V.T. Krishnamachari – Vice-President (16 July 1947) ■ Sir B. N. Rau was appointed as the Constitutional (Legal) Advisor to the Constituent Assembly on 15 July 1946.
<p>OBJECTIVE RESOLUTION</p>	<ul style="list-style-type: none"> ○ Third meeting- <ul style="list-style-type: none"> ■ Moved by Jawaharlal Nehru on 13 December 1946. ■ Laid down fundamentals & philosophy of Constitution. ■ Adopted on 22 January 1947.
<p>CHANGES BY THE INDIAN INDEPENDENCE ACT, 1947</p>	<ol style="list-style-type: none"> 1. Constituent Assembly became a fully sovereign body. 2. CA became a legislative body: <ul style="list-style-type: none"> ■ Functioned as first Parliament of free India. 3. Dual role of CA: <ul style="list-style-type: none"> ■ Constituent Body → Chairman: Dr. Rajendra Prasad ■ Legislative Body → Chairman: G.V. Mavlankar 4. Strength change: <ul style="list-style-type: none"> ■ Original: 389 = 296 + 93 ■ After partition: 299 = 229 + 70 ■ Highest seats: <ul style="list-style-type: none"> ◆ United Provinces – 55 ◆ Travancore–Cochin – 6
<p>OTHER FUNCTIONS PERFORMED BY CA</p>	<ul style="list-style-type: none"> ○ 22 July 1947 – Adopted National Flag. ○ May 1949 – Ratified India's Commonwealth membership. ○ 24 January 1950: <ul style="list-style-type: none"> ■ Adopted National Anthem (Rabindranath Tagore) ■ Adopted National Song (Bankimchandra Chatterjee) ■ Elected Dr. Rajendra Prasad as first President of India.
<p>SESSIONS OF THE CONSTITUENT ASSEMBLY</p>	<ul style="list-style-type: none"> ○ Total sessions – 11 ○ Duration – 2 years, 11 months, 18 days ○ Final (11th) session – 24 January 1950

COMMITTEES OF THE CONSTITUENT ASSEMBLY

COMMITTEES	HEADED BY
1. Union Powers Committee 2. Union Constitution Committee 3. States Committee 4. Special Committee to Examine the Draft Constitution	Jawaharlal Nehru
1. Provincial Constitution Committee 2. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Sardar Patel
Drafting Committee	Dr. B.R. Ambedkar
1. Rules of Procedure Committee 2. Steering Committee 3. Ad-hoc Committee on the National Flag 4. Finance and Staff Committee	Dr. Rajendra Prasad
Fundamental Rights Sub-Committee	J. B. Kripalani
Minorities Sub-Committee	H.C. Mukherjee
1. House Committee 2. Committee on Chief Commissioners' Provinces	Pattabhi Sitaramayya
Order of Business Committee	Dr. K.M. Munshi
Credentials Committee	A K Ayyar
Committee on the Functions of the Constituent Assembly	G V Mavalankar
1. Ad-hoc Committee on Supreme Court 2. Ad-hoc Committee on Citizenship	S. Varadachari (Not Assembly Member)
Expert Committee on Financial Provisions of Union Constitution	Nalini Ranjan Sarkar (Not Assembly Member)
Linguistic Provinces Commission	S K Dhar (Not Assembly Member)
Press Gallery Committee	Usha Nath Sen

DRAFTING COMMITTEE

- Set up - 29 August 1947
- Members:
 - Dr. B.R. Ambedkar - Chairman
 - N. Gopalaswamy Ayyangar
 - Alladi Krishnaswamy Ayyar

	<ul style="list-style-type: none"> ■ Dr. K.M. Munshi ■ Syed Mohammad Saadullah ■ N. Madhava Rau <ul style="list-style-type: none"> ◆ Replaced B.L. Mitter (ill-health) ■ T.T. Krishnamachari <ul style="list-style-type: none"> ◆ Replaced D.P. Khaitan (died in 1948)
<p>ADOPTION & ENFORCEMENT</p>	<ol style="list-style-type: none"> 1. First reading: <ul style="list-style-type: none"> ○ Dr. B.R. Ambedkar introduced the final draft of the Constitution in the Assembly on November 4, 1948. ○ Five days - General Discussion (till November 9, 1948) 2. Second reading (clause by clause consideration): <ul style="list-style-type: none"> ○ It started on November 15, 1948, and ended on October 17, 1949. 3. Third reading: <ul style="list-style-type: none"> ○ Started on November 14, 1949. ○ Dr. B.R. Ambedkar moved a motion - 'the Constitution as settled by the Assembly be passed'. <p>The motion on Draft Constitution was declared as passed on November 26, 1949</p> <ul style="list-style-type: none"> ○ 26 November 1949 – Constitution adopted/enacted. <ul style="list-style-type: none"> ■ Contained a Preamble, 22 PARTS, 395 Articles and 8 Schedules ■ Preamble was enacted after the entire Constitution was already enacted ■ Some provisions relating to citizenship, elections, provisional Parliament, temporary–transitional provisions and short title came into force on 26 November 1949 (Arts. 5–9, 60, 324, 366, 367, 379–393). ○ 26 January 1950 – Constitution came into force. <ul style="list-style-type: none"> ■ Chosen because Purna Swaraj Day (1930) was celebrated on this date.
<p>CONSTITUTION MAKING PROCESS IN NUT-SHELL</p>	<pre> graph TD A[CMF-1946] --> B[Elections July 1946] B --> C[Constituent Assembly (1st Meeting 9 Dec. 1946)] C --> D[Act of 1947 Mountbatten Plan] D --> E{Dual role} E --> F[Legislative Body (संसद)] E --> G[Constituent Body (संविधानसभा)] F --> H[Constituent Assembly became provisional Parliament] G --> I["Adoption of Constitution 26 Nov 1949"] I --> J["Signed by members of Constituent Assembly"] J --> K["Came into force = 26 Jan 1950"] K --> L["1952 = first Lok Sabha elections"] L --> M["1st Lok Sabha - 17 April 1952"] </pre>

**INTERIM
GOVERNMENT**

Sl. No.	Member	Portfolio Held
1	Jawaharlal Nehru	Vice-President of the Council; External Affairs and Commonwealth Relations
2	Sardar Vallabhbhai Patel	Home, Information and Broadcasting
3	Dr. Rajendra Prasad	Food and Agriculture
4	Dr. John Mathai	Industries and Supplies
5	Jagjivan Ram	Labour
6	Sardar Baldev Singh	Defence
7	C. H. Bhabha	Works, Mines and Power
8	Liaquat Ali Khan	Finance
9	Abdur Rab Nishtar	Posts and Air
10	Asaf Ali	Railways and Transport
11	C. Rajagopalachari	Education and Arts
12	I. I. Chundrigar	Commerce
13	Ghaznafar Ali Khan	Health
14	Jogendra Nath Mandal	Law

Note:

The members of the Interim Government were members of the Viceroy's Executive Council. The Viceroy continued to be the head of the Council, but Jawaharlal Nehru was designated as the Vice-President of the Council

**FIRST CABINET
AFTER INDE-
PENDENCE**

Sl. No.	Member	Portfolio Held
1	Jawaharlal Nehru	Prime Minister; External Affairs and Commonwealth Relations; Scientific Research
2	Sardar Vallabhbhai Patel	Home, Information and Broadcasting; States
3	Dr. Rajendra Prasad	Food and Agriculture
4	Maulana Abul Kalam Azad	Education
5	Dr. John Mathai	Railways and Transport
6	R. K. Shanmugham Chetty	Finance
7	Dr. B. R. Ambedkar	Law
8	Jagjivan Ram	Labour
9	Sardar Baldev Singh	Defence
10	Raj Kumari Amrit Kaur	Health
11	C. H. Bhabha	Commerce
12	Rafi Ahmed Kidwai	Communication
13	Dr. Shyama Prasad Mukherjee	Industries and Supplies
14	V. N. Gadgil	Works, Mines and Power

IMPORTANT FACTS:

- Elephant – Symbol / Seal of Constituent Assembly.
- Sir B.N. Rau – Constitutional & legal advisor.
- H.V.R. Iyengar – Secretary of Constituent Assembly.
- Prem Behari Narain Raizada – Calligrapher of Constitution.

PREVIOUS YEAR QUESTIONS

Who was the Provisional President of the Constituent Assembly before Dr. Rajendra Prasad took over? (2024)

- (a) C. Rajagopalachari
- (b) Dr. B.R. Ambedkar
- (c) T.T. Krishnamachari
- (d) Dr. Sachchidananda Sinha

Consider the following statements in respect of the Constitution Day: (2023)

Statement-I: Constitution Day is celebrated on 26th November every year to promote constitutional values among citizens.

Statement-II: On 26th November 1949, the Constituent Assembly of India set up a Drafting Committee under the Chairmanship of Dr. B. R. Ambedkar to prepare a Draft Constitution of India.

Which one of the following is correct in respect of the above statements?

- (a) Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I
- (b) Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I
- (c) Statement-I is correct but Statement-II is incorrect
- (d) Statement-I is incorrect but Statement-II is correct

■ Concept of constitution:

- Fundamental law of the land
- Supreme law of the state
- Basic law of the country
- Basic structure of the polity
- Instrument of the government

■ Functions of constitution:

1. Declare and define:

- Boundaries, nature and authority of the political community
- Rights and duties of citizens

2. Express the identity and values of a national community

3. Establish and regulate the political institutions

4. Divide or share power between different layers of government

5. Commit states to particular social, economic, or developmental goals

■ Constitutionalism and constitutional government:

- Countries may have the 'constitution' but not necessarily 'constitutionalism'.
- Recognises the need for a government with power but limitations should be placed on those powers.

Constitutional government means: (2021)

- (a) a representative government of a nation with federal structure
- (b) a government whose Head enjoys nominal powers
- (c) a government whose Head enjoys real powers
- (d) a government limited by the terms of the Constitution

Which one of the following statements best reflects the Chief purpose of the 'Constitution' of a country? (2023)

- (a) It determines the objective for the making of necessary laws.
- (b) It enables the creation of political offices and a government.
- (c) It defines and limits the powers of government.
- (d) It secures social justice, social equality and social security.

PREVIOUS YEAR QUESTIONS

A constitutional government by definition is a (2020)

- (a) government by legislature
- (b) popular government
- (c) multi-party government
- (d) limited government

SALIENT FEATURES OF THE INDIAN CONSTITUTION

Constitutions around the world:

- Written: USA, Canada, France, India, Japan
- Unwritten: UK, New Zealand, Israel
- Rigid: USA, Australia, Switzerland
- Flexible: UK, New Zealand
- Federal: USA, Switzerland, Australia, Canada, Russia, Brazil
- Unitary: UK, France, Japan, China, Italy, Norway

SALIENT FEATURES	DETAILS				
Lengthy Written Constitution	<ul style="list-style-type: none"> ○ Originally (1949): Preamble, 395 Articles, 22 Parts, 8 Schedules ○ Most detailed written constitution in the world. 				
Drawn from Various Sources	<ul style="list-style-type: none"> ○ Dr. B.R. Ambedkar: "Ransacking all known constitutions of the world". Sources: <ul style="list-style-type: none"> ○ Structural Part → Government of India Act, 1935 ○ Philosophical Part: <ul style="list-style-type: none"> ■ Fundamental Rights → American ■ DPSPs → Irish ○ Political Part: <ul style="list-style-type: none"> ■ Principle of Cabinet Government ■ Relationship between Executive & Legislature <ul style="list-style-type: none"> ◆ → British Constitution 				
Blend of Rigidity and Flexibility	<ul style="list-style-type: none"> ○ Rigid Constitution: <ul style="list-style-type: none"> ■ Special procedure for amendment (e.g., USA). ○ Flexible Constitution: <ul style="list-style-type: none"> ■ Amended like ordinary laws (e.g., UK). ○ Indian Constitution: <ul style="list-style-type: none"> ■ Neither rigid nor flexible ■ A synthesis of both. 				
Federal System with Unitary Bias	<ul style="list-style-type: none"> ○ Article 1: <ul style="list-style-type: none"> ■ India is a "Union of States", not a "Federation of States". <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #e91e63; color: white;">Federal Features</th> <th style="background-color: #e91e63; color: white;">Unitary / Non-federal Features</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> ○ Two governments (Centre + States) ○ Division of powers ○ Written Constitution ○ Supremacy of the Constitution ○ Rigidity of the Constitution ○ Independent judiciary ○ Bicameralism </td> <td> <ul style="list-style-type: none"> ○ Strong Centre ○ Single Constitution ○ Single citizenship ○ Flexibility of Constitution ○ Flexibility of Constitution ○ Integrated judiciary ○ Governor appointed by Centre ○ All-India Services ○ Emergency provisions </td> </tr> </tbody> </table>	Federal Features	Unitary / Non-federal Features	<ul style="list-style-type: none"> ○ Two governments (Centre + States) ○ Division of powers ○ Written Constitution ○ Supremacy of the Constitution ○ Rigidity of the Constitution ○ Independent judiciary ○ Bicameralism 	<ul style="list-style-type: none"> ○ Strong Centre ○ Single Constitution ○ Single citizenship ○ Flexibility of Constitution ○ Flexibility of Constitution ○ Integrated judiciary ○ Governor appointed by Centre ○ All-India Services ○ Emergency provisions
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POLITY

<p>Parliamentary Form of Government (Also called: Westminster Model, Responsible Government, Cabinet Government)</p>	<ul style="list-style-type: none"> ○ Also called Prime Ministerial Government. ○ Executives are responsible to the Legislature. ○ Based largely on British pattern, but with differences: <ul style="list-style-type: none"> ■ Indian Parliament is not sovereign like British Parliament. ■ India has an elected head (Republic). ■ Britain has a hereditary head (Monarchy).
<p>Synthesis of Parliamentary Sovereignty and Judicial Supremacy</p>	<ul style="list-style-type: none"> ○ Parliamentary sovereignty → British system ○ Judicial supremacy → American system ○ Indian Constitution blends both principles.
<p>Integrated and Independent Judiciary</p>	<ul style="list-style-type: none"> ○ Single system of courts <ul style="list-style-type: none"> ■ Enforces Central laws + State laws ○ Unlike USA: <ul style="list-style-type: none"> ■ USA has dual judiciary ■ Federal laws → federal courts ■ State laws → state courts
<p>Single Citizenship</p>	<ul style="list-style-type: none"> ○ Despite federal structure and dual polity (Centre + States): <ul style="list-style-type: none"> ■ Only one citizenship (No State Citizenship) ■ i.e., Indian citizenship

Features Borrowed from other sources:

<p>Government of India Act, 1935</p>	<ul style="list-style-type: none"> ○ Federal scheme ○ Office of Governor ○ Judiciary ○ Public Service Commissions ○ Emergency provisions ○ Administrative details (in general)
<p>British Constitution</p>	<ul style="list-style-type: none"> ○ Parliamentary form of government ○ Rule of Law ○ Legislative procedure ○ Single citizenship ○ Cabinet system ○ Prerogative writs ○ Parliamentary privileges ○ Bicameralism
<p>US Constitution</p>	<ul style="list-style-type: none"> ○ Fundamental Rights ○ Independence of judiciary ○ Judicial review ○ Impeachment of the President ○ Removal of Supreme Court & High Court judges ○ Post of Vice-President

Irish Constitution	<ul style="list-style-type: none"> ○ Directive Principles of State Policy (DPSPs) ○ Nomination of members to Rajya Sabha ○ Method of election of the President
Canadian Constitution	<ul style="list-style-type: none"> ○ Federation with a strong Centre ○ Residuary powers vested in the Centre ○ Appointment of State Governors by the Centre ○ Advisory jurisdiction of the Supreme Court
Australian Constitution	<ul style="list-style-type: none"> ○ Concurrent List ○ Freedom of trade, commerce and intercourse ○ Joint sitting of both Houses of Parliament
Weimar Constitution of Germany	<ul style="list-style-type: none"> ○ Emergency provisions relating to suspension of Fundamental Rights
Soviet Constitution (USSR / now Russia)	<ul style="list-style-type: none"> ○ Fundamental Duties ○ Ideal of Justice (social, economic, political) in the Preamble
French Constitution	<ul style="list-style-type: none"> ○ Republic ○ Ideals of Liberty, Equality and Fraternity in the Preamble
South African Constitution	<ul style="list-style-type: none"> ○ Procedure for amendment of the Constitution ○ Election of members of Rajya Sabha
Japanese Constitution	<ul style="list-style-type: none"> ○ Procedure established by Law

PREVIOUS YEAR QUESTIONS

In the context of India, which of the following principles is/are, implied institutionally in the parliamentary government? (2013)

1. Members of the Cabinet are Members of the Parliament.
2. Ministers hold the office till they enjoy confidence in the Parliament.
3. The Cabinet is headed by the Head of the State.

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 3 only
(c) 2 and 3 only (d) 1, 2 and 3

Part	Subject	Articles
Part I	The Union and its territory	Art. 1 to 4
Part II	Citizenship	Art. 5 to 11
Part III	Fundamental Rights	Art. 12 to 35
Part IV	Directive Principles	Art. 36 to 51
Part IVA	Fundamental Duties	Art. 51A
Part V	Part V The Union <ul style="list-style-type: none"> ○ The Executive (Art.52 to 78) ○ Parliament (Art.79 to 122) ○ Legislative Powers of President (Art.123) ○ The Union Judiciary (Art. 124 to 147) ○ Comptroller and Auditor-General of India (Art.148 to 151) Art. 52 to 151 	Art. 52 to 151
Part VI	The States <ul style="list-style-type: none"> ○ General (Art.152) ○ The Executive (Art.153 to 167) ○ The State Legislature (Art.168 to 212) 	Art. 152 to 237
	<ul style="list-style-type: none"> ○ Legislative Powers of Governor (Art.213) ○ The High Courts (Art.214 to 232) ○ Subordinate Courts (Art.233 to 237) Art. 152 to 237	
Part VII	States in the B part of the First schedule Repealed by Const. (7th Amendment) Act, 1956	
Part VIII	The Union Territories	Art. 239 to 242

Part IX	The Panchayats	Art. 243 to 243O
Part IXA	The Municipalities	Art. 243P to 243ZG
Part IXB	Co-operative Societies	Art. 243H to 243ZT
Part X	The Scheduled and Tribal Areas	Art. 244 to 244A
Part XI	Relations between the Union and the States <ul style="list-style-type: none"> ○ Legislative Relations (Art.245 to 255) ○ Administrative Relations (Art.256 to 263) Art. 245 to 263	Art. 245 to 263
Part XII	Finance, Property, Contracts and Suits <ul style="list-style-type: none"> ○ Finance (Art.264 to 291) ○ Borrowing (Art.292 to 293) ○ Property, Contracts, Rights, Liabilities, Obligations and Suits (Art.294 to 300) ○ Right to Property (Art.300-A) Art. 264 to 300A	Art. 264 to 300A
Part XIII	Trade, Commerce and Intercourse within the Territory of India	Art. 301 to 307
Part XIV	Services under the Union and the States	Art. 308 to 323
Part XIVA	Tribunals	Art. 323A to 323B
Part XV	Elections	Art. 324 to 329A
Part XVI	Special provisions relation to certain classes	Art. 330 to 342
Part XVII	Official Language <ul style="list-style-type: none"> ○ Language of the Union (Art.343 to 344) ○ Regional Languages (Art.345 to 347) ○ Language of the Supreme Court, High Courts, and so on (Art.348 to 349) ○ Special Directives (Art.350 to 351) Art. 343 to 351	Art. 343 to 351
Part XVIII	Emergency Provisions	Art. 352 to 360

Part XIX	Miscellaneous	Art. 361 to 367
Part XX	Amendment of the Constitution	Art. 368
Part XXI	Temporary, Transitional and Special Provisions	Art. 369 to 392
Part XXII	Short title, commencement, authoritative text in Hindi and repeals	Art. 393 to 395

SCHEDULES OF INDIAN CONSTITUTION

Schedules	DETAILS
Schedule 1	Names of States and Union Territories and their territorial boundaries.
Schedule 2	Salaries, allowances and privileges of the President, Vice-President, Governors, Speakers and Deputy Speakers of Lok Sabha and State Assemblies, Chairman and Deputy Chairman of Rajya Sabha, and Judges of the Supreme Court and High Courts.
Schedule 3	Oaths and affirmations for constitutional authorities (except President and Vice-President).
Schedule 4	Allocation of seats in Rajya Sabha to States and Union Territories.
Schedule 5	Administration and control of Scheduled Areas and Scheduled Tribes (mainly Central & Peninsular India).
Schedule 6	Administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram (Autonomous District Councils).
Schedule 7	Distribution of powers between Union and States through Union List, State List and Concurrent List.
Schedule 8	Official languages of India (22 languages).
Schedule 9	Validation and protection of certain laws from judicial review (placed under Ninth Schedule).
Schedule 10	Anti-Defection Law: disqualification of MPs and MLAs on grounds of defection.
Schedule 11	Powers, authority and responsibilities of Panchayats (29 subjects).
Schedule 12	Powers, authority and responsibilities of Municipalities (18 subjects).

PREVIOUS YEAR QUESTIONS

Which of the following statements are correct about the Constitution of India? (2024)

1. Powers of the Municipalities are given in Part IX A of the Constitution.
2. Emergency provisions are given in Part XVIII of the Constitution.
3. Provisions related to the amendment of the Constitution are given in Part XX of the Constitution.

Select the answer using the code given below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Which one of the following Schedules of the Constitution of India contains provisions regarding anti-defection? (2014)

- (a) Second Schedule (b) Fifth Schedule
(c) Eighth Schedule (d) Tenth Schedule

Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (2019)

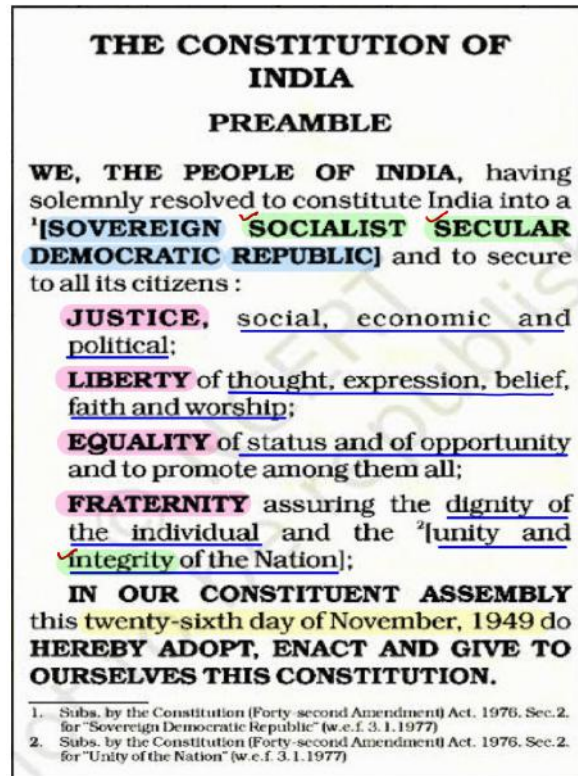
- (a) Third Schedule (b) Fifth Schedule
(c) Ninth Schedule (d) Twelfth Schedule

The Ninth Schedule was introduced in the Constitution of India during the prime ministership of: (2019)

- (a) Jawaharlal Nehru
(b) Lal Bahadur Shastri
(c) Indira Gandhi
(d) Morarji Desai

CHAPTER 05

PREAMBLE OF THE INDIAN CONSTITUTION



- N.A. Palkhivala: “Identity card of the Constitution”
- American Constitution → first to begin with a Preamble.
- Indian Preamble is based on the “Objective Resolution”:
 - Drafted & moved by Pandit Jawaharlal Nehru.
 - Moved on 13 December 1946.
 - Adopted by Constituent Assembly on 22 January 1947.
- Preamble reflects the mind of the Constitution makers.
- 42nd Constitutional Amendment Act, 1976:
 - Added three words → Socialist, Secular, Integrity.

■ INGREDIENTS OF THE PREAMBLE

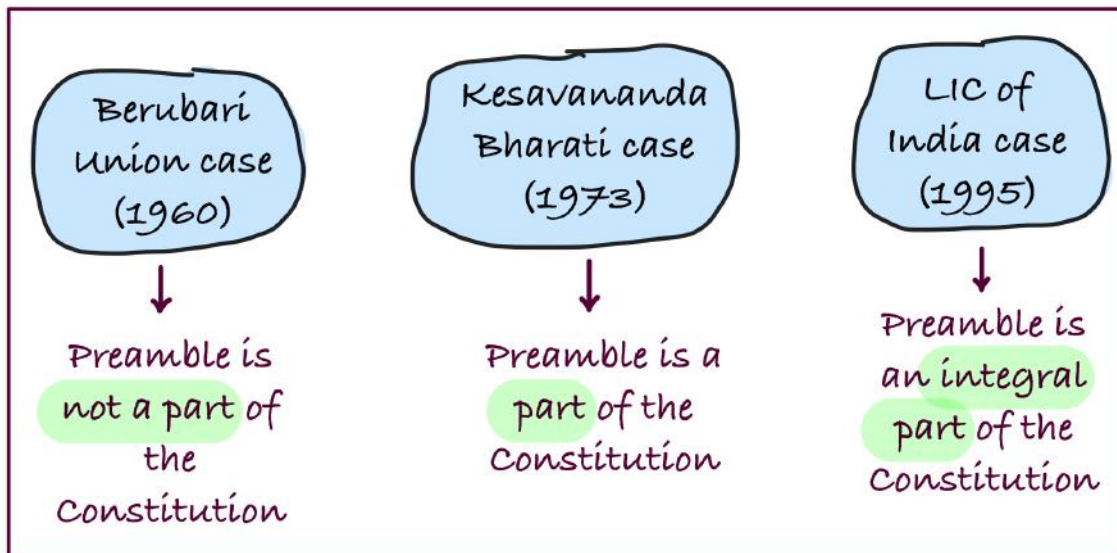
- Source of authority → People of India
- Nature of Indian State → Sovereign, Socialist, Secular, Democratic, Republic
- Objectives of the Constitution → Justice, Liberty, Equality, Fraternity
- Date of adoption:
 - 26 November 1949 → Constitution adopted
 - (Not Preamble adoption; Preamble adopted on 22 Jan 1947)

SOVEREIGN	<ul style="list-style-type: none"> ○ No authority above India ○ India is neither a dependency nor a dominion. ○ Fully independent, internally and externally. ○ UNO membership does not limit sovereignty. ○ Commonwealth membership does not affect sovereignty.
SOCIALIST	<ul style="list-style-type: none"> ○ Congress adopted “socialistic pattern of society” at Avadi Session. ○ Indian socialism = Democratic socialism <ul style="list-style-type: none"> ■ Not communistic / state socialism. ○ Mixed economy: <ul style="list-style-type: none"> ■ Public + private sectors coexist. ○ Blend of Marxism and Gandhism: <ul style="list-style-type: none"> ■ Leans more towards Gandhian socialism (stateless society)
SECULAR	<ul style="list-style-type: none"> ○ Added by 42nd CAA, 1976. ○ Positive concept of secularism: <ul style="list-style-type: none"> ■ All religions have equal status and state support, irrespective of strength.
DEMOCRATIC	<ul style="list-style-type: none"> ○ Based on doctrine of popular sovereignty: <ul style="list-style-type: none"> ■ Supreme power lies with the people ○ Direct democracy (example: Switzerland): Four devices of direct democracy: <ul style="list-style-type: none"> ■ Referendum → law referred to electorate for decision by direct vote. ■ Initiative → people propose a bill to legislature. ■ Recall → voters remove an elected representative before term ends. ■ Plebiscite → people’s opinion on public importance issues (generally for territorial disputes). ○ Indirect democracy: <ul style="list-style-type: none"> ■ People elect representatives → India. ○ Liberty, Equality, Fraternity: <ul style="list-style-type: none"> ■ Not separate; form a trinity. ■ Separation defeats the purpose of democracy.
REPUBLIC	<ul style="list-style-type: none"> ○ Head of State is elected (directly or indirectly) for a fixed term. ○ India: <ul style="list-style-type: none"> ■ Elected President ■ Indirect election ■ Term: 5 years ○ Republic also implies: <ul style="list-style-type: none"> ■ Political sovereignty vested in people, not a king. ■ No privileged class; public offices open to all citizens.
JUSTICE	<ul style="list-style-type: none"> ○ Social, Economic and Political justice. ○ Idea taken from Russian Revolution (1917). ○ Justice ensured through: <ul style="list-style-type: none"> ■ Fundamental Rights + DPSPs (Not Preamble) ○ Social justice: <ul style="list-style-type: none"> ■ Removal of inequalities.

POLITY

	<ul style="list-style-type: none">○ Economic justice:<ul style="list-style-type: none">■ Fair distribution of wealth.○ Political justice:<ul style="list-style-type: none">■ Equal political rights, access and vote.○ Social + Economic J = Distributive justice [Taken from Russian Revolution (1917)]
LIBERTY	<ul style="list-style-type: none">○ Liberty = absence of restraints + opportunities for personality development○ Preamble secured liberties:<ul style="list-style-type: none">■ Thought■ Expression■ Belief■ Faith■ Worship
EQUALITY	<ul style="list-style-type: none">○ Absence of special privileges.○ Adequate opportunities for all.○ No discrimination.
FRATERNITY	<ul style="list-style-type: none">○ Sense of brotherhood.○ Ensures:<ul style="list-style-type: none">■ Dignity of the individual■ Unity and integrity of the nation○ Word "Integrity" added by 42nd CAA, 1976.○ Unity and integrity → psychological + territorial dimensions.○ Dignity → every individual is sacred, not merely materially equal.

■ PREAMBLE : AS PART OF CONSTITUTION



- (Integral Part → but it has no legal effect independently as other parts)

STATUS OF THE PREAMBLE	<ul style="list-style-type: none"> ○ Enacted by the Constituent Assembly, like other parts. ○ Not a source of power for legislature. ○ Not a prohibition on legislative power. ○ Hence, can be used in interpreting other provisions of Constitution in cases of ambiguity. ○ Non-justiciable: <ul style="list-style-type: none"> ■ Provisions not enforceable in courts
AMENDABILITY OF THE PREAMBLE	<ul style="list-style-type: none"> ○ Preamble can be amended. ○ Condition: <ul style="list-style-type: none"> ■ Basic structure cannot be altered (Article 368). ○ Amended only once: <ul style="list-style-type: none"> ■ 42nd CAA, 1976 ■ Added → Socialist, Secular, Integrity.

PREVIOUS YEAR QUESTIONS

One common agreement between Gandhism and Marxism is (2020)

- (a) the final goal of a stateless society
- (b) class struggle
- (c) abolition of private property
- (d) economic determinism

Which one of the following factors constitutes the best safeguard of liberty in a liberal democracy? (2021)

- (a) A committed judiciary
- (b) Centralization of powers
- (c) Elected government
- (d) Separation of powers

'Economic Justice' as one of the objectives of the Indian Constitutional has been provided in: (2013)

- (a) the Preamble and the Fundamental Rights
- (b) the Preamble and the Directive Principles of State Policy
- (c) the Fundamental Rights and the Directive Rights and the Directive Principles of State Policy
- (d) None of the above

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

- (a) Liberty of thought (b) Economic liberty
- (c) Liberty of expression (d) Liberty of belief

The mind of the makers of the Constitution of India is reflected in which of the following? (2017)

- (a) The Preamble
- (b) The Fundamental Rights
- (c) The Directive Principles of State Policy
- (d) The Fundamental Duties

Which one of the following reflects the most appropriate relationship between law and liberty? (2018)

- (a) If there are more laws, there is less liberty.
- (b) If there are no laws, there is no liberty.
- (c) If there is liberty, laws have to be made by the people.
- (d) If laws are changed too often, liberty is in danger.

In the context of polity, which one of the following would you accept as the most appropriate definition of liberty? (2019)

- (a) Protection against the tyranny of political rulers
- (b) Absence of restraint
- (c) Opportunity to do whatever one likes
- (d) Opportunity to develop oneself fully

The Preamble to the Constitution of India, is: (2020)

- (a) part of the Constitution but has no legal effect
- (b) not a part of the Constitution and has no legal effect either
- (c) a part of the Constitution and has the same legal effect as any other part
- (d) a part of the Constitution but has no legal effect independently of other parts

POLITY

What was the exact constitutional status of India on 26th January, 1950? (2021)

- (a) A democratic Republic
- (b) A Sovereign Democratic Republic
- (c) A Sovereign Secular Democratic Republic
- (d) A Sovereign Socialist Secular Democratic Republic

Democracy's superior virtue lies in the fact that it calls into activity (2017)

- (a) the intelligence and character of ordinary men and women.
- (b) the methods for strengthening executive leadership.
- (c) a superior individual with dynamism and vision.
- (d) a band of dedicated party workers.

CHAPTER 06

UNION AND ITS TERRITORY

Part 1 - Articles 1-4

- Borrowed from: **Canadian Constitution**

ARTICLES	DESCRIPTION
ARTICLE 1 Union of States	<p>Describes India, that is Bharat, as a “Union of States”, not a “Federation of States”.</p> <p>Deals with two things:</p> <ul style="list-style-type: none"> ○ Name of the country – India, that is Bharat ○ Type of polity – Union of States <p>First Schedule of the Constitution:</p> <ul style="list-style-type: none"> ○ Lists the names of States and their territorial extent. ○ (Not mentioned inside Article 1 text itself, but referred via Schedule). <p>The phrase “Union of States” is preferred for two reasons:</p> <ul style="list-style-type: none"> ○ Indian federation is NOT the result of an agreement among the States Unlike the American federation. ○ States have no right to secede from the federation. ○ This reflects the indestructible nature of the Union. <p>According to Article 1, the territory of India is classified into three categories:</p> <ol style="list-style-type: none"> 1. Territories of the States 2. Union Territories 3. Territories that may be acquired by the Government of India at any time. <p>India can acquire territory by constitutional means.</p> <p>Examples of territories acquired:</p> <ul style="list-style-type: none"> ○ Dadra and Nagar Haveli ○ Daman and Diu ○ Goa ○ Puducherry ○ Sikkim
ARTICLE 2 Admission & Establish-ment of States	<p>Parliament is empowered to:</p> <ul style="list-style-type: none"> ○ Admit new States into the Union <ul style="list-style-type: none"> ■ → States already in existence ○ Establish new States <ul style="list-style-type: none"> ■ → States not in existence earlier <p>Key distinction:</p> <ul style="list-style-type: none"> ○ Admission = existing states ○ Establishment = newly created states

<p>ARTICLE 3</p> <p>Formation & Alteration of States</p>	<p>Parliament may by law:</p> <p>(a) Form a new State by:</p> <ul style="list-style-type: none"> ○ Separation of territory from any State, or ○ Uniting two or more States, or ○ Uniting parts of States, or ○ Uniting any territory to a part of any State <p>(b) Increase the area of any State</p> <p>(c) Diminish the area of any State</p> <p>(d) Alter boundaries of any State</p> <p>(e) Alter name of any State</p> <p>Procedure under Article 3</p> <ul style="list-style-type: none"> ○ Bill can be introduced in Parliament only with prior recommendation of the President. ○ President must refer the bill to the concerned State Legislature: <ul style="list-style-type: none"> ■ For expressing views ■ Within a specified time ○ Views of State Legislature are NOT binding on: <ul style="list-style-type: none"> ■ President ■ Parliament ○ Parliament can: <ul style="list-style-type: none"> ■ Form new States / UTs ■ Alter area, boundaries or names of States ■ WITHOUT consent of the States ○ Hence, India is rightly called: <ul style="list-style-type: none"> ■ "An indestructible Union of destructible States."
<p>ARTICLE 4</p> <p>Laws under Articles 2 & 3</p>	<p>Laws under Articles 2 & 3</p> <p>Laws made under:</p> <ul style="list-style-type: none"> ○ Article 2 (admission/establishment of States), and ○ Article 3 (formation/alteration of States) <p>Are NOT considered Constitutional Amendments under Article 368.</p> <ul style="list-style-type: none"> ○ Such laws can be passed: <ul style="list-style-type: none"> ■ By simple majority ■ Through ordinary legislative process ○ Articles 2 & 3 ≠ Article

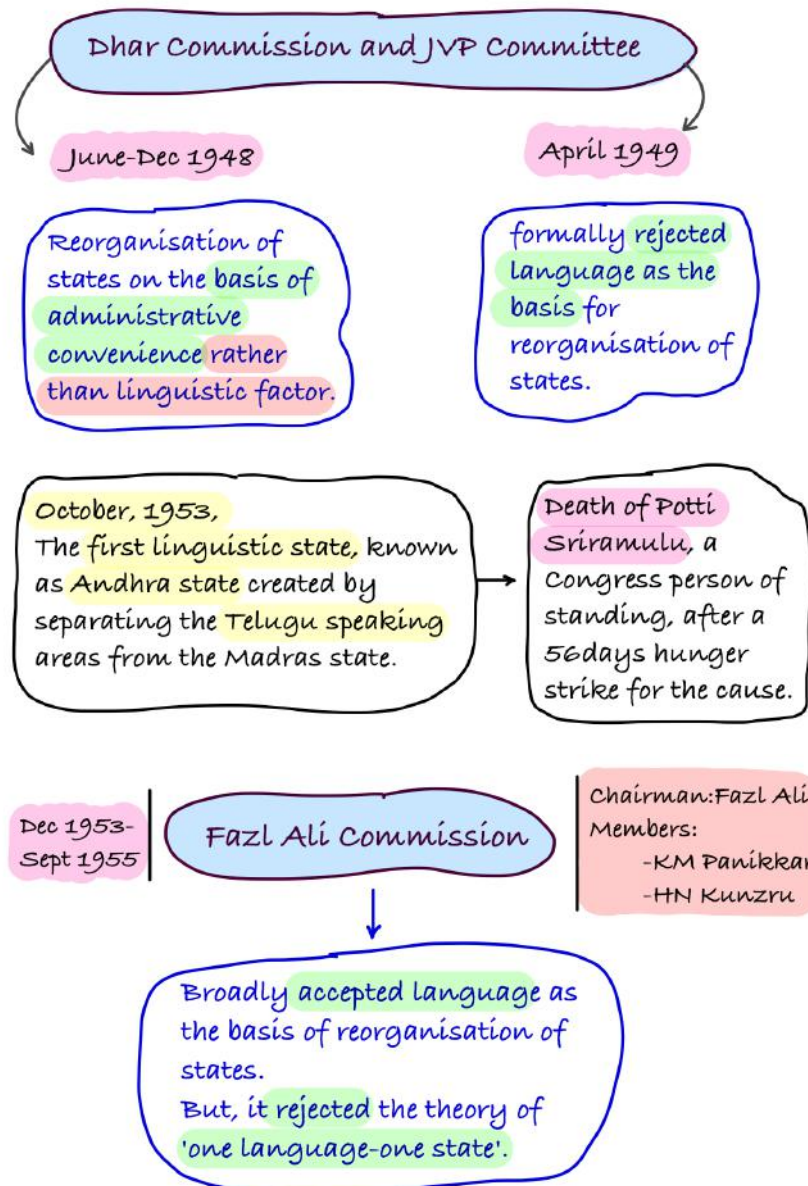
■ **Important Case Laws:**

1. Berubari Union Case (1960)

- Article 3 does NOT cover cession of Indian territory to a foreign country.
- Cession of territory requires a Constitutional Amendment under Article 368.
- Implemented via 9th Constitutional Amendment Act.

2. 1969 Supreme Court clarification

- If it is only settlement of a boundary dispute:
 - No Constitutional Amendment needed
 - Can be done through executive action
 - With Parliamentary approval



- Fazl Ali Commission (1953) → Report (1954) → Act (1956) → Creation of 1st Schedule (14 States + 6 UTs)

■ STATES REORGANISATION ACT (1956)

- New States & Union Territories Created After 1956
- (By laws made by Parliament under Article 3)

YEAR	STATES FORMED
	<p>1956</p> <ul style="list-style-type: none"> ○ Kerala → Travancore + Cochin + South Canara ○ Andhra Pradesh = Andhra + Hyderabad ○ Madhya Pradesh = Madhya Bharat + Vindhya Pradesh + Bhopal ○ New Union Territory: <ul style="list-style-type: none"> ■ Laccadive, Minicoy & Amindivi Islands ■ Detached from Madras State
	<p>1960</p> <ul style="list-style-type: none"> ○ Maharashtra and Gujarat formed by bifurcation of Bombay State

1961	<ul style="list-style-type: none"> ○ Dadra and Nagar Haveli <ul style="list-style-type: none"> ■ Incorporated into India ■ 10th Constitutional Amendment Act
1962	<ul style="list-style-type: none"> ○ Goa, Daman and Diu <ul style="list-style-type: none"> ■ Liberated from Portuguese rule ■ 12th Constitutional Amendment Act ○ Puducherry <ul style="list-style-type: none"> ■ French handover ■ 14th Constitutional Amendment Act
1963	<ul style="list-style-type: none"> ○ Nagaland became a State
1966	<ul style="list-style-type: none"> ○ Haryana <ul style="list-style-type: none"> ■ Carved out of Punjab ■ Became 14th State ■ Punjabi-Hindi linguistic division ○ Chandigarh <ul style="list-style-type: none"> ■ UT
1971	<ul style="list-style-type: none"> ○ Himachal Pradesh <ul style="list-style-type: none"> ■ Became a full State ○ Manipur, Tripura, Meghalaya - 1972
1947	<ul style="list-style-type: none"> ○ Sikkim <ul style="list-style-type: none"> ■ Became a full-fledged State ■ 36th Constitutional Amendment Act ■ (35th Constitutional Amendment Act, 1974: Associate State Status)
1987	<ul style="list-style-type: none"> ○ Mizoram ○ Arunachal Pradesh ○ Goa
2000	<ul style="list-style-type: none"> ○ Chhattisgarh (Separated from MP) ○ Uttarakhand (Separated from UP) ○ Jharkhand (Separated from Bihar)
2014	<ul style="list-style-type: none"> ○ Telangana ○ Separated from Andhra Pradesh
2019	<ul style="list-style-type: none"> ○ Creation of 2 Union Territories: <ul style="list-style-type: none"> ■ Jammu & Kashmir ■ Ladakh ○ Jammu and Kashmir Reorganisation Act, 2019: <ul style="list-style-type: none"> ■ Bifurcated the erstwhile State of J&K into: <ul style="list-style-type: none"> ◆ UT of Jammu & Kashmir ◆ UT of Ladakh ○ Done by Presidential Order, 2019

CHAPTER 07

CITIZENSHIP

PART II - Articles 5 to 11

■ Scope of Articles 5-11

- Identify who became citizens of India at commencement of the Constitution
 - → 26 January 1950
- Contain neither permanent nor elaborate provisions
- Do NOT deal with acquisition or loss of citizenship after commencement
- Empower Parliament to make laws on citizenship matters
 - → Basis of Citizenship Act, 1955

ARTICLE 5	Citizenship by domicile at commencement.
ARTICLE 6	Migrants from Pakistan to India.
ARTICLE 7	Migrants to Pakistan who returned to India.
ARTICLE 8	Overseas Indians (citizenship by registration).
ARTICLE 9	No dual citizenship (foreign citizenship → Indian citizenship lost).
ARTICLE 10	Continuance of citizenship.
ARTICLE 11	Parliament's power to regulate citizenship.

CITIZENSHIP ACT, 1955

- (Enacted under Article 11 of the Constitution)

Acquisition of Citizenship	Loss of Citizenship
<p>1. By Birth (जन्म)</p> <ul style="list-style-type: none"> ○ Born in India on or after 26 Jan 1950 but before 1 July 1987 → Citizen by birth. 	<ul style="list-style-type: none"> ■ 1. By Renunciation ○ Any Indian citizen of full age and capacity may renounce citizenship by declaration.

<ul style="list-style-type: none"> ○ Born on/after 1 July 1987 → Citizen only if either parent is an Indian citizen at birth. ○ Born on/after 3 Dec 2004 → Citizen only if both parents are Indian citizens. ○ Not eligible: Children of foreign diplomats and enemy aliens. 	<ul style="list-style-type: none"> ○ If made during war, registration of declaration may be withheld by Central Government. ○ On renunciation: <ul style="list-style-type: none"> ■ Minor child also loses citizenship.
<p>2. By Descent (वंश)</p> <ul style="list-style-type: none"> ○ Born outside India: <ul style="list-style-type: none"> ■ 26 Jan 1950 – 10 Dec 1992 → Citizen if father was Indian citizen at birth. <p>From 3 Dec 2004 onwards → Not a citizen by descent unless birth is registered.</p> <p>3. By Registration (Applicant must not be an illegal migrant) Eligible categories include:</p> <ul style="list-style-type: none"> ○ Ordinarily resident in India for 7 years. ○ Person married to an Indian citizen and resident in India for 7 years. ○ OCI cardholder: <ul style="list-style-type: none"> ■ Registered as OCI for 5 years, and ■ Ordinarily resident in India for 12 months before application. <p>4. By Naturalisation (Applicant must not be an illegal migrant) Conditions include:</p> <ul style="list-style-type: none"> ○ Not a citizen/subject of a country where Indians are prevented from becoming citizens. ○ Undertakes to renounce previous citizenship on acceptance. ○ Resided in India or served Government of India for the prescribed period. ○ Of good character. ○ Has adequate knowledge of a language in the Eighth Schedule. <p>5. By Incorporation of Territory</p> <ul style="list-style-type: none"> ○ When a foreign territory becomes part of India. ○ Example: Pondicherry (Puducherry). <p>6. Special Provisions – Assam Accord (Foreigners’ issue)</p> <ul style="list-style-type: none"> ○ Persons of Indian origin who came to Assam before 1 Jan 1966 from Bangladesh and were ordinarily resident → Deemed citizens. ○ Those who came on/after 1 Jan 1966 but before 25 March 1971: <ul style="list-style-type: none"> ■ Ordinarily resident in Assam, and ■ Detected as foreigners → Must register themselves. 	<ul style="list-style-type: none"> ■ Child may resume citizenship on attaining 18 years. <p>2. By Termination</p> <ul style="list-style-type: none"> ○ When an Indian citizen voluntarily acquires citizenship of another country. ○ Indian citizenship automatically terminates. ○ Not applicable during war. <p>3. By Deprivation (Compulsory termination by Central Government) if:</p> <ul style="list-style-type: none"> ○ Citizenship obtained by fraud. ○ Citizen shows disloyalty to the Constitution of India. ○ Unlawfully traded or communicated with enemy during war. ○ Within 5 years of registration/naturalisation, imprisoned for 2 years in any country. ○ Ordinarily resident outside India for 7 continuous years. <hr/> <p>Overseas Citizenship of India (OCI)</p> <ul style="list-style-type: none"> ○ September 2000: High-Level Committee on Indian Diaspora set up <ul style="list-style-type: none"> ■ → Chairman: L. M. Singhvi. ○ Recommended dual citizenship for Persons of Indian Origin (PIOs) of certain countries. ○ Citizenship (Amendment) Act, 2005: <ul style="list-style-type: none"> ■ Expanded OCI to PIOs of all countries except Pakistan and Bangladesh, subject to conditions. ○ OCI is NOT dual citizenship <ul style="list-style-type: none"> ■ → Indian Constitution prohibits dual citizenship (Article 9). ○ OCI card scheme introduced: 2 December 2005. ○ Citizenship (Amendment) Act, 2015: <ul style="list-style-type: none"> ■ Replaced term “Overseas Citizen of India” with “Overseas Citizen of India Cardholder (OCIC)”. <p>*Amendments to Citizenship Act, 1955: Amended six times: 1986, 1992, 2003, 2005, 2015, and 2019.</p>

With reference to India, consider the following statements: (2021)

1. There is only one citizenship and one domicile.
2. A citizen by birth only can become the Head of State.
3. A foreigner once granted citizenship cannot be deprived of it under any circumstances.

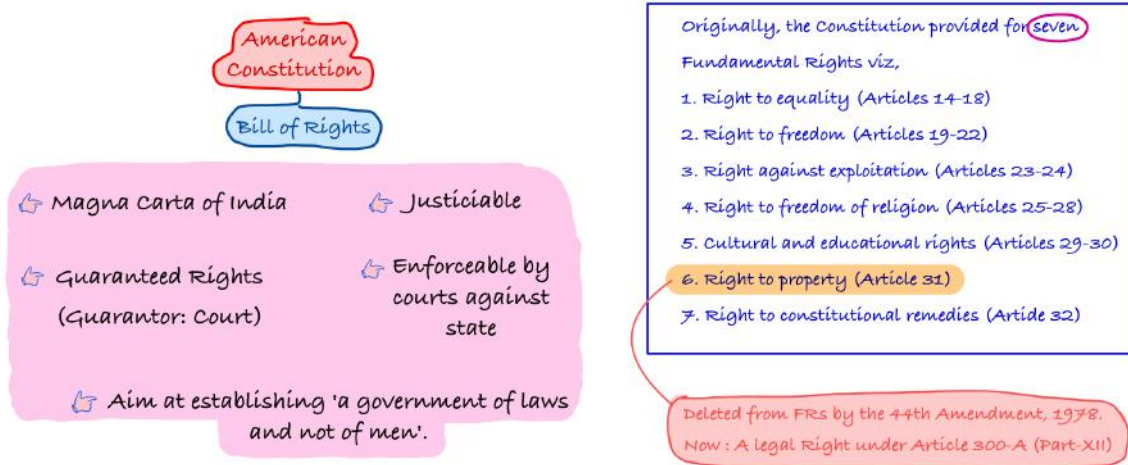
Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) 1 and 3 (d) 2 and 3

CHAPTER 08

FUNDAMENTAL RIGHTS

Part III - Articles 12 to 35



Right to Equality (Articles 14-18)	<ul style="list-style-type: none"> ○ Equality before law (14) ○ No discrimination (15) ○ Equal opportunity in public jobs (16) ○ Abolition of untouchability (17) ○ Abolition of titles (18)
Right to Freedom (Articles 19-22)	<ul style="list-style-type: none"> ○ 6 freedoms: speech, assembly, association, movement, residence, profession (19) ○ Protection in conviction (20) ○ Life & personal liberty (21) ○ Free & compulsory education (21A) ○ Protection against arrest & detention (22)
Right against Exploitation (Articles 23-24)	<ul style="list-style-type: none"> ○ Ban on human trafficking & forced labour (23) ○ Ban on child labour in factories/mines (24)
Right to Freedom of Religion (Articles 25-28)	<ul style="list-style-type: none"> ○ Freedom of conscience, practice, propagate (25) ○ Manage religious affairs (26) ○ No religious tax (27) ○ No religious instruction in state institutions (28)
Cultural & Educational Rights (Articles 29-30)	<ul style="list-style-type: none"> ○ Cultural & Educational Rights ○ Articles 29-30) Protect language, script & culture (29) ○ Minorities can establish institutions (30)

POLITY

Right to Constitutional Remedies (Articles 32)	<ul style="list-style-type: none"> ○ Move SC for enforcement of FRs ○ Writs: Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto
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■ **Key Features of Fundamental Rights:**

Available to whom?	<ul style="list-style-type: none"> ○ Some only to citizens → Articles 15, 16, 19, 29, 30 ○ Others to all persons (citizens + foreigners + legal persons)
Against whom?	<ul style="list-style-type: none"> ○ Mainly enforceable against the State ○ Some also against private individuals (Arts. 15, 17, 23)
Not absolute	<ul style="list-style-type: none"> ○ Subject to reasonable restrictions (esp. Article 19)
Negative in nature	<ul style="list-style-type: none"> ○ Place limitations on State power
Justiciable	<ul style="list-style-type: none"> ○ Enforceable in courts ○ Article 32 = heart & soul of FRs
Not sacrosanct / permanent	<ul style="list-style-type: none"> ○ Can be amended or curtailed ○ Only by Constitutional Amendment, not ordinary law ○ Must not violate Basic Structure
During National Emergency	<ul style="list-style-type: none"> ○ All FRs can be suspended except Articles 20 & 21 ○ Article 19 suspended only during war/external aggression
Martial Law	<ul style="list-style-type: none"> ○ Application of FRs can be restricted

ARTICLE 12 Definition of State (Who is 'State')	<ul style="list-style-type: none"> ○ Defines "State" for Part III (Fundamental Rights) ○ Includes: <ul style="list-style-type: none"> ■ Union & State governments ■ Parliament & State legislatures ■ All local authorities (municipalities, panchayats, boards, trusts) ■ All other authorities – statutory / non-statutory (LIC, ONGC, SAIL etc.) ○ Wide meaning → even private bodies acting as instrumentality of the State are covered
ARTICLE 13 Laws inconsistent with Fundamental Rights (What happens if State violates FR)	<ul style="list-style-type: none"> ○ All laws violating Fundamental Rights are VOID ○ Provides basis for Judicial Review ○ "Law" includes: <ul style="list-style-type: none"> ■ Acts of Parliament & State legislatures ■ Ordinances ■ Delegated legislation → rules, regulations, by-laws, orders, notifications ○ Kesavananda Bharati (1973): <ul style="list-style-type: none"> ■ Constitutional amendment can be struck down if it violates FR forming part of Basic Structure

RIGHT TO EQUALITY (Articles 14–18)

ARTICLE 14

Right to Equality

- Available to all persons → citizens, foreigners & legal persons
- State cannot deny equality

Two Concepts under Article 14

1. Equality before Law (British origin – Negative concept → like indirect tax)

- Derived from Rule of Law propounded by A.V. Dicey
- “Negative” because it restricts State power
- Core Elements:
 - Absence of arbitrary power
 - Absence of special privileges
 - Equal subjection of all persons to ordinary law
 - No person is above the law
- Courts administer ordinary law to everyone equally.
- Indian Position vs British Position
 - Britain: Rights are the result of judicial decisions
 - India: Constitution is the source of individual rights

2. Equal Protection of Laws (American Origin – Positive Concept → like direct tax)

- “Positive” because it requires State action
- Does not mean identical treatment
- Allows reasonable classification
- Meaning:
 - Equality of treatment under equal circumstances
 - Similar application of the same law
 - Like should be treated alike
 - Unequals can be treated differently
- This enables welfare legislation, reservations, special laws, etc.

Article 14 vs Article 31C

- Laws made to implement certain DPSPs under Article 31C
- Such laws cannot be challenged on grounds of:
 - Article 14
 - Article 19 (when 31C applies)
- When 31C operates → Article 14 goes out (to that extent).

Article 14 & Arbitrariness:

- Arbitrariness = Inequality
- Any arbitrary State action automatically violates Article 14
- This principle was later expanded in Maneka Gandhi doctrine.

Exceptions to Equality: (Constitutional & Legal Exceptions)

- President & Governor
 - Not answerable to courts for official acts
 - No criminal proceedings during term
 - Civil proceedings require 2 months’ notice
- Members of Parliament & State Legislatures

	<ul style="list-style-type: none"> ■ Parliamentary privileges ○ Foreign Diplomats <ul style="list-style-type: none"> ■ Diplomatic immunity under international law ○ These are reasonable exceptions, not violations.
<p>ARTICLE 15</p> <p>Prohibition of Discrimination</p> <p>(Citizen-specific right)</p>	<ul style="list-style-type: none"> ○ Who is bound? <ul style="list-style-type: none"> ■ State ■ Private individuals (in public places) <p>Article 15(1): Grounds of Prohibition</p> <ul style="list-style-type: none"> ○ The State shall not discriminate against any citizen ONLY on the grounds of: <ul style="list-style-type: none"> ■ Religion, Race, Caste, Sex, Place of birth <p>Article 15(2): Access to Public Places</p> <ul style="list-style-type: none"> ○ No citizen shall be denied access to: <ul style="list-style-type: none"> ■ Shops, Public restaurants, Hotels, Wells, tanks, roads, bathing ghats, etc. ○ Applies to State + private individuals ○ Makes Article 15 horizontal in application (rare feature). <p>Exceptions</p> <p>Article 15(3): Women & Children</p> <ul style="list-style-type: none"> ○ State can make special provisions ○ Includes: <ul style="list-style-type: none"> ■ Reservation, Protective legislation, Welfare schemes. <p>Article 15(4): SCs, STs & SEBCs</p> <ul style="list-style-type: none"> ○ Reservation in educational institutions ○ Covers: <ul style="list-style-type: none"> ■ Admission, Fees, Hostels, scholarships <p>Article 15(5): Private Educational Institutions</p> <ul style="list-style-type: none"> ○ Reservation allowed in: <ul style="list-style-type: none"> ■ Private unaided institutions ■ Except minority institutions (Art 30) <p>Article 15(6): Economically Weaker Sections (EWS)</p> <ul style="list-style-type: none"> ○ 103rd Constitutional Amendment Act, 2019 ○ Up to 10% reservation ○ Applies to: <ul style="list-style-type: none"> ■ Education ■ Private unaided institutions ■ Excludes SC/ST/OBC

<p>ARTICLE 16</p> <p>Equality of Opportunity in Public Employment</p> <p>(Citizen-specific right)</p>	<ul style="list-style-type: none"> ○ Applies only to employment or appointment under the State <p>Article 16(1):</p> <ul style="list-style-type: none"> ○ Equality of opportunity for all citizens in public employment <p>Article 16(2): Grounds of Non-Discrimination</p> <ul style="list-style-type: none"> ○ No discrimination ONLY on grounds of: <ul style="list-style-type: none"> ■ Religion, Race, Caste, Sex, Descent, Place of birth, Residence ■ Extra grounds here: descent + residence (not in Art 15) <p>Exceptions</p> <p>Article 16(3): Residence Requirement</p> <ul style="list-style-type: none"> ○ Parliament may prescribe residence as a condition ○ For: <ul style="list-style-type: none"> ■ State, UT, Local authority jobs <p>Article 16(4): Backward Classes</p> <ul style="list-style-type: none"> ○ Reservation in appointments/posts ○ For classes not adequately represented <p>Article 16(4A): Promotion Reservation</p> <ul style="list-style-type: none"> ○ For SC/ST ○ With consequential seniority <p>Article 16(4B): Carry Forward</p> <ul style="list-style-type: none"> ○ Backlog vacancies allowed beyond 50% cap <p>Article 16(5): Religious Offices</p> <ul style="list-style-type: none"> ○ Posts related to religious institutions may require religion-based qualification <p>Article 16(6): EWS Reservation</p> <ul style="list-style-type: none"> ○ 10% reservation ○ 103rd Amendment, 2019 ○ Civil posts & services <p>Cases related:</p> <ul style="list-style-type: none"> ○ M. Nagraj = SC allowed reservation for SC's, SC's in promotions. ○ Indra Sawhney (1992) = Total reservation shall not exceed 50%.
<p>ARTICLE 17</p> <p>Abolition of Untouchability</p>	<p>Untouchability is abolished in all forms</p> <ul style="list-style-type: none"> ○ Practice is punishable offence ○ Term not defined in Constitution (deliberate) ○ Enforceable against: <ul style="list-style-type: none"> ■ State ■ Private individuals ○ Supreme Court: <ul style="list-style-type: none"> ■ → Social boycott alone is not untouchability unless caste-based exclusion is proved. ○ Legislation <ul style="list-style-type: none"> ■ Protection of Civil Rights Act, 1955 ■ Earlier: Untouchability (Offences) Act, 1955

<p>ARTICLE 18</p> <p>Abolition of Titles</p>	<p>Article 18(1): State & Titles</p> <ul style="list-style-type: none"> ○ State shall not confer titles ○ Exceptions: <ul style="list-style-type: none"> ■ Military distinctions, Academic distinctions ○ Bharat Ratna / Padma awards are not titles (no prefix/suffix). <p>Article 18(2): Indian Citizens</p> <ul style="list-style-type: none"> ○ Indian citizens cannot accept titles from foreign states <p>Article 18(3): Foreigners in State Service</p> <ul style="list-style-type: none"> ○ Foreigners holding office of profit/trust under State: ○ Cannot accept foreign titles without President's consent <p>Article 18(4): Foreign Emoluments</p> <ul style="list-style-type: none"> ○ No person (citizen or foreigner) holding State office may accept: <ul style="list-style-type: none"> ■ Present, Emolument, Office from foreign state ○ Without President's consent <p>Balaji Case (1995) = SC upheld constitutional validity of National Awards (Bharat Ratna & Padma Awards)</p>
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■ **RIGHT TO FREEDOM (Articles 19–22)**

<p>ARTICLE 19</p> <p>Six Freedoms</p>	<p>Available only to citizens (not to foreigners / legal persons)</p> <ol style="list-style-type: none"> 1. Freedom of speech & expression 2. Freedom to assemble peacefully & without arms <ul style="list-style-type: none"> ■ Assembly must be peaceful 3. Freedom to form associations / unions / co-operative societies <ul style="list-style-type: none"> ■ Negative right → no guaranteed right to strike, collective bargaining, etc. 4. Freedom of movement throughout India 5. Freedom to reside & settle in any part of India <ul style="list-style-type: none"> ■ Exceptions: Scheduled Areas, ST protection, prostitutes 6. Freedom to practise any profession / trade / occupation <p>Right to property removed from Art 19 by 44th Constitutional Amendment Act, 1978</p> <ul style="list-style-type: none"> ○ State can impose reasonable restrictions ○ Example: Section 144 CrPC (to prevent obstruction, danger to life, health, safety)
<p>ARTICLE 20</p> <p>Protection in Respect of Conviction for Offences</p>	<p>Applies to citizens + foreigners + legal persons</p> <p>Three Protections:</p> <p>(a) No Ex-Post-Facto Criminal Law</p> <ul style="list-style-type: none"> ○ No conviction unless act was an offence at time of commission ○ No punishment greater than prescribed at that time ○ Applies only to criminal laws ○ Not applicable to civil or tax laws <p>(b) No Double Jeopardy</p> <ul style="list-style-type: none"> ○ No person shall be prosecuted & punished twice for same offence

	<ul style="list-style-type: none"> ○ Applies only before court of law / judicial tribunal ○ Not applicable to administrative proceedings <p>(c) No Self-Incrimination</p> <ul style="list-style-type: none"> ○ Accused cannot be compelled to be witness against himself ○ Protection covers: <ul style="list-style-type: none"> ■ Oral evidence, Documentary evidence ○ Does NOT cover: <ul style="list-style-type: none"> ■ Compulsory production of material objects, Thumb impression, Specimen signature, Blood samples, Compulsory exhibition of body, Scope Limitation <p>Scope Limitations</p> <ul style="list-style-type: none"> ○ Applies only to criminal proceedings ○ Not applicable to civil proceedings
<p>ARTICLE 21</p> <p>Protection of Life & Personal Liberty</p>	<p>No person shall be deprived of life or personal liberty except according to procedure established by law.</p> <p>Available to citizens + foreigners.</p> <p>Judicial Interpretation</p> <ul style="list-style-type: none"> ○ A.K. Gopalan Case (1950) – Narrow View <ul style="list-style-type: none"> ■ Protection only against arbitrary executive action ■ Not applicable to arbitrary legislative action ■ “Procedure established by law” = any law enacted by legislature ○ Maneka Gandhi Case (1978) – Wider View <ul style="list-style-type: none"> ■ Procedure must be fair, just, and reasonable ■ Introduced substantive due process in India ■ “Procedure established by law” ≈ Due Process of Law ■ Linked Articles 14, 19 & 21 (Golden Triangle) <p>Meaning of Right to Life</p> <ul style="list-style-type: none"> ○ Not mere animal existence ○ Includes right to live with human dignity <p>Due process of law [US (Judicial Supremacy)] = Procedure established by law [UK (Parliament is sovereign & superior)] + Procedure should be fair & just</p> <p>The Supreme Court has declared the following rights as part of Article 21:</p> <ol style="list-style-type: none"> 1. Right to live with human dignity 2. Right to a decent environment, including: <ul style="list-style-type: none"> ■ Pollution-free air ■ Pollution-free water ■ Protection against hazardous industries 3. Right to livelihood 4. Right to privacy 5. Right to shelter 6. Right to health 7. Right to free education up to 14 years of age 8. Right to free legal aid 9. Right against solitary confinement 10. Right to speedy trial

	<ol style="list-style-type: none"> 11. Right against handcuffing 12. Right against inhuman treatment 13. Right against delayed execution 14. Right to travel abroad 15. Right against bonded labour 16. Right against custodial harassment 17. Right to emergency medical aid (Right to doctor's assistance) 18. Right to timely medical treatment in a government hospital 19. Right not to be driven out of a state 20. Right to fair trial 21. Right of prisoners to have necessities of life 22. Right of women to be treated with decency and dignity 23. Right against public hanging 24. Right to road in hilly areas 25. Right to information 26. Right to reputation 27. Right of appeal from a judgment of conviction 28. Right to family pension 29. Right to social and economic justice and empowerment 30. Right against bar fetters 31. Right to appropriate life insurance policy 32. Right to sleep 33. Right to freedom from noise pollution 34. Right to sustainable development 35. Right to opportunity 36. Right to decent burial/cremation 37. Right to marry a person of one's choice 38. Right to die with dignity (Passive Euthanasia)
<p>ARTICLE 21 A</p> <p>Right to Education</p>	<ul style="list-style-type: none"> ○ Inserted by 86th Constitutional Amendment Act, 2002 ○ Provides free & compulsory education ○ Age group: 6 to 14 years ○ Applicable only to elementary education <ul style="list-style-type: none"> ■ Not applicable to higher / professional education <p>Related Provisions</p> <ul style="list-style-type: none"> ○ Article 21A → Fundamental Right ○ Article 45 → DPSP (Early childhood care & education) ○ Article 51A(k) → Fundamental Duty (Parents/guardians)
<p>ARTICLE 22</p> <p>Protection Against Arrest and Detention</p>	<p>Protection Against Arrest and Detention</p> <p>Protection available under both types of detention:</p> <ul style="list-style-type: none"> ○ Punitive detention ○ Preventive detention

	1. Punitive Detention	2. Preventive Detention
	<p>Detention after commission of offence Follows trial and conviction by a court Objective: Punishment Rights Available in Ordinary Arrest (Punitive Detention)</p> <ul style="list-style-type: none"> ○ Right to be informed of grounds of arrest ○ Right to consult and be defended by a lawyer ○ Right to be produced before a magistrate within 24 hours <ul style="list-style-type: none"> ■ Excluding journey time & holidays ○ No detention beyond 24 hours without magistrate's authority. ○ Who Cannot Claim These Rights: Enemy aliens & Persons detained under preventive detention. <p>Exceptions: 1. Only against criminal or quasi-criminal cases. 2. Not cover arrest under: order of court, civil arrest, not paying income tax, deportation of aliens.</p>	<p>Detention before commission of offence No trial, no conviction Objective: Prevention of future threat Safeguards Under Preventive Detention</p> <ul style="list-style-type: none"> ○ Advisory Board Review <ul style="list-style-type: none"> ■ If detention exceeds 3 months ■ Advisory Board must include a High Court judge ○ Detention can continue only if Advisory Board approves ○ Grounds of detention must be communicated to detenu ○ Detenu must be given opportunity to make representation ○ Habeas Corpus is applicable in preventive detention cases (Deepak Bajaj vs SoMH Case)
	<p>Preventive Detention – Law Making Power:</p> <ul style="list-style-type: none"> ○ Parliament and State Legislatures can concurrently make laws ○ Parliament has exclusive power in matters related to: <ul style="list-style-type: none"> ■ Defence, Foreign affairs, Security of India ■ Ex.: MISA (1971), COFEPOSA (1974), NSA (1980), TADA (1985 – repealed), POTA (2002 – repealed), UAPA (1967 – continuing) 	

■ **RIGHT AGAINST EXPLOITATION (Articles 23 & 24)**

<p>ARTICLE 23</p> <p>Prohibition of Traffic in Human Beings & Forced Labour</p>	<ul style="list-style-type: none"> ○ Available to citizens and non-citizens ○ Enforceable against the State AND private individuals <p>What is Prohibited?</p> <ul style="list-style-type: none"> ○ Traffic in human beings <ul style="list-style-type: none"> ■ Includes buying/selling, devadasis, slavery-like practices ■ Covers immoral trafficking and exploitation ○ Forced labour (Begaar) <ul style="list-style-type: none"> ■ Labour extracted through: <ul style="list-style-type: none"> ◆ Physical force
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	<ul style="list-style-type: none"> ◆ Legal coercion ◆ Economic compulsion (poverty, very low wages) <p>Exception:</p> <ul style="list-style-type: none"> ○ State may impose compulsory service for public purposes (Ex.: Everyone should work as health worker in Covid-19) ○ Example: military service, social service ○ Condition: No discrimination on grounds of religion, race, caste, class, etc. <p>Related Acts:</p> <ul style="list-style-type: none"> ○ Bonded Labour System (Abolition) Act, 1976 ○ Minimum Wages Act, 1948 ○ Contract Labour Act, 1970 ○ Equal Remuneration Act, 1976 <p>Surjit Roy vs SoRJ, 1983: Prisoners entitled to get fair wages of their work</p>
<p>ARTICLE 24 Prohibition of Em- ployment of Chil- dren</p>	<ul style="list-style-type: none"> ○ No employment of children below 14 years in: <ul style="list-style-type: none"> ■ Factories, Mines, Other hazardous activities <p>What is Allowed?</p> <ul style="list-style-type: none"> ○ Employment of children in harmless or innocent work is not prohibited <ul style="list-style-type: none"> ■ (i.e., non-hazardous activities) <p>Related Act:</p> <ul style="list-style-type: none"> ○ Child Labour (Prohibition & Regulation) Act, 1986: Prohibit children employment in certain occupations ○ Amended in 2016: Renamed as Child and Adolescent Labour (Prohibition and Regulation) Act, 1986: <ul style="list-style-type: none"> ■ Prohibited employment of children in ALL occupations. ■ Employment of adolescents (14-18yrs) in certain hazardous occupa-tions.

■ **RIGHT TO FREEDOM OF RELIGION (Articles 25–28)**

<p>ARTICLE 25 Freedom of Con- science and Free Profession, Practice and Propagation of Religion (Right of Individual)</p>	<p>Core Rights</p> <ul style="list-style-type: none"> ○ Freedom of conscience ○ Right to profess ○ Right to practice ○ Right to propagate religion <p>■ Applies to citizens and non-citizens</p> <hr/> <p>Coverage</p> <ul style="list-style-type: none"> ○ Covers religious beliefs, rituals, and practices ○ Does NOT include the right to forcibly convert another person <p>Restrictions:</p> <ol style="list-style-type: none"> 1. Public order, Morality, Health 2. State can regulate secular activities 3. State can provide for social welfare and reform
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<p>ARTICLE 26</p> <p>Freedom to Manage Religious Affairs</p> <p>(Right of Group / Religious denomination) or Collective right</p>	<p>Rights include:</p> <ul style="list-style-type: none"> ○ To establish and maintain institutions for religious & charitable purposes ○ To manage its own affairs in matters of religion ○ To own and acquire movable & immovable property ○ To administer such property according to law <p>Applies to religious denominations (distinct name, common faith, organisation)</p>
<p>ARTICLE 27</p> <p>Freedom from Taxation for Promotion of Religion</p>	<ul style="list-style-type: none"> ○ No taxes for the promotion or maintenance of any particular religion or religious denomination. ○ Prohibits only levy of a tax & not a fee. (Fee to provide services or safety measures) ○ Taxes can be used for the promotion or maintenance of all religions. <ul style="list-style-type: none"> ■ Ex.: Fees for Amarnath Yatra. ○ No govt. expenditure can be done for promoting a religion.
<p>ARTICLE 28</p> <p>Freedom from Attending Religious Instruction</p>	<ul style="list-style-type: none"> ○ No religious instruction in educational institutions wholly funded by the State <p>Exceptions</p> <ul style="list-style-type: none"> ○ Allowed in institutions: <ul style="list-style-type: none"> ■ Administered by the State but ■ Established under trust/endowment that mandates religious instruction

CULTURAL & EDUCATIONAL RIGHTS (Articles 29-30)

<p>ARTICLE 29</p> <p>Protection of Interests of Minorities</p>	<p>(a) Right to Conserve Culture</p> <ul style="list-style-type: none"> ○ Any section of citizens (not only minorities) <ul style="list-style-type: none"> ■ SC: Not restricted to Minorities only. ■ Applies to both majority + minority ○ Having a distinct language, script or culture ○ Has the right to conserve the same ○ Group right <p>(b) Protection in Educational Admission</p> <ul style="list-style-type: none"> ○ No citizen shall be denied admission into: <ul style="list-style-type: none"> ■ Educational institutions maintained by the State OR ■ Institutions receiving State aid ○ Denial cannot be only on grounds of: <ul style="list-style-type: none"> ■ Religion, Race, Caste, Language ○ Individual right
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<p>ARTICLE 30</p> <p>Right of Minorities to Establish & Administer Educational Institutions</p>	<ul style="list-style-type: none"> ○ All minorities have the right to: <ul style="list-style-type: none"> ■ Establish & Administer educational institutions of their choice <p>Scope</p> <ul style="list-style-type: none"> ○ Right available only to minorities ○ Minorities = Religious + Linguistic minorities <p>Property & Compensation</p> <ul style="list-style-type: none"> ○ If property of a minority educational institution is compulsorily acquired: ○ Compensation fixed by the State must not destroy or abridge the right ○ Protection strengthened by 44th Constitutional Amendment <p>Term "Minority" is NOT defined in the Constitution.</p>
<p>ARTICLE 31</p> <p>Abolition of Right to Property</p>	<ul style="list-style-type: none"> ○ 44th Constitutional Amendment Act, 1978 ○ Deleted Article 19(1)(f) (right to acquire, hold & dispose property) ○ Article 31 removed and substance shifted to Article 300A <p>Effect</p> <ul style="list-style-type: none"> ○ Right to Property is NO LONGER a Fundamental Right ○ It is now a constitutional / legal right ○ If violated → cannot directly approach Supreme Court under Art. 32 ○ Remedy lies under ordinary courts / High Court (Art. 226) <hr/> <p>■ Exceptions / Saving of Certain Laws</p> <p>Article 31A</p> <ul style="list-style-type: none"> ○ Protects laws related to: <ul style="list-style-type: none"> ■ Agrarian reforms, Industry, Commerce ○ State can acquire personal land ○ Such laws cannot be challenged for violation of FRs (Arts. 14, 19, 31) <p>Article 31B</p> <ul style="list-style-type: none"> ○ Laws placed in Ninth Schedule are protected from FR challenge ○ I.R. Coelho Case (2007): <ul style="list-style-type: none"> ■ No blanket immunity ■ Ninth Schedule laws after 24 April 1973 can be reviewed ■ If they violate Basic Structure, they can be struck down <p>Article 31C</p> <ul style="list-style-type: none"> ○ Laws made to implement DPSP Art. 39(b) & 39(c) are immune from FR challenge ○ Kesavananda Bharati Case: <ul style="list-style-type: none"> ■ Second provision of Art. 31C declared unconstitutional & void ■ Courts can examine whether law actually gives effect to DPSP

RIGHT TO PROPERTY & SAVING OF CERTAIN LAWS

ARTICLE 32

Nature & Importance

- Article 32 is a Basic Feature of the Constitution
- Called the "Heart & Soul" of the Constitution (Dr. B.R. Ambedkar)
- Itself a Fundamental Right

Scope of Article 32

- Used only for enforcement of Fundamental Rights
- Cannot be invoked merely to test constitutionality of a law/executive order
- Infringement of FR is a prerequisite

Power of Courts

- Supreme Court has original jurisdiction under Art. 32
- SC's power is wide → can issue:
 - Directions
 - Orders
 - Writs
- Parliament may empower other courts (not SC) to issue writs

During National Emergency:

- President (not PM) can suspend the right to move any court for FR enforcement
- Under Article 359
- Suspension applies only to remedies, not to the FR itself (except Art. 20 & 21 which cannot be suspended)

■ **Supreme Court vs High Court (Writ Jurisdiction):**

Supreme Court – Article 32	High Court – Article 226
<ul style="list-style-type: none"> ○ Can issue writs only for Fundamental Rights ○ Narrower subject scope ○ Territorial jurisdiction is wider (entire India) ○ Since Art. 32 is itself an FR: <ul style="list-style-type: none"> ■ SC cannot refuse to exercise writ jurisdiction 	<ul style="list-style-type: none"> ○ Can issue writs for: <ul style="list-style-type: none"> ■ Fundamental Rights ■ Other legal rights ○ Wider subject scope ○ Territorial jurisdiction is limited to the State ○ Writ jurisdiction is discretionary <ul style="list-style-type: none"> ■ HC may refuse to issue writ

■ **WRITS – TYPES & SCOPE**

Writs	Meaning & Purpose	Issued Against	NOT Issued Against
<p>Habeas Corpus</p>	<p>Meaning:</p> <ul style="list-style-type: none"> ○ "to have the body" <p>Purpose:</p> <ul style="list-style-type: none"> ○ Court orders a person who has detained another to produce the detained person before it. 	<ul style="list-style-type: none"> ○ Public authorities ○ Private individuals 	<ul style="list-style-type: none"> ○ Lawful detention ○ Contempt of court ○ Detention outside court's jurisdiction ○ Fastest remedy for personal liberty

POLITY

<p>Mandamus</p>	<p>Meaning:</p> <ul style="list-style-type: none"> ○ "we command" <p>Purpose:</p> <ul style="list-style-type: none"> ○ Command to a public official/body to perform public duty which is refused or failed. 	<ul style="list-style-type: none"> ○ Public authority ○ Corporation ○ Inferior court ○ Tribunal ○ Government 	<ul style="list-style-type: none"> ○ Private body ○ President ○ Governor ○ Chief Justice of HC (judicial capacity)
<p>Prohibition</p>	<p>Meaning:</p> <ul style="list-style-type: none"> ○ "to forbid" <p>Purpose:</p> <ul style="list-style-type: none"> ○ Higher court prevents lower court/tribunal from exceeding jurisdiction <p>Nature:</p> <ul style="list-style-type: none"> ○ Preventive (before final order) 	<ul style="list-style-type: none"> ○ Judicial authorities ○ Quasi-judicial authorities 	<ul style="list-style-type: none"> ○ Administrative authorities ○ Legislative bodies ○ Private individuals
<p>Certiorari</p>	<p>Meaning:</p> <ul style="list-style-type: none"> ○ "to be certified / informed" <p>Purpose:</p> <ul style="list-style-type: none"> ○ Higher court: ○ Quashes order of lower court/tribunal OR ○ Transfers case to itself <p>Nature:</p> <ul style="list-style-type: none"> ○ Preventive (before decision) ○ Curative (after decision) 	<ul style="list-style-type: none"> ○ Judicial bodies ○ Quasi-judicial bodies ○ Administrative bodies (since 1951) 	<ul style="list-style-type: none"> ○ Legislative bodies ○ Private individuals or bodies
<p>Quo Warranto</p>	<p>Meaning:</p> <ul style="list-style-type: none"> ○ "by what authority" <p>Purpose:</p> <ul style="list-style-type: none"> ○ Court enquires into legality of claim of a person holding a public office 	<ul style="list-style-type: none"> ○ Only substantive public office ○ Office must be permanent ○ Created by Constitution or statute <p>Who can file:</p> <ul style="list-style-type: none"> ○ Any interested person (not necessarily aggrieved) 	<ul style="list-style-type: none"> ○ Ministerial office ○ Private office

LEGAL RIGHTS (OUTSIDE PART III) (Not Fundamental Rights)

Article 265 Part XII (Taxation)	<ul style="list-style-type: none"> ○ No tax shall be levied or collected except by authority of law ○ Executive orders not sufficient → law mandatory ○ Remedy: Ordinary courts / HC, not Art. 32
Article 300A Part XII (Property)	<ul style="list-style-type: none"> ○ No person shall be deprived of property except by authority of law ○ Right to property = Legal / Constitutional right ○ Not a Fundamental Right ○ No direct access to SC under Art. 32
Article 301 Part XIII (Trade & Commerce)	<ul style="list-style-type: none"> ○ Trade, commerce and intercourse throughout India shall be free ○ Subject to reasonable restrictions by Parliament/States (Arts. 302-304) ○ Legal right, not FR
Article 326 Part XV (Adult Suffrage)	<ul style="list-style-type: none"> ○ Right to Vote ○ Elections based on adult suffrage ○ Right to vote = Statutory / Legal right ○ Not a Fundamental Right

PREVIOUS YEAR QUESTIONS

Consider the following pairs: (2025)

	Provision in the Constitution of India	Stated under
I.	Separation of Judiciary: from the Executive in the public services of the State	The Directive Principles of the State Policy
II.	Valuing and preserving: of the rich heritage of our composite culture	The Fundamental Duties
III.	Prohibition of employment of children below the age of 14 years in factories	The Fundamental Rights

How many of the above pairs are correctly matched?

- (a) Only one (b) Only two
(c) All the three (d) None

Under which of the following Articles of the Constitution of India has the Supreme Court of India placed the Right to Privacy? (2024)

- (a) Article 15 (b) Article 16
(c) Article 19 (d) Article 21

In essence, what does 'Due Process of Law' mean?

- (a) The principle of natural justice (2023)
(b) The procedure established by law
(c) Fair application of law
(d) Equality before law

Consider the following statements: (2023)

1. According to the Constitution of India, the Central Government has a duty to protect States from internal disturbances.
2. The Constitution of India exempts the States from providing legal counsel to a person being held for preventive detention.
3. According to the Prevention of Terrorism Act 2002, the confession of the accused before the police cannot be used as evidence.

How many of the above statements are correct?

- (a) Only one (b) Only two
(c) All three (d) None

Which one of the following best defines the term 'State'? (2021)

- (a) A community of persons permanently occupying a definite territory independent of external control and possessing an organised government
(b) A politically organised people of a definite territory and possessing an authority to govern them, maintain law and order, protect their natural rights and safeguard their means of sustenance
(c) A number of persons who have been living in a definite territory for a very long time with their own culture, tradition and government
(d) A society permanently living in a definite territory with a central authority, an executive responsible to the central authority and an independent judiciary

What is the position of the Right to Property in India? (2021)

- (a) Legal right available to citizens only
- (b) Legal right available to any person
- (c) Fundamental Right available to citizens only
- (d) Neither Fundamental Right nor legal right

Right to vote and to be elected in India is a (2017)

- (a) Fundamental Right
- (b) Natural Right
- (c) Constitutional Right
- (d) Legal Right

With reference to the writs issued by the Courts in India, consider the following statements: (2022)

1. Mandamus will not lie against a private organisation unless it is entrusted with a public duty.
2. Mandamus will not lie against a Company even though it may be a Government Company.
3. Any public minded person can be a petitioner to move the Court to obtain the writ of Quo Warranto.

Which of the statements given above are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

In India, if a religious sect/community is given the status of a national minority, what special advantages is it entitled to? (2011)

1. It can establish and administer exclusive educational institutions.
2. The President of India automatically nominates a representative of the community to Lok Sabha.
3. It can derive benefits from the Prime Minister's 15-Point Programme.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Which of the following are envisaged by the Right against Exploitation in the Constitution of India? (2017)

1. Prohibition of traffic in human beings and forced labour
2. Abolition of untouchability
3. Protection of the interests of minorities
4. Prohibition of employment of children in factories and mines

Select the correct answer using the code given below:

- (a) 1, 2 and 4 only
- (b) 2, 3 and 4 only
- (c) 1 and 4 only
- (d) 1, 2, 3 and 4

In the context of India, which one of the following is the correct relationship between Rights and Duties? (2017)

- (a) Rights are correlative with Duties.
- (b) Rights are personal and hence independent of society and Duties.
- (c) Rights, not Duties, are important for the advancement of the personality of the citizen.
- (d) Duties, not Rights, are important for the stability of the State.

One of the implications of equality in society is the absence of: (2017)

- (a) Privileges
- (b) Restraints
- (c) Competition
- (d) Ideology

Which one of the following statements is correct? (2017)

- (a) Rights are claims of the State against the citizens.
- (b) Rights are privileges which are incorporated in the Constitution of a State.
- (c) Rights are claims of the citizens against the State.
- (d) Rights are privileges of a few citizens against the many.

Consider the following statements: (2018)

1. The Parliament of India can place a particular law in the Ninth Schedule of the Constitution of India.
2. The validity of a law placed in the Ninth Schedule cannot be examined by any court and no judgement can be made on it.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Which of the following are regarded as the main features of the "Rule of Law"? (2018)

1. Limitation of Powers
2. Equality before law
3. People's responsibility to the Government
4. Liberty and civil rights

Select the correct answer using the code given below:

- (a) 1 and 3 only (b) 2 and 4 only
 (c) 1, 2 and 4 only (d) 1, 2, 3 and 4

Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty. Which of the following in the Constitution of India correctly and appropriately imply the above statement? (2018)

- (a) Article 14 and the provisions under the 42nd Amendment to the Constitution
 (b) Article 17 and the Directive Principles of State Policy in Part IV
 (c) Article 21 and the freedoms guaranteed in Part III
 (d) Article 24 and the provisions under the 44th Amendment to the Constitution

Which Article of the Constitution of India safeguards one's right to marry the person of one's choice? (2019)

- (a) Article 19 (b) Article 21
 (c) Article 25 (d) Article 29

Which one of the following categories of Fundamental Rights incorporate protection against untouchability as a form of discrimination? (2020)

- (a) Right against Exploitation
 (b) Right to Freedom
 (c) Right to Constitutional Remedies
 (d) Right to Equality

Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 2 only
 (c) 1 and 3 only (d) 1, 2 and 3

'Right to Privacy' is protected under which Article of the Constitution of India? (2021)

- (a) Article 15 (b) Article 19
 (c) Article 21 (d) Article 29

A legislation which confers on the executive or administrative authority an unguided and uncontrolled discretionary power in the matter of application of law violates one of the following Articles of the Constitution of India? (2021)

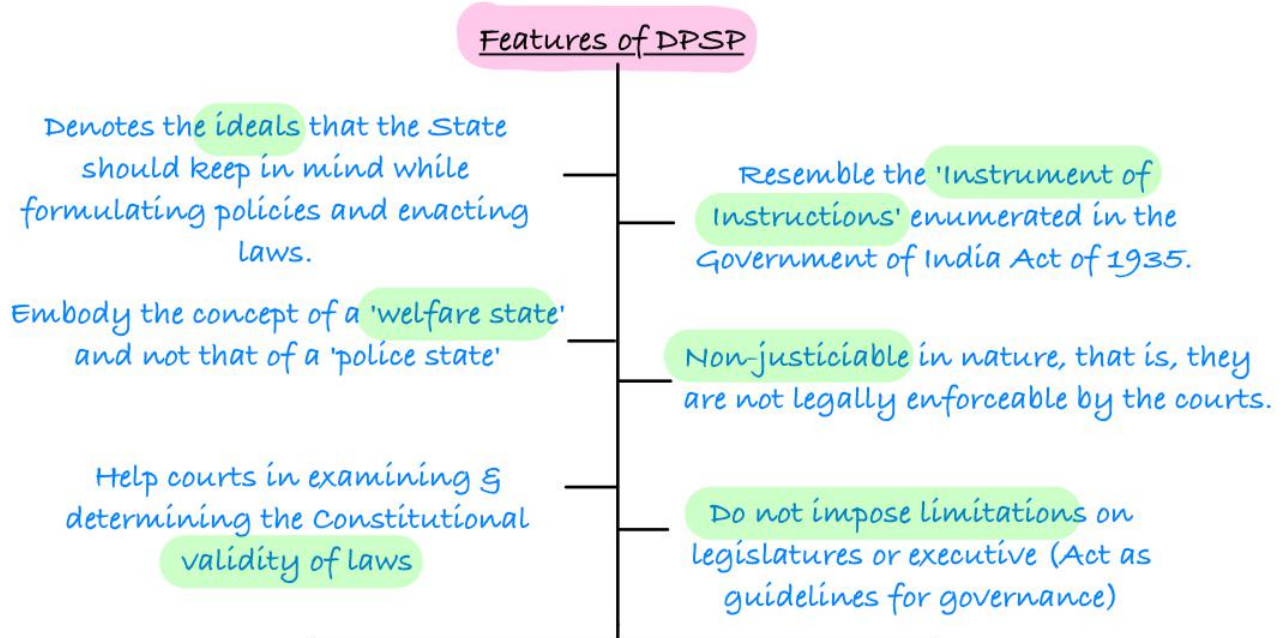
- (a) Article 14 (b) Article 28
 (c) Article 32 (d) Article 44

DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP)

Part IV - Articles 36 to 51



- ↳ Dr. B.R. Ambedkar: 'novel features' of the Indian Constitution.
- ↳ DPSP + FRs = Philosophy and soul of the Constitution.
- ↳ Granville Austin: DPSP + FRs = 'Conscience of the Constitution.'



■ CLASSIFICATION OF DPSP

SOCIALISTIC DPSP (Economic & Social Justice)	GANDHIAN DPSP (Based on Gandhian ideology)	LIBERAL / INTELLECTUAL DPSP (Modern, liberal values)
<p>Article 38</p> <ul style="list-style-type: none"> ○ Promote social order for welfare ○ Minimise inequalities in income, status, facilities & opportunities ○ (44th Amendment) <p>Article 39</p> <p>(a) Livelihood for all (b) Equitable distribution of resources (c) Prevent concentration of wealth (d) Equal pay for men & women (e) Health of workers, no child abuse (f) Healthy development of children (42nd Amendment)</p> <p>Article 39A</p> <ul style="list-style-type: none"> ○ Equal justice & free legal aid (42nd Amendment) <p>Article 41</p> <ul style="list-style-type: none"> ○ Right to work, education & public assistance <p>Article 42</p> <ul style="list-style-type: none"> ○ Humane conditions of work ○ Maternity relief <p>Article 43A</p> <ul style="list-style-type: none"> ○ Participation of workers in industry management (42nd Amendment) 	<p>Article 40</p> <ul style="list-style-type: none"> ○ Village Panchayats <p>Article 43</p> <ul style="list-style-type: none"> ○ Cottage industries <p>Article 43B</p> <ul style="list-style-type: none"> ○ Co-operative societies (97th Amendment, 2011) <p>Article 46</p> <ul style="list-style-type: none"> ○ Promote educational & economic interests of SC/ST <p>Article 47</p> <ul style="list-style-type: none"> ○ Prohibition of liquor & intoxicating drugs <p>Article 48</p> <ul style="list-style-type: none"> ○ Prohibit slaughter of cows & draught cattle 	<p>Article 44</p> <ul style="list-style-type: none"> ○ Uniform Civil Code <p>Article 45</p> <ul style="list-style-type: none"> ○ Free & compulsory education for children up to 14 years ○ (86th Amendment, 2002) <p>Article 48</p> <ul style="list-style-type: none"> ○ Organisation of agriculture & animal husbandry <p>Article 48A</p> <ul style="list-style-type: none"> ○ Protection of forests & wildlife (42nd Amendment) <p>Article 49</p> <ul style="list-style-type: none"> ○ Protection of monuments & places of national importance <p>Article 50</p> <ul style="list-style-type: none"> ○ Separation of judiciary from executive <p>Article 51</p> <ul style="list-style-type: none"> ○ Promote international peace & security

■ DPSP – AMENDMENTS

42nd Constitutional Amendment Act, 1976	<p>Article 39(f)</p> <ul style="list-style-type: none"> ○ → Secure opportunities for healthy development of children <p>Article 39A</p> <ul style="list-style-type: none"> ○ → Equal justice and free legal aid to the poor
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POLITY

	<p>Article 43A</p> <ul style="list-style-type: none"> ○ → Participation of workers in management of industries <p>Article 48A</p> <ul style="list-style-type: none"> ○ → Protect & improve environment ○ → Safeguard forests and wildlife
44th Constitutional Amendment Act, 1978	<p>Article 38(2)</p> <ul style="list-style-type: none"> ○ → State shall minimize inequalities in income ○ → Endeavour to eliminate inequalities in: <ul style="list-style-type: none"> ■ Status ■ Facilities ■ Opportunities ○ → Applies among individuals AND groups, across regions & vocations
86th Constitutional Amendment Act, 2002	<p>Article 45 (Modified)</p> <ul style="list-style-type: none"> ○ → State shall provide early childhood care and education ○ → For all children below 6 years
97th Constitutional Amendment Act, 2011	<p>Article 43B (Inserted)</p> <ul style="list-style-type: none"> ○ → Promote co-operative societies: <ul style="list-style-type: none"> ■ Voluntary formation ■ Autonomous functioning ■ Democratic control ■ Professional management

■ DPSP OUTSIDE PART-IV

Article 335 (Part XVI)	SC/ST claims to services
Article 350A (Part XVII)	Instruction in mother tongue
Article 351 (Part XVII)	Development of Hindi Language

■ CONFLICT BETWEEN FUNDAMENTAL RIGHTS & DPSP

Champakam Dorairajan Case (1951)	<ul style="list-style-type: none"> ○ FR > DPSP ○ DPSPs are subordinate to Fundamental Rights ○ Parliament can amend FRs to implement DPSP
Golaknath Case (1967)	<ul style="list-style-type: none"> ○ FR cannot be amended to give effect to DPSP ○ FRs declared transcendental & immutable ○ Put freeze on Parliament's amending power over FRs
25th Constitutional Amendment (1971)	<ul style="list-style-type: none"> ○ Inserted Article 31C ○ Laws implementing DPSP under Art. 39(b) & 39(c): ○ Can override FRs under Art. 14 & 19 ○ Cannot be challenged in court ○ Shift towards DPSP priority

Kesavananda Bharati Case (1973)	<ul style="list-style-type: none"> ○ Propounded Basic Structure Doctrine ○ Second part of Art. 31C (judicial bar) struck down ○ Parliament can amend FRs but not destroy Basic Structure
42nd Constitutional Amendment (1976)	<ul style="list-style-type: none"> ○ Extended Art. 31C to ALL DPSPs ○ Made DPSP > FR ○ Marked maximum tilt in favour of DPSP
Minerva Mills Case (1980)	<ul style="list-style-type: none"> ○ Restored balance between FR & DPSP ○ Declared: <ul style="list-style-type: none"> ■ FR are superior to DPSP ■ But Art. 39(b) & (c) DPSPs can override Art. 14 & 19 ○ Harmony between FR & DPSP = Basic Structure
FINAL CONSTITUTIONAL POSITION	<ul style="list-style-type: none"> ○ Fundamental Rights are supreme over DPSP ○ Parliament can amend FRs to implement DPSP ○ But cannot destroy the Basic Structure ○ Art. 39(b) & (c) enjoy special protection over Art. 14 & 19

■ **FUNDAMENTAL RIGHTS vs DIRECTIVE PRINCIPLES**

Fundamental Rights (Part III)	Directive Principles (Part IV)
<ul style="list-style-type: none"> ○ Negative in nature – prohibit the State from doing certain things ○ Justiciable – legally enforceable by courts ○ Aim to establish Political Democracy ○ Have legal sanctions ○ Promote welfare of the individual → personal & individualistic ○ Do not require legislation for enforcement; automatically enforceable ○ Courts must declare a law violating FR as unconstitutional & invalid 	<ul style="list-style-type: none"> ○ Positive in nature – require the State to do certain things ○ Non-justiciable – not legally enforceable by courts ○ Aim to establish Social & Economic Democracy ○ Have moral & political sanctions ○ Promote welfare of the community → socialistic & communitarian ○ Require legislation for implementation ○ Courts cannot strike down a law for violating DPSP; can uphold a law enacted to give effect to DPSP

PREVIOUS YEAR QUESTIONS

Consider the following provisions under the Directive Principles of State Policy as enshrined in the Constitution of India: (2012)

1. Securing for citizens of India a uniform civil code.
2. Organizing village Panchayats.
3. Promoting cottage industries in rural areas.
4. Securing for all the workers reasonable leisure and cultural opportunities.

Which of the above are the Gandhian Principles that are reflected in the Directive Principles of State Policy?

- (a) 1, 2 and 4 only (b) 2 and 3 only
 (c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Which of the following provisions of the Constitution of India have a bearing on Education? (2012)

1. Directive Principles of State Policy
2. Rural and Urban Local Bodies
3. Fifth Schedule
4. Sixth Schedule
5. Seventh Schedule

Select the correct answer using the codes given below:

- (a) 1 and 2 only (b) 3, 4 and 5 only
 (c) 1, 2 and 5 only (d) 1, 2, 3, 4 and 5

According to the Constitution of India, which of the following are fundamental for the governance of the country? (2013)

- (a) Fundamental Rights
- (b) Fundamental Duties
- (c) Directive Principles of State Policy
- (d) Fundamental Rights and Fundamental Duties

In the Constitution of India, promotion of international peace and security is included in the (2014)

- (a) Preamble to the constitution
- (b) Directive Principles of State Policy
- (c) Fundamental Duties
- (d) Ninth Schedule

Consider the following statements regarding the Directive Principles of State Policy: (2015)

1. The principles spell out of the socio-economic democracy in the country.
2. The provisions contained in these Principles are not enforceable by any court.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

The ideal of 'Welfare State' in the Indian Constitution is enshrined in its (2015)

- (a) Preamble
- (b) Directive Principles of State Policy
- (c) Fundamental Rights
- (d) Seventh Schedule

Which principle among the following was added to the Directive Principles of State Policy by the 42nd Amendment to the Constitution? (2017)

- (a) Equal pay for equal work for both men and women
- (b) Participation of workers in the management of industries
- (c) Right to work, education and public assistance
- (d) Securing living wage and human conditions of work to workers

Consider the following statements:

With reference to the Constitution of India, the Directive Principles of State Policy constitute limitations upon (2017)

1. legislative function.
2. executive function.

Which of the above statements is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Which part of the Constitution of India declares the ideal of a Welfare State? (2020)

- (a) Directive Principles of State Policy
- (b) Fundamental Rights
- (c) Preamble
- (d) Seventh Schedule

With reference to the provisions contained in Part IV of the Constitution of India, which of the following statements is/are correct? (2020)

1. They shall be enforceable by courts.
2. They shall not be enforceable by any court
3. The principles laid down in this part are to influence the making of laws by the State.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 2 and 3 only

In India, separation of judiciary from the executive is enjoined by (2020)

- (a) the Preamble of the Constitution
- (b) a Directive Principle of State Policy
- (c) the Seventh Schedule
- (d) the conventional practice

In India, Legal Services Authorities provide free legal services to which of the following types of citizens? (2020)

1. Person with an annual income of less than Rs. 1,00,000.
2. Transgender with an annual income of less than Rs. 2,00,000.
3. Member of Other Backward Classes (OBC) with an annual income of less than Rs. 3,00,000.
4. All Senior Citizens

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 3 and 4 only
- (c) 2 and 3 only
- (d) 1 and 4 only

Under the Indian Constitution, concentration of wealth violates (2021)

- (a) the Right to Equality
- (b) the Directive Principles of State Policy
- (c) the Right to Freedom
- (d) the Concept of Welfare

Part IV-A | Art. 51A

■ Origin & Evolution

- Inspired by USSR Constitution (Japanese Constitution also has duties)
- Swaran Singh Committee (1976) → recommended Fundamental Duties
- 42nd Constitutional Amendment Act, 1976 → inserted 10 Duties
- 86th Constitutional Amendment Act, 2002 → added 11th Duty (Child education)
- Verma Committee (1999) → examined legal provisions relating to FD

■ Nature & Scope

- Apply to citizens only
- Non-justiciable (no direct court enforcement)
- No specific legislative mechanism provided for enforcement
- Some duties are moral, some civic; not automatic legal obligations

■ List of Fundamental Duties (Art. 51A)

1. Respect the National Flag and National Anthem
2. Follow the noble ideals of the freedom struggle
3. Uphold the unity and integrity of the nation
4. Defend the country and render national service when called upon
5. Promote harmony & brotherhood; renounce practices derogatory to women's dignity
6. Preserve the rich heritage of our composite culture
7. Protect and improve the natural environment (forests, lakes, rivers, wildlife) and have compassion for living creatures
8. Develop scientific temper, humanism, and the spirit of inquiry and reform
9. Safeguard public property and abjure violence
10. Strive towards excellence in all spheres of individual and collective activity
11. Provide opportunities for education to children (parent/guardian duty) — added by 86th CAA, 2002

PREVIOUS YEAR QUESTIONS

- Under the constitution of India, which one of the following is not a fundamental duty? (2011)
- (a) To vote in public elections
 - (b) To develop the scientific temper
 - (c) To safeguard public property
 - (d) To abide by the Constitution and respect its ideals

Which of the following is/are among the Fundamental Duties of citizens laid down in the Indian Constitution? (2012)

1. To preserve the rich heritage of our composite culture.
2. To protect the weaker sections from social injustice.
3. To develop the scientific temper and spirit of inquiry.
4. To strive towards excellence in all spheres of individual and collective activity.

Select the correct answer using the codes given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1, 3 and 4 only
- (d) 1, 2, 3 and 4

“To uphold and protect the Sovereignty, Unity and Integrity of India” is a provision made in the: (2015)

- (a) Preamble of the Constitution
- (b) Directive Principles of State Policy
- (c) Fundamental Rights
- (d) Fundamental Duties

- Which of the following statements is/are true of the Fundamental Duties of an Indian citizen? (2017)

1. A legislative process has been provided to enforce these duties.
2. They are correlative to legal duties.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

■ EVOLUTION THROUGH CASES

Shankari Prasad Case (1951)	<ul style="list-style-type: none"> ○ Validity of 1st Constitutional Amendment (1951) challenged ○ SC held: ○ Parliament has power to amend Fundamental Rights ○ Word “law” in Article 13 includes ordinary laws, not constitutional amendments ○ FR can be amended
Golaknath Case (1967)	<ul style="list-style-type: none"> ○ SC ruled: <ul style="list-style-type: none"> ■ Fundamental Rights are “transcendental and immutable” ■ Parliament cannot abridge or take away FRs ○ Reversed Shankari Prasad position
24th Constitutional Amendment Act, 1971	<ul style="list-style-type: none"> ○ Explicitly gave Parliament power to amend any part of the Constitution, including FRs ○ Amendment made under Article 368
Kesavananda Bharati Case (1973)	<ul style="list-style-type: none"> ○ Overruled Golaknath ○ Upheld 24th Amendment ○ Propounded Doctrine of Basic Structure ○ Parliament can amend Constitution but cannot destroy Basic Structure
42nd Constitutional Amendment Act, 1976	<ul style="list-style-type: none"> ○ Amended Article 368 ○ Tried to remove all limitations on Parliament’s amending power ○ Stated amendments cannot be questioned in court
Minerva Mills Case (1980)	<ul style="list-style-type: none"> ○ SC struck down 42nd Amendment’s attempt to remove limits <p>Held:</p> <ul style="list-style-type: none"> ○ Judicial Review is part of Basic Structure ○ Balance between FR and DPSP is part of Basic Structure

■ WHAT IS BASIC STRUCTURE?

- (Not defined in Constitution; evolved by judiciary)

Core Elements:

1. Supremacy of the Constitution
2. Sovereign, democratic & republican nature of polity
3. Secular character of the Constitution
4. Separation of powers (Legislature–Executive–Judiciary)

5. Federal character
 6. Unity and integrity of the nation
 7. Welfare State (socio-economic justice)
 8. Judicial review
 9. Freedom and dignity of the individual
 10. Parliamentary system
 11. Rule of law
 12. Fundamental Rights
-

Core Features

- Article 368 deals with power & procedure of Parliament to amend the Constitution.
- Indian Constitution is neither rigid nor flexible → a synthesis of both.
- Parliament cannot amend the “Basic Structure”
 - → Kesavananda Bharati case (1973).

■ Procedure under Article 368:

1.Initiation	<ul style="list-style-type: none"> ○ Bill can be introduced in either House of Parliament ○ By Minister or Private Member ○ No prior permission of President required
2.Passing	<ul style="list-style-type: none"> ○ Must be passed by Special Majority: <ul style="list-style-type: none"> ■ >50% of total membership of the House AND ■ 2/3rd of members present & voting
3.State Ratification (where required)	<ul style="list-style-type: none"> ○ Federal provisions → ratification by at least ½ of State Legislatures ○ By simple majority ○ No time limit for states to give consent
4.President's Assent	<ul style="list-style-type: none"> ○ 24th Constitutional Amendment Act made it mandatory ○ President must give assent (no veto)

■ THREE WAYS OF AMENDING THE CONSTITUTION

A.Simple Majority of Parliament (Outside Article 368)	<ul style="list-style-type: none"> ○ Includes provisions like: <ul style="list-style-type: none"> ■ Creation of new States ■ Alteration of names, areas, boundaries of States ■ Formation/abolition of Legislative Councils ■ Second Schedule ■ Citizenship ■ Official Languages ■ 5th & 6th Schedules ■ Conferment of more jurisdiction to SC ■ Parliamentary Privileges ■ No. Of Judges in SC ■ Salaries & Allowances of MP ■ Delimitation Commission ■ Elections to Parliament & State Legislature
B.Special Majority of Parliament (Article 368 only)	<ul style="list-style-type: none"> ○ Applies to: <ul style="list-style-type: none"> ■ Fundamental Rights ■ Directive Principles of State Policy ■ All provisions not covered under A or C

**C.Special Majority
+ Ratification by
States
(Federal provisions)**

- Related to federal structure, such as:
 - Election of the President
 - Extent of executive power of Union & States
 - Supreme Court & High Courts
 - Distribution of legislative powers
 - GST Council
 - Seventh Schedule
 - Representation of States in Parliament
 - Article 368 itself (amending power & procedure)
- No time limit for states to respond

PREVIOUS YEAR QUESTIONS

As per Article 368 of the Constitution of India, the Parliament may amend any provision of the Constitution by way of: (2024)

1. Addition
2. Variation
3. Repeal

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

In India, which one of the following Constitutional Amendments was widely believed to be enacted to overcome the judicial interpretations of the Fundamental Rights? (2023)

- (a) 1st Amendment (b) 42nd Amendment
(c) 44th Amendment (d) 86th Amendment

Consider the following statements: (2022)

1. A bill amending the Constitution requires a prior recommendation of the President of India.
2. When a Constitution Amendment Bill is presented to the President of India, it is obligatory for the President of India to give his/her assent.
3. A Constitution Amendment Bill must be passed by both the Lok Sabha and the Rajya Sabha by a special majority and there is no provision for joint sitting.

Which of the statements given above are correct?

- (a) 1 and 2 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Consider the following statements: (2013)

1. An amendment to the Constitution of India can be initiated by an introduction of a bill in the Lok Sabha only.
2. If such an amendment seeks to make changes in the federal character of the Constitution, the amendment also requires to be ratified by the legislature of all the States of India.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Consider the following statements: (2019)

1. The 44th Amendment to the Constitution of India introduced an article placing the election of the Prime Minister beyond judicial review.
2. The Supreme Court of India struck down the 99th Amendment to the Constitution of India as being violative of the independence of judiciary.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

With reference to the Constitution of India, consider the following statements: (2019)

1. No High Court shall have the jurisdiction to declare any central law to be constitutionally invalid.
2. An amendment to the Constitution of India cannot be called into question by the Supreme Court of India.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

■ Also Known As

- Westminster Model
- Responsible Government
- Cabinet Government

■ Constitutional Basis

- India follows a parliamentary form of government at both Centre and States
- Centre: Articles 74 & 75
- States: Articles 163 & 164

■ Core Features of Parliamentary Government in India

- Nominal & Real Executive
 - Nominal: President / Governor
 - Real: Prime Minister / Chief Minister
- Majority Party Rule
 - Executive drawn from the party/coalition with majority in the legislature
- Collective Responsibility
 - Council of Ministers collectively responsible to the legislature
 - ◆ Responsible to Parliament in general
 - ◆ Responsible to Lok Sabha in particular (Art. 75)
 - One minister's act = responsibility of entire cabinet
- Membership of Ministers in Legislature
 - Political homogeneity: Ministers usually from the same party → common ideology
 - Ministers are members of Parliament/State Legislature
 - If not elected, must get elected/nominated within 6 months
- Leadership of PM / CM
 - Prime Minister / Chief Minister is the real executive head
- Dissolution of Lower House
 - Lok Sabha / Legislative Assembly can be dissolved before full term
 - Can be dissolved by the President on PM's recommendation

■ British vs Indian System

- British Parliament → Sovereign
- Indian Parliament → Not sovereign (limited by the Constitution)
- UK → Hereditary Head (Monarchy)
- India → Elected Head (Republic)

■ Shadow Cabinet

- Exists in Britain
- Formed by Opposition to scrutinize government & prepare for office
- No such institution in India

FEDERAL SYSTEM

Unitary Government	Federal Government
<p>1. Single Government</p> <ul style="list-style-type: none"> ■ National government may create regional units <p>2. Constitution</p> <ul style="list-style-type: none"> ■ May be written (France) or unwritten (Britain) <p>3. No Division of Powers</p> <ul style="list-style-type: none"> ■ All powers vested in national government <p>4. Supremacy of Constitution</p> <ul style="list-style-type: none"> ■ May be supreme (Japan) or not supreme (Britain) <p>5. Nature of Constitution</p> <ul style="list-style-type: none"> ■ May be rigid (France) or flexible (Britain) <p>6. Judiciary</p> <ul style="list-style-type: none"> ■ May or may not be independent <p>7. Legislature</p> <ul style="list-style-type: none"> ■ May be bicameral (Britain) or unicameral (China) 	<p>1. Dual Government</p> <ul style="list-style-type: none"> ■ National (Union) + Regional (States) <p>2. Written Constitution</p> <p>3. Division of Powers</p> <ul style="list-style-type: none"> ■ Between national and regional governments <p>4. Supremacy of the Constitution</p> <p>5. Rigid Constitution</p> <p>6. Independent Judiciary</p> <p>7. Bicameral Legislature</p>

■ Indian Federalism:

- Constitution of India provides a federal system
- Indian federalism is NOT formed by agreement among states (unlike USA)
- Term "Federation" is NOT used anywhere in the Constitution
- Indian federal system is based on the Canadian model, not the American model

PREVIOUS YEAR QUESTIONS

Which one of the following is not a feature to Indian federalism? (2017)

- (a) There is an independent judiciary in India.
- (b) Powers have been clearly divided between the Centre and the States.
- (c) The federating units have been given unequal representation in the Rajya Sabha.
- (d) It is the result of an agreement among the federating units.

The main advantage of the parliamentary form of governments is that: (2017)

- (a) the executive and legislature work independently.
- (b) it provides continuity of policy and is more efficient.
- (c) the executive remains responsible to the legislature.
- (d) the head of the government cannot be changed without election.

POLITY

Which one of the following in Indian polity is an essential feature that indicates that it is federal in character? (2021)

- (a) The independence of the judiciary is safeguarded.
- (b) The Union Legislature has elected representatives from constituent units.
- (c) The Union Cabinet can have elected representatives from regional parties.
- (d) The Fundamental Rights are enforceable by Courts of Law.

Consider the following statements: (2014)

A Constitutional Government is one which:

1. Places effective restrictions on individual liberty in the interest of State Authority.
2. Places effective restrictions on the Authority of the State in the interest of individual liberty.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

There is a Parliamentary System of Government in India because the (2015)

- (a) Lok Sabha is elected directly by the people
- (b) Parliament can amend the Constitution
- (c) Rajya Sabha cannot be dissolved
- (d) Council of Ministers is responsible to the Lok Sabha

A Parliamentary System of Government is one in which: (2020)

- (a) all political parties in the Parliament are represented in the Government
- (b) the Government is responsible to the Parliament and can be removed by it
- (c) the Government is elected by the people and can be removed by them
- (d) the Government is chosen by the Parliament but cannot be removed by it before completion of a fixed term

We adopted parliamentary democracy based on the British model, but how does our model differ from that model? (2021)

1. As regards legislation, the British Parliament is supreme or sovereign but in India, the power of the Parliament to legislate is limited.
2. In India, matters related to the constitutionality of the Amendment of an Act of the Parliament are referred to the Constitution Bench by the Supreme Court.

Select the correct answer using the code given below.

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

CENTRE-STATE RELATIONS

The Constitution of India, being federal in structure, divides all powers (legislative, executive and financial) between the Centre & States.

But not Judicial Power because "integrated judicial system."

Legislative Relations
(Part XI | Articles 245–255)

Distribution of Legislative Powers

- Three-fold distribution (Seventh Schedule):
 - Union List (List I)
 - State List (List II)
 - Concurrent List (List III)
- Parliament can make laws for whole/any part of India
- State laws limited to state territory

42nd Constitutional Amendment Act, 1976

- Transferred 5 subjects from State List to Concurrent List:
 - Education
 - Forests
 - Weights & Measures
 - Protection of Wild Animals & Birds
 - Administration of Justice

Residuary Powers

- Vested in Parliament

Parliament can legislate on State List in 5 situations

- Rajya Sabha resolution (2/3 members present & voting)
- National Emergency
 - Law ceases 6 months after emergency ends
- Two or more states request Parliament
- Implementation of international treaties/agreements
- President's Rule in a state
 - Parliament exercises state legislative power

Centre's Control over State Legislation (Constitution)

- The Constitution empowers the Union to control State laws in the following ways:
 - 1. Governor's Reservation (Art. 200 & 201)**
 - The Governor may reserve a State bill for the President's consideration.
 - The President has absolute veto over such bills.
 - 2. Prior Presidential Sanction (Art. 304)**
 - Any State bill restricting trade, commerce or intercourse requires prior approval of the President.
 - 3. During Financial Emergency (Art. 360)**
 - The Centre can direct States to reserve money and financial bills for the President.
 - 4. Ordinance Control (Art. 213)**
 - In certain cases, the Governor cannot promulgate an ordinance without Presidential instructions.

<p>Administrative Relations (Part XI Articles 256–263)</p>	<p>Distribution of Executive Powers</p> <ul style="list-style-type: none"> ○ Executive power divided on lines of legislative powers ○ State executive must: <ul style="list-style-type: none"> ■ Ensure compliance with Union laws ■ Not impede Union executive power <p>Article 365</p> <ul style="list-style-type: none"> ○ Failure of a state to comply with Union directions → ground for President's Rule <p>Article 356 (President's Rule)</p> <ul style="list-style-type: none"> ○ Parliament exercises state legislative powers ○ Laws continue even after President's Rule ends <p>Union Directions to States (Art. 256–257)</p> <ul style="list-style-type: none"> ○ Maintenance of means of communication ○ Protection of railways ○ Instruction in mother tongue at primary stage ○ Welfare of Scheduled Tribes <p>Delegation of Executive Functions</p> <ul style="list-style-type: none"> ○ President may entrust Union functions to States with state consent <p>All-India Services</p> <ul style="list-style-type: none"> ○ Article 312 ○ Parliament can create AIS by Rajya Sabha resolution <p>Integrated Judicial System</p> <ul style="list-style-type: none"> ○ Single hierarchy of courts ○ High Court judges appointed by President in consultation with: <ul style="list-style-type: none"> ■ Chief Justice of India ■ Governor of the State
<p>Financial Relations (Part XII Articles 268–293)</p>	<p>Taxing Powers</p> <ul style="list-style-type: none"> ○ Parliament has exclusive power to levy taxes on Union List ○ States levy taxes on State List ○ Residuary taxing power → Parliament <p>Distribution of Tax Revenues</p> <ul style="list-style-type: none"> ○ A. Levied by Centre, collected by States (Art. 268) <ul style="list-style-type: none"> ■ Stamp duties on bills of exchange, cheques, promissory notes ○ B. Levied & collected by Centre, assigned to States (Art. 269) <ul style="list-style-type: none"> ■ Taxes on goods in inter-state trade ○ C. GST on inter-state trade (Art. 269-A) ○ D. Levied & collected by Centre, distributed between Centre & States (Art. 270) ○ E. Surcharge on certain taxes for Centre only (Art. 271) <p>Grants-in-Aid</p> <ul style="list-style-type: none"> ○ Statutory Grants (Art. 275) <ul style="list-style-type: none"> ■ Parliament gives grants to needy states

	<ul style="list-style-type: none"> ○ Discretionary Grants (Art. 282) <p>Centre & States may give grants for public purposes</p> <p>Finance Commission</p> <ul style="list-style-type: none"> ○ Article 280 ○ Quasi-judicial body ○ Constituted by President every 5 years (or earlier) <p>Borrowing Powers</p> <ul style="list-style-type: none"> ○ Centre: Can borrow within India & abroad ○ States: <ul style="list-style-type: none"> ■ Can borrow within India only ■ Cannot borrow abroad ■ Cannot raise loans without Centre's consent if indebted to Centre <p>GST Council</p> <ul style="list-style-type: none"> ○ 101st Constitutional Amendment Act, 2016 ○ Article 279-A ○ President constitutes GST Council by order
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■ CENTRE-STATE RELATIONS: VARIOUS COMMISSION REPORTS

Administrative Reforms Commission (1966)	<ul style="list-style-type: none"> ○ Chairman: Morarji Desai (later K. Hanumanthaiah) ○ Key Recommendations: <ul style="list-style-type: none"> ■ Establish Inter-State Council ■ Non-partisan appointment of Governors ■ Maximum powers & more financial resources to States ○ Nature: Broad administrative decentralisation
Rajamannar Committee (1969)	<ul style="list-style-type: none"> ○ Appointed by: Tamil Nadu Government ○ Context: Identified centralising trend in Centre-State relations ○ Key Recommendations: <ul style="list-style-type: none"> ■ Make Finance Commission a permanent body ■ Omit President's Rule (Art. 356) ■ Abolish All-India Services ■ Vest residuary powers in States ○ Nature: Strong pro-State / anti-Centre stance
Sarkaria Commission (1983)	<ul style="list-style-type: none"> ○ Most important & balanced commission ○ Key Recommendations: <ul style="list-style-type: none"> ■ Permanent Inter-State Council ■ Rare / extreme use of President's Rule ■ Strengthen All-India Services ■ Centre can deploy armed forces without State consent ■ Three-language formula ■ Centre should consult States before legislating on Concurrent List ■ Residuary powers → Concurrent List

	<ul style="list-style-type: none"> ■ Governor appointment: <ul style="list-style-type: none"> ◆ Should be outside the State ◆ Not hold office of profit ◆ Eligible for second term
Punchhi Commission (2007)	<ul style="list-style-type: none"> ○ Took inputs from Sarkaria Commission + 2nd ARC ○ Core Idea: Co-operative federalism is key to unity ○ Key Recommendations: <ul style="list-style-type: none"> ■ Governor selection as per Sarkaria norms ■ Governor impeachment procedure same as President ■ Governor not to be Chancellor of universities ■ Create new All-India Services ■ Establish Inter-State Trade & Commerce Commission

■ **CENTRE-STATE RELATIONS: ARTICLES AT A GLANCE**

Legislative Relations

Article	Key Point
245	Extent of laws (Union & States)
246	Union / State / Concurrent Lists
248	Residuary powers → Parliament
249	Parliament on State List (National interest)
250	Parliament on State List (Emergency)
252	Laws for 2+ States by consent
253	Laws for international treaties
254	Repugnancy (Union law prevails)

Administrative Relations

Article	Key Point
256	States must comply with Union laws
257	Union control over States
262	Inter-State river water disputes
263	Inter-State Council

Financial Relations

Article	Key Point
268	Union tax, State collection
269	Union tax, assigned to States
269A	GST (Inter-State)
270	Tax sharing (Union–States)
271	Surcharge → Union
275	Grants-in-Aid
279A	GST Council
280	Finance Commission
292	Union borrowing
293	State borrowing

Which one of the following suggested that the Governor should be an eminent person from outside the State and should be a detached figure without intense political links or should not have taken part in politics in the recent past? (2019)

- (a) First Administrative Reforms Commission (1966)
- (b) Rajamannar Committee (1969)
- (c) Sarkaria Commission (1983)
- (d) National Commission to Review the Working of the Constitution (2000)

The sales tax you pay while purchasing a toothpaste is a (2014)

- (a) Tax imposed by the Central Government
- (b) Tax imposed by the central Government but collected by the State Government.
- (c) Tax imposed by the State Government but collected by the Central Government.
- (d) Tax imposed and collected by the State Government.

LIST OF POWERS

■ Constitutional Basis

- Article 246 → Distribution of legislative powers
- Seventh Schedule → Union List, State List, Concurrent List

UNION LIST	STATE LIST	CONCURRENT LIST
<ul style="list-style-type: none"> ○ Defence ○ Atomic Energy ○ Foreign Affairs ○ War and Peace ○ Banking ○ Railways ○ Post & Telegraph ○ Airways ○ Ports (major ports) ○ Foreign Trade ○ Currency & Coinage ○ Citizenship ○ Census ○ CBI ○ Corporation tax ○ Inter-State trade and commerce ○ Insurance ○ Regulation of labour & safety in mines and oil fields ○ Regulation & development of inter-State rivers ○ Organisation of High Courts ○ Inter-State migration and quarantine ○ Standards in institutions for higher education / research / scientific & technical education 	<ul style="list-style-type: none"> ○ Agriculture (includes agricultural education; tax on agricultural income) ○ Police ○ Prison ○ Local Government ○ Public Health ○ Land ○ Liquor ○ Trade and Commerce (within state) ○ Livestock and Animal Husbandry ○ State Public Services ○ Communication (roads, bridges) ○ Industries ○ Water, water supply, irrigation and canals ○ Elections to State Legislature ○ Regulation of mines and mineral development (subject to Union control) 	<ul style="list-style-type: none"> ○ Education ○ Transfer of property other than agricultural land ○ Forests ○ Trade Unions ○ Adulteration ○ Adoption and Succession ○ Criminal Law (IPC) ○ Criminal Procedure (CrPC) ○ Insolvency and Bankruptcy ○ Prevention of cruelty to animals ○ Protection of wild animals and birds ○ Social security and social insurance; employment & unemployment ○ Ports other than major ports ○ Electricity <p style="text-align: center;">Union law prevails over State law on Concurrent List (Article 254).</p>

PREVIOUS YEAR QUESTIONS

Consider the following statements: (2025)

Statement I: In India, State Governments have no power for making rules for grant of concessions in respect of extraction of minor minerals even though such minerals are located in their territories.

Statement II: In India, the Central Government has the power to notify minor minerals under the relevant law.

Which one of the following is correct in respect of the above statements?

- (a) Both Statement I and Statement II are correct and Statement II explains Statement I
- (b) Both Statement I and Statement II are correct but Statement II does not explain Statement I
- (c) Statement I is correct but Statement II is not correct
- (d) Statement I is not correct but Statement II is correct

Consider the following subjects under the Constitution of India : (2025)

1. List I-Union List, in the Seventh Schedule
2. Extent of the executive power of a State
3. Conditions of the Governor's office

For a constitutional amendment with respect to which of the above, ratification by the Legislatures of not less than one-half of the States is required before presenting the bill to the President of India for assent?

- (a) I and II only
- (b) II and III only
- (c) I and III only
- (d) I, II and III

INTER-STATE RELATIONS

Article 262 deals with inter-state water disputes.

Parliament may by law:

- Provide for adjudication of disputes
- Exclude jurisdiction of Supreme Court and all other courts

Laws under Article 262

- River Boards Act, 1956
- Inter-State Water Disputes Act (ISWD Act), 1956

Tribunals

- Set up by Central Government (not Parliament)
- Tribunal award is final and binding
- Judicial Review not allowed
- Article 136: Supreme Court can hear appeal against tribunal award

River Boards

- Established on request of states concerned
- Meant for advisory & development functions

■ Important facts:

- Total 9 Inter-State Water Dispute Tribunals constituted so far
- Water disputes are outside normal court jurisdiction
- Central government has dominant role

■ TRIBUNALS

YEAR	TRIBUNAL	STATES
1969	Krishna Water Disputes Tribunal-I	Maharashtra, Karnataka, Andhra Pradesh
1969	Godavari Water Disputes Tribunal	Maharashtra, Karnataka, Andhra Pradesh, Madhya Pradesh, Odisha
1969	Narmada Water Disputes Tribunal	Rajasthan, Gujarat, Madhya Pradesh, Maharashtra
1986	Ravi and Beas Water Disputes Tribunal	Punjab, Haryana, Rajasthan
1990	Cauvery Water Disputes Tribunal	Karnataka, Kerala, Tamil Nadu, Puducherry
2004	Krishna Water Disputes Tribunal-II	Maharashtra, Karnataka, Andhra Pradesh
2010	Vamsadhara Water Disputes Tribunal	Odisha, Andhra Pradesh
2010	Mahadayi Water Disputes Tribunal	Goa, Karnataka, Maharashtra
2018	Mahanadi Water Disputes Tribunal	Odisha, Chhattisgarh
Aspect	Inter-State Council (ISC)	Zonal Councils (ZC)
Basis	Article 263 (Constitutional; advisory)	States Reorganisation Act, 1956 (Statutory)

Established	1990 (on Sarkaria Commission recommendation) → Presidential Order	1956
Nature	Advisory / recommendatory (not binding)	Advisory / recommendatory (not binding)
Chairman	Prime Minister	Union Home Minister
Vice-Chairman	—	Host State CM (rotational)
Members	CMs of States & UTs + 6 Union Ministers	CMs + 2 Ministers per State, UT representatives
Standing Committee	Yes (1996) – chaired by Home Minister	No separate Standing Committee
Secretariat	Inter-State Council Secretariat (ISCS), New Delhi	ISCS (Shared Secretariat)
Objective	Centre-State & Inter-State policy coordination	Inter-State cooperation at regional/zonal level

■ Public Acts, Records & Judicial Proceedings

ARTICLE 261 – “Full Faith and Credit”	<ul style="list-style-type: none"> ○ Public Acts = Legislative + Executive acts ○ Records = any record made by a public servant ○ Civil court judgments are executable anywhere in India ○ Criminal judgments not covered
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■ Inter-State Trade, Commerce & Intercourse (Articles 301–307)

ARTICLE 301	<ul style="list-style-type: none"> ○ Guarantees freedom of trade, commerce and intercourse throughout India
ARTICLE 302	<ul style="list-style-type: none"> ○ Parliament may impose restrictions in public interest ○ No discrimination between States ○ Exception: scarcity of goods → discrimination allowed
ARTICLE 303	<ul style="list-style-type: none"> ○ State legislature can impose reasonable restrictions in public interest ○ Only with prior sanction of the President ○ Parliament not required to take President’s sanction here
ARTICLE 304	<ul style="list-style-type: none"> ○ State power to impose taxes on goods from other States ○ Must not discriminate between local and imported goods
ARTICLE 305	<ul style="list-style-type: none"> ○ Nationalisation clause ○ Parliament OR State legislature can make law creating State monopoly ○ Example: Railways
ARTICLE 307	<ul style="list-style-type: none"> ○ Parliament may appoint an authority ○ Purpose: to carry out Articles 301–304

With reference to India, consider the following:

1. The Inter-State Council
2. The National Security Council
3. Zonal Councils

How many of the above were established as per the provisions of the Constitution of India? (2025)

- (a) Only one (b) Only two
(c) All the three (d) None

Which one of the following statements is correct as per the Constitution of India? (2024)

- (a) Inter-State trade and commerce is a State subject under the State List.
(b) Inter-State migration is a State subject under the State List.
(c) Inter-State quarantine is a Union subject under the Union List.
(d) Corporation tax is a State subject under the State List.

The North Eastern Council (NEC) was established by the North Eastern Council Act, 1971. Subsequent to the amendment of NEC Act in 2002, the Council comprises which of the following members? (2024)

1. Governor of the Constituent State
2. Chief Minister of the Constituent State
3. Three Members to be nominated by the President of India
4. The Home Minister of India

Select the correct answer using the code given below:

- (a) 1, 2 and 3 only (b) 1, 3 and 4 only
(c) 2 and 4 only (d) 1, 2, 3 and 4

Consider the following statements: (2023)

Statement-I: In India, prisons are managed by State Governments with their own rules and regulations for the day-to-day administration of prisons.

Statement-II: In India, prisons are governed by the Prisons Act, 1894 which expressly kept the subject of prisons in the control of Provincial Governments.

Which one of the following is correct in respect of the above statements?

- (a) Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I.
(b) Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I.
(c) Statement-I is correct but Statement-II is incorrect.
(d) Statement-I is incorrect but Statement-II is correct.

EMERGENCY PROVISIONS

- India has a flexible federal system.
- In normal times, the Constitution works as federal, but during emergencies, it functions like a unitary system, unlike rigid federations (e.g. USA) which can never become unitary.

■ The Constitution stipulates three types of emergencies:

<p>NATIONAL EMERGENCY Article 352</p>	<p>PRESIDENT'S RULE (STATE EMERGENCY) Article 356</p>	<p>FINANCIAL EMERGENCY Article 360</p>
<p>Grounds</p> <ul style="list-style-type: none"> ○ External aggression OR Armed rebellion (44th Amendment) ○ Internal disturbance (removed) <p>Proclamation</p> <ul style="list-style-type: none"> ○ By President ○ Only after the written recommendation of Cabinet (44th Amd.) ○ Can be area-specific (42nd Amd.) ○ Judicial review applicable (44th Amd.) <p>Parliamentary Approval</p> <ul style="list-style-type: none"> ○ Within 1 month ○ By Special Majority ○ Valid for 6 months, extendable indefinitely (every 6 months) <p>Revocation</p> <ul style="list-style-type: none"> ○ By President ○ OR Lok Sabha by simple majority ○ President must revoke if 1/10th LS members give notice. <p>Effects on Center-State relations:</p> <p>A) Executive-</p> <ul style="list-style-type: none"> ○ Center extends its executive power to states; give directions to states on ANY matter; (STATE GOVT. IS NOT SUSPENDED BUT COMPLETE CONTROL BY CENTER) 	<p>Grounds</p> <ul style="list-style-type: none"> ○ Failure of constitutional machinery in state ○ Art. 355 duty of Centre to ensure state Govt. is Working in accordance to constitution. ○ Art.356-Duty on center to take over state govt. in case of Constitution failure in state. <p>Proclamation</p> <ul style="list-style-type: none"> ○ Art.356- President to proclaim, if SATISFIED action with/without Governor's Report. ○ Art.365-State fails to comply with directions of center <p>Approval</p> <ul style="list-style-type: none"> ○ By both houses within 2 months from date of issue. ○ If approved, it will continue for 6 months; can be extended for Max. 3 Years with approval of Parliament. ○ Continuation: either house, by Simple Majority <p>Continuation beyond 1 year requires</p> <ul style="list-style-type: none"> ○ National Emergency in force 	<p>Ground</p> <ul style="list-style-type: none"> ○ President satisfied that financial stability is threatened <p>Approval</p> <ul style="list-style-type: none"> ○ Within 2 months ○ By Simple Majority ○ No maximum duration <p>Revocation</p> <ul style="list-style-type: none"> ○ By President any-time ○ No parliamentary approval needed <p>Effects</p> <ul style="list-style-type: none"> ○ Centre issues directions on financial propriety ○ Reduction of salaries & allowances ○ Union & State employees ○ Judges of SC & HC ○ Money bills of states reserved for President ○ Never imposed till date

<p>B) Legislative-</p> <ul style="list-style-type: none"> ○ Parliament make laws on state list however legislative power of state is not suspended; ○ laws of parliament inoperative 6 months after emergency ceased; ○ President can issue ordinance on state subjects. <p>C) Financial-</p> <ul style="list-style-type: none"> ○ President can modify(reduce/ cancel) distribution of revenues of states- such order, president has to laid before parliament <p>Effect on Legislature</p> <ul style="list-style-type: none"> ○ Lok Sabha tenure ↑ (max 1 year at a time) ○ Not beyond 6 months after emergency ends <p>Effects on Fundamental Rights:</p> <ul style="list-style-type: none"> ○ Art.358- automatically suspends 6 rights of FR19 (only when national emergency on External aggression) ○ Art.359-Suspension of other FR except FR20&21 [at both cases(armed rebellion or external)] <p>44th CA,1978 : automatic suspension of FR19 only on External aggression And Art.359- President suspend Right to seek Remedy Except for FR20&21.</p>	<ul style="list-style-type: none"> ○ Election Commission certifies elections not possible <p>Revocation</p> <ul style="list-style-type: none"> ○ By President anytime ○ No parliamentary approval needed <p>Effects</p> <ul style="list-style-type: none"> ○ State Council of Ministers dismissed ○ The governor runs the state on behalf of the center carry Administration with help of the chief secretary (authority of parliament)and advisor appointed by the president. ○ State Assembly may be dissolved or suspended by President ○ Removal of Council of ministers of SLA ○ State Assembly not dissolved automatically ○ Legislative Functions- Parliament (Because SLA dissolved or suspended) <p>44th CA, 1978: 'Satisfaction of President' this provision is brought under JUDICIAL REVIEW.</p>	
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Proper and Improper use of Article 356

PROPER	IMPROPER
1. <u>Hung</u> Assembly	1. <u>No chance</u> to ministry to prove majority on floor of house
2. <u>No party willing</u> to form govt	2. <u>Internal disturbance</u>
3. Govt disregarded Constitutional <u>direction</u> of Central govt	3. <u>Allegations</u> of maladministration and corruption
4. Internal subversion- govt <u>deliberate acting</u> against constitution	4. <u>No prior warning</u> to state govt to rectify itself (except in case of extreme urgency)
5. Physical breakdown- govt <u>refuses to discharge constitutional function</u>	

PREVIOUS YEAR QUESTIONS

If the President of India exercises his power as provided under Article 356 of the Constitution of a particular State, then (2018)

- (a) The Assembly of the State is automatically dissolved.
- (b) The powers of the Legislature of that State shall be exercisable by or under the authority of the Parliament.
- (c) Article 19 is suspended in that State.
- (d) The President can make laws relating to that State.

The authorization for the withdrawal of funds from the Consolidated Fund of India must come from:

(2011)

- (a) The President of India
- (b) The Parliament of India
- (c) The Prime Minister of India
- (d) The Union Finance Minister

All revenues received by the Union Government by way of taxes and other receipts for the conduct of Government business are credited to the: (2011)

- (a) Contingency Fund of India
- (b) Public Account
- (c) Consolidated Fund of India
- (d) Deposits and Advances Fund

Which of the following are not necessarily the consequences of the proclamation of the President's rule in a State? (2017)

1. Dissolution of the State Legislative Assembly
2. Removal of the Council of Ministers in the State
3. Dissolution of the local bodies

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

PRESIDENT AND GOVERNOR

PRESIDENT	GOVERNOR
<ul style="list-style-type: none"> ○ Head of the State ○ Nominal / De jure Executive ○ Supreme Commander of Armed Forces ○ Real executive power → PM + Council of Ministers ○ Part of Parliament (Art. 79) <div style="background-color: #f08080; padding: 10px; margin-top: 10px;"> <p>ARTICLES:</p> <ul style="list-style-type: none"> ○ 52: Office of President ○ 54: Electoral College (MPs + MLAs) ○ 55: PR-STV, secret ballot ○ 56: Term - 5 years ○ 57: Re-election - unlimited ○ 58: Qualification - 35 yrs, LS eligible ○ 59: No office of profit ○ 60: Oath by CJI ○ 61: Impeachment - violation of Constitution ○ 62: Vacancy filled within 6 months ○ 65: VP acts as President ○ 71: Election disputes - SC ○ 72: Pardon power ○ 78: PM to inform President ○ 85: Summon / prorogue Parliament ○ 111: Assent to bills ○ 123: Ordinance power ○ 143: Advisory opinion from SC </div> <p>ELECTION (Art. 54-55)</p> <ul style="list-style-type: none"> ○ Elected by Electoral College: <ul style="list-style-type: none"> ■ Elected MPs of LS + RS ■ Elected MLAs of States ■ Elected MLAs of UTs: Delhi & Puducherry only ■ Nominated MPs / MLAs NOT included ○ System: Proportional Representation + Single Transferable Vote 	<ul style="list-style-type: none"> ○ Chief Executive Head of the State ○ Nominal / Constitutional Head ○ Agent of the Centre → Dual role ○ Not a member of State Legislature <div style="background-color: #f08080; padding: 10px; margin-top: 10px;"> <p>ARTICLES:</p> <ul style="list-style-type: none"> ○ 153: Governor of State ○ 154: Executive power of State ○ 155: Appointed by President ○ 156: Term - 5 years (pleasure of President) ○ 157: Qualification - Indian citizen, 35 yrs ○ 158: Conditions of office ○ 159: Oath by CJ of HC (or senior judge) ○ 160: Discharge of functions in contingencies ○ 161: Pardon power (state laws) ○ Art. 200: Assent / Withhold / Return / Reserve bill ○ 201: Bills reserved for President's consideration ○ 213: Ordinance-making power ○ 217: Consulted in HC judge appointment ○ 233: Appointment of District Judges ○ 234: Judicial service appointments (other than DJs) </div> <p>STATUS & POSITION</p> <ul style="list-style-type: none"> ○ Chief executive head of State; Nominal (constitutional) head ○ Central nominee but independent constitutional office (not subordinate to Centre)

- Voting: Secret ballot
- Disputes: Decided by Supreme Court
- Value of Vote
 - MLA vote value varies state to state
- Formula:
 - $\text{MLA vote} = (\text{State population} \div \text{No. of elected MLAs}) \times 1000$
 - $\text{MP vote} = \text{Total MLA vote} \div \text{Total elected MPs}$

QUALIFICATIONS (Art. 58)

- Citizen of India
- 35 years minimum
- Qualified to be Lok Sabha member

CONDITIONS OF OFFICE (Art. 59-62)

- Cannot be MP/MLA
- No office of profit
- Immunity from criminal proceedings
- Civil cases → 2 months' prior notice
- Term: 5 years
- Eligible for any number of re-elections
- Oath by Chief Justice of India

IMPEACHMENT (Art. 61)

- Ground: Violation of Constitution
- Initiated by either House
- Notice signed by $\frac{1}{4}$ of total members
- 14 days' notice mandatory
- Passed by Special Majority in BOTH Houses
- Only elected + nominated MPs participate
- MLAs / UT members → NO role

POWERS OF PRESIDENT**1) EXECUTIVE**

- Executive power vested in President
- Appoints: PM, CoM, Governors, AG, CAG
- Makes rules for transaction of Union business
- Declares Scheduled Areas

2) LEGISLATIVE

- Summon / Prorogue Parliament
- Dissolve Lok Sabha
- Addresses Parliament
- Ordinance power (Art. 123)
- Nominates 12 members to Rajya Sabha
- Decides disqualification of MPs consulting with ECI (Binding)

- 7th CAA, 1956: Same person can be Governor of 2 or more States
- Canadian model of appointment

APPOINTMENT

- Appointed by President by warrant under his seal

QUALIFICATIONS

- Citizen of India
- 35 years completed
- Belonging to another State: Sarkaria Commission recommendation (not mandatory)
- Oath administered by Chief Justice of High Court

CONDITION OF OFFICE

- Not a member of either House
- No office of profit
- Immunity from criminal proceedings during term (even personal)
- 2 months' notice required for civil proceedings during term
- Art. 158: Emoluments/allowances not diminished during term

TERM & REMOVAL

- 5 years, but holds office at pleasure of President
- Pleasure not under Judicial Review
- No security of tenure
- No grounds specified for removal
- Transfer by President possible
- Reappointment (even in same State) possible
- CJ of HC may act as Governor if vacancy

POWERS OF GOVERNOR**1) EXECUTIVE**

- Appoints CM, Advocate General, State Election Commissioner
- Appoints Tribal Welfare Minister (where applicable)
- Chancellor of State Universities

2) LEGISLATIVE

- Summon / Prorogue / Dissolve State Legislative Assembly
- Nominate $\frac{1}{6}$ members to Legislative Council

3) FINANCIAL

- Money Bill introduced only with prior recommendation
- Causes Union Budget to be laid
- Constitutes Finance Commission

4) JUDICIAL

- Appoints CJI, SC & HC Judges
- Seeks advisory opinion from SC (Art. 143)
- Pardoning power (Art. 72)

ORDINANCE MAKING (Art. 123)

- Issued only when Parliament not in session
- Issued only on aid & advice of CoM
- President must be "satisfied" (JR allowed - 44th Amd)
- Must be approved within 6 weeks of reassembly
- Max life: 6 months + 6 weeks
- Cannot amend Constitution
- Co-extensive with Parliament but not parallel
- Can be retrospective

PARDONING POWER (Art. 72)

- Applies to:
 - Union law cases
 - Court-martial cases
 - Death sentence cases
- Types:
 - Pardon - wipes conviction
 - Commutation - lighter punishment
 - Remission - reduce period
 - Respite - special grounds
 - Reprieve - temporary stay
- Judicial review only if arbitrary / mala fide

VETO POWERS

- Absolute Veto - withhold assent (PM resigns / Pvt Bill)
- Suspensive Veto - return bill (NOT for Money Bill)
- Pocket Veto - keep bill pending
- No veto on Constitutional Amendment Bill

- Assent / Withhold / Return Bills
- Reserve Bills for President's consideration
- Issue Ordinance
- Decides disqualification of MPs consulting with ECI (NOT SEC) (Binding)

3) FINANCIAL

- Money Bills only with prior recommendation of Governor
- Constitutes State Finance Commission every 5 years

4) JUDICIAL

- Consulted by President in HC judges' appointments
- Pardoning power except death sentence

5) VETO POWER

- Ordinary Bills: 4 options — Assent / Withhold / Return / Reserve
- Money Bills: 3 options — Assent / Withhold / Reserve (cannot return)
- If Money Bill reserved → President: Assent or Withhold (cannot return)
- Bills Reserved for President — Mandatory if:
 - Endangers position of High Court
 - Ultra vires
 - Grave national importance
 - Against DPSPs
 - Compulsory acquisition under Art. 31A
 - Against larger national interest

ORDINANCE MAKING POWER (Art. 213)

- When both or either House not in session (bicameral)
- Only if Governor is satisfied (44th CAA: satisfaction under Judicial Review)
- Only on advice of Council of Ministers
- Coextensive with Legislature, not parallel
- Not discretionary; President can instruct Governor

<ul style="list-style-type: none"> ○ Indian Pocket Veto wider than USA <p>State Bills:</p> <ul style="list-style-type: none"> ○ Governor reserves → President may: ○ Give assent ○ Withhold assent ○ Return bill ○ (Not bound to assent) <div style="background-color: #f08080; padding: 5px; border: 1px solid #f08080;"> <p>The State of Tamil Nadu v. the Governor of Tamil Nadu & the Union of India (2025) is a landmark decision by the Supreme Court of India, which ruled that the Governor of a state cannot exercise an absolute veto or a pocket veto over legislation duly passed by the State Legislatures.</p> </div> <p>DISCRETIONARY POWERS</p> <ul style="list-style-type: none"> ○ Appoint PM when no clear majority ○ Dismiss CoM after No-Confidence Motion ○ Dissolve Lok Sabha if CoM loses majority 	<p>PARDONING POWER (State Laws only)</p> <ul style="list-style-type: none"> ○ Can Pardon, Commute, Remit, Respite, Reprieve for offences against State laws ○ No pardon for death sentence ○ Can Suspend/Remit/Commute death sentence ○ CoM advice exists even after dissolution of Assembly ○ 42nd CAA: CoM advice binding on President; not so for Governor <p>DISCRETIONARY POWERS</p> <ul style="list-style-type: none"> ○ Reserve Bills for President ○ Recommend President's Rule ○ Administration of adjoining UT ○ Seek information from CM on administration/legislation <p>Additional Discretion</p> <ul style="list-style-type: none"> ○ Establishment of separate Development Boards ○ (MH, Gujarat, Assam, Nagaland, Manipur, Sikkim, Arunachal Pradesh, Karnataka)
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Elections of the Presidents of India (1952-2022)

Sl. No.	Election Year	Victorious Candidate	Votes Secured (%)	Main Rival Candidate	Votes Secured (%)
1	1952	Dr. Rajendra Prasad	507,400 (83.81%)	K.T. Shah	92,827 (15.3%)
2	1957	Dr. Rajendra Prasad	459,698 (99.35%)	N.N. Das	2,000 (0.4%)
3	1962	Dr. S. Radhakrishnan	553,067 (98.24%)	Ch. Hari Ram	6,341 (1.1%)
4	1967	Dr. Zakir Hussain	471,244 (56.23%)	K. Subba Rao	363,971 (43.4%)
5	1969	V.V. Giri	420,077 (50.22%)	N. Sanjeeva Reddy	405,427 (48.5%)
6	1974	Fakhruddin Ali Ahmed	756,587 (80.18%)	Tridev Chaudhuri	189,186 (19.8%)
7	1977	N. Sanjeeva Reddy	Unopposed	—	—
8	1982	Giani Zail Singh	754,113 (72.73%)	H.R. Khanna	282,685 (27.6%)
9	1987	R. Venkataraman	740,148 (72.29%)	V. Krishna Ayyer	281,550 (27.1%)
10	1992	Dr. Shankar Dayal Sharma	675,564 (65.86%)	George Swell	346,485 (33.21%)
11	1997	K.R. Narayanan	956,290 (94.97%)	T.N. Seshan	50,431 (5.07%)
12	2002	Dr. A.P.J. Abdul Kalam	922,844 (89.58%)	Laxmi Sehgal	107,366 (10.42%)
13	2007	Pratibha Patil	638,116 (65.82%)	B.S. Shekhawat	331,306 (34.17%)

POLITY

14	2012	Pranab Mukherjee	713,763 (68.12%)	P.A. Sangma	315,987 (30.15%)
15	2017	Ram Nath Kovind	702,044 (65.65%)	Meira Kumar	367,314 (34.35%)
16	2022	Droupadi Murmu	676,803 (64.03%)	Yashwant Sinha	380,177 (35.97%)

PREVIOUS YEAR QUESTIONS

Consider the following statements with regard to pardoning power of the President of India : (2025)

- I. The exercise of this power by the President can be subjected to limited judicial review.
- II. The President can exercise this power without the advice of the Central Government.

Which of the statements given above is/are correct?

- (a) I only (b) II only
(c) Both I and II (d) Neither I nor II

With reference to the Indian polity, consider the following statements : (2025)

1. An Ordinance can amend any Central Act.
2. An Ordinance can abridge a Fundamental Right.
3. An Ordinance can come into effect from a back date.

Which of the statements given above are correct?

- (a) I and II only (b) II and III only
(c) I and III only (d) I, II and III

Consider the following statements: (2025)

1. The Constitution of India/explicitly mentions that in certain spheres the Governor of a State acts in his/her own discretion.
2. The President of India can, of his/her own, reserve a bill passed by a State Legislature for his/her consideration without it being forwarded by the Governor of the State concerned.

Which of the statements given above is/are correct?

- (a) I only (b) II only
(c) Both I and II (d) Neither I nor II

Consider the following statements: (2024)

1. It is the Governor of the State who recognises and declares any community of that State as a Scheduled Tribe.
2. A community declared as a Scheduled Tribe in a State need not be so in another State.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Consider the following statements: (2023)

1. If the election of the President of India is declared void by the Supreme Court of India, all acts done by him/her in the performance of duties of his/her office of President before the date of decision become invalid.
2. Elections for the post of the President of India can be postponed on the ground that some Legislative Assemblies have been dissolved and elections are yet to take place.
3. When a Bill is presented to the President of India, the Constitution prescribes time limits within which he/she has to declare his/her assent.

How many of the above statements are correct?

- (a) Only one (b) Only two
(c) All three (d) None

Consider the following statements in respect of election to the President of India: (2023)

1. The members nominated to either House of the Parliament or the Legislative Assemblies of States are also eligible to be included in the Electoral College.
2. Higher the number of elective Assembly seats, higher is the value of vote of each MLA of that State.
3. The value of vote of each MLA of Madhya Pradesh is greater than that of Kerala.
4. The value of vote of each MLA of Puducherry is higher than that of Arunachal Pradesh because the ratio of total population to total number of elective seats in Puducherry is greater as compared to Arunachal Pradesh.

How many of the above statements are correct?

- (a) Only one (b) Only two
(c) Only three (d) All four

With reference to the Indian polity, consider the following statements: (2025)

1. The Governor of a State is not answerable to any court for the exercise and performance of the powers and duties of his/her office.
2. No criminal proceedings shall be instituted or continued against the Governor during his/her term of office.
3. Members of a State Legislature are not liable to any proceedings in any court in respect of anything said within the House.

Which of the statements given above are correct?

- (a) I and II only (b) II and III only
(c) I and III only (d) I, II and III

Consider the following statements: (2014)

1. The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.
2. All executive actions of the Government of India shall be expressed to be taken in the name of the Prime Minister.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Consider the following statements: (2015)

1. The Executive Power of the Union of India is vested in the Prime Minister.
2. The Prime Minister is the ex Officio Chairman of the Civil Services Board.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

With reference to the election of the President of India, consider the following statements: (2018)

1. The value of the vote of each MLA varies from State to State.
2. The value of the vote of MPs of the Lok Sabha is more than the value of the vote of MPs of the Rajya Sabha.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Which one of the following statements is correct? (2013)

- (a) In India, the same person cannot be appointed as Governor for two or more States at the same time.
- (b) The Judges of the High Court of the States in India are appointed by the Governor of the State just as the Judges of the Supreme Court are appointed by the President.
- (c) No procedure has been laid down in the Constitution of India for the removal of a Governor from his/her post.
- (d) In the case of a Union Territory having a legislative setup, the Chief Minister is appointed by the Lt. Governor on the basis of majority support.

Which of the following are the discretionary powers given to the Governor of a State? (2014)

1. Sending a report to the President of India for imposing the President's rule
2. Appointing the Ministers
3. Reserving certain bills passed by the State Legislature for consideration of the President of India
4. Making the rules to conduct the business of the State Government

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 1 and 3 only
(c) 2, 3 and 4 only (d) 1, 2, 3 and 4

Consider the following statements: (2016)

1. The Chief Secretary in a State is appointed by the Governor of that State.
2. The Chief Secretary in a State has a fixed tenure.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Consider the following statements: (2018)

1. No criminal proceedings shall be instituted against the Governor of a State in any court during his term of office.
2. The emoluments and allowances of the Governor of a State shall not be diminished during his term of office.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

With reference to the Legislative Assembly of a State in India, consider the following statements: (2019)

1. The Governor makes a customary address to Members of the House at the commencement of the first session of the year.
2. When a State Legislature does not have a rule on a particular matter, it follows the Lok Sabha rule on that matter.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

VICE-PRESIDENT OF INDIA (Art. 63-71)

- Second highest constitutional office; modelled on American VP
- Not directly elected by people
 - → Elected by Electoral College of Parliament only
- Includes Elected + Nominated members of LS & RS
- Excludes State Legislatures & UTs

Articles Related to Vice-President (Art. 63-71)	Procedures regarding VP
<ul style="list-style-type: none"> ○ 63 → Vice-President of India ○ 64 → VP as ex-officio Chairman of Rajya Sabha ○ 65 → VP acts as President / discharges functions during vacancy or absence ○ 66 → Election of Vice-President ○ 67 → Term of office of Vice-President ○ 68 → Time of election to fill vacancy & term of person elected to casual vacancy ○ 69 → Oath / affirmation by Vice-President ○ 70 → Discharge of President's functions in other contingencies ○ 71 → Matters relating to election of Vice-President 	<p>Election</p> <ul style="list-style-type: none"> ○ Proportional Representation by Single Transferable Vote ○ Secret ballot (PR-STV) <p>Qualifications</p> <ul style="list-style-type: none"> ○ 35 years completed ○ Qualified for Rajya Sabha ○ No office of profit <p>Term & Removal</p> <ul style="list-style-type: none"> ○ Term: 5 years <p>Removal (not impeachment):</p> <ul style="list-style-type: none"> ○ Resolution originates in Rajya Sabha
<p>Important Facts:</p> <ul style="list-style-type: none"> ○ Dual role: VP + Chairman RS ○ Dr. S. Radhakrishnan: elected VP for two terms ○ Krishnakant: first VP to die in office ○ Oath: Article 69 	<ul style="list-style-type: none"> ○ Passed by special majority in RS ○ Agreed by Lok Sabha ○ 14 days' notice ○ No grounds mentioned in Constitution, No formal impeachment But procedure prescribed. <p>Powers & Role</p> <ul style="list-style-type: none"> ○ Ex-officio Chairman of Rajya Sabha ○ Powers similar to Speaker (while presiding) ○ Acts as President when vacancy due to death / removal ○ Maximum: 6 months

PREVIOUS YEAR QUESTIONS

- Consider the following statements: (2013)
1. The Chairman and the Deputy Chairman of the Rajya Sabha are not the members of that House.
 2. While the nominated members of the two Houses of the Parliament have no voting right in the presidential election, they have the right to vote in the election of the Vice President.
- Which of the statements given above is/are correct?
- (a) 1 only (b) 2 only
- (c) Both 1 and 2 (d) Neither 1 nor 2

Prime Minister vs Chief Minister

PRIME MINISTER (PM)	CHIEF MINISTER (CM)
<ul style="list-style-type: none"> ○ Constitution does not specify procedure for PM selection ○ Article 75: PM appointed by President ○ President must appoint leader of majority party in Lok Sabha ○ No clear majority → President can use discretion ○ President may first appoint PM, then ask him to prove majority in Lok Sabha ○ Not mandatory to prove majority before oath 	<ul style="list-style-type: none"> ○ Constitution does not specify procedure for CM selection ○ Article 164: CM appointed by Governor ○ Governor appoints leader of majority party in State Legislative Assembly (SLA) ○ No majority → Governor can use discretion ○ Governor may first appoint CM, then ask him to prove majority in SLA ○ Non-member can be CM for 6 months (must become MLA/MLC)
<ul style="list-style-type: none"> ○ 1997 SC: Non-member can be PM for 6 months (must become MP) ○ Term: Not fixed; holds office during pleasure of President ○ Article 78: PM is channel of communication between President & Council of Ministers ○ In Britain, the PM should definitely be a member of the House of Commons 	<ul style="list-style-type: none"> ○ Term: Not fixed; holds office during pleasure of Governor <p>Core difference to remember:</p> <ul style="list-style-type: none"> ○ PM → pleasure of President ○ CM → pleasure of Governor

PREVIOUS YEAR QUESTIONS

The Prime Minister of India, at the time of his/her appointment: (2012)

- (a) Need not necessarily be a member of one of the Houses of the Parliament but must become a member of one of the Houses within six months
- (b) Need not necessarily be a member of one of the Houses of the Parliament but must become a member of the Lok Sabha within six months
- (c) Must be a member of one of the Houses of the Parliament
- (d) Must be a member of the Lok Sabha

COUNCIL OF MINISTERS (CoM)

Art. 74:

- CoM aids & advises President → President shall act on advice
- Advice not justiciable (cannot be inquired in court)

Art. 163:

- CoM with CM aids & advises Governor, except discretionary matters

Art. 75:

- Ministers appointed by President on advice of PM
- Total strength of CoM (incl. PM) ≤ 15% of Lok Sabha strength (91st Constitutional Amendment Act, 2003)
- Holds office during pleasure of President
- Individual responsibility → to President

Collective Responsibility:

- Art. 75(3): CoM collectively responsible to Lok Sabha
- If No-Confidence Motion passed in LS → all ministers resign, including RS ministers

Participation in Parliament:

- Ministers can participate & speak in either House and committees
- Voting only in the House of which they are members

Defection:

- If MP/MLA disqualified on defection, also disqualified as minister

Status:

- Council of Ministers = Constitutional body
- Cabinet → not originally mentioned; first appeared in Art. 352 (National Emergency) → Cabinet is a convention of parliamentary government

Reality of Power:

- Cabinet ministers are the real centre of power
- They supervise & control CoM

CABINET COMMITTEES

Nature:

- Extra-constitutional bodies
- Created under Rules of Business

Formation:

- Set up by Prime Minister as per requirement
- PM decides size, composition & functions

Major Cabinet Committees (examples):

- Appointments Committee of Cabinet (ACC) – Chair: PM
- Cabinet Committee on Economic Affairs – PM
- Cabinet Committee on Political Affairs – PM
- Cabinet Committee on Security – PM
- Cabinet Committee on Investment & Growth – PM

- Cabinet Committee on Skill Development – PM
- Parliamentary Affairs Committee – Chair: Home Minister

Cabinet Secretariat:

- Prepares agenda of Cabinet meetings
- Provides secretarial assistance to Cabinet & Cabinet Committees

PARLIAMENT (Part V | Articles 79-122)

RAJYA SABHA (Council of States) — Article 80	LOK SABHA (House of the People) — Article 81
<ul style="list-style-type: none"> ○ Maximum strength: 250 <ul style="list-style-type: none"> ■ 238 elected (indirectly) ■ 12 nominated by President ○ Represents States & UTs (federal principle) ○ Allocation of seats → 4th Schedule ○ Election of members: <ul style="list-style-type: none"> ■ Elected by State Legislative Assemblies ■ System: Proportional Representation by Single Transferable Vote (PR-STV) ■ Seats allotted on basis of population ○ UT representation: <ul style="list-style-type: none"> ■ UTs represented indirectly ■ Only 3 UTs have RS representation: Delhi, Puducherry, J&K ○ Nominated members (12): <ul style="list-style-type: none"> ■ From fields of art, literature, science, social service ○ Nature & Term: <ul style="list-style-type: none"> ■ Permanent body → cannot be dissolved ■ 1/3 members retire every 2 years ■ Constitution does NOT fix term ○ 6-year term mentioned in Representation of People Act, 1951 	<ul style="list-style-type: none"> ○ Maximum strength: 552 <ul style="list-style-type: none"> ■ 530 from States ■ 20 from UTs ■ +2 Anglo-Indian members (if inadequately represented – 95th Amendment) <p>(Note: Anglo-Indian nomination provision now abolished by 104th CAA, 2019)</p> <ul style="list-style-type: none"> ○ Represents People as a whole ○ Members chosen by Direct Elections ○ Territorial representation <p>Term</p> <ul style="list-style-type: none"> ○ Rajya Sabha: <ul style="list-style-type: none"> ■ Permanent House ■ No dissolution ■ 1/3rd retirement every 2 years ○ Lok Sabha: <ul style="list-style-type: none"> ■ Normal term: 5 years ■ Can be extended by 1 year at a time during National Emergency ■ Extension cannot continue beyond 6 months after Emergency ends

PRELIMS One line traps:

- RS term not in Constitution, but in RPA, 1951
- PR-STV used for RS, Direct election for LS
- President is an integral part of Parliament
- RS cannot be dissolved, LS can be dissolved

■ Qualification & Disqualification of Members of Parliament

QUALIFICATION OF MEMBERS	DISQUALIFICATION OF MEMBERS
<p>Constitution (Articles 84 & 173)</p> <ul style="list-style-type: none"> ○ Must be a citizen of India ○ Must take oath/affirmation before Election Commission ○ Age: <ul style="list-style-type: none"> ■ Rajya Sabha (RS) → Not less than 30 years ■ Lok Sabha (LS) → Not less than 25 years <p>Representation of People Act, 1951</p> <ul style="list-style-type: none"> ○ Person must be registered as an elector ○ RS: <ul style="list-style-type: none"> ■ Not necessary to be an elector of the same State from which contesting ○ LS Nomination: <ul style="list-style-type: none"> ■ Nomination paper can be filed by any citizen of India whose name appears in electoral roll of any constituency <p>Important facts:</p> <ul style="list-style-type: none"> ○ RS member need not be elector of the same state ○ Disqualification under 10th Schedule → Judicial review allowed (Kihoto Hollohan case, 1992) 	<p>Constitution (Article 102)</p> <ul style="list-style-type: none"> ○ If holding office of profit ○ If not a citizen of India ○ If disqualified by law made by Parliament <p>Representation of People Act, 1951</p> <ul style="list-style-type: none"> ○ Guilty of election offence / corrupt practice ○ Convicted & imprisoned for 2 years or more ○ Dismissed from Government service for corruption / disloyalty ○ President's decision is final on disqualification <ul style="list-style-type: none"> ■ → President acts after consulting Election Commission <p>DISQUALIFICATION ON GROUNDS OF DEFECTION</p> <ul style="list-style-type: none"> ○ 10th Schedule (Anti-Defection Law) ○ Disqualification on grounds of defection ○ Decision authority: <ul style="list-style-type: none"> ■ Rajya Sabha → Chairman ■ Lok Sabha → Speaker ■ Decision subject to Judicial Review

SPEAKER OF LOK SABHA (Art. 93)	DEPUTY SPEAKER OF LOK SABHA (Art. 93)
<p>Election & Tenure</p> <ul style="list-style-type: none"> ○ Elected by Lok Sabha from among its members ○ Continues in office even after dissolution till just before first meeting of next LS ○ Removal: By resolution of Lok Sabha passed by absolute majority + 14 days' notice <p>Powers & Functions</p> <ul style="list-style-type: none"> ○ Presiding officer of Lok Sabha ○ Guardian of powers & privileges of members ○ Final authority on parliamentary matters (procedural) ○ Adjourns / suspends House if quorum not maintained (1/10) ○ Casting vote in case of tie (cannot vote in first instance) ○ Presides over joint sitting of Parliament ○ Certifies Money Bill (final decision) 	<ul style="list-style-type: none"> ○ Elected by Lok Sabha from among its members ○ NOT subordinate to Speaker ○ Presides over House in absence of Speaker ○ Cannot vote in first instance when presiding ○ Responsible to Lok Sabha, not Speaker ○ Date of election fixed by Speaker, not President <p>PANEL OF CHAIRPERSON (Lok Sabha Rules)</p> <ul style="list-style-type: none"> ○ Speaker nominates a panel of 10 members ○ Any member can preside if Speaker & Deputy Speaker are absent ○ Panel member cannot preside if office is vacant, only if absent <p>SPEAKER PRO TEM</p> <ul style="list-style-type: none"> ○ Temporary Speaker ○ Appointed by President ○ Usually senior-most member

<ul style="list-style-type: none"> ○ Decides disqualification under 10th Schedule (subject to JR) ○ Chairman of: <ul style="list-style-type: none"> ■ Business Advisory Committee ■ Rules Committee ■ General Purpose Committee <p>Status & Conventions</p> <ul style="list-style-type: none"> ○ Higher rank than all Cabinet Ministers ○ Does NOT resign from party (unlike Britain) ○ Convention (not constitutional): <ul style="list-style-type: none"> ■ Speaker → ruling party ■ Deputy Speaker → opposition 	<ul style="list-style-type: none"> ○ Administers oath to new members and conducts election of Speaker <p>Important Facts:</p> <ul style="list-style-type: none"> ○ Speaker removal → Absolute majority, not special majority ○ Decision under 10th Schedule → Judicial Review allowed ○ Speaker continues after dissolution → Yes ○ Deputy Speaker subordinate to Speaker → No
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Chairman of Rajya Sabha	Deputy Chairman of Rajya Sabha
<ul style="list-style-type: none"> ○ Vice-President of India is ex-officio Chairman of RS ○ Removed only if removed as Vice-President ○ Not a member of Rajya Sabha (unlike Speaker of LS) ○ Cannot vote in first instance; can exercise casting vote in case of tie 	<ul style="list-style-type: none"> ○ Elected by Rajya Sabha from among its members ○ Removal: By absolute majority of RS ○ Not subordinate to Chairman ○ Responsible to Rajya Sabha

Leader of the House	Leader of Opposition (LoP)
<ul style="list-style-type: none"> ○ Lok Sabha: Prime Minister is Leader of House <ul style="list-style-type: none"> ■ Or a minister nominated by PM ○ Rajya Sabha: PM nominates a minister as Leader of House ○ Position based on Rules of House, not Constitution 	<ul style="list-style-type: none"> ○ First recognised: 1969 ○ Statutory recognition: 1977 (Salary & Allowances of Leaders of Opposition in Parliament Act) ○ Minimum requirement: Party must have at least 1/10th of total seats in the House ○ Status: Equivalent to Cabinet Minister ○ Exists separately in LS and RS ○ Not a constitutional post

■ **Whip**

- Not mentioned in Constitution
- Mentioned only in Rules / conventions
- Every political party has its own whip
- Ensures party discipline and voting as per party line
- Includes Chief Whip (ruling party & opposition)

■ **SESSIONS OF PARLIAMENT**

Sessions per Year (Convention)

- Budget Session: Feb – May
- Monsoon Session: July – Sept

POLITY

- Winter Session: Nov – Dec

Key Authorities

- Summoning & Prorogation → President (on advice of PM)
- Adjournment / Adjournment sine die → Presiding Officer
- Dissolution → Only Lok Sabha

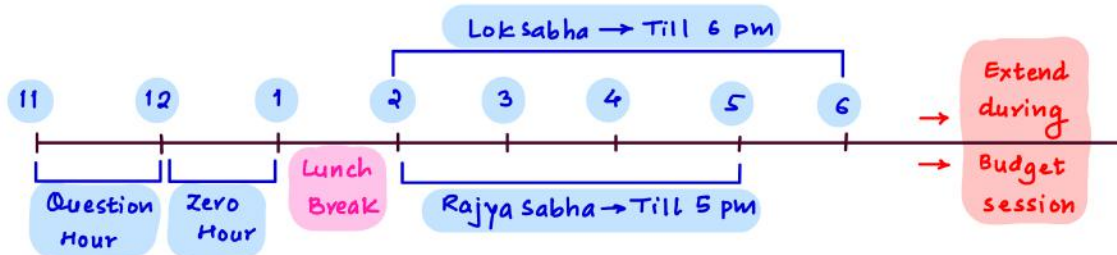
Summoning	<ul style="list-style-type: none"> ○ President summons each House from time to time ○ Session: Period between first sitting and prorogation ○ Maximum gap between two sessions: 6 months <ul style="list-style-type: none"> ■ ⇒ Minimum 2 sessions per year 					
Adjournment	<ul style="list-style-type: none"> ○ Each day has 2 sittings ○ Adjournment terminates a sitting ○ Suspends work for a specified time (hours/days) 					
Adjournment Sine Die	<ul style="list-style-type: none"> ○ Terminates sitting for an indefinite period ○ No date fixed for next sitting ○ Power lies with Presiding Officer 					
Prorogation	<ul style="list-style-type: none"> ○ Ends a session of the House ○ Declared by President ○ Usually after House is adjourned sine die ○ Bills do NOT lapse ○ Notices lapse 					
Dissolution	<ul style="list-style-type: none"> ○ Only Lok Sabha ○ Ends the life of Lok Sabha ○ Rajya Sabha never dissolved ○ Effect on Bills: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #e91e63; color: white; text-align: center;">Bills that LAPSE (on LS dissolution)</th> <th style="background-color: #e91e63; color: white; text-align: center;">Bills that DO NOT LAPSE</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <ul style="list-style-type: none"> ○ Bill originated in LS (whether pending in LS or RS) ○ Bill passed by LS but pending in RS ○ All notices (except for introducing bills) </td> <td style="padding: 5px;"> <ul style="list-style-type: none"> ○ Bill pending in RS but not passed by LS ○ Bill pending for President's assent ○ Bill returned by President for reconsideration ○ Bill where President has notified joint sitting ○ Pending assurances before Committee on Govt. Assurances ○ Impeachment motion </td> </tr> </tbody> </table> 		Bills that LAPSE (on LS dissolution)	Bills that DO NOT LAPSE	<ul style="list-style-type: none"> ○ Bill originated in LS (whether pending in LS or RS) ○ Bill passed by LS but pending in RS ○ All notices (except for introducing bills) 	<ul style="list-style-type: none"> ○ Bill pending in RS but not passed by LS ○ Bill pending for President's assent ○ Bill returned by President for reconsideration ○ Bill where President has notified joint sitting ○ Pending assurances before Committee on Govt. Assurances ○ Impeachment motion
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■ Quorum

- Meaning: Minimum members required to transact business
- Rule: 1/10th of total membership of the House
- Quorum = Elected + Nominated + Presiding Officer
- Language of House: Hindi + English
 - Presiding Officer may permit mother tongue

■ Devices of Parliamentary Proceedings

Question Hour	<p>Asked by: MPs (private members) Answered by: Ministers Mentioned in: Rules of Procedure (NOT Constitution)</p>	<p>Types</p> <ul style="list-style-type: none"> ○ Starred → Oral + supplementary questions allowed (No data/Figures) ○ Unstarred → Written + NO supplementary + Data/Figures + Within 3 months ○ Short Notice Question → Oral + supplementary only with Speaker's permission
Zero Hour	<p>Not mentioned in Constitution / Rules of Procedure Nature: Indian innovation Since: 1962</p>	<ul style="list-style-type: none"> ○ Timing: Immediately after Question Hour ○ Notice: No prior notice ○ Purpose: Urgent public importance matters



<p>Motions</p>	<p>Moved by: Minister or Member Requirement: MoGPI + consent of Presiding Officer</p>	<p>■ Types</p> <hr/> <p>Substantive Motion</p> <ul style="list-style-type: none"> ○ Self-contained ○ Very important matters (e.g. Impeachment) <p>Substitute Motion</p> <ul style="list-style-type: none"> ○ Substitutes original motion ○ Depends on original motion ○ No amendments allowed to substitute motion <p>Subsidiary Motion</p> <ul style="list-style-type: none"> ○ No meaning without original motion <p>Types:</p> <ul style="list-style-type: none"> ○ Ancillary → regular proceeding ○ Superseding → supersedes debate ○ Amendment → modify / substitute part only
<p>Closure Motion</p>	<p>Moved by: Member Purpose: Cut short debate</p>	<p>Types</p> <ul style="list-style-type: none"> ○ Simple Closure → Matter sufficiently discussed ○ Closure by Compartments → Clauses grouped & voted part-wise ○ Kangaroo Closure → Debate only on important clauses ○ Guillotine → Discussed + un-discussed clauses put to vote together (common in Budget)
<p>Privilege Motion</p>	<p>Applicable to: Lok Sabha & Rajya Sabha Moved by: Any MP against any MP / Minister</p>	<p>Ground: Breach of privilege (wrong / withheld / distorted facts)</p> <p>■ Key Points</p> <hr/> <ul style="list-style-type: none"> ○ LS Rule: 222 RS Rule: 187 ○ Speaker / Chairman: <ul style="list-style-type: none"> ■ Can decide himself OR ■ Refer to Privilege Committee ○ Conditions: <ul style="list-style-type: none"> ■ Incident must be recent ■ Must require House intervention

Calling Attention Motion	Applicable to: Both LS & RS Moved by: Member	<ul style="list-style-type: none"> ○ Nature: Indian innovation (1954) Purpose: <ul style="list-style-type: none"> ○ Call attention of Minister ○ On Matter of Urgent Public Importance (MoUPI) ○ Seek authoritative statement Mentioned in: Rules of Procedure (NOT Constitution)
Adjournment Motion	House: Only Lok Sabha	Nature: Extraordinary device Minimum members required: 50 Purpose: Draw attention of House to a definite Matter of Urgent Public Importance (MoUPI) Effect: Censure against Government Restrictions: <ul style="list-style-type: none"> ○ Matter must be definite, factual, urgent & of public importance ○ Only ONE matter at a time; must be specific (not general) ○ No question of privilege ○ No matter already discussed ○ Issue cannot be raised through any other motion Admissibility: Not compulsory for Speaker to admit
No-Confidence Motion	House: Only Lok Sabha (Why?: CoM collectively responsible to LS) Against: Council of Ministers	Minimum members required: 50 Reason required: NOT required Mentioned in Constitution: No Procedure: Rule 198 of Lok Sabha Rules Speaker's role: <ul style="list-style-type: none"> ○ If admitted → must allot date within 10 days ○ Limit: Only ONE No-Confidence Motion in one session + If PM is from RS then he cannot vote. Outcome: <ul style="list-style-type: none"> ○ If passed → Council of Ministers must resign

<p>Censure Motion</p>	<p>House: Only Lok Sabha Against: Minister / Group of Ministers / Council of Ministers</p>	<p>Speaker's permission: NOT required (unlike No-Confidence) Reason: Need to mention Outcome: <ul style="list-style-type: none"> ○ Government need NOT resign ○ Expresses disapproval of specific policy/act Can be moved by: Individual member or group</p>
<p>Motion of Thanks</p>	<p>Moved by: Member</p>	<p>Moved on: <ul style="list-style-type: none"> ○ 1st session after General Election, and ○ 1st session of every fiscal year Purpose: Thank President for Address to Parliament Nature: Mandatory Failure: <ul style="list-style-type: none"> ○ Implies loss of confidence in Government ○ Leads to resignation of Council of Ministers Important: <ul style="list-style-type: none"> ○ Even if Motion of Thanks fails → Budget may still be passed, but PM submits resignation </p>
<p>Dilatory Motion</p>	<p>Moved by: Member</p>	<p>Purpose: <ul style="list-style-type: none"> ○ Adjourn debate on bill / motion / resolution ○ OR delay progress of House business Nature: Procedural, time-wasting device</p>
<p>Point of Order</p>	<p>By Member</p>	<p>Raised when: <ul style="list-style-type: none"> ○ Proceedings do NOT follow rules of procedure Decided by: Speaker/Chair Who raises: Usually Opposition member Scope: Only procedural, no policy discussion</p>
<p>Half-an-Hour Discussion</p>		<p>Subject: Matter of sufficient Public Importance Voting: No formal motion / no voting Purpose: Clarification after Question Hour</p>

Special Mention	House: Rajya Sabha	House: Rajya Sabha Nature: Special motion to raise urgent matters Equivalent in Lok Sabha: ○ Notice under Rule 377 No voting
Resolutions		Nature: Substantive motions Voting: All resolutions are put to vote Discussion: ○ Strictly within scope of resolution Types include: Government, Private Member resolutions

■ PUBLIC VS PRIVATE BILL

Public Bill	Private Bill
<ul style="list-style-type: none"> ○ Introduced by a Minister. ○ Reflects policies of the Government (ruling party). ○ Higher chance of approval in Parliament. ○ Rejection may indicate loss of parliamentary confidence and can lead to resignation of Government. ○ Notice required: 7 days. ○ Drafted by: Concerned government department in consultation with Law Ministry. ○ Introduced by any MP other than a Minister. 	<ul style="list-style-type: none"> ○ Reflects stand of opposition / individual member on public issues. ○ Lower chance of approval. ○ Rejection has no impact on confidence in Government or its resignation. ○ Notice required: 1 month. ○ Drafted by: Concerned Member himself/herself. ○ Fact: Only 14 Private Members' Bills passed since Independence.

■ TYPES OF BILLS IN PARLIAMENT

Aspect	Ordinary Bill	Money Bill	Financial Bill (Category-A)	Constitutional Amendment Bill
Relevant Article	—	Article 110 (1)(a-f)	Article 117(1)	Article 368
Meaning	Any bill other than Money, Financial or Constitutional Amendment Bill	Bill dealing only with matters listed in Art.110	Financial matters including those of Art.110 plus other provisions	Bill to amend the Constitution
Introduction of Bill	Either in Lok Sabha or Rajya Sabha	Only in Lok Sabha	Only in Lok Sabha	Either in Lok Sabha or Rajya Sabha
Who can introduce	Any MP	Only a Minister	Only a Minister	Any MP
Prior recommendation of President	No (except bills under Article 3)	Yes (mandatory)	Yes (mandatory)	No
Majority required	Simple majority	Simple majority	Simple majority	Special majority (and state ratification where required)
Powers of Lok Sabha & Rajya Sabha	Equal powers	Lok Sabha > Rajya Sabha	Equal powers	Equal powers
Role of Rajya Sabha	Can amend, reject or delay	Can only make recommendations (within 14 days)	Can amend, reject or delay	Equal role
Joint Sitting in case of deadlock	Yes	No joint sitting (no real deadlock)	Yes	No joint sitting → Bill lapses
President's Assent / Veto	President may give assent or use Absolute, Suspensive or Pocket veto	President normally gives assent ; can use Absolute veto on advice of CoM	President may give assent or use Absolute, Suspensive or Pocket veto	President must give assent (24th Constitutional Amendment)
Return for reconsideration	Yes	No	Yes	No
Lapse on dissolution of Lok Sabha	Yes (if pending in LS)	Yes	Yes	Does NOT lapse

JOINT SITTING OF TWO HOUSES	<p>Purpose: Extraordinary constitutional mechanism to resolve deadlock between Lok Sabha & Rajya Sabha on a Bill.</p> <p>Who summons: President summons both Houses to meet jointly.</p> <p>Applicable to:</p> <ul style="list-style-type: none"> ○ Ordinary Bills ○ Financial Bills (Category I) <p>Not applicable to:</p> <ul style="list-style-type: none"> ○ Money Bills ○ Constitution Amendment Bills <p>Presiding Officer (order):</p> <ul style="list-style-type: none"> ○ Speaker of Lok Sabha ○ Deputy Speaker of Lok Sabha ○ Deputy Chairman of Rajya Sabha <p>Voting & Majority:</p> <ul style="list-style-type: none"> ○ Bill is passed by Simple Majority of members present and voting. <p>Historical Use:</p> <ul style="list-style-type: none"> ○ Provision of joint sitting has been invoked only 3 times.
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■ BUDGET IN PARLIAMENT (ART. 112)

Constitutional Position	<ul style="list-style-type: none"> ○ Constitutional Position Constitution refers to Budget as "Annual Financial Statement (AFS)" (Art. 112) ○ Term "Budget" is NOT used anywhere in the Constitution ○ Prepared by Department of Economic Affairs (DEA), Ministry of Finance <ul style="list-style-type: none"> ■ Not by Department of Revenue
Railway Budget	<ul style="list-style-type: none"> ○ Separated in 1924 <ul style="list-style-type: none"> ■ → On recommendation of Acworth Committee Report (1921) ○ Merged with General Budget in 2017
Presentation of Budget	<ul style="list-style-type: none"> ○ Presented by Finance Minister in Lok Sabha ○ Laid before both Houses of Parliament ○ Budget shows: <ul style="list-style-type: none"> ■ Estimated receipts ■ Estimated expenditure of Govt. of India
Structure of Budget	<p>(A) Revenue Budget</p> <ul style="list-style-type: none"> ○ Revenue Receipts + Revenue Expenditure ○ Tax + Non-tax receipts ○ Routine functioning of government <p>(B) Capital Budget</p> <ul style="list-style-type: none"> ○ Capital Receipts + Capital Expenditure ○ Loans, borrowings, disinvestment ○ Asset creation

<p>Stages in Budget Procedure</p>	<ul style="list-style-type: none"> (1) Presentation of Budget (2) General Discussion <ul style="list-style-type: none"> ○ On overall budget policy ○ No voting ○ Takes place in both Houses (3) Scrutiny by Departmental Standing Committees <ul style="list-style-type: none"> ○ Period: ~3-4 weeks ○ Demands examined ministry-wise ○ Reports submitted to Parliament (4) Voting on Demands for Grants <ul style="list-style-type: none"> ○ Only in Lok Sabha ○ Rajya Sabha has NO power to vote ○ Demand moved only on recommendation of President ○ If a demand is rejected → political defeat of government (5) Cut Motions (LS only) <ul style="list-style-type: none"> ○ Parliament can reduce demands via: <ul style="list-style-type: none"> ■ (a) Policy Cut Motion <ul style="list-style-type: none"> ◆ Reduces demand to ₹1 ◆ Indicates disapproval of policy ■ (b) Economy Cut Motion <ul style="list-style-type: none"> ◆ Reduces demand by a specified amount ◆ Indicates need for economy ■ (c) Token Cut Motion <ul style="list-style-type: none"> ◆ Reduces demand by ₹100 ◆ To ventilate specific grievance
<p>Charged vs Voted Expenditure</p>	<p>Charged Expenditure (CFI)</p> <ul style="list-style-type: none"> ○ NOT voted by Parliament ○ But can be discussed Examples: ○ Salary of President, Judges ○ Interest on public debt ○ CAG salary <p>Voted Expenditure</p> <ul style="list-style-type: none"> ○ Subject to voting in Lok Sabha
<p>Appropriation Bill (Art. 114)</p>	<ul style="list-style-type: none"> ○ Authorises withdrawal of money from Consolidated Fund of India ○ Covers: <ul style="list-style-type: none"> ■ Voted expenditure ■ Charged expenditure ■ Money Bill ■ No amendments allowed ■ Passed by Lok Sabha only ■ RS can only recommend

Finance Bill (Art. 110/117)	<ul style="list-style-type: none"> ○ Gives effect to financial proposals ○ Deals with: <ul style="list-style-type: none"> ■ Tax imposition ■ Tax abolition / alteration ○ Passed after Appropriation Bill ○ Once passed → becomes Finance Act
If Budget is NOT Passed	<ul style="list-style-type: none"> ○ Considered loss of confidence ○ PM submits resignation of Council of Ministers
Role of Lok Sabha & Rajya Sabha	<p>Lok Sabha</p> <ul style="list-style-type: none"> ○ Votes on Demands for Grants ○ Final authority on budget <p>Rajya Sabha</p> <ul style="list-style-type: none"> ○ Can discuss budget ○ Cannot vote demands ○ No power over public expenditure
Important Constitutional Rules	<ul style="list-style-type: none"> ○ No demand for grant can be made without President's recommendation ○ No money withdrawn from CFI without parliamentary approval ○ Parliament can: <ul style="list-style-type: none"> ■ Reduce or abolish tax ■ Cannot increase tax
Key Funds (Art. 266-267)	<p>Consolidated Fund of India (CFI) - Article 266</p> <ul style="list-style-type: none"> ○ All revenues + loans ○ Parliamentary approval mandatory <p>Contingency Fund of India - Article 267</p> <ul style="list-style-type: none"> ○ For urgent/unforeseen expenditure ○ Operated by Executive ○ Later approval taken from Parliament <p>Public Account of India - Article 266(2)</p> <ul style="list-style-type: none"> ○ PF, small savings, deposits ○ Parliamentary approval not required

POSITION OF RAJYA SABHA (With respect to LOKSABHA)

EQUAL STATUS WITH LOK SABHA (RS = LS)	UNEQUAL STATUS WITH LOK SABHA (RS < LS)	SPECIAL POWERS OF RAJYA SABHA (RS > LS)
<p>Rajya Sabha has equal powers with Lok Sabha in the following matters:</p> <ul style="list-style-type: none"> ○ Ordinary Bills ○ Constitutional Amendment Bills ○ Financial Bill – Type II ○ Election of the President ○ Impeachment of the President ○ Election of Vice-President ○ Removal of Vice-President ○ Rajya Sabha alone initiates removal ○ Approval of Ordinances issued by the President ○ Approval of Emergency Proclamations: <ul style="list-style-type: none"> ■ National Emergency ■ State Emergency ■ Financial Emergency 	<p>Rajya Sabha has inferior powers compared to Lok Sabha in the following areas:</p> <p>Money Bills</p> <ul style="list-style-type: none"> ○ Can be introduced only in Lok Sabha ○ Rajya Sabha: <ul style="list-style-type: none"> ■ Cannot amend ■ Cannot reject ■ Can only make recommendations <p>Financial Bill – Type I</p> <ul style="list-style-type: none"> ○ Introduced only in Lok Sabha <p>Joint Sitting</p> <ul style="list-style-type: none"> ○ Speaker of Lok Sabha presides, not Chairman of RS <p>Budget</p> <ul style="list-style-type: none"> ○ Rajya Sabha can: <ul style="list-style-type: none"> ■ Discuss Budget ■ Vote on Demands for Grants <p>National Emergency</p> <ul style="list-style-type: none"> ○ Resolution for discontinuance of National Emergency ○ Passed only by Lok Sabha <p>No-Confidence Motion</p> <ul style="list-style-type: none"> ○ Can be introduced only in Lok Sabha ○ Leads to removal of Government 	<p>Rajya Sabha enjoys exclusive powers not available to Lok Sabha:</p> <p>Article 249</p> <ul style="list-style-type: none"> ○ RS can authorize Parliament to make law on a subject in the State List ○ Resolution must be passed by 2/3rd majority of members present and voting <p>Article 312</p> <ul style="list-style-type: none"> ○ RS can authorize creation of All India Services ○ Applicable to both Centre and States <p>Article 79</p> <ul style="list-style-type: none"> ○ Resignation of Vice-President

PARLIAMENTARY PRIVILEGES (Article 105)

Meaning

- Special rights, immunities and exemptions enjoyed by:
 - Both Houses of Parliament
 - Their committees
 - Their members

Coverage

- Privileges extend to:
 - Union Ministers
 - Attorney General of India
- Privileges do NOT extend to:
 - President of India (though an integral part of Parliament)

Constitutional Position

- Originally, Article 105 explicitly mentioned only TWO privileges:
 - Freedom of speech in Parliament
 - Right of publication of parliamentary proceedings

COLLECTIVE PRIVILEGES (OF THE HOUSE AS A WHOLE)	INDIVIDUAL PRIVILEGES (OF MEMBERS)
<ul style="list-style-type: none"> ○ Right to publish its debates, reports and proceedings <ul style="list-style-type: none"> ■ Also has the right to prohibit others from publishing them ○ Right to exclude strangers from proceedings <ul style="list-style-type: none"> ■ Can hold secret sittings ○ Right to make rules to regulate: <ul style="list-style-type: none"> ■ Its own procedure ■ Conduct of business ■ Adjudication ○ Right to punish: <ul style="list-style-type: none"> ■ Members and outsiders ■ For breach of privilege ○ Right to receive immediate information of: <ul style="list-style-type: none"> ■ Arrest ■ Detention ■ Conviction ■ Imprisonment ■ Release of a member ○ Courts are prohibited from inquiring into: <ul style="list-style-type: none"> ■ Proceedings of a House ■ Proceedings of parliamentary committees ○ No person (member or outsider) can be: <ul style="list-style-type: none"> ■ Arrested ■ Served legal process (civil or criminal) ○ Within House precincts without permission of the Presiding Officer 	<ul style="list-style-type: none"> ○ Freedom from arrest: <ul style="list-style-type: none"> ■ During session of Parliament ■ 40 days before commencement ■ 40 days after adjournment ■ Applicable only to civil cases ■ Not applicable to criminal cases ○ Freedom of speech in Parliament: <ul style="list-style-type: none"> ■ No member is liable to any court proceedings for: <ul style="list-style-type: none"> ◆ Anything said ◆ Any vote given ■ Applies to Parliament and its committees ○ Exemption from jury service: <ul style="list-style-type: none"> ■ Members may refuse to: <ul style="list-style-type: none"> ◆ Give evidence ◆ Appear as witnesses ■ When Parliament is in session

BREACH OF PRIVILEGE & CONTEMPT OF THE HOUSE

Breach of Privilege	Contempt of the House
<ul style="list-style-type: none"> ○ Any act or omission that: <ul style="list-style-type: none"> ■ Disregards ■ Attacks ■ Violates ○ The privileges, rights or immunities of: <ul style="list-style-type: none"> ■ A member (individual capacity), or ■ The House (collective capacity) ○ Punishable by the House itself 	<ul style="list-style-type: none"> ○ Any act or omission that: <ul style="list-style-type: none"> ■ Obstructs ■ Interferes with ○ A House of Parliament, its members or officers ○ In the performance of their functions <hr/> Who decides breach or contempt? → Parliament itself

PREVIOUS YEAR QUESTIONS

Consider the following statements: (2025)

- I. On the dissolution of the House of the People, the Speaker shall not vacate his/her office until immediately before the first meeting of the House of the People after the dissolution.
- II. According to the provisions of the Constitution of India, a Member of the House of the People on being elected as Speaker shall resign from his/her political party immediately.
- III. The Speaker of the House of the People may be removed from his/her office by a resolution of the House of the People passed by a majority of all the then Members of the House, provided that no resolution shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.

Which of the statements given above are correct?

- (a) I and II only (b) II and III only
 (c) I and III only (d) I, II and III

Which of the following statements about the Ethics Committee in the Lok Sabha are correct? (2024)

1. Initially, it was an ad-hoc Committee.
2. Only a Member of the Lok Sabha can make a complaint relating to the unethical conduct of a member of the Lok Sabha.
3. This Committee cannot take up any matter which is sub-judice.

Select the answer using the code given below:

- (a) 1 and 2 only (b) 2 and 3 only
 (c) 1 and 3 only (d) 1, 2 and 3

Which of the following statements are correct in respect of a Money Bill in the Parliament? (2024)

1. Article 109 mentions special procedure in respect of Money Bills.
2. A Money Bill shall not be introduced in the Council of States.
3. The Rajya Sabha can either approve the Bill or suggest changes but cannot reject it.
4. Amendments to a Money Bill suggested by the Rajya Sabha have to be accepted by the Lok Sabha.

Select the answer using the code given below:

- (a) 1 and 2 only (b) 2 and 3 only
 (c) 1, 2 and 3 (d) 1, 3 and 4

With reference to Union Budget, consider the following statements: (2024)

1. The Union Finance Minister on behalf of the Prime Minister, lays the Annual Financial Statement before both the Houses of Parliament.
2. At the Union level, no demand for a grant be made except on the recommendation of the President of India.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
 (c) Both 1 and 2 (d) Neither 1 nor 2

With reference to the Speaker of the Lok Sabha, consider the following statements: (2024)

While any resolution for the removal of the Speaker of the Lok Sabha is under consideration.

1. He/she shall not preside.
2. He/She shall not have the right to speak.
3. He/She shall not be entitled to vote on the resolution in the first instance.

Which of the statements given above is/are correct?

- (a) 1 only (b) 1 and 2 only
 (c) 2 and 3 only (d) 1, 2 and 3

With reference to the Indian Parliament, consider the following statements: (2024)

1. A bill pending in the Lok Sabha lapses on its dissolution.
2. A bill passed by the Lok Sabha and pending in the Rajya Sabha lapses on the dissolution of the Lok Sabha.
3. A bill in regard to which the President of India notified his/her intention to summon the Houses to a joint sitting lapses on the dissolution of the Lok Sabha.

Which of the statements given above is/are correct?

- (a) 1 only (b) 1 and 2
(c) 2 and 3 (d) 3 only

With reference to the Parliament of India, consider the following statements: (2024)

1. Prorogation of a House by the President of India does not require the advice of the Council of Ministers.
2. Prorogation of a House is generally done after the House is adjourned sine die but there is no bar to the President of India prorogating the House which is in session.
3. Dissolution of the Lok Sabha is done by the President of India, who, save in exceptional circumstances, does so on the advice of the Council of Ministers.

Which of the statements given above is/are correct?

- (a) 1 only (b) 1 and 2
(c) 2 and 3 (d) 3 only

With reference to the Finance Bill and Money Bill in the Indian Parliament, consider the following statements:

1. When the Lok Sabha transmits the Finance Bill to the Rajya Sabha, it can amend or reject the Bill.
2. When the Lok Sabha transmits the Money Bill to the Rajya Sabha, it cannot amend or reject the Bill; it can only make recommendations.
3. In the case of disagreement between the Lok Sabha and the Rajya Sabha, there is no joint sitting for the Money Bill, but a joint sitting becomes necessary for the Finance Bill.

How many of the above statements are correct? (2023)

- (a) Only one (b) Only two
(c) All three (d) None

Out of the following statements, choose the one that brings out the principle underlying the Cabinet form of Government: (2017)

- (a) An arrangement for minimising criticism against the Government whose responsibilities are complex and hard to carry out to the satisfaction of all.
- (b) A mechanism for speeding up the activities of the Government whose responsibilities are increasing day by day.
- (c) A mechanism of parliamentary democracy for ensuring collective responsibility of the Government to the people.
- (d) A device for strengthening the hands of the head of the Government whose hold over the people is in a state of decline.

With reference to Deputy Speaker of Lok Sabha, consider the following statements: (2022)

1. As per the Rules of Procedure and Conduct of Business in Lok Sabha, the election of Deputy Speaker shall be held on such date as the Speaker may fix.
2. There is a mandatory provision that the election of a candidate as Deputy Speaker of Lok Sabha shall be from either the principal opposition party or the ruling party.
3. The Deputy Speaker has the same powers as of the Speaker when presiding over the sitting of the House and no appeal lies against his rulings.
4. The well-established parliamentary practice regarding the appointment of Deputy Speaker is that the motion is moved by the Speaker and duty seconded by the Prime Minister.

Which of the statements given above are correct?

- (a) 1 and 3 only (b) 1, 2 and 3
(c) 3 and 4 only (d) 2 and 4 only

Which of the following is/are the exclusive power(s) of Lok Sabha? (2022)

1. To ratify the declaration of Emergency
2. To pass a motion of no-confidence against the Council of Ministers.
3. To impeach the President of India

Select the correct answer using the code given below:

- (a) 1 and 2 (b) 2 only
(c) 1 and 3 (d) 3 only

POLITY

Consider the following statements: (2022)

1. The Constitution of India classifies the ministers into four ranks viz. Cabinet Minister, Minister of State with Independent Charge, Minister of State and Deputy Minister.
2. The total number of ministers in the Union Government, including the Prime Minister, shall not exceed 15 percent of the total number of members in the Lok Sabha.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

In the Parliament of India, the purpose of an adjournment motion is [2012]

- (a) to allow a discussion on a definite matter of urgent public importance.
(b) to let opposition members, collect information from the ministers.
(c) to allow a reduction of specific amounts in demand for grants.
(d) to postpone the proceedings to check the inappropriate or violent behaviour on the part of some members.

Consider the following statements: (2012)

1. Union Territories are not represented in the Rajya Sabha.
2. It is within the purview of the Chief Election Commissioner to adjudicate the election disputes.
3. According to the Constitution of India, the Parliament consists of the Lok Sabha and the Rajya Sabha only.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 3
(c) 1 and 3 (d) None of these

Regarding the office of the Lok Sabha Speaker, consider the following statements: (2012)

1. He/she holds the office during the pleasure of the President.
2. He/she need not be a member of the House at the time of his/her election but has to become a member of the House within six months from the date of his/her election.
3. If he/she intends to resign, the letter of his/her resignation has to be addressed to the Deputy Speaker.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 3 only
(c) 1, 2 and 3 (d) None of these

Which of the following special powers have been conferred on the Rajya Sabha by the Constitution of India? (2012)

- (a) To change the existing territory of a State and to change the name of a State.
(b) To pass a resolution empowering the Parliament to make laws in the State List and to create one or more All India Services.
(c) To amend the election procedure of the President and to determine the pension of the President after his/her retirement.
(d) To determine the functions of the Election Commission and determine the number of Election Commissioners.

A deadlock between the Lok Sabha and the Rajya Sabha calls for a joint sitting of the Parliament during the passage of (2012)

1. Ordinary Legislation
2. Money Bill
3. Constitution Amendment Bill

Select the correct answer using the codes given below:

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Which reference to the Delimitation Commission, consider the following statements: (2012)

1. The orders of the Delimitation Commission cannot be challenged in a Court of Law.
2. When the orders of the Delimitation Commission are laid before the Lok Sabha or State Legislative Assembly, they cannot effect any modifications in the orders.

Which of the statements given above is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

When the annual Union Budget is not passed by the Lok Sabha: (2011)

- (a) The Budget is modified and presented again
(b) The Budget is referred to the Rajya Sabha for suggestions
(c) The Union Finance Minister is asked to resign
(d) The Prime Minister submits the resignation of Council of Ministers

What is the difference between “vote-on-account” and “interim budget”? (2011)

1. The provision of a “vote-on-account” is used by a regular Government, while an “interim budget” is a provision used by a caretaker Government.
2. A “vote-on-account” only deals with the expenditure in the Government’s budget, while an “interim budget” includes both expenditure and receipts.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Which of the following are the methods of Parliamentary control over public finance in India? (2012)

1. Placing Annual Financial Statement before the Parliament.
2. Withdrawal of money from Consolidated Fund of India only after passing the Appropriation Bill.
3. Provisions of supplementary grants and vote-on accounts.
4. A periodic or at least a mid-year review of programme macroeconomic forecasts and expenditure by a Parliamentary Budget Office.
5. Introducing the Finance Bill in the Parliament.

Select the correct answer using the codes given below:

- (a) 1, 2, 3 and 5 only (b) 1, 2 and 4 only
(c) 3, 4 and 5 only (d) 1, 2, 3, 4 and 5

Consider the following statements: (2013)

The Parliamentary Committee on Public Accounts:

1. Consists of not more than 25 Members of the Lok Sabha.
2. Scrutinises appropriation and finance accounts of the Government.
3. Examines the report of the Comptroller and Auditor General of India.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 3 only
(c) 3 only (d) 1, 2 and 3

Consider the following statements: (2013)

1. The Council of Ministers in the Centre shall be collectively responsible to the Parliament.
2. The Union Ministers shall hold the office during the pleasure of the President of India.
3. The Prime Minister shall communicate to the President about the proposals for legislation.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

What will follow if a Money Bill is substantially amended by the Rajya Sabha? (2013)

- (a) The Lok Sabha may still proceed with the Bill, accepting or not accepting the recommendations of the Rajya Sabha
(b) The Lok Sabha cannot consider the Bill further
(c) The Lok Sabha may send the Bill to the Rajya Sabha for reconsideration
(d) The President may call a joint sitting for passing the Bill

The Parliament can make any law for whole or any part of India for implementing international treaties: (2013)

- (a) with the consent of all the States
(b) with the consent of the majority of States
(c) with the consent of the States concerned
(d) without the consent of any State

Consider the following statements regarding a No-Confidence Motion in India: (2014)

1. There is no mention of a No-Confidence Motion in the Constitution of India.
2. A motion of No-Confidence can be introduced in the Lok Sabha only.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Which one of the following is the largest Committee of the Parliament? (2014)

- (a) The Committee on Public Accounts
(b) The committee on Estimates
(c) The Committee on Public Undertakings
(d) The committee on Petitions

Which of the following is/are the function/functions of the Cabinet Secretariat? (2014)

1. Preparation of agenda for Cabinet Meetings
2. Secretariat assistance to Cabinet Committees
3. Allocation of financial resources to the Ministries

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 2 only
- (d) 1, 2 and 3

Consider the following statements: (2015)

1. The Rajya Sabha has no power either to reject or to amend a Money Bill.
2. The Rajya Sabha cannot vote on the Demands for Grants.
3. The Rajya Sabha cannot discuss the Annual Financial Statement.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

When a bill is referred to a joint sitting of both the Houses of the Parliament, it has to be passed by (2015)

- (a) a simple majority of members present and voting
- (b) three-fourths majority of members present and voting
- (c) two-thirds majority of the Houses
- (d) absolute majority of the Houses

The Parliament of India acquires the power to legislate on any item in the State List in the national interest if a resolution to that effect is passed by the: (2016)

- (a) Lok Sabha by a simple majority of its total membership
- (b) Lok Sabha by a majority of not less than two-thirds of its total membership
- (c) Rajya Sabha by a simple majority of its total membership
- (d) Rajya Sabha by a majority of not less than two-thirds of its members present and voting

Which of the following statements is/are correct? (2016)

1. A Bill pending in the Lok Sabha lapses on its prorogation.
2. A Bill pending in the Rajya Sabha, which has not been passed by the Lok Sabha, shall not lapse on dissolution of the Lok Sabha.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

For election to the Lok Sabha, a nomination paper can be filed by: (2017)

- (a) anyone residing in India.
- (b) a resident of the constituency from which the election is to be contested.
- (c) any citizen of India whose name appears in the electoral roll of a constituency.
- (d) any citizen of India.

Consider the following statements: (2017)

1. In the election for Lok Sabha or State Assembly, the winning candidate must get at least 50 percent of the votes polled, to be declared elected.
2. According to the provisions laid down in the Constitution of India, in Lok Sabha, the Speaker's post goes to the majority party and the Deputy Speaker's to the Opposition.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

The Parliament of India exercises control over the functions of the Council of Ministers through (2017)

1. Adjournment motion
2. Questions hour
3. Supplementary questions

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

With reference to the Parliament of India, consider the following statements: (2017)

1. A private member's bill is a bill presented by a Member of Parliament who is not elected but only nominated by the President of India.
2. Recently, a private member's bill has been passed in the Parliament of India for the first time in its history.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Consider the following statements: (2018)

1. In the first Lok Sabha, the single largest party in the opposition was the Swatantra Party
2. In the Lok Sabha, a "Leader of the Opposition" was recognised for the first time in 1969.
3. In the Lok Sabha, if a party does not have a minimum of 75 members, its leader cannot be recognised as the Leader of the Opposition.

Which of the statements given above is/are correct?

- (a) 1 and 3 only (b) 2 only
(c) 2 and 3 only (d) 1, 2 and 3

With reference to the Parliament of India, which of the following Parliamentary Committees scrutinise and report to the House whether the powers to make regulations, rules, sub-rules, by-laws, etc. conferred by the Constitution or delegated by the Parliament are being properly exercised by the Executive within the scope of such delegation? (2018)

- (a) Committee on Government Assurances
(b) Committee on Subordinate Legislation
(c) Rules Committee
(d) Business Advisory Committee

Regarding Money Bill, which of the following statements is not correct? (2018)

- (a) A bill shall be deemed to be a Money Bill if it contains only provisions relating to imposition, abolition, remission, alteration or regulation of any tax.
- (b) A Money Bill has provisions for the custody of the Consolidated Fund of India or the Contingency Fund of India.
- (c) A Money Bill is concerned with the appropriation of money out of the Contingency Fund of India.
- (d) A Money Bill deals with the regulation of borrowing of money or giving of any guarantee by the Government of India.

Consider the following statements: (2019)

1. The Parliament (Prevention of Disqualification) Act, 1959 exempts several posts from disqualification on the grounds of 'Office of Profit'.
2. The above-mentioned Act was amended five times.
3. The term 'Office of Profit' is well-defined in the Constitution of India.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 3 only
(c) 2 and 3 only (d) 1, 2 and 3

In India, which of the following review the independent regulators in sectors like telecommunications, insurance, electricity, etc.? (2019)

1. Ad Hoc Committee set up by the Parliament.
2. Parliamentary Department Related Standing Committee
3. Finance Commission
4. Financial Sector Legislative Reforms Commission
5. NITI Aayog

Select the correct answer using the code given below.

- (a) 1 and 2 (b) 1, 3 and 4
(c) 3, 4 and 5 (d) 2 and 5

Consider the following statements: (2020)

1. According to the Constitution of India a person who is eligible to vote can be made a minister in a State for six months even if he/she is not a member of the Legislature of that State
2. According to the Representation of People Act, 1951, a person convicted of a criminal offence and sentenced to imprisonment for five years is permanently disqualified from contesting an election even after his release from prison

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Consider the following statements: (2020)

1. The President of India can summon a session of the Parliament at such a place as he/she thinks it.
2. The Constitution of India provides for three sessions of the Parliament in a year, but it is not mandatory to conduct all three sessions.
3. There is no minimum number of days that the Parliament is required to meet in a year.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) 1 and 3 only (d) 2 and 3 only

Rajya Sabha has equal powers with Lok Sabha in (2020)

- (a) the matter of creating new All India Services
(b) amending the Constitution
(c) the removal of the government
(d) making cut motions

Along with the Budget, the finance minister also places other documents before the Parliament which include "The Macro Economic Framework Statement". The aforesaid document is presented because this is mandated by: (2020)

- (a) Long standing parliamentary convention
(b) Article 112 and Article 110(1) of the Constitution of India
(c) Article 113 of the Constitution of India
(d) Provisions of the Fiscal Responsibility and Budget Management Act, 2003

Consider the following statements: (2021)

1. In India, there is no law restricting the candidates from contesting in one Lok Sabha election from three constituencies.
2. In the 1991 Lok Sabha Election, Shri Devi Lal contested from three Lok Sabha constituencies.
3. As per the existing rules, if a candidate contests in one Lok Sabha election from many constituencies, his/her party should bear the cost of bye-elections to the constituencies vacated by him/her in the event of him/her winning in all the constituencies.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) 1 and 3 (d) 2 and 3

With reference to the funds under Members of Parliament Local Area Development Scheme (MPLADS), which of the following statements are correct? (2020)

1. MPLADS funds must be used to create durable sets like physical infrastructure for health, education, etc.
2. A specified portion of each MP fund must benefit SC/ST populations.
3. MPLADS funds are sanctioned on yearly basis and the unused funds cannot be carried forward to the next year.
4. The district authority must inspect at least 10% of all work under implementation every year.

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 3 and 4 only
(c) 1, 2 and 3 only (d) 1, 2 and 4 only

STATE LEGISLATURE (Part VI | Arts. 168-212)

■ Basic Facts

- India has 28 States + 8 UTs
- Only 6 States have Bicameral Legislature:
 - Andhra Pradesh, Telangana, Karnataka, Maharashtra, Uttar Pradesh, Bihar

■ Creation / Abolition of Legislative Council – Art. 169

- Parliament can create or abolish Legislative Council of a State
- Condition: State Legislative Assembly must pass a resolution
- Special Majority required in Assembly:
 - Majority of total membership AND
 - 2/3rd of members present & voting
- Parliament then passes law by simple majority
- Not a Constitutional Amendment (Art. 368 not applicable)

■ Composition of State Legislature

- Governor + State Legislature
- Legislature may be:
 - Unicameral (Assembly only)
 - Bicameral (Assembly + Council)

Legislative Assembly (Vidhan Sabha)	Legislative Council (Vidhan Parishad)
<ul style="list-style-type: none"> ○ Members directly elected by people (Universal Adult Franchise) ○ Maximum strength: 500 ○ Minimum strength: 60 ○ Exception: Arunachal Pradesh, Sikkim, Goa → Minimum 30 ○ Reservation for SC/ST based on population ratio <p>Governor can nominate 1 Anglo-Indian member if inadequately represented (95th Amendment, valid till 2020)</p> <ul style="list-style-type: none"> ○ → Abolished by 104th Constitutional Amendment. 	<ul style="list-style-type: none"> ○ Members indirectly elected ○ Maximum strength: 1/3 of Assembly ○ Minimum strength: 40 ○ Actual strength fixed by Parliament <p>Composition of Council</p> <ul style="list-style-type: none"> ○ 1/3 elected by local bodies ○ 1/12 elected by graduates (3 yrs standing, resident of State) ○ 1/12 elected by teachers (≥ secondary school, 3 yrs standing) ○ 1/3 elected by MLAs (from non-members) ○ 1/6 nominated by Governor <p style="text-align: center;">Council is a permanent body</p>

- Quorum: **1/10 of total members or 10, whichever is greater**

■ **Duration of State Legislature**

Legislative Assembly (Vidhan Sabha)	Legislative Council (Vidhan Parishad)
<ul style="list-style-type: none"> ○ Normal term: 5 years from first meeting after general elections ○ Governor can dissolve Assembly any time (even before 5 years) ○ Extension: During National Emergency, Parliament may extend term <ul style="list-style-type: none"> ■ 1 year at a time ■ Can continue for any length, but not beyond 6 months after emergency ends 	<ul style="list-style-type: none"> ○ Permanent body → Not subject to dissolution ○ 1/3 members retire every 2 years ○ Tenure of member: 6 years ○ Retiring members are eligible for re-election & re-nomination any number of times

■ **Presiding Officers**

Speaker of Legislative Assembly	Chairman of Legislative Council
<ul style="list-style-type: none"> ○ Elected by Assembly from among its members ○ Vacates office if he ceases to be a member of Assembly ○ Continues in office even after Assembly dissolution <ul style="list-style-type: none"> ■ → till next Speaker assumes office ○ Removal: <ul style="list-style-type: none"> ■ Resolution by majority of all then members ■ 14 days' advance notice required ○ Voting power: <ul style="list-style-type: none"> ■ No vote in first instance ■ Casting vote in case of tie 	<ul style="list-style-type: none"> ○ Elected by the Council itself from among its members ○ Removal: <ul style="list-style-type: none"> ■ Resolution by majority of all then members ■ 14 days' advance notice required ○ Important distinction: <ul style="list-style-type: none"> ■ Speaker has special power not enjoyed by Chairman <ul style="list-style-type: none"> ◆ Speaker decides whether a Bill is a Money Bill → decision final

Deputy Speaker of Assembly	Deputy Chairman of Council
<ul style="list-style-type: none"> ○ Elected by the Assembly itself from among its members ○ Removed by resolution of majority of total membership ○ 14 days' advance notice required for removal ○ Performs duties of Speaker when Speaker's office is vacant 	<ul style="list-style-type: none"> ○ Elected by the Legislative Council itself from among its members ○ Removed by resolution of majority of total membership ○ 14 days' advance notice required for removal ○ Performs duties of Chairman when Chairman's office is vacant ○ Acts as Chairman when Chairman is absent from the sitting

State Legislature – Rules & Procedure	<ul style="list-style-type: none"> ○ Each House of State Legislature can make its own rules for: <ul style="list-style-type: none"> ■ Procedure ■ Conduct of business ○ This power is subject to the Constitution. ○ State Legislature does NOT follow Lok Sabha rules
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State Council of Ministers (SCoM)	<p>Articles related to SCoM</p> <ul style="list-style-type: none"> ○ 163 → Council of Ministers to aid and advise Governor ○ 164 → Other provisions relating to Ministers (appointment, tenure, responsibility) ○ 166 → Conduct of business of State Government ○ 167 → Duties of Chief Minister to furnish information to Governor ○ 177 → Rights of Ministers with respect to State Legislature (to speak, take part) <p>Deputy CM:</p> <ul style="list-style-type: none"> ○ NOT mentioned in the Constitution <p>Salaries of State Council of Ministers:</p> <ul style="list-style-type: none"> ○ Charged on Consolidated Fund of the State
Hung Assembly & Governor's Power	<p>Dissolution of State Assembly by Governor in Hung Assembly</p> <p>1. S.R. Bommai Case (1994)</p> <ul style="list-style-type: none"> ○ Governor's discretion does NOT apply in hung assembly ○ Majority must be tested on the floor of the House ○ Time limit: <ul style="list-style-type: none"> ■ Normally within 48 hours ■ Can be extended up to 15 days ○ Governor's role: <ul style="list-style-type: none"> ■ Only a triggering authority ■ Final decision lies with Legislature, not Governor <p>2. Rameshwar Prasad Case</p> <ul style="list-style-type: none"> ○ Governor cannot reject post-poll alliances outright ○ Mere suspicion of horse-trading: <ul style="list-style-type: none"> ■ NOT a valid ground for dissolution ○ Dissolution cannot be based on assumptions or apprehensions

PREVIOUS YEAR QUESTIONS

Consider the following statements: (2015)

1. The Legislative Council of a State in India can be larger in size than half of the Legislative Assembly of that particular State.
2. The Governor of a State nominates the Chairman of the Legislative Council of that particular State.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Consider the following statements: (2018)

1. The Speaker of the Legislative Assembly shall vacate his/her office if he/she ceases to be a member of the assembly.
2. Whenever the Legislative Assembly is dissolved, the Speaker shall vacate his/her office immediately.

Which of the statements given above is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor

Articles Related to Parliament and State Legislature

PARLIAMENT (Part V)	STATE LEGISLATURE (Part VI)
<p>Parliament</p> <ul style="list-style-type: none"> ○ Article 79 – Constitution of Parliament ○ Article 80 – Composition of Rajya Sabha ○ Article 81 – Composition of Lok Sabha ○ Article 82 – Readjustment after Census ○ Article 83 – Duration of Houses of Parliament ○ Article 84 – Qualification for membership of Parliament ○ Article 85 – Sessions of Parliament, prorogation & dissolution ○ Article 86 – Right of President to address & send messages ○ Article 87 – Special address by the President ○ Article 88 – Rights of Ministers & Attorney-General <p>Officers of Parliament</p> <ul style="list-style-type: none"> ○ Article 89 – Chairman & Deputy Chairman of Rajya Sabha ○ Article 90 – Vacation, resignation & removal of Deputy Chairman ○ Article 91 – Deputy Chairman to act as Chairman ○ Article 92 – Chairman/Deputy Chairman not to preside during removal ○ Article 93 – Speaker & Deputy Speaker of Lok Sabha ○ Article 94 – Vacation, resignation & removal of Speaker/Deputy Speaker ○ Article 95 – Deputy Speaker to act as Speaker ○ Article 96 – Speaker/Deputy Speaker not to preside during removal ○ Article 97 – Salaries & allowances of presiding officers ○ Article 98 – Secretariat of Parliament <p>Conduct of Business</p> <ul style="list-style-type: none"> ○ Article 99 – Oath or affirmation ○ Article 100 – Voting, quorum 	<p>LEGISLATURE</p> <ul style="list-style-type: none"> ○ Article 168 – Constitution of State Legislature ○ Article 169 – Creation/abolition of Legislative Council ○ Article 170 – Composition of Legislative Assembly ○ Article 171 – Composition of Legislative Council ○ Article 172 – Duration of State Legislature ○ Article 173 – Qualification of members ○ Article 174 – Sessions, prorogation & dissolution ○ Article 175 – Governor’s address & messages ○ Article 176 – Special address by Governor ○ Article 177 – Rights of Ministers & Advocate-General <p>Officers</p> <ul style="list-style-type: none"> ○ Article 178 – Speaker & Deputy Speaker ○ Article 179 – Vacation, resignation & removal (Speaker/Deputy) ○ Article 180 – Deputy Speaker to act as Speaker ○ Article 181 – Speaker/Deputy not to preside during removal ○ Article 182 – Chairman & Deputy Chairman of Council ○ Article 183 – Vacation, resignation & removal (Chairman/Deputy) ○ Article 184 – Deputy Chairman to act as Chairman ○ Article 185 – Chairman/Deputy not to preside during removal ○ Article 186 – Salaries & allowances of presiding officers ○ Article 187 – Secretariat of State Legislature <p>Conduct of Business</p> <ul style="list-style-type: none"> ○ Article 188 – Oath or affirmation ○ Article 189 – Voting, quorum

Disqualification

- Article 101 – Vacation of seats
- Article 102 – Disqualifications
- Article 103 – Decision on disqualification
- Article 104 – Penalty for sitting/voting when disqualified

Privileges

- Article 105 – Powers, privileges & immunities
- Article 106 – Salaries & allowances of MPs

Legislative Procedure

- Article 107 – Introduction & passing of Bills
- Article 108 – Joint sitting
- Article 109 – Special procedure for Money Bills
- Article 110 – Definition of Money Bill
- Article 111 – Assent to Bills

Financial Procedure

- Article 112 – Annual Financial Statement (Budget)
- Article 113 – Procedure on estimates
- Article 114 – Appropriation Bills
- Article 115 – Supplementary / additional / excess grants
- Article 116 – Vote on account, vote of credit, exceptional grants
- Article 117 – Financial Bills

General

- Article 118 – Rules of procedure
- Article 119 – Regulation by law of financial procedure
- Article 120 – Language in Parliament
- Article 121 – Restriction on discussion
- Article 122 – Courts not to inquire into proceedings

Ordinance

- Article 123 – Ordinance-making power of President Legislature

Disqualification

- Article 190 – Vacation of seats
- Article 191 – Disqualifications
- Article 192 – Decision on disqualification
- Article 193 – Penalty for sitting/voting when disqualified

Privileges

- Article 194 – Powers, privileges & immunities
- Article 195 – Salaries & allowances of members

Legislative Procedure

- Article 196 – Introduction & passing of Bills
- Article 197 – Restriction on Legislative Council
- Article 198 – Special procedure for Money Bills
- Article 199 – Definition of Money Bill
- Article 200 – Assent to Bills
- Article 201 – Bills reserved for President

Financial Procedure

- Article 202 – Annual Financial Statement
- Article 203 – Procedure on estimates
- Article 204 – Appropriation Bills
- Article 205 – Supplementary / additional / excess grants
- Article 206 – Vote on account, vote of credit
- Article 207 – Financial Bills

General

- Article 208 – Rules of procedure
- Article 209 – Regulation by law of financial procedure
- Article 210 – Language in Legislature
- Article 211 – Restriction on discussion
- Article 212 – Courts not to inquire into proceedings

Ordinance

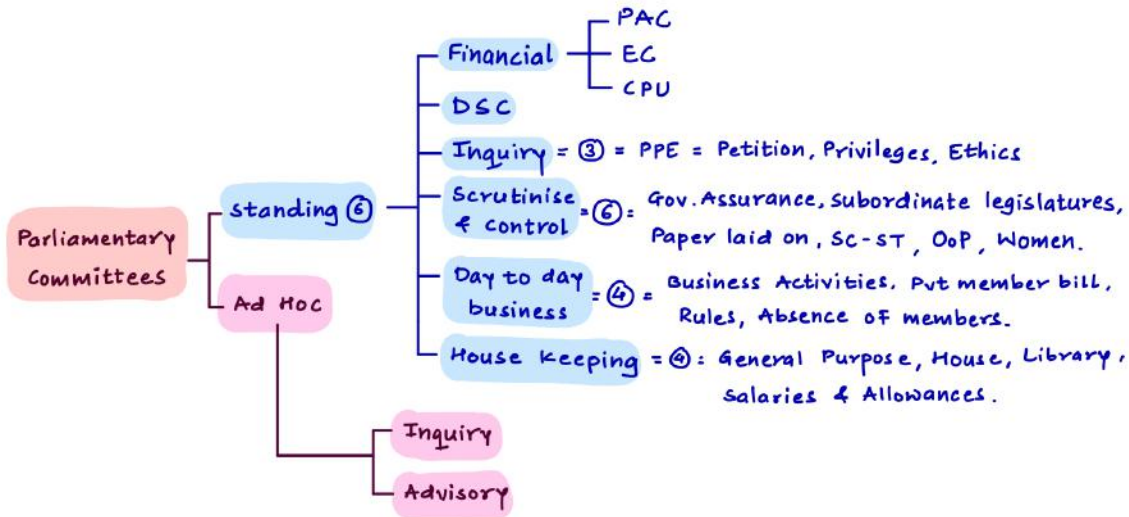
- Article 213 – Ordinance-making power of Governor

PARLIAMENTARY COMMITTEES

Constitutional Position

- Constitution mentions Parliamentary Committees, but no detailed provisions → details in Rules of Procedure.
- Consultative Committees ≠ Parliamentary Committees.
- Chairman of all Lok Sabha PCs → appointed by Speaker.
- Broad types: Standing Committees & Ad Hoc Committees.

STANDING COMMITTEES



Public Accounts Committee (PAC)	<ul style="list-style-type: none"> ○ Origin: 1921 (GoI Act, 1919) ○ Strength: 22 → 15 LS + 7 RS (elected by proportional representation) ○ Rajya Sabha members: Yes ○ Chairman: Appointed by Speaker, conventionally from Opposition (since 1967) ○ Ministers: Cannot be members 	<p>Core Functions:</p> <ul style="list-style-type: none"> ○ Examines CAG reports on: ○ Appropriation Accounts ○ Finance Accounts ○ Public Undertakings (audit aspect) ○ Checks waste, loss, corruption, excess expenditure ○ Examines autonomous/semi-autonomous bodies audited by CAG ○ Post-facto scrutiny (after money spent)
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Estimates Committee (EC)	<ul style="list-style-type: none"> ○ Origin: 1921 (Standing Financial Committee); 1950 – John Mathai ○ Strength: 30 (LS only) – maximum members ○ Rajya Sabha members: No ○ Chairman: From ruling party 	Core Functions: <ul style="list-style-type: none"> ○ Examines estimates included in Budget ○ Suggests economies in public expenditure ○ Recommends alternative policies for efficiency ○ Suggests improvements in organisation & administration ○ Focus on continuous economy
Committee on Public Undertakings (COPU)	<ul style="list-style-type: none"> ○ Origin: 1964 (Krishna Menon Committee) ○ Strength: 22 → 15 LS + 7 RS ○ Rajya Sabha members: Yes ○ Chairman: Only from Lok Sabha 	Core Functions: <ul style="list-style-type: none"> ○ Examines CAG reports on PSUs ○ Reviews autonomy & efficiency of PSUs ○ Studies management, administration & policies of PSUs ○ Does NOT examine: <ul style="list-style-type: none"> ○ Major government policy matters ○ Day-to-day administration ○ Matters under judicial consideration
Departmentally Related Standing Committees (DRSC / DSC)	<ul style="list-style-type: none"> ○ Origin: 1993 (on recommendation of Rules Committee) ○ Strength: 31 → 21 LS + 10 RS (Nominated) ○ Rajya Sabha members: Yes ○ Chairman: Appointed by Speaker / Chairman (RS) 	Core Functions: <ul style="list-style-type: none"> ○ Examines Demands for Grants of ministries ○ Scrutinises Bills referred to them ○ Examines annual reports of ministries ○ Considers long-term policy documents ○ Nature: Advisory, recommendatory, non-binding ○ Significance: Strengthens Parliamentary control over Executive
Committees to Inquire	<ol style="list-style-type: none"> 1. Committee on Petitions <ul style="list-style-type: none"> ○ LS: 15 RS: 10 ○ Examines petitions on Bills & MoP/G ○ Entertains representations on Union List matters 2. Committee of Privileges <ul style="list-style-type: none"> ○ LS: 15 RS: 10 ○ Semi-judicial ○ Examines breach of parliamentary privilege 	

	<p>3. Ethics Committee</p> <ul style="list-style-type: none"> ○ RS: 1997 LS: 2000 ○ Enforces Code of Conduct, discipline & decorum ○ Can take suo motu action
<p>Committees to Scrutinise & Control</p>	<p>1. Committee on Government Assurances (1953)</p> <ul style="list-style-type: none"> ○ LS: 15 RS: 10 ○ Ensures assurances on floor of House are implemented ○ Time limit: 3 months (extendable) <p>2. Committee on Subordinate Legislation (1953)</p> <ul style="list-style-type: none"> ○ Examines rule-making powers of Executive <p>3. Committee on Papers Laid on the Table (1975)</p> <ul style="list-style-type: none"> ○ Checks papers laid by ministers ○ Does NOT examine statutory notifications/orders (CoSL does) <p>4. Committee on Welfare of SC/ST</p> <ul style="list-style-type: none"> ○ Single Committee ○ LS: 20 RS: 10 ○ Examines NCSC & NCST reports + welfare issues <p>5. Committee on Empowerment of Women</p> <ul style="list-style-type: none"> ○ Single Committee ○ LS: 20 RS: 10 ○ Examines NCW reports ○ Reviews steps for dignity, equality, status <p>6. Joint Committee on Office of Profit</p> <ul style="list-style-type: none"> ○ Single Committee ○ LS: 10 RS: 5 ○ Decides whether an office = Office of Profit → disqualification
<p>Committees Related to Day-to-Day Business</p>	<p>1. Committee on Private Members' Bills</p> <ul style="list-style-type: none"> ○ Only in Lok Sabha (LS: 15, Deputy Speaker = Chair) ○ Classifies Bills & allocates time ○ RS equivalent → Business Advisory Committee <p>2. Committee on Absence of Members</p> <ul style="list-style-type: none"> ○ Only in Lok Sabha ○ RS: matter decided by House itself
<p>House-Keeping Committees</p>	<p>Joint Committee on Salaries & Allowances</p> <ul style="list-style-type: none"> ○ Strength: 15 (10 LS + 5 RS) ○ Frames rules under Salaries & Allowances of MPs Act, 1954 ○ Reports to Speaker/Chairman, not directly to House <p>Other Committees:</p> <ul style="list-style-type: none"> ○ Library Committee ○ General Purposes Committee ○ House Committee

Consultative Committees	<ul style="list-style-type: none"> ○ Attached to ministries/departments ○ Meet during or outside session ○ Minister = Chairman ○ Constituted by Mo Parliamentary Affairs ○ Voluntary membership ○ Dissolved with Lok Sabha dissolution
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PARLIAMENTARY FORUMS

■ What is a Parliamentary Forum?

- Informal platforms of Parliament for focused discussion on specific themes.
- Aim: Awareness, coordination, experience-sharing, not legislation.

Difference: Parliamentary Committee vs Parliamentary Forum

Parliamentary Committee	Parliamentary Forum
<ul style="list-style-type: none"> ○ Members: Fixed, limited ○ Number: Many committees ○ Nature: Department / subject-specific ○ Functioning: Works within ministries/departments ○ Interference: Can scrutinise departmental working 	<ul style="list-style-type: none"> ○ Members: Open to all interested MPs ○ Number: Only 8 forums ○ Nature: Broad, cross-cutting themes ○ Functioning: By Parliament as a whole ○ Interference: Does NOT interfere in departmental functioning

President of Parliamentary Forums	<ul style="list-style-type: none"> ○ President of all 8 Forums: Speaker of Lok Sabha (ex-officio) ○ EXCEPTION (only one): <ul style="list-style-type: none"> ■ Forum on Population & Public Health ■ Chairman: Rajya Sabha Chairman
Vice-Chairman	<ul style="list-style-type: none"> ○ Concerned Minister ○ Also Chairperson of related Departmentally Related Standing Committee (DRSC) ○ Acts as ex-officio Vice-Chairman of the Forum
Members	<ul style="list-style-type: none"> ○ Total members: 31 MPs ○ 21 from Lok Sabha ○ 10 from Rajya Sabha

Total Parliamentary Forums = 8	<ol style="list-style-type: none">1. Water2. Youth3. Children4. Population & Public Health5. Global Warming & Climate Change6. Disaster Management7. Millennium Development Goals (MDGs)8. Artisans & Craftsmen
INDIAN PARLIAMENTARY GROUP (IPG)	<ul style="list-style-type: none">○ Indian Parliamentary Group (IPG)○ Established: 1949○ IPG is part of: Inter-Parliamentary Union (IPU)○ IPU membership: Currently 153 countries○ Similar body: Commonwealth Parliamentary Association (CPA)○ Leadership:<ul style="list-style-type: none">■ The Speaker of the Lok Sabha is the ex-officio President of IPG.■ The Deputy Speaker of the Lok Sabha and The Deputy Chairman of the Rajya Sabha are ex-officio Vice-Presidents of the IPG.■ The Secretary-General of Lok Sabha is the ex-officio Secretary-General of the Indian Parliamentary Group.
Sovereignty of Parliament (SoP)	<ul style="list-style-type: none">○ Concept associated with British Parliament○ Core features:<ul style="list-style-type: none">■ Parliament can make any law, including substantive law■ No distinction between constitutional law and ordinary law■ Laws cannot be declared invalid by judiciary

SUPREME COURT AND HIGH COURT

<p>SUPREME COURT OF INDIA (Part V, Articles 124–147)</p>	<p>HIGH COURT (Part VI, Articles 214–231)</p>
<p>1. ESTABLISHMENT & STATUS</p> <ul style="list-style-type: none"> ○ Inaugurated on 28 January 1950 ○ Replaced the British Privy Council as the highest appellate body (1950) ○ India follows a single, integrated judicial system (not dual like USA) ○ Government of India Act, 1935 → foundation of federal court structure ○ Supreme Court is the final court of appeal in India ○ Acts as the custodian / guardian of the Constitution <p>2. SEAT OF SUPREME COURT (Art. 130)</p> <ul style="list-style-type: none"> ○ Constitution declares Delhi as the seat ○ Chief Justice of India (CJI) may appoint other places as seats ○ Such appointment requires President’s approval (Parliament has no role here) <p>3. JURISDICTION vs PARLIAMENT</p> <ul style="list-style-type: none"> ○ Parliament CANNOT curtail the jurisdiction of the Supreme Court ○ Parliament CAN extend SC jurisdiction by law ○ Reflects judicial supremacy over Parliament in constitutional matters <p>4. COMPOSITION OF SUPREME COURT</p> <ul style="list-style-type: none"> ○ Originally: CJI + 7 judges ○ 2019 notification: <ul style="list-style-type: none"> ■ Strength increased from 31 → 34 ■ Present strength = 33 judges + CJI ■ Number fixed by Parliament through law 	<p>1. ESTABLISHMENT & STRUCTURE</p> <ul style="list-style-type: none"> ○ Origin: 1862 <ul style="list-style-type: none"> ■ Calcutta, Bombay, Madras ○ 4th HC: Allahabad (1866) ○ One HC for each state ○ 7th Constitutional Amendment Act, 1956: <ul style="list-style-type: none"> ■ Parliament may establish common HC ■ For 2+ states or states + UT ○ Present strength (2025): 25 High Courts <p>2. CONSTITUTIONAL STATUS</p> <ul style="list-style-type: none"> ○ Article 214: <ul style="list-style-type: none"> ■ There shall be a High Court for each State ○ High Court is: <ul style="list-style-type: none"> ■ The highest judicial authority in the State ■ Subordinate only to the Supreme Court ■ Integral part of India’s integrated judicial system <p>3. COMPOSITION & STRENGTH</p> <ul style="list-style-type: none"> ○ Each HC consists of: <ul style="list-style-type: none"> ■ Chief Justice ■ Other judges ○ Constitution does NOT fix strength ○ Strength decided by President <ul style="list-style-type: none"> ■ Parliament has no role <p>4. APPOINTMENT OF HC JUDGES</p> <ul style="list-style-type: none"> ○ Chief Justice of HC <ul style="list-style-type: none"> ■ Appointed by President after consultation with:

5. APPOINTMENT OF JUDGES

- Authority
 - Judges appointed by President of India
- Chief Justice of India
 - President appoints after consultation with:
- Judges of Supreme Court
 - Judges of High Courts (as deemed necessary)
- Other Judges
 - President appoints after consultation with:
 - ◆ Chief Justice of India
 - ◆ Other judges of SC & HC (as required)
- Mandatory Consultation
 - Consultation with CJI is compulsory
 - Especially mandatory for appointment of judges other than CJI

6. JUDGES CASES (COLLEGIUM SYSTEM)

- 1st Judges Case (1982)
 - → Consultation NOT binding
- 2nd Judges Case (1993)
 - → Consultation of CJI became binding
- 3rd Judges Case (1998)
 - → Collegium system established
 - CJI + 4 senior-most judges

7. NJAC (IMPORTANT UPSC POINT)

- 99th Constitutional Amendment Act, 2015
- NJAC = CJI + 2 senior judges + Law Minister + 2 eminent persons
- Declared unconstitutional & void by SC (2015)
- Reason: Violates judicial independence

8. QUALIFICATIONS OF SC JUDGES

A person must be:

- Citizen of India, AND
- Either:
 - Judge of a High Court for 5 years, OR
 - Advocate of a High Court for 10 years, OR
 - Distinguished jurist (President's opinion)
- Constitution does NOT prescribe minimum age

- ◆ CJI
- ◆ Governor of State

- Other Judges
 - Appointed by President after consultation with:
 - ◆ CJI
 - ◆ Chief Justice of HC
 - ◆ Governor

5. QUALIFICATIONS (HC)

- Citizen of India
- Either:
 - Judicial office in India for 10 years
 - Advocate of HC for 10 years
- No provision for distinguished jurist

6. OATH

- Before Governor of the State

7. TENURE OF HIGH COURT JUDGES

- Constitution does NOT fix tenure
- Holds office until 62 years of age
- Judge may:
 - Resign by writing to the President

8. REMOVAL OF HIGH COURT JUDGES

- Grounds (Same as SC)
 - Misbehavior
 - Incapacity
- Procedure
 - Identical to Supreme Court judges:
 - Motion signed by:
 - ◆ 100 LS members OR
 - ◆ 50 RS members
 - Special majority in both Houses
 - Address presented to President
 - Removal is Parliament-controlled, not judiciary-controlled

9. TRANSFER OF HIGH COURT JUDGES

- Article 222
- President can transfer a judge:
 - From one High Court to another
- Consultation with CJI mandatory

10. ACTING, ADDITIONAL & RETIRED JUDGES (HC)

9. OATH

- SC Judge takes oath before the President of India

10. TENURE OF SC JUDGES

- Tenure NOT fixed
- Holds office until 65 years
- Can resign by writing to the President

11. REMOVAL OF SC JUDGES

- Grounds
 - Misbehavior
 - Incapacity
- Procedure
 - Motion signed by:
 - ◆ 100 LS members OR
 - ◆ 50 RS members
 - Speaker (LS) / Chairman (RS):
 - ◆ May admit OR refuse
 - Motion passed by special majority in both Houses
 - Address presented to President → Removal
- Law Governing Procedure
 - Judges Enquiry Act, 1968
- No Supreme Court judge has been impeached till date

12. ACTING, AD HOC & RETIRED JUDGES (SC)

- Acting CJI (Art. 126)
 - President appoints when:
 - ◆ Office vacant
 - ◆ CJI absent / unable to perform duties
- Ad Hoc Judge (Art. 127)
 - When lack of quorum
 - CJI appoints HC judge temporarily
- Retired Judges (Art. 128)
 - CJI may request:
 - ◆ Retired SC judge OR
 - ◆ Retired HC judge
 - Temporary arrangement only

13. JURISDICTION OF SUPREME COURT**A. ORIGINAL JURISDICTION (Art. 131)**

- Exclusive + Original
 - Disputes between:
 - ◆ Union vs State(s)

(A) Acting Chief Justice

- Appointed by President when:
 - Office of CJ is vacant
 - CJ is absent or unable to perform duties

(B) Additional Judges

- Appointed to clear temporary workload
- Tenure:
 - Not exceeding 2 years
 - Appointed by President

(C) Retired Judges of High Court

- Chief Justice of a High Court may request:
 - A retired judge of that HC, OR
 - A retired judge of another HC
- Temporary arrangement

11. JURISDICTION AND POWERS OF HIGH COURT**A. ORIGINAL JURISDICTION**

- High Court can hear cases in first instance relating to:
 - Admiralty matters
 - Contempt of court
 - Election disputes
 - ◆ Election of MPs and MLAs
 - Revenue matters
 - Enforcement of Fundamental Rights
 - Cases transferred from subordinate courts involving:
 - ◆ Interpretation of Constitution

B. WRIT JURISDICTION (Article 226)

- High Court can issue writs for:
 - Fundamental Rights
 - Other legal rights
- Writ jurisdiction of HC:
 - Wider than Supreme Court
 - Concurrent, not exclusive

Key Prelims contrast:

- SC → FR only
- HC → FR + legal rights

C. APPELLATE JURISDICTION

- High Court is primarily a court of appeal

<ul style="list-style-type: none"> ◆ Union + State(s) vs State(s) ◆ State vs State ■ Must involve question of legal right ○ DOES NOT EXTEND TO: <ul style="list-style-type: none"> ■ Pre-constitutional treaties ■ Inter-State Water Disputes ■ Matters referred to Finance Commission <p>B. WRIT JURISDICTION (Art. 32)</p> <ul style="list-style-type: none"> ○ For enforcement of Fundamental Rights only ○ Citizen can directly approach SC ○ Original but NOT exclusive ○ HC writ jurisdiction is wider <p>C. APPELLATE JURISDICTION</p> <ul style="list-style-type: none"> ○ Appeals in: <ul style="list-style-type: none"> ■ Constitutional matters ■ Civil matters ■ Criminal matters ■ Special Leave Petition (Art. 136) <p>D. ADVISORY JURISDICTION (Art. 143)</p> <p>President may seek SC opinion on:</p> <ul style="list-style-type: none"> ○ Question of law or fact of public importance <ul style="list-style-type: none"> ■ → SC may refuse ○ Dispute from pre-constitution treaty <ul style="list-style-type: none"> ■ → SC must give opinion ○ Advisory opinion is NOT binding <p>E. JUDICIAL REVIEW</p> <ul style="list-style-type: none"> ○ Power to examine constitutionality of: <ul style="list-style-type: none"> ■ Legislative enactments ■ Executive orders ○ Of both Union & State governments ○ Though term not mentioned, flows from: <ul style="list-style-type: none"> ■ Articles 13, 32 <p>F. COURT OF RECORD (Art. 129)</p> <ul style="list-style-type: none"> ○ Judgments = permanent records ○ Have evidentiary value ○ Power to punish for contempt ○ Contempt defined under: <ul style="list-style-type: none"> ■ Contempt of Courts Act, 1971 	<ul style="list-style-type: none"> ○ Hears appeals against: <ul style="list-style-type: none"> ■ Judgments of subordinate courts ○ Covers: <ul style="list-style-type: none"> ■ Civil cases ■ Criminal cases <p>D. SUPERVISORY JURISDICTION (Article 227)</p> <ul style="list-style-type: none"> ○ High Court has superintendence over: <ul style="list-style-type: none"> ■ All courts and tribunals in its territory ○ Excludes: <ul style="list-style-type: none"> ■ Military courts ■ Tribunals related to armed forces <p>E. POWER OF JUDICIAL REVIEW</p> <ul style="list-style-type: none"> ○ High Court can examine constitutionality of: <ul style="list-style-type: none"> ■ Central laws ■ State laws ■ Executive orders ○ Judicial review applies to: <ul style="list-style-type: none"> ■ Both Union and State governments ○ Term "judicial review" not mentioned in Constitution <ul style="list-style-type: none"> ■ → Derived from Articles 13 and 226 <p>F. COURT OF RECORD</p> <ul style="list-style-type: none"> ○ High Court is a Court of Record ○ Powers include: <ul style="list-style-type: none"> ■ Judgments have evidentiary value ■ Can punish for contempt of court <p>G. LIMITATION ON HIGH COURT</p> <ul style="list-style-type: none"> ○ High Court cannot review or correct its own judgment ○ Bound by its previous decisions <div style="background-color: #e91e63; color: white; padding: 10px; border-radius: 10px; margin-top: 10px;"> <p>PRELIMS QUICK TRAPS:</p> <ul style="list-style-type: none"> ○ HC strength → President, not Parliament ○ HC writ → FR + legal rights ○ HC retirement age → 62 ○ HC judge oath → Governor ○ HC judicial review → Central + State laws ○ HC cannot review its own judgment </div>
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G. CONSTITUTIONAL INTERPRETATION

- Supreme Court is the final interpreter of the Constitution

14. OTHER POWERS OF SC

- Decides disputes related to:
 - Election of President & Vice-President
- Inquires into conduct of:
 - Chairman & Members of UPSC
- Power to:
 - Review its own judgments
 - Withdraw cases from High Courts
- Judicial superintendence over:
 - All courts & tribunals in India

PREVIOUS YEAR QUESTIONS

A Writ of Prohibition is an order issued by the Supreme Court or High Courts to: (2024)

- (a) A government officer prohibiting him from taking a particular action.
- (b) The Parliament/Legislative Assembly to pass a law on Prohibition.
- (c) The lower court prohibiting the continuation of proceedings in a case.
- (d) The Government prohibiting it from following an unconstitutional policy.

Consider the following statements: (2022)

1. Pursuant to the report of H.N. Sanyal Committee, the Contempt of Courts Act, 1971 was passed.
2. The Constitution of India empowers the Supreme Court and the High Court to punish for contempt of themselves.
3. The Constitution of India defines Civil Contempt and Criminal Contempt.
4. In India, the Parliament is vested with the powers to make laws on Contempt of Court.

Which of the above statements given above is/are correct?

- (a) 1 and 2 only
- (b) 1, 2 and 4
- (c) 3 and 4 only
- (d) 3 only

With reference to India, consider the following statements: (2022)

1. Government law officers and legal firms are recognised as advocates, but corporate lawyers and patent attorneys are excluded from recognition as advocates.
2. Bar Councils have the power to lay down the rules relating to legal education and recognition of law colleges.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Which of the following are included in the original jurisdiction of the Supreme Court? (2012)

1. A dispute between the Government of India and one or more States.
2. A dispute regarding elections to either House of the Parliament or that of Legislature of a State.
3. A dispute between the Government of India and a Union Territory.
4. A dispute between two or more States.

Select the correct answer using the codes given below:

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 4
- (d) 3 and 4

∴ The power of the Supreme Court of India to decide disputes between the Centre and the States falls under its: (2014)

- (a) advisory jurisdiction
- (b) appellate jurisdiction
- (c) original jurisdiction
- (d) writ jurisdiction

What is the provision to safeguard the autonomy of the Supreme Court of India? (2012)

1. While appointing the Supreme Court Judges, the President of India has to consult the Chief Justice of India.
2. The Supreme Court Judges can be removed by the Chief Justice of India only.
3. The salaries of the Judges are charged on the Consolidated Fund of India to which the legislature does not have to vote.
4. All appointments of officers and staff of the Supreme Court of India are made by the Government only after consulting the Chief Justice of India.

Which of the statements given above is/are correct?

- (a) 1 and 3 only
- (b) 3 and 4 only
- (c) 4 only
- (d) 1, 2, 3 and 4

∴ The power to increase the number of judges in the Supreme Court of India is vested in (2014)

- (a) The President of India
- (b) the Parliament
- (c) The Chief Justice of India
- (d) the Law Commission

∴ With reference to Indian judiciary, consider the following statements: (2021)

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with prior permission of the President of India.
2. A High Court in India has the power to review its own judgement as the Supreme Court does.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

∴ Consider the following statements: (2019)

1. The motion to impeach a Judge of the Supreme Court of India cannot be rejected by the Speaker of the Lok Sabha as per the Judges (Inquiry) Act, 1968.
2. The Constitution of India defines and gives details of what constitutes 'incapacity and proved misbehaviour' of the Judges of the Supreme Court of India.
3. The details of the process of impeachment of the Judges of the Supreme Court of India are given in the Judges (Inquiry) Act, 1968.
4. If the motion for the impeachment of a Judge is taken up for voting, the law requires the motion to be backed by each House of the Parliament and supported by a majority of total membership of that House and by not less than two-thirds of total members of that House present and voting.

Which of the statements given above is/are correct?

- (a) 1 and 2
- (b) 3 only
- (c) 3 and 4 only
- (d) 1, 3 and 4

∴ With reference to the Constitution of India, prohibition or limitations or provisions contained in ordinary laws cannot act as prohibitions or limitations on the constitutional powers under Article 142. It could mean which one of the following. (2019)

- (a) The decisions taken by the Election Commission of India while discharging its duties cannot be challenged in any court of law.
- (b) The Supreme Court of India is not constrained in the exercise of its powers by laws made by the Parliament.
- (c) In the event of a grave financial crisis in the country, the President of India can declare a Financial Emergency without the counsel from the Cabinet.
- (d) State Legislatures cannot make laws on certain matters without the concurrence of the Union Legislature.

∴ Who/Which of the following is the custodian of the Constitution of India? (2015)

- (a) The President of India
- (b) The Prime Minister of India
- (c) The Lok Sabha Secretariat
- (d) The Supreme Court of India

JUDICIAL REVIEW

■ ORIGIN & EVOLUTION

ORIGIN & EVOLUTION	<ul style="list-style-type: none"> ○ The doctrine of Judicial Review originated and developed in the USA ○ Landmark case: ○ Marbury vs Madison (1803) → Established judicial review in the US ○ India borrowed the concept, but modified its scope
STATUS IN INDIAN CONSTITUTION	<ul style="list-style-type: none"> ○ The term “Judicial Review” is NOT explicitly mentioned anywhere in the Constitution of India ○ However: ○ The Supreme Court has declared Judicial Review as a BASIC FEATURE of the Constitution ○ Hence, it is part of the Basic Structure Doctrine ○ Parliament cannot remove or dilute judicial review through constitutional amendment
MEANING	<ul style="list-style-type: none"> ○ Judicial Review is the power of the judiciary to examine the constitutionality of legislative enactments and executive orders of BOTH the Central and State governments ○ Covers: <ul style="list-style-type: none"> ■ Laws passed by Parliament ■ Laws passed by State Legislatures ■ Executive actions / orders of Union & States
OBJECTIVES / NEED FOR JUDICIAL REVIEW	<p>Judicial Review is essential to:</p> <ul style="list-style-type: none"> ○ Uphold Supremacy of the Constitution ○ Maintain Federal Equilibrium ○ Balance between Centre and States ○ Protect Fundamental Rights of citizens ○ Prevent arbitrary use of power by Legislature and Executive

<p>CONSTITUTIONAL BASIS OF JUDICIAL REVIEW</p>	<p>■ Key Articles Conferring Judicial Review Power</p> <hr/> <p>1. Article 13</p> <ul style="list-style-type: none"> ○ Declares that: <ul style="list-style-type: none"> ■ Any law inconsistent with or in derogation of Fundamental Rights shall be null and void ○ Applies to: <ul style="list-style-type: none"> ■ Pre-constitutional laws ■ Post-constitutional laws ○ Core foundation of judicial review in India <p>2. Article 32 (Supreme Court)</p> <ul style="list-style-type: none"> ○ Guarantees the Right to Constitutional Remedies ○ Empowers Supreme Court to: <ul style="list-style-type: none"> ■ Issue writs for enforcement of Fundamental Rights ○ SC → Guardian of Fundamental Rights <p>3. Article 226 (High Courts)</p> <ul style="list-style-type: none"> ○ Empowers High Courts to issue writs: <ul style="list-style-type: none"> ■ For Fundamental Rights ■ AND for any other purpose (legal rights) ○ Writ jurisdiction of HC is: <ul style="list-style-type: none"> ■ Wider than Supreme Court ■ Concurrent, not exclusive <p>4. Article 372</p> <ul style="list-style-type: none"> ○ Deals with: <ul style="list-style-type: none"> ■ Continuance of pre-Constitution laws ○ Such laws are subject to: <ul style="list-style-type: none"> ■ Judicial review for consistency with the Constitution <p>5. Other Supporting Articles</p> <ul style="list-style-type: none"> ○ Article 131 – Original jurisdiction of SC ○ Article 132 – Constitutional appeals ○ Article 134 – Criminal appeals ○ Article 136 – Special Leave Petition ○ Article 143 – Advisory jurisdiction ○ Article 245 & 246 – Legislative competence 				
<p>WHO CAN EXERCISE JUDICIAL REVIEW?</p>	<ul style="list-style-type: none"> ○ Supreme Court ○ High Courts ○ Subordinate courts do not exercise judicial review 				
<p>SCOPE OF JUDICIAL REVIEW IN INDIA</p>	<ul style="list-style-type: none"> ○ Judicial review in India is: <ul style="list-style-type: none"> ■ NARROWER than the USA ○ Why? <table border="1" data-bbox="451 1766 1469 1904"> <thead> <tr> <th data-bbox="451 1766 972 1818">USA</th> <th data-bbox="972 1766 1469 1818">India</th> </tr> </thead> <tbody> <tr> <td data-bbox="451 1818 972 1904">Follows Due Process of Law Courts examine substance + procedure</td> <td data-bbox="972 1818 1469 1904">Follows Procedure Established by Law Courts examine procedure only</td> </tr> </tbody> </table>	USA	India	Follows Due Process of Law Courts examine substance + procedure	Follows Procedure Established by Law Courts examine procedure only
USA	India				
Follows Due Process of Law Courts examine substance + procedure	Follows Procedure Established by Law Courts examine procedure only				

JUDICIAL REVIEW & BASIC STRUCTURE	<ul style="list-style-type: none"> ○ Supreme Court has ruled: <ul style="list-style-type: none"> ■ Judicial review is an essential feature of: <ul style="list-style-type: none"> ◆ Rule of Law ◆ Constitutional supremacy ○ Any amendment: <ul style="list-style-type: none"> ■ Removing judicial review → UNCONSTITUTIONAL
WHAT CAN BE RE-VIEWED?	<p>Judiciary can review:</p> <ul style="list-style-type: none"> ○ Constitutional validity of: <ul style="list-style-type: none"> ■ Central laws ■ State laws ■ Executive orders ■ Ordinances ■ Rules & regulations ○ Judiciary does NOT review: <ul style="list-style-type: none"> ■ Political wisdom of laws ■ Policy merits (unless constitutional violation)
JUDICIAL REVIEW OF THE NINTH SCHEDULE	<ol style="list-style-type: none"> 1. ARTICLE 31B – CORE PROVISION <ul style="list-style-type: none"> ○ Article 31B protects the Acts and regulations included in the Ninth Schedule from being: <ul style="list-style-type: none"> ■ Challenged ■ Invalidated ○ Protection is specifically against violation of Fundamental Rights 2. ORIGIN OF THE NINTH SCHEDULE <ul style="list-style-type: none"> ○ Article 31B along with the Ninth Schedule was added by: <ul style="list-style-type: none"> ■ 1st Constitutional Amendment Act, 1951 ○ Original purpose: <ul style="list-style-type: none"> ■ To protect land reform laws from judicial challenge 3. EARLIER POSITION (BEFORE 2007) <ul style="list-style-type: none"> ○ Laws placed in the Ninth Schedule enjoyed virtual immunity from: <ul style="list-style-type: none"> ■ Judicial review ■ Fundamental Rights challenge 4. LANDMARK JUDGMENT – I.R. COELHO CASE (2007) <ul style="list-style-type: none"> ○ Supreme Court delivered a significant and final clarification ○ Court ruled: <ul style="list-style-type: none"> ■ There cannot be blanket immunity from judicial review for laws placed in the Ninth Schedule ■ Judicial review is a BASIC FEATURE of the Constitution ■ Judicial review cannot be taken away merely by placing a law under the Ninth Schedule

5. CRITICAL CUT-OFF DATE – 24 APRIL 1973

- Supreme Court held:
 - Laws placed in the Ninth Schedule AFTER 24 April 1973 are:
 - ◆ Open to judicial challenge
- If such laws violate:
 - Fundamental Rights under Articles 14, 15, 19, and 21, OR
 - The Basic Structure of the Constitution

6. WHY 24 APRIL 1973 IS IMPORTANT

- On 24 April 1973, the Supreme Court:
 - First propounded the doctrine of Basic Structure
- Landmark case:
 - Kesavananda Bharati judgment
- Hence:
 - Any law (even in Ninth Schedule) post-1973 must satisfy:
 - ◆ Basic Structure test

7. PRESENT LEGAL POSITION

- Laws in Ninth Schedule:
 - Before 24 April 1973 → Generally protected
 - After 24 April 1973 → Subject to judicial review
- Judicial review:
 - Is a basic feature
 - Cannot be excluded by constitutional device

PREVIOUS YEAR QUESTIONS

Consider the following statements:

(2020)

1. The Constitution of India defines its structure in terms of federalism, secularism, fundamental rights and democracy.
2. The Constitution of India provides for 'Judicial review' to safeguard the citizens' liberties and to preserve the ideals on which the Constitution is based.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
 (c) Both 1 and 2 (d) Neither 1 nor 2

In India, Judicial Review implies:

(2017)

- (a) the power of the Judiciary to pronounce upon the constitutionality of laws and executive orders.
- (b) the power of the Judiciary to question the wisdom of the laws enacted by the Legislatures.
- (c) the power of the Judiciary to review all the legislative enactments before they are assented to by the President.
- (d) the power of the Judiciary to review its own judgements given earlier in similar or different cases

JUDICIAL ACTIVISM

ORIGIN	<ul style="list-style-type: none"> ○ The concept of Judicial Activism originated and developed in the USA ○ The term was coined by Arthur Schlesinger Jr. (1934)
JUDICIAL ACTIVISM IN INDIA	<ul style="list-style-type: none"> ○ In India, the doctrine of judicial activism was introduced in the mid-1970s ○ Major judges associated with its development: <ul style="list-style-type: none"> ■ Justice V.R. Krishna Iyer ■ Justice P.N. Bhagwati ■ Justice O. Chinnappa Reddy ■ Justice D.A. Desai ○ Period significance: ○ 1970s → Shift from Locus Standi restrictions to judicial activism
MEANING OF JUDICIAL ACTIVISM	<ul style="list-style-type: none"> ○ Judicial activism refers to the proactive role played by the judiciary in: <ul style="list-style-type: none"> ■ Protection of rights of citizens ■ Promotion of justice in society ○ It implies an assertive role of the judiciary to: <ul style="list-style-type: none"> ■ Compel the legislature and executive ■ To discharge their constitutional duties ○ Judiciary goes beyond passive interpretation and actively intervenes where required to uphold constitutional values
RELATION WITH PUBLIC INTEREST LITIGATION (PIL)	<ul style="list-style-type: none"> ○ Judicial activism is closely related to Public Interest Litigation (PIL) ○ PIL is a tool/instrument through which judicial activism operates ○ PIL relaxes traditional rules such as: <ul style="list-style-type: none"> ■ Locus standi ○ PIL petitions can even be treated as: <ul style="list-style-type: none"> ■ Amicus Curiae-based interventions (as indicated in notes)

<p>JUDICIAL ACTIVISM VS JUDICIAL RESTRAINT</p>	<p style="text-align: center;">Judicial Activism</p> <p>Judiciary plays an active and interventionist role Focus:</p> <ul style="list-style-type: none"> ○ Rights protection ○ Constitutional enforcement ○ Accountability of legislature & executive 	<p style="text-align: center;">Judicial Restraint</p> <ul style="list-style-type: none"> ○ Judicial activism and judicial restraint are the two alternative judicial philosophies (especially in the USA) <p>Those who believe in judicial restraint argue:</p> <ul style="list-style-type: none"> ○ The role of judges should be scrupulously limited ○ Judges should only say what the law is <p>Law-making must remain with:</p> <ul style="list-style-type: none"> ○ Legislature ○ Executive <p>Judiciary should not encroach upon policy matters</p>
<p>PUBLIC INTEREST LITIGATION (PIL)</p>	<p>Justice V.R. Krishna Iyer and Justice P.N. Bhagwati were:</p> <ul style="list-style-type: none"> ○ Pioneers of PIL in India <p>PIL is also known as:</p> <ul style="list-style-type: none"> ○ Social Action Litigation (SAL) ○ Social Interest Litigation (SIL) ○ Class Action Litigation (CAL) 	
<p>PIL GUIDELINES</p>	<p>In 1998, the Supreme Court formulated guidelines for:</p> <ul style="list-style-type: none"> ○ Entertaining letters or petitions as PIL <p>These guidelines were:</p> <ul style="list-style-type: none"> ○ Modified in 1993 ○ Further modified in 2003 	
<p>TRIBUNALS (Part XIV-A)</p>		
<p>CONSTITUTIONAL POSITION</p>	<ul style="list-style-type: none"> ○ Original Constitution → No provision for tribunals ○ 42nd Constitutional Amendment Act, 1976 → added Part XIV-A ○ Part XIV-A = "Tribunals" ○ Contains ONLY TWO ARTICLES: <ul style="list-style-type: none"> ■ Article 323A → Administrative Tribunals ■ Article 323B → Tribunals for other matters 	
<p>ARTICLE 323A – ADMINISTRATIVE TRIBUNALS</p>	<p>Core Features</p> <ul style="list-style-type: none"> ○ Empowers Parliament to: <ul style="list-style-type: none"> ■ Remove adjudication of service matters ■ From civil courts and High Courts ■ And place them before Administrative Tribunals 	

	<p>Scope</p> <ul style="list-style-type: none"> ○ Deals ONLY with service matters ○ Applicable to: <ul style="list-style-type: none"> ■ Recruitment ■ Conditions of service of public servants
<p>CENTRAL ADMINISTRATIVE TRIBUNAL (CAT)</p>	<p>Establishment</p> <ul style="list-style-type: none"> ○ Established in 1985 ○ Under Administrative Tribunals Act, 1985 ○ Set up during Presidentship of Rajiv Gandhi (UPSC 2009) <p>Structure</p> <ul style="list-style-type: none"> ○ Principal Bench → Delhi ○ Additional benches → in different States <p>Jurisdiction</p> <ul style="list-style-type: none"> ○ Original jurisdiction (NOT appellate) ○ Covers: <ul style="list-style-type: none"> ■ Recruitment ■ All service matters of public servants <p>Coverage</p> <ul style="list-style-type: none"> ○ All-India Services ○ Central Civil Services ○ Civil posts under the Centre ○ Civilian employees of Defence Services <p>Important Notes</p> <ul style="list-style-type: none"> ○ CAT is: <ul style="list-style-type: none"> ■ Guided by principles of Natural Justice ■ NOT bound by CPC, 1908 ○ Objective: <ul style="list-style-type: none"> ■ Speedy ■ Inexpensive ■ Specialised adjudication
<p>STATE ADMINISTRATIVE TRIBUNALS (SATs)</p>	<ul style="list-style-type: none"> ○ Provided under Administrative Tribunals Act, 1985 ○ Central Government empowered to establish SATs ○ Only on specific request of the concerned State Government ○ Jurisdiction: <ul style="list-style-type: none"> ■ Service matters of State employees ○ SAT = Original jurisdiction, not appellate

ARTICLE 323B – TRIBUNALS FOR OTHER MATTERS	<p>Authority</p> <ul style="list-style-type: none"> ○ Parliament AND State Legislatures can establish tribunals <p>Matters Covered</p> <ol style="list-style-type: none"> 1. Tribunals can be set up for disputes relating to: 2. Taxation 3. Foreign exchange, import and export 4. Industrial and labour matters 5. Land reforms 6. Ceiling on urban property 7. Elections to Parliament and State Legislatures 8. Food stuffs
IMPORTANT CONSTITUTIONAL ISSUE	<p>Initially:</p> <ul style="list-style-type: none"> ○ Appeals from tribunals → ONLY Supreme Court ○ High Courts excluded <p>Later judicial position (as noted):</p> <ul style="list-style-type: none"> ○ HC judicial review restored ○ Complete exclusion of HC → unconstitutional <p>Hence:</p> <ul style="list-style-type: none"> ○ Tribunal decisions → subject to HC’s judicial review

SUBORDINATE COURTS

APPOINTMENT, POSTING & PROMOTION	<p>(A) District Judge</p> <ul style="list-style-type: none"> ○ Appointed by Governor ○ Consultation with High Court ○ NO role of State Public Service Commission (SPSC) <p>(B) Other Judicial Officers (below District Judge)</p> <ul style="list-style-type: none"> ○ Appointed by Governor ○ Consultation with: <ul style="list-style-type: none"> ■ High Court ■ State Public Service Commission (SPSC)
CONTROL OVER SUBORDINATE COURTS	<p>Control vested in High Court</p> <ul style="list-style-type: none"> ○ Includes: <ul style="list-style-type: none"> ■ Posting ■ Promotion ■ Transfer ○ Applies to: <ul style="list-style-type: none"> ■ Judicial service inferior to District Judge ■ Control does NOT include appointment

ORGANISATION OF SUBORDINATE COURTS	<ul style="list-style-type: none"> ○ NOT uniform throughout India ○ Varies from State to State
HIERARCHY OF SUBORDINATE COURTS	<p>(A) CIVIL COURTS</p> <p style="text-align: center;">District Judge Court ↓ Subordinate Judge Court ↓ Munsif Court ↓ Small Cause Court / Lok Adalat</p> <p>(B) CRIMINAL COURTS</p> <p style="text-align: center;">District & Sessions Court ↓ Chief Judicial Magistrate Court ↓ Judicial Magistrate Court</p> <p>(C) REVENUE COURTS</p> <p style="text-align: center;">Board of Revenue ↓ Commissioner & Collector ↓ Tehsildar</p>
PREVIOUS YEAR QUESTIONS	

With reference to National Legal Services Authority consider the following statements: (2013)

1. Its objective is to provide free and competent legal services to the weaker section of the society on the basis of equal opportunity.
2. It issues guidelines for the State Legal Services Authorities to implement the legal programmes and schemes throughout the country.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor

NATIONAL LEGAL SERVICES AUTHORITY (NALSA)

CONSTITUTIONAL BASIS	<p>Article 39A (DPSP):</p> <ul style="list-style-type: none"> ○ Provides for FREE LEGAL AID ○ Target groups: <ul style="list-style-type: none"> ■ Poor ■ Weaker sections of society ○ Objective: <ul style="list-style-type: none"> ■ Ensures justice for all ■ Prevents denial of justice due to economic or other disabilities <p>Article 14:</p> <ul style="list-style-type: none"> ○ Equality before law ○ Equal protection of laws <p>Article 22(1):</p> <ul style="list-style-type: none"> ○ Right to consult and be defended by a legal practitioner <p>Articles 14 + 22(1) make it obligatory for the State to ensure:</p> <ul style="list-style-type: none"> ○ A legal system ○ Promoting justice on the basis of equal opportunity
STATUTORY BASIS	<ul style="list-style-type: none"> ○ Legal Services Authorities Act, 1987 <ul style="list-style-type: none"> ■ Enacted in 1987 ■ Provides the institutional framework for legal aid in India
ORGANISATIONAL STRUCTURE	<p>Hierarchical Setup</p> <p style="text-align: center;">NALSA (National Level) Head: Chief Justice of India (CJI)</p> <p style="text-align: center;">↓</p> <p style="text-align: center;">SLSA – State Legal Services Authority Head: Chief Justice of High Court (CJHC)</p> <p style="text-align: center;">↓</p> <p style="text-align: center;">DLSA – District Legal Services Authority Head: Chief Judicial Magistrate / District Judge (CJD / DJ) (as indicated in notes as “CJDC”)</p>
BENEFICIARIES	<ul style="list-style-type: none"> ○ Persons whose annual income is less than ₹5,00,000 <ul style="list-style-type: none"> ■ Eligible for free legal aid
CORE OBJECTIVE	<ul style="list-style-type: none"> ○ Provide free and competent legal services ○ Ensure access to justice ○ Operationalise constitutional mandate under Article 39A

LOK ADALATS

Meaning & Nature	<ul style="list-style-type: none"> ○ ‘Lok Adalat’ = People’s Court ○ Based on Gandhian principles ○ Part of ADR (Alternative Dispute Resolution) mechanism
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Rationale	<ul style="list-style-type: none"> ○ Indian courts face huge pendency ○ Regular court procedure is: <ul style="list-style-type: none"> ■ Lengthy ■ Expensive ■ Tedious ■ → Lok Adalats provide speedy, inexpensive justice
Historical Fact	<ul style="list-style-type: none"> ○ First Lok Adalat camp (post-Independence): <ul style="list-style-type: none"> ■ Gujarat, 1982
Statutory Status	<ul style="list-style-type: none"> ○ Given statutory status under: <ul style="list-style-type: none"> ■ Legal Services Authorities Act, 1987
Fees	<ul style="list-style-type: none"> ○ No court fee ○ If court fee already paid → Refunded on settlement
Award of Lok Adalat	<ul style="list-style-type: none"> ○ Binding on parties ○ Has status of a decree of a civil court ○ Non-appealable ○ Settlement based on mutual consent

PERMANENT LOK ADALATS (PLA)	<p>Statutory Basis</p> <ul style="list-style-type: none"> ○ Legal Services Authorities Act, 1987 ○ Amended in 2002 to introduce Permanent Lok Adalats <p>Jurisdiction</p> <ul style="list-style-type: none"> ○ Deals with public utility services ○ No jurisdiction over non-compoundable offences <p>Composition</p> <ul style="list-style-type: none"> ○ Chairman: <ul style="list-style-type: none"> ■ Has been a District Judge / Additional District Judge ■ OR held judicial office higher than District Judge <p>Pecuniary Jurisdiction</p> <ul style="list-style-type: none"> ○ Up to ₹10 lakh <p>Nature of Award</p> <ul style="list-style-type: none"> ○ Award is: <ul style="list-style-type: none"> ■ Final ■ Binding on all parties <p>Types of Cases</p> <ul style="list-style-type: none"> ○ Civil cases ○ Matrimonial disputes ○ Land disputes ○ Partition / Property disputes ○ Labour disputes ○ Only compoundable cases
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FAMILY COURTS**Nature**

- Statutory court
- Specialised → deals exclusively with family matters

Establishment

- Established by State Government
- Mandatory consultation with High Court

Mandatory Setup

- Compulsory in cities with population ≥ 1 million

Appeal

- Only ONE appeal
- Appeal lies directly to the High Court

GRAM NYAYALAYAS**Statutory Basis**

- Gram Nyayalayas Act, 2008

Objective

- Establish courts at grass-roots level
- Provide justice at citizens' doorsteps

Nature of Court

- Court of Judicial Magistrate First Class
- Presiding Officer:
 - Nyayadhikari
 - Appointed by State Government in consultation with High Court

Territorial & Functional Nature

- Mobile court
- Exercises powers of:
 - Criminal Court
 - Civil Court

Dispute Resolution

- Must attempt conciliation first
- Uses conciliators for settlement

Procedure

- Not bound by:
 - Indian Evidence Act, 1872
- Guided by principles of Natural Justice
- Subject to rules made by High Court

Appeals

- Criminal appeals lie to:
 - Court of Session
- Appeal to be:
 - Heard and disposed within 6 months

Part XXI | Articles 371 to 371J

- Originally: 12 States
- After abrogation of Article 370 → effectively 11 States
- (Jammu & Kashmir removed from this list)
- Art. 371 – Maharashtra & Gujarat: Regional development boards; Governor’s annual report.

- Art. 371A – Nagaland: Parliament laws on customs, land, justice not applicable without State Assembly consent; Governor—law & order.
- Art. 371B – Assam: Assembly committee for tribal areas.
- Art. 371C – Manipur: Hill Areas committee; Governor’s special responsibility + report to President.
- Art. 371D – Andhra Pradesh: Local cadres; reservation in jobs & education.
- Art. 371F – Sikkim: Protection of pre-merger laws; special representation; Governor—law & order.
- Art. 371G – Mizoram: Parliament laws on customs/land need Assembly consent.
- Art. 371H – Arunachal Pradesh: Governor—law & order (discretion).
- Art. 371I – Goa: Minimum Assembly strength 30.
- Art. 371J – Karnataka: Hyderabad-Karnataka development board; job/education reservation.

Special Provisions for States

Article 370	Jammu & Kashmir
Article 371	Maharashtra & Gujarat
Article 371A	<u>N</u> agaland
Article 371B	<u>A</u> ssam
Article 371C	<u>M</u> anipur
Article 371D	<u>A</u> ndhra Pradesh
Article 371F	<u>S</u> ikkim
Article 371G	<u>M</u> izoram
Article 371H	<u>A</u> runachal Pradesh
Article 371I	<u>G</u> oa
Article 371J	<u>K</u> arnataka

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PART IX | (ARTS. 243-243O)

■ (11th Schedule | 73rd Constitutional Amendment Act, 1992)

Basic Framework

- Panchayati Raj is entrusted with rural development.
- Constitutional status given by the 73rd Constitutional Amendment Act, 1992.
- Introduced Part IX and 11th Schedule in the Constitution.
- Represents Democratic Decentralization.
- Local government is a State subject.

Local Self-Government Structure (Rural)

- Panchayat = Institution of self-government for rural areas.
- Village level: Village notified by Governor (can be a group of villages).
- Intermediate level: Between village and district, notified by Governor.
- District level: Zila Parishad.
- Intermediate level NOT compulsory in states with population < 20 lakh.
- Area classification decided by Governor based on:
 - Population size
 - Population density
 - Revenue generated
 - % of non-agricultural employment

Fundamental Objective

- People's participation in development
- Democratic decentralization

■ **EVOLUTION OF PANCHAYATI RAJ**

Balwant Rai Mehta Committee (1957)	<ul style="list-style-type: none"> ○ Studied Community Development Programme & NES ○ Recommended Democratic Decentralization ○ Three-tier system: ○ Village Panchayat ○ Panchayat Samiti (Executive body) ○ Zila Parishad (Collector as Chairman)
Ashok Mehta Committee (1977)	<ul style="list-style-type: none"> ○ Recommended Two-tier system: ○ Zila Parishad ○ Mandal Panchayat ○ District as first point of decentralization ○ Executive powers with Zila Parishad

	<ul style="list-style-type: none"> ○ Favoured political party participation ○ Recommended constitutional status ○ Reservation for SC/ST
G.V.K. Rao Committee (1985)	<ul style="list-style-type: none"> ○ Reviewed rural development & poverty alleviation ○ District = unit of planning ○ Zila Parishad as pivotal body ○ District Development Commissioner as CEO of ZP
L.M. Singhvi Committee (1986)	<ul style="list-style-type: none"> ○ Revitalization of PRI ○ Constitutional recognition ○ Emphasised Gram Sabha
Thungon Committee (1988)	<ul style="list-style-type: none"> ○ Political & administrative structure at district level ○ Three-tier system ○ Zila Parishad as pivot ○ Reservation for women
Gadgil Committee (1988)	<ul style="list-style-type: none"> ○ Suggested measures to make PRI effective

■ 73rd CONSTITUTIONAL AMENDMENT ACT, 1992

Key Features	<ul style="list-style-type: none"> ○ Added Part IX (Arts. 243–243O) ○ Added 11th Schedule → 29 functional subjects ○ Deals mainly with Article 243G
Gram Sabha (243-A)	<ul style="list-style-type: none"> ○ Foundation of Panchayati Raj system ○ Village assembly consisting of all registered voters of the village panchayat area
Three-Tier System (243-B)	<ul style="list-style-type: none"> ○ Village Panchayat ○ Intermediate Panchayat ○ District Panchayat ○ (Intermediate level not mandatory for states < 20 lakh population)
Elections (243-C)	<ul style="list-style-type: none"> ○ All members of Panchayats at all levels are directly elected. ○ Chairpersons: <ul style="list-style-type: none"> ■ Indirectly elected at intermediate & district levels.
Reservation of Seats (243-D)	<ul style="list-style-type: none"> ○ SCs & STs: In proportion to population at all three levels ○ Women: Not less than one-third of total seats (members + chairpersons)
Duration of Panchayats (243-E)	<ul style="list-style-type: none"> ○ 5-year term ○ Can be dissolved earlier ○ Fresh elections: <ul style="list-style-type: none"> ○ Before expiry of 5 years OR ○ Within 6 months of dissolution ○ Reconstituted Panchayat serves only remaining period
Disqualifications (243-F)	<ul style="list-style-type: none"> ○ Same as disqualification for State Legislature elections ○ As prescribed by State Legislature ○ Minimum age: <ul style="list-style-type: none"> ■ Cannot be disqualified for age if 21 years attained

POLITY

State Election Commission (SEC) (243-G)	<ul style="list-style-type: none"> ○ Conducts Panchayat elections ○ State Election Commissioner appointed by Governor ○ Service conditions & tenure decided by Governor ○ Removal on grounds similar to High Court judge
State Finance Commission (SFC)	<ul style="list-style-type: none"> ○ Constituted every 5 years by Governor ○ Reviews financial position of Panchayats ○ Governor is principle for determining taxes and duties <p>Audit</p> <ul style="list-style-type: none"> ○ As per provisions of State Legislature <p>Exceptions</p> <ul style="list-style-type: none"> ○ Not applicable to: <ul style="list-style-type: none"> ■ Scheduled Areas (5th Schedule) ■ Tribal areas (6th Schedule) ■ Hill areas of Manipur ■ Delhi ■ Applicable to UTs as directed by President (except Delhi)

■ COMPULSORY PROVISIONS OF 73rd AMENDMENT

- Gram Sabha organization
- Panchayats at village, intermediate & district levels
- Direct elections to all seats
- Indirect election of chairpersons (intermediate & district)
- Voting rights to all elected members
- Minimum age: 21 years
- Reservation for SC/ST at all levels
- One-third reservation for women
- 5-year tenure + elections within 6 months of supersession
- State Election Commission
- State Finance Commission

■ PESA ACT, 1996

Applicability	<ul style="list-style-type: none"> ○ Applies ONLY to Fifth Schedule areas ○ NOT applicable to Sixth Schedule ○ Parliament extended Part IX provisions via PESA Act, 1996 ○ As of 2025: 10 states have Fifth Schedule areas <ul style="list-style-type: none"> ■ Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana.
Reservation under PESA	<ul style="list-style-type: none"> ○ Reservation proportional to population ○ STs: at least 50% seats ○ All chairpersons at all levels reserved for STs ○ State Govt may nominate unrepresented tribes at intermediate & district levels ($\leq 1/10$th members)

Powers of Gram Sabha (PESA)	<p>Mandatory Consultation</p> <ul style="list-style-type: none"> ○ Acquisition of land ○ Grant of mining leases for minor minerals ○ Recommendation for concession for exploitation of minor minerals by auction <p>Direct Powers</p> <ul style="list-style-type: none"> ○ Enforce prohibition ○ Ownership of Minor Forest Produce (MFP) ○ Prevent land alienation ○ Control over: <ul style="list-style-type: none"> ■ Village markets ■ Money lending ■ Consumption of liquor
Panchayat Secretary	<ul style="list-style-type: none"> ○ In-charge of Panchayat office ○ Works under direct supervision of Sarpanch ○ Prepares: <ul style="list-style-type: none"> ■ Budget ■ Annual report ○ Maintains records & grant-in-aid register ○ Inspects worksites

MUNICIPALITIES (PART IX-A | 12th SCHEDULE)

■ (74th Constitutional Amendment Act, 1992)

Historical Background (Urban Local Government in India)

- Mayo Resolution, 1870 → Beginning of local self-government
- Ripon Resolution, 1882
 - Called the “Magna Carta of Local Self-Government”
 - Lord Ripon = Father of Local Self-Government in India
- Royal Commission on Decentralisation, 1908

■ Constitutional Position

- Inserted Part IX-A (Articles 243P–243ZG) into the Constitution
- 12th Schedule added → contains 18 functional items of municipalities
- Objective: Urban Local Self-Government & Democratic Decentralisation

■ Administrative Control – “Dealt by 3 Ministries”

- MoUD (Ministry of Urban Development / MoHUA)
 - Deals with municipalities in States
 - Main ministry for urban local bodies
- Ministry of Defence (MoD)
 - Deals with Cantonment Boards (CB)
 - Because cantonments are defence establishments
- Ministry of Home Affairs (MoHA)
 - Deals with municipalities in Union Territories (UTs)

POLITY

- Since UTs are administered by the Centre

■ **Types of Municipalities** - (Only 3 – Constitutionally recognised)

- Nagar Panchayat
 - For Transitional Areas (rural → urban)
- Municipal Council
 - For Smaller Urban Areas
- Municipal Corporation
 - For Larger Urban Areas

Criteria for classification:

- Population, population density, revenue generated, % employment in non-agricultural activities (decided by Governor via public notification)

Composition & Elections	<ul style="list-style-type: none"> ○ All members are directly elected from wards ○ Municipal area divided into wards ○ Ward Committees: <ul style="list-style-type: none"> ■ Mandatory where population > 3 lakh ○ Manner of election of Chairperson/Mayor: <ul style="list-style-type: none"> ■ As determined by State Legislature
Representation (Optional – State Legislature may provide)	<ul style="list-style-type: none"> ○ State Legislature may provide representation for: <ul style="list-style-type: none"> ■ Persons with special knowledge/experience in municipal administration (no voting right) ■ Lok Sabha / State Assembly members ■ Rajya Sabha / Legislative Council members registered as voters in municipal area ■ Chairpersons of committees (except ward committees)
Reservation Provisions	<ul style="list-style-type: none"> ○ SC/ST seats → in proportion to population ○ Women → minimum 1/3rd of total seats (including chairpersons) ○ Reservation for Chairpersons → as decided by State Legislature
Tenure	<ul style="list-style-type: none"> ○ Five years for every municipality ○ If dissolved earlier → fresh elections within 6 months ○ Reconstituted body serves only remainder of original term
Exempted Areas (Municipalities NOT applicable)	<ul style="list-style-type: none"> ○ Fifth Schedule areas ○ Sixth Schedule areas ○ Darjeeling Gorkha Hill Council (WB)
Planning Committees	<p>1. District Planning Committee (Article 243ZD)</p> <p>Purpose:</p> <ul style="list-style-type: none"> ○ Consolidate plans of Panchayats + Municipalities ○ Prepare draft development plan for district <p>Composition:</p> <ul style="list-style-type: none"> ○ 4/5th members elected by elected members of Panchayats & Municipalities <p>Chairperson:</p> <ul style="list-style-type: none"> ○ Forwards plan to State Government ○ Details (composition, election etc.) → decided by State Legislature

	<p>2. Metropolitan Planning Committee (Article 243ZE)</p> <ul style="list-style-type: none"> ○ Applicable to Metropolitan Areas <p>Function:</p> <ul style="list-style-type: none"> ○ Prepare draft development plan <p>Composition:</p> <ul style="list-style-type: none"> ○ 2/3rd members elected by elected members of Municipalities + Panchayat chairpersons in metro area
Central Council of Local Government	<ul style="list-style-type: none"> ○ Established under Article 263 in 1954 (Presidential Order) ○ Till 1958 → dealt with both rural & urban ○ From 1958 onwards → Urban Local Bodies only ○ Chairperson: Minister of Housing & Urban Affairs ○ Members: Ministers of Local Self-Government of States

■ TYPES OF URBAN GOVERNMENTS (NON-CONSTITUTIONAL / STATUTORY)

Municipal Corporation	<ul style="list-style-type: none"> ○ For big cities (Delhi, Mumbai, Kolkata, Chennai, Bengaluru, etc.) ○ Authorities: <ul style="list-style-type: none"> ■ Council ■ Standing Committees ■ Commissioner ○ Mayor: <ul style="list-style-type: none"> ■ Head of Council ■ Elected (mostly) for 1-year renewable term ○ Municipal Commissioner: <ul style="list-style-type: none"> ■ Appointed by State Government ■ Generally an IAS officer
Municipality	<ul style="list-style-type: none"> ○ For towns & smaller cities ○ Day-to-day administration by Chief Municipal Officer / CEO ○ Appointed by State Government
Notified Area Committee	<ul style="list-style-type: none"> ○ For: <ul style="list-style-type: none"> ■ Fast-developing industrial town, OR ■ Area not yet qualified for municipality ○ Entirely nominated body ○ All members + chairman → appointed by State Government
Town Area Committee	<ul style="list-style-type: none"> ○ For small towns ○ Semi-municipal authority ○ Limited functions: roads, drainage, street lighting, conservancy ○ Created by separate Act of State Legislature
Cantonment Board	<ul style="list-style-type: none"> ○ Governed by Cantonments Act, 2006 (Central Law) ○ For civilian areas in cantonments ○ Composition: <ul style="list-style-type: none"> ■ Partly elected + partly nominated

	<ul style="list-style-type: none"> ○ Tenure: <ul style="list-style-type: none"> ■ Elected members → 5 years ■ Nominated members → hold office as long as they hold their post
Township	<ul style="list-style-type: none"> ○ Established by large public enterprises ○ For staff & workers' residential areas ○ No elected members
Port Trust	<ul style="list-style-type: none"> ○ Located in port cities (Mumbai, Kolkata, Chennai, etc.) ○ Created by Act of Parliament ○ Functions: <ul style="list-style-type: none"> ■ Manage & protect ports ■ Provide civic amenities

PREVIOUS YEAR QUESTIONS

Consider the following statements: (2025)

- I. Panchayats at the intermediate level exist in all States.
- II. To be eligible to be a Member of a Panchayat at the intermediate level, a person should attain the age of thirty years.
- III. The Chief Minister of a State constitutes a commission to review the financial position of Panchayats at the intermediate levels and to make recommendations regarding the distribution of net proceeds of taxes and duties, leviable by the State, between the State and Panchayats at the intermediate level.

Which of the statements given above are not correct?

- (a) I and II only (b) II and III only
(c) I and III only (d) I, II and III

The Constitution (Seventy-Third Amendment) Act, 1992, which aims at promoting the Panchayati Raj Institutions in the country, provides for which of the following? (2011)

1. Constitution of District Planning Committees.
2. State Election Commissions to conduct all panchayat elections.
3. Establishment of state Finance Commissions.

Select the correct answer using the codes given below:

- (a) 1 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3

Consider the following statements: (2011)

In India, a Metropolitan Planning Committee

1. Is constituted under the provisions of the constitution of India.
2. Prepares the draft development plans for the metropolitan area.
3. Has the sole responsibility for implementing Government sponsored schemes in the metropolitan area.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

In the areas covered under the Panchayat (Extension to the Scheduled Areas) Act, 1996, what is the role/power of Gram Sabha? (2012)

1. Gram Sabha has the power to prevent alienation of land in the Scheduled Areas.
2. Gram Sabha has the ownership of minor forest produce.
3. Recommendation of Gram Sabha is required for granting prospecting licence or mining lease for any mineral in the Scheduled Areas.

Which of the statements given above is/are correct?

- (a) 1 only (b) 1 and 2 only
(c) 2 and 3 only (d) 1, 2 and 3

The Government enacted the Panchayat Extension to Scheduled Areas (PESA) Act in 1996. Which one of the following is not identified as its objective? (2013)

- (a) To provide self-governance
(b) To recognize traditional rights
(c) To create autonomous regions in tribal areas
(d) To free tribal people from exploitation

Under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, who shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both? (2013)

- (a) State Forest Department
- (b) District Collector/Deputy Commissioner
- (c) Tahsildar/Block Development Officer/Mandal Revenue Officer
- (d) Gram Sabha

The fundamental object of the Panchayati Raj system is to ensure which among the following? (2015)

1. People's participation in development
2. Political accountability
3. Democratic decentralisation
4. Financial mobilisation

Select the correct answer using the code given below.

- (a) 1, 2 and 3 only (b) 2 and 4 only
- (c) 1 and 3 only (d) 1, 2, 3 and 4

Consider the following statements: (2016)

1. The minimum age prescribed for any person to be a member of Panchayat is 25 years.
2. A Panchayat reconstituted after premature dissolution continues only for the remainder period.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
- (c) Both 1 and 2 (d) Neither 1 nor 2

With reference to the 'Gram Nyayalaya Act', which of the following statements is/are correct? (2016)

1. As per the Act, Gram Nyayalayas can hear only civil cases and not criminal cases.
2. The Act allows local social activists as mediators/re-conciliators.

Select the correct answer using the code given below.

- (a) 1 only (b) 2 only
- (c) Both 1 and 2 (d) Neither 1 nor 2

Local self-government can be best explained as an exercise in (2017)

- (a) Federalism
- (b) Democratic decentralisation
- (c) Administrative delegation
- (d) Direct democracy

UNION TERRITORIES (Part VIII | Articles 239-241)

<p>Constitutional Basis</p>	<ul style="list-style-type: none"> ○ Part VIII of the Constitution deals with Union Territories (UTs). ○ Covered under Articles 239 to 241. ○ Article 1: Territory of India comprises: <ul style="list-style-type: none"> ■ States ■ Union Territories ■ Territories that may be acquired by the Government of India at any time
<p>Historical Back-ground</p>	<ul style="list-style-type: none"> ○ During British rule, some areas were designated as “Scheduled Districts” (1874). ○ Later called Chief Commissioner’s Provinces. ○ In 1956, these areas were formally designated as Union Territories by: <ul style="list-style-type: none"> ■ 7th Constitutional Amendment Act, 1956 ■ States Reorganisation Act, 1956
<p>Former Union Territories (Now States)</p>	<ul style="list-style-type: none"> ○ The following were earlier Union Territories: <ul style="list-style-type: none"> ■ Himachal Pradesh ■ Manipur ■ Tripura ■ Mizoram ■ Arunachal Pradesh ■ Goa
<p>Administrative Features of UTs</p>	<ul style="list-style-type: none"> ○ No uniform administrative system for all Union Territories. ○ Each UT is administered directly by the Union.
<p>Legislative Powers</p>	<ul style="list-style-type: none"> ○ Parliament has supreme power to make laws for Union Territories. ○ Parliament can legislate on any subject, even if the UT has a Legislative Assembly. ○ If a UT law receives President’s assent, it prevails temporarily, but Parliament can override it later.
<p>President’s Regulations</p>	<ul style="list-style-type: none"> ○ The President can make regulations for certain UTs. ○ These regulations: <ul style="list-style-type: none"> ○ Have the same force as an Act of Parliament ○ Can repeal or amend any Parliamentary law ○ Applicable UTs: <ul style="list-style-type: none"> ■ Andaman & Nicobar Islands ■ Dadra & Nagar Haveli and Daman & Diu ■ Lakshadweep

	<ul style="list-style-type: none"> ○ Puducherry: <ul style="list-style-type: none"> ■ President's regulations apply only when the Legislative Assembly is suspended or dissolved.
Administration of UTs	<ul style="list-style-type: none"> ○ UTs are administered by the President, acting through an Administrator. ○ Designation of Administrator may be: <ul style="list-style-type: none"> ■ Lieutenant Governor ■ Chief Commissioner ■ Administrator ○ At present: <ul style="list-style-type: none"> ■ Lieutenant Governor: <ul style="list-style-type: none"> ◆ Delhi ◆ Puducherry ◆ Andaman & Nicobar Islands ◆ Jammu & Kashmir ◆ Ladakh ■ Administrator: <ul style="list-style-type: none"> ◆ Chandigarh ◆ Dadra & Nagar Haveli and Daman & Diu ◆ Lakshadweep
Union Territories with Legislature	<ul style="list-style-type: none"> ○ Only three UTs have: <ul style="list-style-type: none"> ■ Legislative Assembly ■ Council of Ministers ■ Chief Minister ○ They are: <ul style="list-style-type: none"> ■ Puducherry (1963) ■ Delhi (1992) ■ Jammu & Kashmir (2019)
High Court Jurisdiction over UTs	<ul style="list-style-type: none"> ○ UTs do not have separate High Courts. ○ Jurisdiction assigned as follows: <ul style="list-style-type: none"> ■ Bombay High Court: Dadra & Nagar Haveli; Daman & Diu ■ Calcutta High Court: Andaman & Nicobar Islands ■ Punjab & Haryana High Court: Chandigarh ■ Kerala High Court: Lakshadweep ■ Madras High Court: Puducherry ■ Jammu & Kashmir High Court: Jammu & Kashmir and Ladakh (common HC)

■ **SPECIAL PROVISIONS FOR DELHI (NCT of Delhi)**

Constitutional Status	<ul style="list-style-type: none"> ○ 69th Constitutional Amendment Act, 1991 ○ Delhi redesignated as National Capital Territory (NCT) of Delhi
Executive and Legislature	<ul style="list-style-type: none"> ○ Delhi has: <ul style="list-style-type: none"> ■ Legislative Assembly ■ Council of Ministers ○ Lieutenant Governor (LG) is the Administrator.

POLITY

Appointment of Council of Ministers	<ul style="list-style-type: none">○ Chief Minister: appointed by the President○ Other Ministers: appointed by the President on the advice of the Chief Minister○ Ministers hold office during the pleasure of the President
Ordinance-Making Power	<ul style="list-style-type: none">○ Lieutenant Governor can promulgate ordinances:<ul style="list-style-type: none">■ Only with prior permission of the President○ Cannot promulgate ordinances if:<ul style="list-style-type: none">■ Assembly is dissolved or suspended
President's Rule in Delhi	<ul style="list-style-type: none">○ Article 239AB:<ul style="list-style-type: none">■ President can suspend constitutional machinery in Delhi■ Similar to Article 356, but specific to Delhi
Powers of Lieutenant Governor	<ul style="list-style-type: none">○ Can:<ul style="list-style-type: none">■ Summon Assembly■ Prorogue Assembly■ Dissolve Assembly○ Addresses Assembly:<ul style="list-style-type: none">■ First session after election■ First session of every year
Representation in Presidential Election	<ul style="list-style-type: none">○ 70th Constitutional Amendment Act:○ Elected members of Delhi Legislative Assembly participate in the Presidential election
Aldermen	<ul style="list-style-type: none">○ Nominated by LG○ 10 = without advice of CoM○ Do not vote in meetings

PART X | ARTICLE 244

■ Constitutional Provision

- Article 244 (Part X) provides a special system of administration for:
 - Scheduled Areas
 - Tribal Areas

■ FIFTH SCHEDULE (SCHEDULED AREAS)

Territorial Applicability	<ul style="list-style-type: none"> ○ Applies to all states EXCEPT: <ul style="list-style-type: none"> ■ Assam ■ Meghalaya ■ Tripura ■ Mizoram ○ Objective: Protection of tribal interests, especially: <ul style="list-style-type: none"> ■ Prevention of transfer of tribal land to non-tribals
Declaration & Alteration of Scheduled Areas	<ul style="list-style-type: none"> ○ President: <ul style="list-style-type: none"> ■ Declares Scheduled Areas ■ Can alter boundaries ○ Done in consultation with the Governor of the state
Executive Authority	<ul style="list-style-type: none"> ○ Executive power of the State extends to Scheduled Areas ○ Governor must submit an annual report to the President regarding administration ○ Union Government can issue directions to the State on administration of Scheduled Areas
Tribal Advisory Council (TAC)	<ul style="list-style-type: none"> ○ 20 members ○ 3/4th members must be MLAs from the State Legislative Assembly ○ Function: Advise on matters related to welfare and advancement of Scheduled Tribes ○ NOTE: <ul style="list-style-type: none"> ■ TAC can be established even in a state without Scheduled Areas, if President so directs

POLITY

Law Applicability & Governor's Powers	<ul style="list-style-type: none"> ○ Governor may make regulations for: <ul style="list-style-type: none"> ■ Peace and good governance of Scheduled Areas ○ Such regulations: <ul style="list-style-type: none"> ■ Are made after consulting TAC ■ Require President's assent ■ May repeal or amend: <ul style="list-style-type: none"> ◆ An Act of Parliament ◆ A State Legislature Act ○ Governor can: <ul style="list-style-type: none"> ■ Restrict or prohibit transfer of land by or among STs ■ Regulate money-lending business involving STs
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SIXTH SCHEDULE (TRIBAL AREAS)

Territorial Applicability	<p>Applies to four North-Eastern states:</p> <ul style="list-style-type: none"> ○ Assam ○ Meghalaya ○ Tripura ○ Mizoram
Nature of Administration	<ul style="list-style-type: none"> ○ Tribal Areas are organized as Autonomous Districts ○ They do NOT fall outside the executive authority of the State ○ But are administered directly by the Governor
Area Management	<ul style="list-style-type: none"> ○ Governor can: <ul style="list-style-type: none"> ■ Increase or decrease area of Autonomous Districts ■ Create or alter Autonomous Regions
District & Regional Councils	<ul style="list-style-type: none"> ○ District Council (DC): <ul style="list-style-type: none"> ■ 30 members ■ 26 elected + 4 nominated ■ Tenure: 5 years ○ Regional Council (RC): <ul style="list-style-type: none"> ■ Created where a district has different tribes ■ Each autonomous region has a separate RC
Legislative Powers	<ul style="list-style-type: none"> ○ DC and RC can make laws, but: <ul style="list-style-type: none"> ■ Governor's assent is mandatory ○ Subjects include: <ul style="list-style-type: none"> ■ Schools ■ Markets ■ Money-lending ■ Trading by non-tribals
Financial Powers	<ul style="list-style-type: none"> ○ DC and RC can: <ul style="list-style-type: none"> ■ Assess and collect land revenue ■ Impose certain local taxes ○ Funds: <ul style="list-style-type: none"> ■ Received from Consolidated Fund of India

Applicability of Laws	<ul style="list-style-type: none"> ○ Parliamentary and State laws DO NOT automatically apply ○ Application depends on executive authority: <ul style="list-style-type: none"> ■ Assam: <ul style="list-style-type: none"> ◆ State laws → Governor ◆ Central laws → Governor ■ Meghalaya, Tripura, Mizoram: <ul style="list-style-type: none"> ◆ State laws → Governor ◆ Central laws → President
Dissolution	<ul style="list-style-type: none"> ○ Governor may dissolve District or Regional Councils: <ul style="list-style-type: none"> ■ Based on report of a Commission appointed to inquire into administrative matters

■ CORE DIFFERENCE BETWEEN 5TH & 6TH SCHEDULES

Fifth Schedule (All except 4)	Sixth Schedule (That 4 = A, Mz, Tr, MG)
<ul style="list-style-type: none"> ○ Declared by President on consultation with Governor ○ Advisory system ○ Governor dominant, President's assent mandatory ○ No independent law-making councils ○ Limited financial powers ○ No funds from CFI ○ Institutions: TAC 	<ul style="list-style-type: none"> ○ Creation of Constitution ○ Autonomous Districts ○ District & Regional Councils with real powers ○ Councils can legislate, tax, and administer justice ○ Higher degree of autonomy ○ Funds from CFI ○ Institutions: District Council, Regional Council, Autonomous Districts

■ SPECIAL CATEGORY STATUS

- Currently to 11 States
- Started from 1969
- D.R. Gadgil Committee gave formula for SCS in 1969, which involved:
 - Hilly Terrain
 - Low Population Density and/or Sizable share of Tribal Population
 - Strategic location along Borders
 - Economic and Infrastructure Backwardness
 - Non-viable Nature of State Finances.

Consider the following statements: (2025) (54)

With reference to the Constitution of India, if an area in a State is declared as Scheduled Area under the Fifth Schedule

1. The State Government loses its executive power in such areas and a local body assumes total administration
2. The Union Government can take over the total administration of such areas under certain circumstances on the recommendations of the Governor

Which of the statements given above is/are correct?

- (a) I only (b) II only
(c) Both I and II (d) Neither I nor II

With reference to 'Scheduled Areas' in India, consider the following statements: (2023)

1. Within a State, the notification of an area as Scheduled Area takes place through an Order of the President.
2. The largest administrative unit forming the Scheduled Area is the District and the lowest is the cluster of villages in the Block.
3. The Chief Ministers of concerned States are required to submit annual reports to the Union Home Ministry on the administration of Scheduled Areas in the States.

How many of the above statements are correct?

- (a) Only one (b) Only two
(c) All three (d) None

The provisions in the Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to: (2015)

- (a) protect the interests of Scheduled Tribes
(b) determine the boundaries between States
(c) determine the powers, authority and responsibilities of Panchayats
(d) protect the interests of all the border States

If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it? (2022)

- (a) This would prevent the transfer of land of tribal people to non-tribal people.
(b) This would create a local self-governing body in that area.
(c) This would convert that area into the Union Territory.
(d) The State having such areas would be declared a Special Category State.

Part IX-B of the Constitution

Legislative Competence	<ul style="list-style-type: none"> ○ Co-operative societies are in the STATE LIST ○ Hence, provisions are made by State Legislature
Board of Directors	<ul style="list-style-type: none"> ○ Number & term of directors: As provided by State Legislature ○ Maximum strength: <ul style="list-style-type: none"> ■ 21 directors ○ Reservation in Board: <ul style="list-style-type: none"> ■ 1 seat for SC/ST ■ 2 seats for women
	<ul style="list-style-type: none"> ○ Term of Board: <ul style="list-style-type: none"> ■ 5 years
Co-option of Members	<ul style="list-style-type: none"> ○ Provision for co-option of persons: <ul style="list-style-type: none"> ■ As provided by State Legislature ■ Maximum: 2 co-opted members
Elections	<ul style="list-style-type: none"> ○ Elections conducted by: <ul style="list-style-type: none"> ■ Authority determined by State Legislature ○ Important: <ul style="list-style-type: none"> ■ NOT directly by State Election Commission (SEC)
Supersession / Suspension of Board	<ul style="list-style-type: none"> ○ NOT permitted in co-operative societies where: <ul style="list-style-type: none"> ■ Government has NO shareholding ■ Government has NO loan ■ Government has NO financial assistance
Audit & Accounts	<ul style="list-style-type: none"> ○ Audit provisions: <ul style="list-style-type: none"> ■ As determined by State Legislature ○ Time limit: <ul style="list-style-type: none"> ■ Audit to be completed within 6 months of closure of the financial year ○ Audit Report: <ul style="list-style-type: none"> ■ Audit report of Apex Co-operative Society ■ To be laid before the State Legislature
Returns	<ul style="list-style-type: none"> ○ Returns to be filed: <ul style="list-style-type: none"> ■ Before such authority as State Government determines
Multi-State Co-operative Societies	<ul style="list-style-type: none"> ○ Application of law: <ul style="list-style-type: none"> ■ State Legislature > Parliament ■ State Government > Government of India

Articles 343–351, Part XVII

<p>Language of the Union</p>	<p>Article 343</p> <ul style="list-style-type: none"> ○ Official language of the Union: Hindi in Devanagari script ○ Form of numerals: International form of Indian numerals ○ Official Language Commission: <ul style="list-style-type: none"> ■ B.G. Kher Commission (1956)
<p>Regional / State Languages</p>	<ul style="list-style-type: none"> ○ State Legislature may adopt one or more languages as official language(s) of the State ○ English continues as official language until the State decides otherwise ○ Choice NOT limited to 8th Schedule languages <p>Article 347</p> <ul style="list-style-type: none"> ○ When President is satisfied that a substantial proportion of population of a State desires use of a language:
<p>Language of the Judiciary</p>	<p>Article 348</p> <ul style="list-style-type: none"> ○ Until Parliament provides otherwise: ○ English shall be used in: <ul style="list-style-type: none"> ■ Proceedings of Supreme Court ■ Proceedings of every High Court ■ Bills, Acts, ordinances, rules, regulations, bye-laws of Centre & States <p>High Court Exception</p> <ul style="list-style-type: none"> ○ Governor, with President’s consent, may authorize: <ul style="list-style-type: none"> ■ Use of Hindi or any other official language in HC proceedings ○ NOT allowed for: <ul style="list-style-type: none"> ■ Judgments ■ Orders ○ (Judgments/orders must remain in English)
<p>Language of Legislation</p>	<p>State Legislature may prescribe any language for:</p> <ul style="list-style-type: none"> ○ Bills ○ Acts ○ Rules ○ Bye-laws
<p>Special Directives (Articles 350–351)</p>	<p>Article 350</p> <ul style="list-style-type: none"> ○ Right to representation: ○ Any person may submit representation in any language used in the Union or State

	<p>Article 350-A</p> <ul style="list-style-type: none"> ○ Mother-tongue instruction: ○ Every State & local authority shall provide primary education in mother tongue ○ For children of linguistic minorities ○ President may issue directions (7th CAA reference) <p>Article 350-B</p> <ul style="list-style-type: none"> ○ Special Officer for Linguistic Minorities ○ Appointed by President ○ Reports to President <p>Article 351</p> <ul style="list-style-type: none"> ○ Duty of the Union: ○ To promote spread of Hindi ○ Develop it as a link language (Lingua Franca)
<p>Committee of Parliament on Official Language</p>	<ul style="list-style-type: none"> ○ Constituted under Official Languages Act, 1963 ○ Function: <ul style="list-style-type: none"> ■ Review progress in use of Hindi for official purposes of Union ○ Composition: <ul style="list-style-type: none"> ■ 30 Members: <ul style="list-style-type: none"> ◆ 20 from Lok Sabha ◆ 10 from Rajya Sabha ■ Chairman: <ul style="list-style-type: none"> ◆ Elected by members ◆ Conventionally Union Home Minister ○ Secretariat: <ul style="list-style-type: none"> ■ Subordinate office of Department of Official Language, Ministry of Home Affairs
<p>EIGHTH SCHEDULE LANGUAGES (Art. 344-351)</p>	<p>22 Languages:</p> <p>Assamese, Bengali, Bodo, Dogri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu, Urdu.</p> <p>Expansion of 8th Schedule:</p> <ul style="list-style-type: none"> ○ 21st Constitutional Amendment Act, 1967 added 'Sindhi'. ○ 71st Constitutional Amendment Act, 1992 added 'Konkani, Manipuri, Nepali'. ○ 92nd Constitutional Amendment Act, 2003 added 'Bodo, Dongri, Maithili, Santhali'. ○ 96th Constitutional Amendment Act, 2011 - Oriya changed to Odia <p>Objectives / Benefits:</p> <ul style="list-style-type: none"> ○ Government support for development of languages ○ Recognition by Sahitya Akademi ○ Used in Assembly & Parliament debates ○ Permitted in All India Competitive Exams ○ RBI may include language on currency note denominations

CLASSICAL LANGUAGES OF INDIA

Policy Timeline

- 2004 – Classical Language category created
- 2005 – Criteria for Classical Languages notified
- 2016 – Total Classical Languages = 6
- 2024 – 5 more added

- **Classical Languages (Year-wise as in notes)**

Earlier (6):

1. Tamil – 2004
2. Sanskrit – 2005
3. Telugu – 2008
4. Kannada – 2008
5. Malayalam – 2013
6. Odia – 2014

Added in 2024 (5):

7. Marathi
8. Pali
9. Prakrit
10. Assamese
11. Bengali

Total Classical Languages = 11

Criteria for Classical Languages (India)

- High antiquity: Early texts/history dating back 1500–2000 years.
- Ancient literature: Possession of a substantial body of ancient texts.
- Original knowledge tradition: Indigenous literary/knowledge texts, not borrowed.
- Distinctness: Classical form distinct from modern usage.

2024 Update:

- Knowledge texts now explicitly include prose, along with poetry, inscriptions, and epigraphs.

PREVIOUS YEAR QUESTIONS

The Constitution (71st Amendment) Act, 1992, amends the Eighth Schedule to the Constitution to include which of the following languages? (2024)

1. Konkani
2. Manipuri
3. Nepali
4. Maithili

Select the correct answer using the code given below:

- (a) 1, 2 and 3
- (b) 1, 2 and 4
- (c) 1, 3 and 4
- (d) 2, 3 and 4

CHAPTER 22

PUBLIC SERVICES

PUBLIC SERVICES – CONSTITUTIONAL PROVISIONS

<p>All India Services (AIS) Act, 1951</p>	<ul style="list-style-type: none"> ○ Empowers the Central Government to make rules regarding service conditions of AIS. ○ Rules are framed in consultation with State Governments. ○ Disciplinary action on AIS officers can be taken only by the Central Government.
<p>Article 309 – Recruitment & Service Conditions</p>	<ul style="list-style-type: none"> ○ Parliament (for Union posts) and State Legislature (for State posts) can regulate: <ul style="list-style-type: none"> ■ Recruitment ■ Service conditions ○ Until laws are made, President/Governor may make rules. ○ Enables the State to impose reasonable restrictions on Fundamental Rights of civil servants.
<p>Article 310 – Doctrine of Pleasure</p>	<ul style="list-style-type: none"> ○ Civil servants hold office during pleasure of: <ul style="list-style-type: none"> ■ President → AIS, Central Services, Defence Services ■ Governor → State civil services ○ This means services can be terminated without assigning reasons, subject to Article 311 safeguards.
<p>Article 311 – Safeguards against Arbitrary Dismissal</p>	<ul style="list-style-type: none"> ■ Provides two restrictions on the Doctrine of Pleasure: <hr/> <p>(1) Authority Restriction</p> <ul style="list-style-type: none"> ○ A civil servant cannot be dismissed by an authority subordinate to the one that appointed him. <p>(2) Procedural Safeguard</p> <ul style="list-style-type: none"> ○ Cannot be dismissed, removed, or reduced in rank without: <ul style="list-style-type: none"> ■ A proper departmental inquiry, and ■ Reasonable opportunity to be heard (right to represent) <p>Important Note</p> <ul style="list-style-type: none"> ○ These safeguards apply to Civil and State services only. ○ NOT applicable to defence personnel.
<p>Exceptions to Article 311(2)</p>	<p>Inquiry and hearing can be dispensed with in three cases:</p> <ol style="list-style-type: none"> 1. Conviction on a criminal charge 2. Not reasonably practicable to hold an inquiry <ul style="list-style-type: none"> ■ Satisfaction of the disciplinary authority 3. Interest of security of the State <ul style="list-style-type: none"> ■ Satisfaction of President or Governor

Article 312 – Cre- ation of All India Services	<ul style="list-style-type: none"> ○ Rajya Sabha may create a new AIS if: <ul style="list-style-type: none"> ■ Resolution passed by 2/3rd majority of members present and voting ○ Parliament regulates service conditions of AIS. ○ Provision for All India Judicial Service (AIJS): <ul style="list-style-type: none"> ■ Any law related to AIJS is not treated as a Constitutional Amendment under Article 368 ■ (Inserted by 42nd Constitutional Amendment Act)
Personal Immunity of Civil Servants	<ul style="list-style-type: none"> ○ Constitution grants personal immunity to civil servants for official contracts. ○ However, if contracts are not made according to constitutional provisions, the officer is: <ul style="list-style-type: none"> ■ Personally liable

SPECIAL PROVISIONS FOR CERTAIN CLASSES

Articles 341 & 342 – SCs and STs	<ul style="list-style-type: none"> ○ President is empowered to specify Scheduled Castes (Art. 341) and Scheduled Tribes (Art. 342) for each State/UT. ○ Once notified, only Parliament can: <ul style="list-style-type: none"> ■ Include or exclude any caste/tribe from the list. ■ President cannot modify the list after notification.
Backward Class- es – Constitutional Position	<ul style="list-style-type: none"> ○ The Constitution does NOT define “Backward Classes” uniformly. ○ Different Articles deal with backwardness in different contexts.
Relevant Constitu- tional Articles	<p>Article 15</p> <ul style="list-style-type: none"> ○ Special provisions for Socially and Educationally Backward Classes (SEBCs). ○ Also covers SCs and STs. ○ Applies mainly to education and social advancement. <p>Article 16</p> <ul style="list-style-type: none"> ○ Reservation in public employment for Backward Classes of citizens. ○ Focuses on adequate representation in services. <p>Article 46 (DPSP)</p> <ul style="list-style-type: none"> ○ Promotes educational and economic interests of: <ul style="list-style-type: none"> ○ SCs ○ STs ○ Other weaker sections ○ Aims at upliftment and protection from social injustice and exploitation. <p>Article 30</p> <ul style="list-style-type: none"> ○ Relates to Minorities (not backward classes). ○ Grants minorities the right to establish and administer educational institutions. ○ Often confused, but not a reservation provision.
Article 334 – Sunset Clause	<ul style="list-style-type: none"> ○ Provides time limit (sunset clause) for: <ul style="list-style-type: none"> ■ Reservation of seats for SCs and STs in: <ul style="list-style-type: none"> ◆ Lok Sabha ◆ State Legislative Assemblies ○ Period has been extended repeatedly by Constitutional Amendments.

CHAPTER 23

ELECTIONS

Articles 324–329

Article 324	<ul style="list-style-type: none"> ○ Superintendence, direction and control of elections vested in Election Commission of India (ECI). ○ Applies to LS, RS, State Legislatures, President & Vice-President.
Article 325 – Electoral Roll	<ul style="list-style-type: none"> ○ One single electoral roll for Parliament and State Legislatures. ○ No discrimination in voter inclusion on grounds of religion, race, caste, sex. ○ Place of birth is NOT a ground of exclusion.
Article 326 – Adult Franchise	<ul style="list-style-type: none"> ○ Universal adult suffrage (18+). ○ Disqualifications allowed by law: Non-residence, Unsound mind, Crime, Corrupt/illegal practices (NUCCI).
Article 327 – Parliament’s Power	<ul style="list-style-type: none"> ○ Parliament can make laws on ALL matters relating to elections to Parliament and State Legislatures.
Article 328 – State Legislature’s Power	<ul style="list-style-type: none"> ○ State Legislature can make election laws only on matters NOT covered by Parliament. ○ Hence, supplementary power.
Article 329 – Bar to Courts	<ul style="list-style-type: none"> ○ Delimitation cannot be challenged in courts. ○ Election disputes only through election petitions after elections.
Delimitation Commission of India	<ul style="list-style-type: none"> ○ Constitutional basis: Article 82. ○ Parliament enacts Delimitation Act after every census → Central Govt sets up Commission. ○ Members (3): <ul style="list-style-type: none"> ■ Retired/serving Supreme Court Judge – Chairperson ■ Chief Election Commissioner ■ State Election Commissioner ○ Functions: <ul style="list-style-type: none"> ■ Determine number & boundaries of constituencies. ■ Identify reserved seats for SC/ST (cannot alter state representation). ■ Orders apply to LS & State Assemblies → No modification allowed (Art 329). ○ So far commissions = (4) : 1952, 1962, 1972, 2002. ○ 31st CAA: Delimitation not applicable to states with population < 6 million. ○ J&K: Delimitation under state law.

<p>Election Machinery</p>	<p>Authority & their function:</p> <ul style="list-style-type: none"> ○ CEO : Supervises elections in State/UT ○ DEO : Conducts election at district level ○ RO : Scrutiny of nominations, counting, declaration of result ○ ERO : Preparation of electoral roll ○ Presiding Officer : Conducts polling at booth
<p>Observers</p>	<ul style="list-style-type: none"> ○ General Observers – overall supervision ○ Expenditure Observers – from Central Govt services ○ Police Observers – IPS officers ○ Awareness Observers (since 2014) – voter participation & media monitoring (Paid News) ○ Micro-Observers – from Central services/PSUs; report directly to General Observer
<p>Star Campaigners</p>	<ul style="list-style-type: none"> ○ Nominated by political parties to campaign in specified constituencies only. ○ Only registered parties allowed: <ul style="list-style-type: none"> ■ Recognised party: 40 ■ Unrecognised (registered): 20
<p>Postal Ballot (Sec 60, RPA 1951)</p>	<ul style="list-style-type: none"> ○ Eligible voters: <ol style="list-style-type: none"> 1. Armed forces members serving outside state 2. GoI employees serving outside India 3. Spouse of above 4. Persons under preventive detention 5. Armed forces of Union (can also use proxy voting)
<p>Election Laws</p>	<p>RPA, 1950</p> <ul style="list-style-type: none"> ○ Allocation of seats for LS, State Assembly, State Councils (not RS). ○ Delimitation power with the President (after consulting ECI). ○ Electoral rolls for LS & State Assemblies. ○ Does NOT deal with actual conduct of elections. <p>RPA, 1951</p> <ul style="list-style-type: none"> ○ Qualifications & disqualifications of MPs/MLAs. ○ Notification of elections. ○ Election machinery. ○ Registration of political parties. ○ Conduct of elections. ○ Election disputes. ○ Corrupt practices & electoral offences. ○ By-elections. ○ Term of Rajya Sabha members. ○ Election symbols: Sec 29A + Election Symbols Order, 1968.

ANTI-DEFECTION LAW (10th Schedule)

<p>Origin</p>	<ul style="list-style-type: none"> ○ 52nd Constitutional Amendment Act, 1985 ○ Inserted Tenth Schedule ○ Applicable to Parliament & State Legislatures
<p>Grounds of Disqualification</p>	<ol style="list-style-type: none"> 1. Voluntarily gives up membership of political party (includes conduct even without formal resignation) 2. Votes/abstains against party whip without prior permission → If not condoned by party within 15 days 3. Independent member → Joins party after election 4. Nominated member → May join party within 6 months, otherwise disqualified <p>■ Exceptions:</p> <hr/> <p>1. Merger:</p> <ul style="list-style-type: none"> ■ If 2/3rd members of a party agree to merge <p>2. Presiding Officer (Speaker/Chairman):</p> <ul style="list-style-type: none"> ■ May resign party on election ■ Can rejoin after demitting office
<p>Decision Making Authority</p>	<ul style="list-style-type: none"> ○ Speaker / Chairman decides disqualification ○ No time limit prescribed in Constitution
<p>Judicial Review</p>	<ul style="list-style-type: none"> ○ Kihoto Hollohan Case (1993) <ul style="list-style-type: none"> ■ Speaker acts as Tribunal ■ Decision subject to Judicial Review on: <ul style="list-style-type: none"> ◆ Mala fide ◆ Perversity ◆ Violation of constitutional mandate
<p>Procedure-Related Points</p>	<ul style="list-style-type: none"> ○ No suo motu action by Speaker ○ Only on complaint by a member of the House ○ No automatic disqualification ○ Inquiry required + opportunity to be heard ○ May be referred to Committee of Privileges
<p>Scope Limitation</p>	<ul style="list-style-type: none"> ○ Applies only to conduct inside the legislature ○ Does NOT cover activities outside House

Political Parties	<ul style="list-style-type: none"> ○ First constitutional recognition of political parties ○ Speaker can frame rules → violation = breach of privilege
Article 361B (91st CAA, 2003)	<ul style="list-style-type: none"> ○ Disqualified member: <ul style="list-style-type: none"> ■ Cannot hold ANY remunerative political office ○ Bar lasts till earlier of: <ul style="list-style-type: none"> ■ Expiry of term of House ■ Re-election to legislature ○ Remunerative Political Office (Defined in Constitution) ○ Salary paid from: <ul style="list-style-type: none"> ■ Public revenue of Union/State, or ■ Any body controlled by Union/State ○ Exception: Compensatory allowances allowed

PREVIOUS YEAR QUESTIONS

Consider the following statements: (2025)

- I. If any question arises as to whether a Member of the House of the People has become subject to disqualification under the 10th Schedule, the President's decision in accordance with the opinion of the Council of Union Ministers shall be final.
- II. There is no mention of the word 'political party' in the Constitution of India.

Which of the statements given above is/are correct?

- (a) I only (b) II only
(c) Both I and II (d) Neither I nor II

With reference to anti-defection law in India, consider the following statements: (2022)

1. The law specifies that a nominated legislator cannot join any political party within six months of being appointed to the House.
2. The law does not provide any timeframe within which the presiding officer has to decide a defection case.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

CHAPTER 25

CONSTITUTIONAL AND NON - CONSTITUTIONAL BODIES

CONSTITUTIONAL AND NON-CONSTITUTIONAL BODIES

CONSTITUTIONAL BODIES	NON-CONSTITUTIONAL BODIES
<ol style="list-style-type: none"> 1. Election Commission of India – Article 324 2. UPSC – Articles 315–323 3. State PSC (SPSC) – Articles 315–323 4. Finance Commission – Article 280 5. National Commission for SCs – Article 338 6. National Commission for STs – Article 338A 7. National Commission for BC – Article 338B (constitutional status after 102nd CAA) 8. Special Officer for Linguistic Minorities – Article 350B 9. CAG of India – Article 148 10. Attorney General of India – Article 76 11. Advocate General of State – Article 165 <p>Other Constitutional Councils / Committees</p> <ul style="list-style-type: none"> ○ Inter-State Council – Article 263 ○ GST Council – Article 279A ○ District Planning Committee (DPC) – Article 243ZD ○ Metropolitan Planning Committee (MPC) – Article 243ZE 	<p>■ Statutory Bodies (Created by Act of Parliament / State Legislature)</p> <ol style="list-style-type: none"> 1. National Human Rights Commission (NHRC) 2. State Human Rights Commissions 3. Central Information Commission (CIC) 4. State Information Commissions (SIC) 5. Central Vigilance Commission (CVC) 6. Lokpal and Lokayuktas 7. Central Bureau of Investigation (CBI) → Statutory basis via Delhi Special Police Establishment Act, not constitutional <p>Executive Bodies</p> <ul style="list-style-type: none"> ○ (Created by Executive Resolution, no law required) ○ 1. Planning Commission (now abolished) ○ 2. NITI Aayog ○ 3. National Development Council (NDC)

**COMPTROLLER AND
AUDITOR GENERAL
OF INDIA (CAG)
(Articles 148-151)**

Nature & Status

- Independent Constitutional Authority
- Head of Indian Audit & Accounts Department
- Guardian of Public Purse
- Audits financial system of both Union and States

Oath (Art. 148)

- Bear true allegiance to Constitution
- Uphold sovereignty & integrity of India
- Perform duties without fear or favour
- Uphold Constitution and laws

Appointment

- Appointed by President
- Appointment of persons in Indian Audit & Accounts Department (IA&AD) made by President after consultation with CAG
- No Minister can represent CAG in Parliament (charged on CFI)

Tenure & Removal

- Term: 6 years or 65 years, whichever earlier
- Removal only on grounds of:
 - Proved misbehaviour
 - Incapacity
- Removal procedure: Same as Supreme Court Judge

Salary & Service Conditions

- Salary, allowances, powers & duties:
 - Provided by CAG (Duties, Powers & Conditions of Service) Act, 1971
- After retirement:
 - Not eligible for further office under Union or State

Accounts & Audit

- CAG (Accounts) Act, 1976
 - → Separation of Accounts from Audit
- Audit function retained with CAG

Audits

- CAG audits:
 - Consolidated Fund of India
 - Consolidated Fund of States
 - Contingency Fund of India & States
 - Public Accounts of Union & States
 - Receipts & expenditure of Centre & States
 - Any authority when requested by President / Governor
 - Audit of Public Sector & Companies

Types:

- Entirely by CAG
- Example: ONGC, Air India
- By private auditor in consultation with CAG
- By private auditor

	<ul style="list-style-type: none"> ○ Example: LIC, RBI, SBI, FCI <p>Role of CAG in auditing government companies is limited</p> <p>Reports</p> <ul style="list-style-type: none"> ○ Submits 3 audit reports: <ul style="list-style-type: none"> ■ Union ■ States ■ Public Undertakings ○ Reports submitted to President / Governor <ul style="list-style-type: none"> ■ Laid before: <ul style="list-style-type: none"> ◆ Both Houses of Parliament ◆ Examined by Public Accounts Committee (PAC) <p>Limitations</p> <ul style="list-style-type: none"> ○ Responsible only to Parliament ○ No control over issue of money ○ Audits after expenditure has occurred (post-facto audit) <p>Other Points</p> <ul style="list-style-type: none"> ○ 1968: Audit Board established as part of CAG office ○ First CAG: V. Narahari Rao
<p>ATTORNEY GENERAL OF INDIA (AGI) (Article 76)</p>	<p>Status</p> <ul style="list-style-type: none"> ○ Highest Law Officer of India ○ Chief Legal Advisor to Government of India <p>Appointment & Qualification</p> <ul style="list-style-type: none"> ○ Appointed by President <p>Qualification:</p> <ul style="list-style-type: none"> ○ Eligible to be Judge of Supreme Court ○ Must be a Citizen of India ○ Term & Office ○ Term not fixed ○ Holds office during pleasure of President <p>Rights & Privileges</p> <ul style="list-style-type: none"> ○ Right to: <ul style="list-style-type: none"> ■ Speak & take part in proceedings of: <ul style="list-style-type: none"> ■ Either House of Parliament ■ Joint sittings ■ Parliamentary Committees ○ No right to vote ○ Enjoys same privileges as MP <p>Limitations</p> <ul style="list-style-type: none"> ○ Cannot: <ul style="list-style-type: none"> ■ Advise against Government of India ■ Defend accused in criminal prosecution ■ Hold directorship in company/corporation without permission

	<p>Salary</p> <ul style="list-style-type: none"> ○ Determined by President
<p>ADVOCATE GENERAL OF STATE (AG - State) (Article 165)</p>	<p>Status</p> <ul style="list-style-type: none"> ○ Highest Law Officer of the State <p>Appointment</p> <ul style="list-style-type: none"> ○ Appointed by Governor <p>Qualification:</p> <ul style="list-style-type: none"> ○ Eligible to be Judge of High Court ○ Must be a Citizen of India
<p>CENTRAL VIGILANCE COMMISSION (CVC)</p>	<p>Legal Basis</p> <ul style="list-style-type: none"> ○ Statutory body under: <ul style="list-style-type: none"> ■ CVC Act, 2003 <p>Origin:</p> <ul style="list-style-type: none"> ○ Prevention of Corruption framework ○ Linked with Prevention of Corruption Act, 1988 <p>Functions</p> <ul style="list-style-type: none"> ○ Superintendence over DSPE (CBI) in corruption cases ○ Reviews: <ul style="list-style-type: none"> ■ Investigation progress of DSPE ■ Centre must consult CVC while framing vigilance rules ■ Advises Central Government on vigilance matters <p>Lokpal Linkage</p> <ul style="list-style-type: none"> ○ Lokpal & Lokayuktas Act, 2013 ○ Applies to: <ul style="list-style-type: none"> ■ CVC Act, 2003 ■ DSPE Act, 1946 ○ Introduced modifications accordingly <p>Appointments in CBI</p> <ul style="list-style-type: none"> ○ Director of Prosecution (CBI): <ul style="list-style-type: none"> ■ Appointed on recommendation of CVC ■ Selection Committee for SP & above (CBI) ■ Members: <ul style="list-style-type: none"> ◆ CVC (Chairperson + 2 Members) ◆ Home Secretary ◆ Secretary, DoPT <p>Inquiry Powers</p> <ul style="list-style-type: none"> ○ Empowered to conduct preliminary inquiry ○ Covers officials of: <ul style="list-style-type: none"> ■ Group A, B, C & D

(2025)

Consider the following statements about Lokpal:

- I. The power of Lokpal applies to public servants of India, but not to the Indian public servants posted outside India.
- II. The Chairperson or a Member shall not be a Member of the Parliament or a Member of the Legislature of any State or Union Territory, and only the Chief Justice of India, whether incumbent or retired, has to be its Chairperson.
- III. The Chairperson or a Member shall not be a person of less than forty-five years of age on the date of assuming office as the Chairperson or Member; as the case may be.
- IV. Lokpal cannot inquire into the allegations of corruption against a sitting Prime Minister of India.

Which of the statements given above is/are correct?

- (a) III only
- (b) II and III
- (c) I and IV
- (d) None of the above statements is correct

Consider the following organisations/bodies in India:

1. The National Commission for Backward Classes
2. The National Human Rights Commission
3. The National Law Commission
4. The National Consumer Disputes Redressal Commission

How many of the above are constitutional bodies? (2023)

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All four

Consider the following statements: (2022)

1. Attorney General of India and Solicitor General of India are the only officers of the Government who are allowed to participate in the meetings of the Parliament of India.
2. According to the Constitution of India, the Attorney General of India submits his resignation when the Government which appointed him resigns.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Which of the following is/are among the noticeable features of the recommendations of the Thirteenth Finance Commission? (2012)

1. A design for the Goods and Services Tax, and a compensation package linked to adherence to the proposed design.
2. A design for the creation of lakhs of jobs in the next ten years in consonance with India's demographic dividend.
3. Devolution of a specified share of central taxes to local bodies as grants.

Select the correct answer using the codes given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

With reference to the Finance Commission of India, which of the following statements is correct? (2011)

- (a) It encourages the inflow of foreign capital for infrastructure development
- (b) It facilitates the proper distribution of finances among the Public Sector Undertakings
- (c) It ensures transparency in financial administration
- (d) None of the statements (a), (b) and (c) given above is correct in this context

In India, other than ensuring that public funds are used efficiently and for the intended purposes, what is the importance of the office of the Comptroller and Auditor General (CAG)? (2012)

1. CAG exercises exchequer control on behalf of the Parliament when the President of India declares a national emergency/financial emergency.
2. CAG reports on the execution of projects or programmes by the ministries are discussed by the Public Accounts Committee.
3. Information from CAG reports can be used by investigating agencies to press charges against those who have violated the law while managing public finances.
4. While dealing with the audit and accounting of government companies, CAG has certain judicial powers for prosecuting those who violate the law.

Which of the statements given above is/are correct?

- (a) 1, 2 and 4 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 1, 2, 3 and 4

Consider the following statements: (2013)

Attorney General of India can-

1. take part in the proceedings of the Lok Sabha
2. be a member of a committee of the Lok Sabha
3. speak in the Lok Sabha
4. vote in the Lok Sabha

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 4
(c) 1, 2 and 3 (d) 1 and 3 only

Consider the following statements: (2017)

1. The Election Commission of India is a five-member body.
2. The Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognized political parties.

Which of the statements given above is/are correct?

- (a) 1 and 2 only (b) 2 only
(c) 2 and 3 only (d) 3 only

At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?

(2021)

- (a) Ministry of Environment, Forest and Climate Change
(b) Ministry of Panchayati Raj
(c) Ministry of Rural Development
(d) Ministry of Tribal Affairs

Consider the following statements: (2013)

1. The National Development Council is an organ of the Planning Commission.
2. The Economic and Social Planning is kept in the Concurrent List in the Constitution of India.
3. The Constitution of India prescribes that Panchayats should be assigned the task of preparation of plans for economic development and social justice.

Which of the statements given above is/are correct?

- (a) 1 only (b) 2 and 3 only
(c) 1 and 3 only (d) 1, 2 and 3

Who among the following constitute the National Development Council? (2013)

1. The Prime Minister
2. The Chairman, Finance Commission
3. Ministers of the Union Cabinet
4. Chief Ministers of the States

Select the correct answer using the codes given below.

- (a) 1, 2 and 3 only (b) 1, 3 and 4 only
(c) 2 and 4 only (d) 1, 2, 3 and 4

Which of the following bodies does not/do not find mention in the Constitution? (2013)

1. National Development Council
2. Planning Commission
3. Zonal Councils

Select the correct answer using the codes given below:

- (a) 1 and 2 only (b) 2 only
(c) 1 and 3 only (d) 1, 2 and 3

Which of the following are associated with 'Planning' in India? (2014)

1. The Finance Commission
2. The National Development Council
3. The Union Ministry of Rural Development
4. The Union Ministry of Urban Development
5. The Parliament

Select the correct answer using the code given below:

- (a) 1, 2 and 5 only (b) 1, 3 and 4 only
(c) 2 and 5 only (d) 1, 2, 3, 4 and 5

With reference to the Union Government, consider the following statements: (2021)

1. The N. Gopalaswamy Iyenger Committee suggested that a minister and a secretary be designated solely for pursuing the subject of administrative reform and promoting it.
2. In 1970, the Department of Personnel was constituted on the recommendation of the Administrative Reforms Commission, 1966, and this was placed under the Prime Minister's charge. Which of the statements given above is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

PREVIOUS YEAR QUESTIONS

Consider the following pairs: (2024)

	Party	Its Leader
1.	Bhartiya Jana Sangh	Dr. Shyama Prasad Mukherjee
2.	Socialist Party	C. Rajagopalachari
3.	Congress for Democracy	Jagjivan Ram
4.	Swatantra Party	Acharya Narendra Dev

How many of the above are correctly matched?

- (a) Only one (b) Only two
(c) Only three (d) All four

Consider the following statements: (2023)

Statement-I: The Supreme Court of India has held in some judgments that the reservation policies made under Article 16(4) of the Constitution of India would be limited by Article 335 for the maintenance of efficiency of administration.

Statement-II: Article 335 of the Constitution of India defines the term 'efficiency of administration'.

Which one of the following is correct in respect of the above statements?

- (a) Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I.
(b) Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I.
(c) Statement-I is correct but Statement-II is incorrect.
(d) Statement-I is incorrect but Statement-II is correct.

With reference to Home Guards, consider the following statements: (2023)

- Home Guards are raised under the Home Guards Act and Rules of the Central Government.
- The role of the Home Guards is to serve as an auxiliary force to the police in the maintenance of internal security.
- To prevent infiltration on the international border/coastal areas, the Border Wing Home Guards Battalions have been raised in some states.

How many of the above statements are correct?

- (a) Only one (b) Only two
(c) All three (d) None

With reference to India, consider the following pairs: (2023)

Action	The Act under which it is covered
1. Unauthorised of the official police or Military uniforms	The Official Secrets Act, 1923
2. Knowingly misleading or otherwise Interfering with a police officer or military officer when engaged in their duties	The Indian Evidence Act, 1872
3. Celebratory gunfire which can endanger the personal safety of others	The Arms (Amendment) Act, 2019

How many of the above pairs are correctly matched?

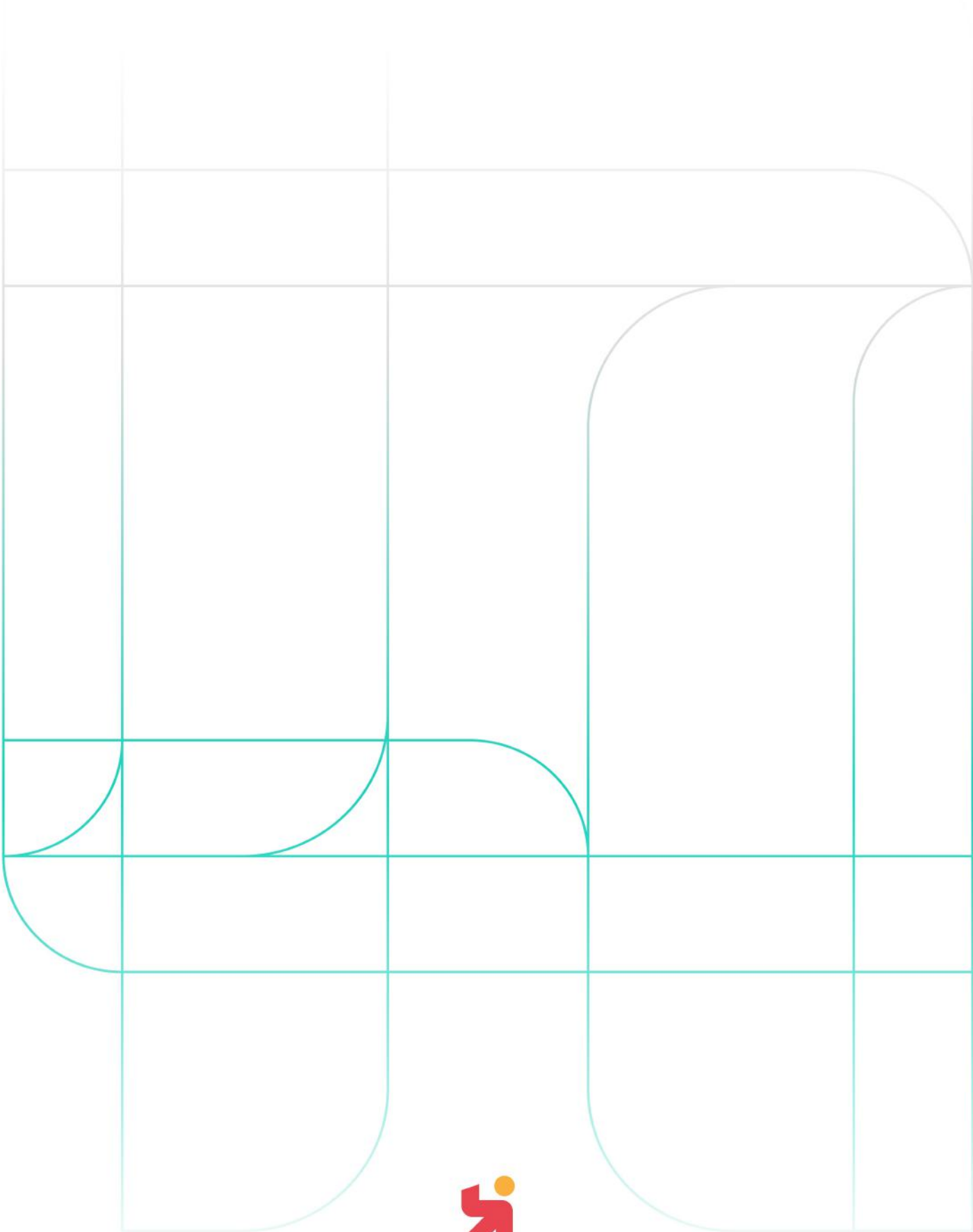
- (a) Only one (b) Only two
(c) All three (d) None

In the context of any country, which one of the following would be considered as part of its social capital? (2019)

- (a) The proportion of literates in the population
(b) The stock of its buildings, other infrastructure and machines
(c) The size of population in the working age group
(d) The level of mutual trust and harmony in the society

In the context of India, which one of the following is the characteristic appropriate for bureaucracy? (2020)

- (a) An agency for widening the scope of parliamentary democracy
(b) An agency for strengthening the structure of federalism
(c) An agency for facilitating political stability and economic growth
(d) An Agency for the implementation of public policy



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