

- Britishers Came $\xrightarrow[1600]{\text{Queen Elizabeth I}}$ India $\xrightarrow[1755]{\text{Diwani Rights}}$ Bengal, Bihar, Orissa
- 1858 - 'Sepoy Mutiny', the British Crown assume direct responsibility for the governance of India.
- **MN Roy** thought for a need of Constitution (in 1934)

The Company Rule [1773-1858]

1) Regulating Act of 1773

- 1st step taken by the British Government to control and regulate the affairs of the EIC in India.
- Recognised, Political & administrative function of the Company
- laid the foundation of Central Administration in India.

Features-

- Designated Governor of Bengal $\xrightarrow{\text{as}}$ G.G. of Bengal
 1st G. General - Lord Warren Hastings
- Assisted by 4 member Council. Fixed tenure - 5 years
- G. of Madras, Bombay are under G.G. of Bengal.
- S. Court at Calcutta (1 C.J. + 3 other Judges)
- No private trade.

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2) Pitts India Act, 1784

- Rectify the defects of the Regulating Act, 1773
- British Parliament passed the Amending Act, 1781, also known as 'Act of Settlement'

Features-

- Distinguished b/w Commercial & Political function of the Company.
- allowed, the Court of Directors to manage → Commercial affairs but created → new body → called Board of Control to manage political affairs. Thus, established → system of → double govt.
- empowered Board of Control → to supervise & operations of civil & military govt. or revenues of the British possessions in India.

I → Company's territories in India → called → 'British Possession in India.'

II → British Govt. was given the Supreme Control over Company's affairs & its administration in India.

2) Charter Act, 1833 — Final steps towards centralisation in B. India

Features —

- Made G.G. of Bengal $\xrightarrow{\text{as}}$ G.G. of India (William Bentick - 1st)
- Power — Civil & Military
- Depose, G. of Bengal & Madras & G.G. of India was given exclusive legislative power for the entire British India.
- ended → activities of EIC → as → Commercial body
- became → purely administrative body.
- Introduced open system competition → for Civil Servants (selection of)

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Charter Act, 1853 — Last Charter from 1793 to 1853

Features —

- Introduced open competition system of selection & recruitment of civil servants [Macaulay Committee 1854]
- 1st time → separated → legislative & Executive Junction of G. General's Council.
- Introduced 1st time → local representation in Indian Legislative Council (out of 6, 4 members were appointed by local (provincial) govt. of M, B, B & Agra. (Madras*, Bombay*, Bengal*))

The CROWN RULE (1858-1947)

Government of India Act, 1858 —

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- ↳ "Act for the Good Govt. of India"
- ↳ Abolished EIC & transferred the power of Govt, territories & revenue to the British Crown

Features —

- ⇒ Change → designation → G.G. of India $\xrightarrow{\text{to}}$ Viceroy of India.
↓
Direct representative of British Crown in India.
- ⇒ Lord Canning 1st V. of India (Viceroy)
- ⇒ Ended → double govt. system → by → abolishing → the Board of Control & Council of Directors.
- ⇒ Created new office, secretary of state for India, vested → complete authority
- ⇒ Control over Indian Administration.
- ⇒ Established 15 member Council of India to assist secretary for India, also chairman of the Council.
- ⇒ Largely, Confined → adm machinery by which Indian govt. to be supervised & controlled in England.

Indian Council Act, 1861

⇒ Imp. landmark in the Constitutional & Political history of India.

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Features-

- It made beginning of representative institutions by associating Indians with the law making process.
- It thus provided that Viceroy should nominate some Indians as non-official members of his expanded Council.
- Initiated → process of decentralisation → by vesting the legislative powers to the Bombay and Madras presidencies. Reversed → Centralising tendency started from 1773.
- It established → new legislative councils of Bengal, NWFP & Punjab.
- empowered the viceroy to issue ordinance, without the concurrence of the legislative council, during the emergency. Life of ordinance was 6 months.

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Indian Council Act, 1892

- ↑ no. of legislative council & gave them the power of discussing budget & addressing question to the executive.
- Act → made a limited and indirect provision for the use of election in filling up some of the non-official seats both in the central and provincial legislative councils.

Indian Council Act, 1909

Known as Morley-Minto Reform
↓
Secretary Viceroy

- Increased the size of legislative council from (16 to 60), both central and provincial.
- Provided for association of Indians with the executive Council of the Viceroy & Governors. (Satyendra Prasad Sinha became the first, appointed as law member).
- Give separate electorate to Muslims.
- Introduced system of communal representation.
- * Lord Minto → Rather of Communal Electorate.
- Beginning of non-official reservation in the Council.

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- Growth of India Act, 1919 — (Montagu - Chelmsford Reforms)
 - Secretary Viceroy
 - ↓ ↓
 - (Gradual development of)
- Aug 1817: Montagu's Statement (Self-government for India).
- Relaxed the central control over the provinces by demarcating & separating the central & provincial subject.
- Divided Provincial subject — Transferred & Reserved Subject.
- dual scheme of governance 'Dyarchy'.
- 1st time bicameralism & direct election (introduced)
- 3 out of 6 members of Viceroy's Executive Council were to be India.
- establishment of Public Service Commission. (Setup 1926)
- granted franchise → limited → property, tax or education.
- Extended principle of communal representation →
- by separate electorate for Sikhs, Christians, Anglo Indians & Europeans.
- Separated provincial budgets from Central budgets.
- Indian Legislative Council → called Indian Legislature.

• Significance —

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- Simon Commission of 1927 was outcome of it.
- Rowlett act.
- steps towards complete responsible government.
- Division of subject → not satisfactory.
- The Viceroy → retained control of the central govt & role of the mostly elected bicameral legislature remain advisory.

- Growth of India Act, 1935 — (Towards completely responsible government)
 - established of an All Indian federation (Provinces & princely states)
 - Power b/w centre & unit in 3 list — Federal list (59 items), Provincial list (54 items) & Concurrent (36 items)
 - Abolished dyarchy in the provinces & introduced 'Provincial Autonomy' in its place.
 - Provided for adoption of dyarchy at the centre.
 - bicameralism in 6/11 provinces. Many restriction placed.
 - Separate electorate for (SCs), women & labour.
 - Extended the franchise, more than 10% of total popⁿ got voting rights.
 - establishment of RBI to control the Currency & Credit.
 - establishment of not only federal Public Service Commission also Provincial Pub. Service & Joint Pub. Service Comm.
 - establishment of federal court, Setup in 1937.

• Causes -

- World War II
- Weakened British economically
- Role of INA outside India as well as in India.
- Cripps proposal, 1942
- Quit India Movement launched by Gandhi in 1942.
- Cabinet Mission Plan, which provide for making Constituent Assembly.
- Revolt of Indian Navy & Indian Army against British

• Features of the Act -

- Act ended British rule in India.
- Division of British India into Pakistan & India.
- A governor general for each dominion created.
- India - Lord Mountbatten (15th Aug '47 - 21 June 1948)
- Pakistan - Jinnah
- Termination of British suzerainty over the Princely States.
- Division of Punjab & Bengal.
- Abolished office of the SOS.
- Removed the title "Emperor of India" from the title of the British Monarch.

First Cabinet

- 1) → Jawahar Lal Nehru → PM, External Affairs & Commonwealth relations, Scientific Research.
- 2) → Sardar Vallabhbhai → Home, Information & Broadcasting, States
- 3) → Dr. Rajendra Prasad → Food & agriculture.
- 4) → Maulana Abul Kalam → Education
- 5) → Dr. Jahn Mathai → Railway & Transport
- 6) → R.K. Shanmugham → 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. Shyam Prasad Mukherjee → Industries & Supplies
- 14) → V. V. Giri → Works, Mines & power

Portfolios held

Chapter-2

Making of the Constitution

①

- In 1934 → MN Roy → 1st time put the Idea of Constituent Assembly.
- In 1935 → INC → demanded a CA to frame the Const. of India.
- In 1938 → J.L. Nehru on the behalf of INC declar.
- ⇒ Finally, demand was accepted in principle by British Govt, know as "August offer" of 1940.
- ↳ 1942, Sir Stafford Cripps → Came to India → Framing of an Independent Constitution to be adopted after the W.W-II
{Cripps proposals rejected by Muslims}

• Composition of the Constituent Assembly

- CA was constituted → In Nov 1946 → Under the scheme formulated by the Cabinet Mission Plan.

Total strength - 389 (members)

- 296, British Indian
- 93, Princely states (nominated by head)

↳ 292 from 11 provinces
↳ 4 Chief Commissioners Provinces

- * Seat allocation on principle of Community based on population.
- * Roughly, 1 seat = 10,00,000 people.
- method of election → proportional representation by means of single transferable votes.
- Provinces members → elected → by members of L. Assembly.
- Princely states → selection → on basis of nomination/consultation.
- Election → July - August 1948
208 → Congress, 73 → Muslim League
15 → Others, 93 seats vacant → No Nomination
∴ Sovereignty

- Not on Adult franchise, All eminent Personality except Gandhi.
- 1st meeting of CA → 9th Dec 1946 → boycotted by 'M-League'
- Dr. Sachidanand Sinha, temporary President
- later H.C Mukherjee } vice President
- V.T Krishnamachari }
- & Dr. Rajendra Prasad → President
- BN Rau was appointed as the Constitution) Legal Advisor.

Objective Resolution → 15 Dec 1946 } all the things
 → 22 Jun 1947 } in Preamble.

- on 26th July 1947, separate CA for Pakistan → Created.
- on 29th Aug, 1947, CA appointed drafting Committee under the Chairmanship of "Dr B.R Ambedkar".
- ↓
- introduced final draft of Const. on Nov 4, 1948 (1st reading)
- 2nd reading (clause by clause) on Nov 15, 1948.
- 3rd reading started on 14th Nov, 1949

- Const. of India → declared passed on 26th Nov, 1949.
- 284 members out of 299 signed → after signed by President of CA Dr Rajendra Prasad.
- Contain a Preamble, 395 Articles & 8 Schedules
- Remaining on 26th Jan 1950 → as Purna Swaraj (Date of commencement of Const)
- ↓
- Lahore Session Resolution (1929)

- Elephant as symbol (seal)
- National flag, on 22 July 1947
- National Song, on 24 Jan 1947
- Rajendra Prasad on 1st President → 24 Jan 1950
- Total Expenditure = 164 Lakh
- Total Time - 2 years 11 months 18 Days
- 60 Countries → Constitution
- H.V.R Tyengar → Secretary of the Constituent Assembly
- Poem Behari Narain Raizada was Calligrapher of the Indian Constitution.

≡ **FACTS**

Chapter - 3

Salient feature of Constitution

→ Imp. Amendment - 7th, 42nd, 44th, 73rd, 74 Const. Amend. Act
 → 42nd CAA (1976) known as Mini Constitution.

1) Longest written Constitution (Geographically, Historically, Single Constitution, Dominance of legal luminaries)

→ 395 Article, 22 parts, 8 schedule. www.DesireIAS.com

Presently, 465 Article, 25 parts, 12 schedule.

2) Drawn from various sources → different countries + Act of 1935 (too Bulky)

B.R. Ambedkar → Ransacking of all known Constitution.

Structure part → 1935 Act

Philosophy → Preamble + Right + DPSP

3) Blend / Mixup of Rigidity & Flexibility (as some can be amend by 2/3rd or simple or absolute majority)

4) Federal System with Unitary basis

two govt. division of power
 written Constitution
 supremacy of Constitution
 rigidity, independent
 Judiciary & bicameralism

a strong center
 single Constitution
 ↳ Citizenship
 ↳ Integrated Judiciary
 ⇒ Art. 1 → Union of state
 ↓
 cannot exist. not on basis of Contract

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Qasi Federal, Co-operative Federalism

5) Parliamentary govt / West Minister Model → Based on coordination & cooperation b/w legislative & executive organ.

→ doctrine of Parliament → British
 → Judicial → American

Integrate & Independent Judiciary
 USA → Federal law → Federal only
 State law → state Judiciary.

⇒ Indian SC Judiciary area in whole territory.

Features -

- Fundamental Rights
- DPSP
- Duties
- Secular state
- Universal Adult Franchise, 21 year → 18 year
61st C.A, 1988
- Single Citizenship
- Independent bodies viz CAG, Election Commission, UPSC, SPSC etc.
- Emergency Provision
- Three tier government

Important sources of Indian Constitution -

- Govt. of India Act → Federal structure, Centre-state Relation, Administrative setup (Office of Governor, Public Service Commission.
- British Constitution → Parliamentary Model, Cabinet system, writ Jurisdiction.
- US Constitution → FR, Judicial Review, Preamble, Impeachment of PRESIDENT, removal of SC & HC Judge.
- IRELAND → DPSP
Elected President www.DesireIAS.com
- CANADA → Residuary Power, MP & MLA Privileges
- Australia → Concurrent List
Joint sitting of Parliament
- Germany → Emergency Provision.
- South Africa → Procedure of Constitution Amendment
- JAPAN → Procedure established by Law
- French → Republic & the ideals of Liberty, Equality & Fraternity in the Preamble

Criticism -

- Borrowed Constitution
 - Carbon Copy of 1935
 - Un-Indian or Anti Indian
 - An-Un Gandhian Constitution
 - Elephantine size
 - Paradise of Lawyers (legalistic or complicated)
- www.DesireIAS.com

Chapter-4

PREAMBLE (Chapter-4)

- America, 1st to introduced Preamble (Preface / Introduction)
- Preamble of India based on "Objective Resolution" by J.B. Nehru

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- Amended by 42nd Const. Amend Act, 1976 → added → 'Socialist, Secular & Integrity'.
↳ 13/12/1946
↳ 22/01/1947 - Passed
- Part of the Const., can be amend (Keshvanand Bhatt. Case (1973))
- SC said → any difficulty (if) in the Interpretation of Consts, It can be interpreted in the light of preamble.

Keywords -

- 1) Sovereign → Independent to take decision both Externally & Internally.
 - Not a problem — Constitutionalism (↑), Easy Exist,
 - Membership is discretionary, free to take any step.
 - Idea of popular sovereignty, shared sovereignty.
- 2) Socialist — 42nd Amendment Act 1976, Content in the form of DPSP.
 - Aim of Const. is to bring about socialistic pattern of the society. India follows 'democratic socialism' which hold faith in mixed economy.
- 3) Secular — 42nd C.A.A of 1976.
 - 'Secular state' were not expressly mentioned in the Const. but it was in the mind of Const. makers.
 - All religions in our country have same status & support from the state.
- 4) Democracy — A Lincoln "democracy is govt. of the people, by the people & for the people".
 - Two type — 1) Direct
 - 2) Indirect
 - ↓
 - representative elected by people exercise the supreme Power.
 - 2) Indirect
 - Direct → People exercise supreme Power directly,
 - 4 devices — Referendum, Initiative, Recall and Plebiscite.

5) → Republic — in our Preamble indicates that India has an elected head called the President.
⇒ Not Monarchy (not the hereditary)
eg - Britain

Republic — the head of the state elected directly or indirectly for a fixed period. eg - USA

6) → Justice — (From Russian Revolution)
→ Justice: Social, Economic & Political (Social Justice)
→ Equal treatment of all citizen without any social distinction based on caste, religion, race etc etc.
→ Economic Justice → basic needs of people → must fulfilled & → shall be equality of opportunity.
→ Political Justice → include R. of votes, Contest election, hold public office etc.

7) → Liberty — (French), Preamble reflects liberty of thought, expression, belief, faith & worship.

8) → Equality — absence of special privileges to any section & provision of adequate opportunities for all individuals without any discrimination.
↳ (Russian Revolution)

9) → Fraternity — means, sense of brotherhood.
→ The dignity of the individual & the unity & the integrity.

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- Preamble is the part of the Constitution.
- It can be Amend.
- It is neither a source of power to legislature nor a prohibition upon the power of legislature.
- Non - Justiciable, i.e its provisions are non enforceable in the courts of law.
- Preamble has been amended only once so far, in 1976, by the 42nd CAA Act, added 'Socialist', 'Secular', integrity — to the Preamble. This amendment was held to be valid.

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Chapter - 5

Union and Its Territory

Part - I (Schedule)

Art (1-4) → Union and Its Territory

1) Article I → India, that is Bharat, shall be a Union of States.

✓ Not a federation. www.DesireIAS.com

⇒ territory of state

UT, that are acquired with time

- purchase ✓
- gift lease ✓
- occupation, conquest ✓
- subjugation ✓

2) Art. II → Empowers for admission of New state in Union of India or establish, new state on such condition he think fit.

3) → Article - 3 →

authorises parliament to —

a) → form a new state by separation of territory

b) → for any state by uniting.

c) → Increase the size (area)

d) → diminish the size (area)

e) → alter the boundaries of state

f) → alter the name of any state

Bill

a) → introduced with prior recommendation of the President.

b) → before permission President can refer to state for expressing its view in specified time.

not binding, President can reject:
Parliamentary supremacy.

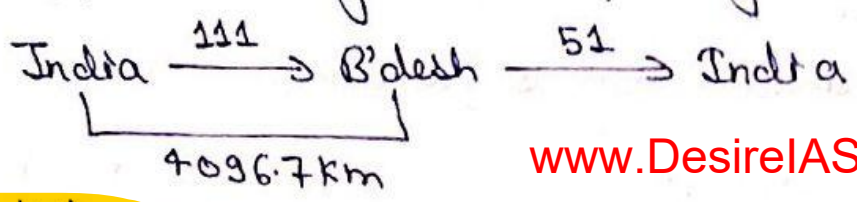
→ India is an Indestructible Union of destructible states where as USA is an Indestructible union of destructible states.

4) → Art - 4 → Acc. to Art. 4, such a bill itself contains the provisions for amendment of schedule 1 & 4 and for this no separate Constitutional Amendment under Art. 368 required.

* First Linguistic state 'Andhra' State

Power to diminish under Article 3 -

- Berubair Case → Only territory can be ceded by CA B.U.
- 9th CA 1960, was done to transfer Region of Berubair.
- 100th CA 2014, to transfer & acquiring each other territory,



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Dhar Commission -

- Need → Integration was purely on adhoc agreement.
- Demand of Ustate on linguistic basis in South (↑)

Linguistic Provision Commission → [S.K Dhar]

- Ustate organization on adm. Convenience rather than linguistic factor.

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J.P.V Committee -

- Jawahar Lal Nehru + Vallabh Bhai Patel + Pattabhai Sitaramayya → [1949], rejected demand on linguistic basis.

Fazal Ali Commission - (Fazal Ali) + (KM Panikar) + (NN KUNZRU)

- Rejected theory of one state one language.
- Linguistic & Cultural homogeneity.
- Financial & Economic consideration.
- Planning & promotion of welfare of people and the four fold classification of state.
- Preservation & strengthening of the unity & security of the country.
- As a result [14 state + 6 UT] on November 1, 1956.

State reorg reorganisation Act. 1956 →

- Kerala by merging Travancore + Malabar + Kajaragode of South Canara.
- AP, MP, Punjab & Rajasthan came into existence.
- Telangana from A.P → Andhra State Act, Again bifurcated in [2014] Hyderabad Joint Capital
- United Province → Uttar Pradesh, 1950 - 1st time
- [In 2014 → Orissa to Odisha.]

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Chapter-6

Citizenship

(Canadian) model

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⇒ **People** → Citizen (Art 15, 16, 19, 29, 30)

→ Alien → Friendly Alien

→ Enemy Alien → Nation having with that Nation
→ No Right i.e Art 22

→ Citizens are assigned duties

↓
both naturalised citizen & citizen by birth can hold office

Article (5-11) Part - II

Criteria - 26/Jan 1950

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- Article-5** → Person → domicile → In India & fulfill 3 condition
 - 1) → born in India
 - 2) → either parents born in India
 - 3) → If he has been ordinary citizen before 5 year of date 26/01/50
- Article-6** → Person migrated from Pakistan & conditions are—
 - a) → If he migrated before 19/07/1948 & he is ordinary resident.
 - b) → If he migrated on or after 19/07/1948, he can be registered → after 6 month being as resident.
- Article-7** → Migrate after 1/03/1947 to Pak but returned, registration can be done but after 6 month being as resident.
- Article-8** → One whose parent → Foreign, and he live outside can be the citizen of India by the diplomatic or consular representative of India in his whether on after 26/1/1950.
- Art-9** → Citizenship will be taken if the acquire membership of foreign nation.
- Art-10** → Citizen → Parliamentary law
- Art-11** → Parliament acquisition → Citizenship (full authority) termination

Citizenship Act — 1955, 57, 60, 85, 86, 92, 03, 05, 015

⇒ further amended in — (1986, 2003, 2005) —

- 1) → **By Birth** — www.DesireIAS.com
 - Born in India on or after 26/01/1950 but before 1/07/1987 in Indian irrespective of parents nationality.
 - After 1/07/1987 → Citizen → if either his parent Indian.

- After 3/12/2004 → citizen → If both are Indian
 ↳ one is Indian & other is not illegal immigrants.
- child of foreign diplomat & Enemy aliens. (Not (X))

1) By Descent — www.DesireIAS.com

→ Person born outside territory of India can apply if at the time of birth either of the parents is a citizen of India.

→ after 3/12/2004 born outside → should get registration with 1 year or allotted by govt.

2) By Registration —

- 7 year Residence, minor, children whose parents are Indian.
- A person who is married to a citizen of India.
- Indian origin who is ordinarily resident in any Country.

↳ Ordinarily resident — Resided in India throughout the period of 12 months immediately before making application.

3) By Naturalisation — www.DesireIAS.com

- He/she must belong to country where similar provision is given for Indian citizen.
- Either resided or been in service of Govt.
- Can apply after 11 years of lawful residence in Indian preceeding to 12 month residence.

4) By Incorporation of territory —

→ Loss of citizenship —

- 1) → By Renunciation (voluntary surrender)
- 2) → By Termination (on getting other countries citizenship)
- 3) → By Deprivation (Termination in case of fraud, misrepresentation)

→ Dual citizenship — two limitations —

1) → No Right to Vote

2) → Can not hold any Constitutional post in India.

→ Part III of Const. - "Magna Carta of India"
↳ also "The Corner Stone of the Const" & together DPSP (Part IV), called "The Conscience of the Const".

→ aim - establishing - "a govt of laws and not of men"
→ They are funda becuz → guaranteed & protected by the Const which is funda law of land.

Art - 12 → Defn of 'state', state includes -
a) → Govt & Parl of India
b) → Govt & Legist of state
c) → all local & other authorit

Art - 13 → Law inconsistent with FRs
i) → within the territory of Ind
ii) → Under the Contr of GOI

↳ declares, all laws, inconsistent with or derogation of any FRs shall be void.

↳ Ambit of law → Perⁿ law enacted by Parl. or State legislature.
→ Tempⁿ law like Ordinance issued by Presⁿ or Govern^r
→ order, By-law, rules, regulation or notification
→ non-legislative source of law i.e customs & its usage having the force of law.

⇒ RT to Equality (Art 14-18)

Art - 14 → Eqn before law & eqn protection of law
↳ state shall not deny to any person equality before law and equal protection of law.
↳ includes Citizens & Joesigners as well as legal person

Equality before law → British origin, (-) concept, prohibits spertreatment
"Rule of law" by Prof. A.V. Dicey.

Equal protection of law → US origin, (+)ive concept, allow spertreatment,
equality of treatment, permit-ob & transaction by law.

Rule of law → no person can be punished except for beach of law
↳ Everyone - equal → before law
Indian System ← ↳ Const. result → right of indivⁿ rather than Constⁿ being the source of indivⁿ rights.

→ SC held "Rule of law" is basic features & Cannot be amended.

Art-15 → Prohibition of Discrimination on certain grounds, only
of religion, race, Caste, sex, or birth of place.

→ Subj to any disability, disability, restriction conditions
↳ access shop, public restaurants, hotels & place of pub entertain^t
↳ use of well, tanks, bathing ghats, road & place of public resort maintained wholly or partially by state funds.

Part - 16 → Equality of oppⁿ in Pubⁿ Employⁿ

↳ No citizen can be discriminated against or be ineligible for any employment or office under state on grounds of only religion, race, caste, sex, descent, place of birth or residence.

Art - 17 → Abolition of untouchability → "Self operating Provision" untouchⁿ offence act, 1955

↓
Protectⁿ of Civil Right Act (1976)

↓
sc/ST (Prevention of Atrocities Act) 1989

↓
2015 sc/ST Act → New offence added

↳ 6 month or 5000 fine or both

↳ disqualified for election of state legislature & Parl.

Art - 18 → Abolition of title, status privileges

↳ Prohibit the state from conferring any title → except Military & academics

↳ Prohibit citizen title → Foreign Nation

↳ Foreign title (X) from foreign Nation

↳ They have to take permission from POI

⇒ Balaji Raghvan Case

↳ title not allowed (X)

↳ Award (✓)

⇒ 1954 | Janta Party

↓
Congress

Nation Award again → 1980

Art - 19 → Freedom acc. to civil but reasonable restriction
Why freedom → Demand (1) by Active Citizen

↳ Innovative & Dynamic Society

↳ Poor Democracy → Dynamic / Vibrant Democracy

Art 19(1)(a) → Rt. of freedom of expression, speech etc.

Art 19(1)(b) → Rt to peaceful assembly without arms

Art 19(1)(c) → Rt to form union & cooperative society

Art 19(1)(d) → Rt. to move freely throughout the territory

Art 19(1)(e) → Rt. to reside & settle in any part of territory

Art 19(1)(f) → abolished by 44th CA, 1978

Art 19(1)(g) → Rt to practice any business & profession.

Art 20 → Protection in respect of conviction of offence
No export facts law, No double Jeopardy, No self incrimination

Art 21 → Protection of life & Personal liberty

↳ No person shall be deprived of personal liberty except the authority established by the law → Japan

⇒ Menka Gandhi → "Due to process of law" — USA

↳ Life — (X) → Fair
↳ Reasonable
↳ Transparent

} and not emphasised on only physical existence but also social existence.

Art-21(A) → State shall provide free & compulsory education from 6-14, by 86th CA-2002.

↳ 1993 → SC recognised it as FRs.

Art-22 → Protection against **arrest** and **Detention**.

↳ 24 hr
↳ Right to consult legal practitioners of one's choice
↳ Rt to know the reason
↳ action on suspicion
↳ max - 3 month
↳ eg - MISA, TODA, POA

Art-23 → Prohibition of **human trafficking**

↳ The Immoral Traffic Prevention Act 1956

↳ Nation Anti-trafficking bill, 2018

↳ women, forced begging, child, Body organ etc.

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Art-24 → Prohibition of **child labour** in **factories** & hazardous industries (14 years)

↳ 1996 SC → child Rehabilitation Welfare Fund - 2000

Punishⁿ 6m → 2 year or 50000 ₹ or both for repeated → (1-3) Tail

Art-25 → Rt. to **Freedom of Religion** (available to all i.e. freedom of Conscience).

↳ Rt to → Profess, Practice, Propagate

↳ Restriction on Public order, Morality health.

Art-26 → Collective Rt to manage & establish & **Main Religious Institutions**

Art-27 → From a person, **no any taxes** for promotion or maintenance of any particular religion or religious institution.

Public money (X) → Promotion of Religion.

Art-28 → **No Religious instruction** → wholly by state

↳ Religious instruction (✓) → by trust eg SVM, Madarsa

↳ Recognⁿ by state & funded by state, pvt. school.

Art-29 → Protection of **Interest of minorities**.

↳ Rt to conserve this language, Religion, Culture.

↳ for eduⁿ in any institution; No discrimⁿ on the basis of Religion, Race, Caste, Religion etc.

Art-30 → **Rt. of Minority** → Conserve → education institution

↳ administer
↳ Linguistic & Religious.

egs
↳ St Stephen College case → they wanted to provide all seat to minority
↳ but, **rule**, only 50% of seat, given to minorities.

Art-31 → No one shall be **deprived of law** except authority by law

↳ By 44th AA, 1978 - abolished & 300(A) was Added

↳ as Law of property → Not Fundⁿ but legal & Constⁿ Rt.

Art-31(A) → Compulsory acquisition can be done

31(B) → Violation of certain rules & regulation (land form)

31(C) → Purpose to implement the DPSP in Art (39(B)) & (39(C)).

* By 1st CA - 1951 → 31(A) & 31(B) was Added.

Art. 32 → On the violation of FRs, one can issue writs, (Habeas Corpus, Mandamus, Certiorari & Quo Warranto) (English Law)

Art. 33 → Parl. has power to restrict the FRs of members of Armed force, para military force, police force, intelligence agencies. www.DesireIAS.com

Art. 34 → Restriction on FR
↳ While martial law in force, No Specific Conditioned Mentioned.
↳ (England)

Art. 35 → To make law & give effect to certain specified fundⁿ Rt shall be vest in Parl.

* Excessive limitation, Vague, No socioeconomic Right, No permanent suspension during emergency, expensive Remedy, Preventive Detention, No consistent Philosophy.

⇒ Constⁿ Rt -

265 → tax only by procedure established by law

301 → Trade, intercourse, Commerce shall be free.

326 → Election of LS & SLA on the basis of adult Suffrage

category →

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1) → Rt. to equality (Art 14-18)

2) → Rt. to freedom (Art 19-22)

3) → Rt against exploitation (Art 23-24)

4) → Rt. to freedom of religion (Art 25-28)

5) → Cultural & eduⁿ right (Art 29-30)

6) → Rt. to Constⁿ remedies (Art. 32)

DPSP

(Chapter-8)

→ **Not Enforceable** - (36-51) → **Part IV**
→ From Irish Constitution (Spanish)
→ **Non-Justiciable**

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- **Art 36** = Art 12 (Definition of State)
- **Art 37** = Nature, non-justiciable but fundamentalism in Governance.
- **Art 38** = Object of DPSP → to secure social order based on Justice.

44th CA → to eliminate inequality
→ status facility opportunity.

- **Art 39** =
 - 1) → Right to adequate means of livelihood.
 - 2) → Equitable distribution of resources.
 - 3) → Prevention of concentration of wealth.
 - 4) → Equal pay for equal work - **Randhvir Singh Case.**

⇒ **39(A)** - Free & legal & Equal Justice - [NALS 1987 = 1987] [SALSA]

- **Art 40** → Organisation of village Panchayat
Grandhian philosophy, power → violence

→ It become part of Constitution by the proposal of K. Santhanam.

- **Article 41** → Right to Education, work & Public assistance
↳ No age restriction

- **Article 42** → Provision for Just & Humane Condition maternity leave - [8 week → Pre] [18 week → Post]

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- **Article 43** → Promote Cottage Industries on an individual or Co-operation in rural areas.

→ **Art 43(A)** - Participation in Industry (workers)
→ **Art 43(B)** - organisation → Co-operative Society } By 42nd CAA, 1974

- **Art 44** → Uniform civil code for citizen throughout the Country.

- **Art 45** → provided early childhood care (0-6 years)
Education for all children [Earlier it was [6-14] years, amended by 86th CAA, 2002]

• **Art 46** → Protection of Education & Commercial Interest of SC/ST & women.

• **Art 47** → To raise level of Nutrition (to improve public health).

• **Art 48** → Organisation of agri & animal husbandary, on modern scientific lines to prohibit slaughter of cows calves etc.

⇒ **Art 48(A)** → Protection and improvement of environment & safeguarding of forest & wildlife.
[Added by 42nd CAA, 1976]

• **Art 49** → Protection of monuments, places and object of national importance. www.DesireIAS.com

• **Article 50** → Separation of Judiciary from executive in public services of the state.

• **Art 51** → To promote International peace & Just relation with other nation.

- ✓ **Socialist Principle in DPSP** — Article 38, 39, 39A, 41, 42, 43A, 45
- ✓ **Grandhian Principle in DPSP** — Article 40, 43, 45, 46, 47, 48
- ✓ **Western Liberal Principles** — Article 44, 45, 49, 50, 51

Fundamental Duties

↳ From RUSSIA

↳ through 42nd CA, 1976 → 10 A-B + ① → 86th CA 2002→ **Part IV (A)** recommended by → Swarn Singh Committee
to make citizen conscious → Art 51(A)→ In starting 10 duties (a-1), later 2002, 11th duty was addeda) - Respect towards Const, Natⁿ flag, Anthem.b) - Cherish & follow noble ideas of Natⁿ struggle.

c) - To uphold, protect of sovereignty, unity & Integrity.

d) - To defend the Country & provide military service when called upon.

e) - To promote harmony & spirit of common brotherhood.

f) - To value & preserve rich cultural heritage.

g) - To protect and improve the natural environment like forest, lake etc.

h) - develop scientific temper, humanism & spirit of enquiry & reform.

i) - safeguard public property & to abjure violence.

j) - to strive excellence in all spheres.

k) - To provide edⁿ appⁿ for his child from (6-14) years.www.DesireIAS.com

→ Non-justiciable in nature.

→ refer → values → part of → Indian Tradition, Mythology, religion & practices.

→ Contains just a codification of tasks integral to the Indian way of life.

Chapter- 10

Amendment of the Constitution

→ Art 368, Part 20

(Difficult) USA ←

India
(moderate)

→ Britain (very easy)

Bill of CA → Parl, either temporⁿ or permanⁿ members (Permission of POI not reqⁿ)

separately from each house { Bill must be passed by 2/3rd [P+V] & half of majority
↳ in case of federal half of state must rectify

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⇒ No joint sitting

President bound to give ascent ↔ No withhold
↔ No reconsideration

- Simple Majority → 1st
- Establishment of New state, alteration, name
- Abolition of L.C of state or addⁿ
- 2nd schⁿ, 5th schⁿ, 6th schⁿ
- Quorum, Salⁿ, Privileges, Rule of procⁿ, Eng lang in Parl, Ele of MP
↳ MLA
- No judge in SC, Delimitation, UT, Citizenⁿ
- use of official langⁿ etc.

⇒ By special majority [2/3rd [P+V] should more or equal to 50% of strength]
↳ FRs, DPSP, all other provision not in 1st & 3rd category.

⇒ By Consent of half of state (III)

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- ↳ elem of President ✓
- ↳ extent of execⁿ power ✓
- ↳ SC & HC, 7th schⁿ ✓
- ↳ Distribution of legislative power b/w Union & state ✓

Basic Structure of the Constitution

Chapter - 11

⇒ **Art 46** → to protect culⁿ & eduⁿ Right of ST & SC & other weaker Sec.

↳ challenged in Court → **Champakam Dorairajan Case**

↳ SC → FR should be given imp. (Priority)
↳ enforceable.

but at that time, 1st CA was completed
i.e. 15(III), 31(A), 31(B)

was challenged **Shankari Prasad**
↳ Rt. to property was challenged

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SC, 13(2) → only to law not to CA
368 → Is it include in CA def?
↳ Hence, parl. can take away in FRs & it will not be void.

Golaknath Case → 9th schⁿ was challenged
↳ SC ruled Parl. cannot take away FRs
CA is also under Art. 13

⇒ The doctrine of perspective overruling
Parl. supremacy vs Judiciary supremacy

⇒ Parl. reacted by →

24th CA → Parl. has power to abridge FRs

25th CA → 31(c) → for implementation 39(B) & 39(c)
↳ 14 & 15 can be violate

26th CA → Abolition of Privy Purse

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Keshwa Nand Bharti → 13 Judge bench (largest)

↳ Parl. could ammend any part of the Const. but not basic str^{cture}
↳ Judicial Innovation

1st time → **Indira Nehru Gandhi Case** (1975)

↳ SC un-validate the provision of Keeping solution of the PM & sp. of LS from Jurisdiction of Court as it was beyond the power of Parl.

↳ Parl. reacted by 42nd CA →
& declared that there is no constituent power of the Parl. can be questioned in Court on any ground of contravention of any FRs.

↓
S.C. invalidate this provision in **Minerva Mill Case**, as it exclude it from Judicial review within basic structure.

↓

Waman Rao Case

→ doctrine of basic structure and it evolved apply on the
CA after 24/04/1993

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- **Keshwanand Bharti Case** → Preamble ✓
 - **Raj Narayan Case** → Free & fair election ✓
 - **Munshi Ramo Rao Case** → Parl. system ✓
 - **I.R. Coelho Case** → Judicial Review ✓
 - **S.R. Bomai Case** → Federalism cannot be suspend
secularism. ✓
-

→ Const. of Indⁿ provides for Parlⁿ form of govt, both at State & centre.

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(Art 163 & 164) (Art 74 & 75)

→ Parl. govt → executive is responsible → to the legislature for its policies and acts.

→ Presidential system → not responⁿ to the legisⁿ for policies & act

→ Known as 'Responⁿ Govt' & 'Cabinet Govt' → As cabinet is accountable to Parl & stay in office so long as it enjoys confidence.

→ Because cabinet → nucleus of powⁿ of Parl. system.

Features of Parl. Govt —

Nominal & Real Executive

- ↳ President is (N & RE)
- ↳ PM is Real executive.
- ↳ PM head of Govt.
- ↳ President head of state

Collective Responsibility

- ↳ Ministers are CR to the Parl. In general & LS in particular (Art. 75)

Double Membership

- ↳ Minister & mem of Parl.
- ↳ To become minister need to be member.

Dissolution of Lower House

- ↳ President dissolve the Parlⁿ on recommendation of PM

Majority Party Rule

- ↳ Preⁿ appoints of majⁿ winning party as PM. When no single party get majority,
- ↳ Coalition of party may be invited by President to form Govt.

Political Homogeneity

- ↳ memⁿ of same party in Com, they share same ideology.

Leadership of PM

- ↳ Leader of Com
- ↳ Leader of Parl.
- ↳ Leader of party in Power.

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Secrecy

- ↳ secⁿ of procedure & cannot divulge information about their proceeding, policies & decision.

Parlⁿ System

- ↳ Dual executive
- ↳ Majority party rule
- ↳ Collective responsibility
- ↳ Political homogeneity
- ↳ double membership
- ↳ Leader of PM
- ↳ Dissolution of House.

Presidential System

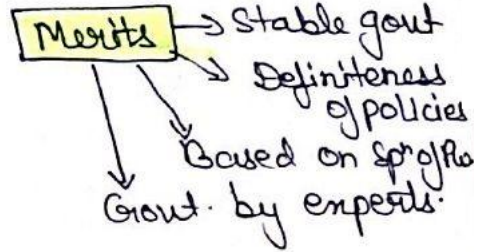
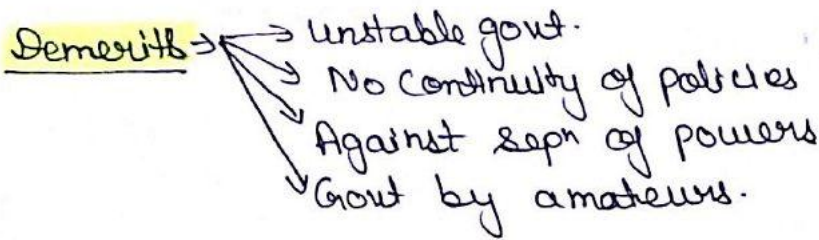
- ↳ Single executive
- ↳ President & legislators elected separately - fixed term
- ↳ Non-respn
- ↳ Parlⁿ homon may not exist
- ↳ Single memⁿ
- ↳ Domination of President
- ↳ No dissolution of LH
- ↳ Separation of power.

MERITS

- ↳ Harmony b/w Legis & executive
- ↳ Respn govt
- ↳ prevent despotism
- ↳ wide representation

DEMERITS

- ↳ Conflict b/w L & E
- ↳ Non-resn gov
- ↳ may lead to autocracy
- ↳ Narrow representation



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Reasons for Adopting Parlⁿ systems —

Familiarity with the system

Preference to more responsibility

Need to avoid legislative - Executive conflicts

Nature of Indian society

Federal Govt

- Dual govt (i.e Natn govt & regional govt)
- Written Const
- Division of power b/w Natn & regional govt
- Supremacy of Const.
- Rigid Const
- Independent Judiciary
- Bicameral legislation (Upper House & L.H)
↓
represent states ↓
represent people of India as whole

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Non-Federal govt.

Unitary Govt

- Single Citizenship
- Single Const. for both union and states
- Strong Centre → more sub in U-List
↳ Residuary power left with Centre
- Flexible Const.
- Emergency Provision
- Integrated Judiciary
- Appointment of Governor by Centre
- Power of Parlⁿ to create All India Service.
↳ Power to make law on State-List Subject
- Power of Governor to reserve the Bill passed by SL for the consideration of President i.e Veto Power.

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CENTER - STATE RELATION

Chapter - 14

→ Federal → divide all powers (legⁿ & financial)
→ No division in Judicial system → Integrated Judicial
→ Max harmony & coordination b/w them → for effective center state relation.

a) Legislative Relⁿ **Art 245-255** → Part XI

Art 245 → Territorial Extent of Center & State Legislature

- ↳ Parl. → Whole India
- ↳ State legislature → state only
- ↳ Parl. → extra terrⁿ legislation.

exception → President can make rule & regulation for AN & N; Daman & Diu, & Dadar & Nagar Haveli
→ Govtⁿ of Assam do not apply the tribal laws.

b) **Distribution of legislative subject**

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↳ Union list (100/97) → Center

↳ State list (61/66) → State

↳ Concurrent (54/47) → both in case of deadlock
Center prevails

↳ Residuary → Parl.

↳ can levy taxes

↳ Edu, forest
list & measure
protection of
wildlife admin
of Justice.

Art 248

254 → In a conflict b/w state & center → center prevails
↳ emp. state law reserved for consideration
and reserved his ascent, state law prevails.

c) → Parl. legislation in the state field → when R Sabha, passes a resolution on the matter of national interest, parl. make laws.
↳ $\frac{2}{3}$ (P+V); Validity → 1 year
↳ need to be removed by any no. of time max 1 year.

During a national Emergency →

Art 250

↳ Parl. law state list → in National Emerⁿ

↳ after 6 month (X) when emerⁿ ends

SLA can make law on same, in case of deadlock Center Prevails.

When state make request → 2 or more state passes a resolutions requesting parl. to enact laws → state list → Parl

↓
Law applicable to states who passed resolutions (✓)

253 To implement international Relⁿ → for implementing international treaties, agreement & convention → Geneva convention etc.

250 During President rule → for concerned state → validity does not expire after Emerⁿ
Parl. can make ↑ ⇒ law can be repealed by SLA

Administrative Relation 256-263 Part XI

a) → Distribution of Exec. power → Union list → Centre Exec. power
State list → State Exec.
Concurrent list → Exec. power vest with state.

b) → Obligation of state & centres → 2 restriction on state
↳ for exercising executive power of state.

c) → Direction of state → states get dirⁿ for
↳ Cons. & Maint. of means of Commⁿ
↳ protection of railway
↳ edⁿ of mother tongue
↳ drawing & execution of specific schemes for the welfare of tribes (ST)

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d) → Mutual delegation of function → It is rigid: single state can't ask to make rules const. provide inter state delegation to remove deadlock.

⇒ Parl. → Union sub
↳ Confer power → upon state
↳ Impose duty

Cooperation b/w Centre & State → Inter water disputes (262)
→ Established Interstate Council (263)
→ Full & faithful credit → (261)

ALL INDIA SERVICE

↳ [IAS, IPS, IFS]
↳ Central service + state service
In 1947 → ICS → IAS → IPS ; 1966 → ⊕ IFS

312 → Authorised Parl. to create new AIS on the basis of RS resⁿ

Public Service Commission → Chairman → President (Removed)
Governor (Appointed)
→ JPS C → (President (Removed & Appointed))
Integrated Judicial system - appointment, transfer etc are in the hand of Center

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Legislative Relation

↳ Territorial Extent of C-S legislature
↳ Distribution of legislative subjects

LIST-2 → The state list → state legislatures have exclusive powers, in normal circumstances

↳ 67 subjects here like sanitation, agriculture etc.
↳ matters of regional & local importance

1) → Art 355 → impose duties on centres

↳ govt by president submit report to the centre

↳ state election commissioners → by govt
↳ removed by president only

Extra Const. Body → NITI Aayog, NDC, NLC, Zonal Council etc → advisory body to promote cooperation & co-ordination below the centre & state.

→ conferences are organised such as governor conference - POJ
→ CM conferences → PM etc.

Financial Relation → (Art 268-293) → Part XII
Centre sub tax (15), state sub tax (20), Both tax sub (3)
Residuary sub tax → centre → wealth tax, gift tax etc.

Distribution of taxes

↳ centre to state →
29 → 12th FC
32 → 13th FC
42 → 14th FC

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Distribution of Non-tax Revenue → major source of Non-tax Revenue
1) Post & telegraph 2) Railway
3) banking 4) Coinage, currency etc.

Grants In Aid to the states → statutory grant (275)

↳ From CFI

↳ Discretionary Grant (282)

Finance Commission (Art 280) → quasi-judicial body, advisory, const. body, chairman + 4 other members
↳ 15th FC → NK Singh (4th F.C → YV Reddy); 1st FC → K.C Neogy
recommend → President

↳ distribution of taxes

↳ bases to govt (grants - in aids)

↳ All the matters for sound finance.

→ Protection of state interests

→ Borrowing of centre & state

→ Inter-governmental tax immunities

↳ Exemption of central property from taxation

↳ Exemption of state property from central taxation

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Emergency Provision

National Emergency → (352) → President modify the const. distribution of revenue b/w centre & state.

Financial (360) → reduced salary & allowance of all class people reviewing in state.

→ reserved bill for the consideration of POJ.

Inter-state Relation

Successful federal system depend on harmonious Relⁿ b/w center & state and also b/w states-states.

a) Inter-state water disputes —

Art. 262 → Adjudication of Inter-state water dispute
 ↳ Parl. may provide adjudication on these and it can't be challenged in SC or any other = to regulation & develop. of river & river valley.

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↳ River Board Act (1956)

↳ Inter state water Dispute Act (1956)

↳ To setup adhoc tribunal to end dispute

↳ final & binding

→ not becoz court work on the base of fact but we have to look for all beneficiaries → till now 9 tribunals → I & Krishna water Dispute tribunal → Mah, Karnataka & AP

→ 9th Tribunal → Mahanadi dispute

b) Inter state Council (263)

↳ By president @ any time he seem necessary for public interest, Const. body

Sarkaria Commission → 1988 → In 1990 VP Singh government established, Inter state Council.

↳ PM, Chairman, CM of All states, CM of UTs, Administrator of UTs, Governor of state, where President rule, 6 Cabinet Minister including Home Minister.

Five Minister [Cabinet or Independent are permanent Int'l Hqs]

work → investigating & discussing such sub which state-center common interest.

↳ standing committee

↳ Union Home minister as chairman } + secretariat
 for continuous, processing of the matter.

↳ Five Union Cabinet Minister

↳ Nine CM

Public Acts, Records & Judicial Proceeds

Jurisdiction of each state - yined, to remove any such difficulty Const. provides, "full, faith & credit". www.DesireIAS.com

⇒ full faith & credit given to Public Act, Records Judicial Proceeding throughout the territory of India of Center & every state ⇒ legislative & executive act all out.

Inter state Trade & Commerce

(301-307)

- Art 301 → Trade & Commerce throughout the country is free
objective to break the border barriers create free
trade throughout.
- 302 → Pal. impose - restriction → both inter & intra state in
Public Interest.
- 303 → S. legislature can impose in public interest, but with
a bill in legislature.
- 304 → Taxation of good imported from other state is valid,
provided it is not discriminatory & include sale
tax so long as it is not discriminatory.
- 305 → The freedom under (Art-301) is subject to the
nationalisation laws.

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Zonal Council

→ statutory body, not established by const, it is established
by an act State reorganisation act 1956

SR Act 1956

- Northern zone (Delhi)
- Central zone (Allahabad)
- Southern zone (Chennai)
- Eastern zone (Kolkata)
- Western zone (Mumbai)

- ↳ Factors kept in, while dividing
- ↳ natural discussion of country
 - ↳ River system, means of communication
 - ↳ cultural & linguistic affinity
 - ↳ economic development, security, law & order.

⇒ N.E Council → By N.E Council Act 1971

↳ Unified coordinate regional plan
(Assam + Manipur + Mizoram + Nagaland + Tripura + Megh + Sikkim)

Chapter-16 : Emergency Provision

Emergency Provision (Chapter-16)

Art - 352-360 → Part XVIII

→ to meet abnormal situation to normal.

During an Emerⁿ → Centⁿ govt became all powerful & converted federal into unitary system.

→ 3 types

Art. 352 (Natⁿ Emerⁿ)

Art 356 (State Emerⁿ)

Art 360 (Financial Emerⁿ)

↳ Preⁿ declare

↳ war, external aggression or armed rebellion

↳ can declare if it satisfied that there eminent danger

↳ 38th CA, 1975 — he can issue proclamation on ground of war, aggression, a. rebellion.

↳ It can be for whole India (42nd CAA)

↳ Internal disturbance $\xrightarrow[1978]{49^{th} CA}$ Armed rebellion

↳ written form by Cabinet → President can Proclaim

↳ 38th 1975 → Proclamation $\xrightarrow{\text{by } 49^{th} CA}$ Judicial Review

↳ exempted from Judicial Review

↳ All Minerva Mill case → can be challenged on ground of malafide

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Parliamentary Approval

↳ must be approved

within one month

$\xrightarrow[1978]{\text{by } 49^{th} CA}$

2 month

originally

Case-1 →

Proclamation of emergency $\xrightarrow[1\text{ month}]{\text{before}}$

L.S. dissolve without passing
meanwhile RS passes

→ disolve

Emergency end after 30 day of 1st sitting of L.S

Case-2 →

If approved by both houses → six month → extended for indefinite time,

↳ with the approval of parl. after every 6 month.

→ originally, it was operate as long as cabinet desire after proclamation approval by parl.

Case-3 →

If L.S. dissolve during the period of 6 month without approving for further continuance of emergency → Proclamation service 30 days from first sitting of L.S → meanwhile RS approve

Resolution of proclamation must be passed by spl majority i.e. $\frac{2}{3}$ [P+V] + 50% of the total member.
↳ 44th CAA, earlier \rightarrow simple majority.

President Rule \rightarrow Art 356, imposes duty on the center that govt of every state is carried accordance with provision of Const.
↳ In case of failure, Art 356 Const. machinery impose Pres. Rule

Parl. Approval \rightarrow with 2 month from Parl & if LS dissolve without approving, last for 30 days after the 1st meeting R.S \rightarrow meantime RS approved.
↳ once approved max-6 months, with repeated approval max 3 years {Simple majority}
↳ is dissolution

\rightarrow President can be revoked at any time
↳ Proclamation doesn't require Parl. approval

\rightarrow when state legisⁿ is suspended or dissolved \rightarrow

- 1) \rightarrow Parlⁿ \rightarrow law on state list.
- 2) \rightarrow allow expenditure from S.C.F.I when LS is not in session.
- 3) \rightarrow Ordinance by President when parl. is not in session.

Scope of **Judicial Review** — in SR Bomai case

- \rightarrow Judicial Review (by 44th CA 1978)
- \rightarrow Action be struck down if it was based on ground of Malafide.
- \rightarrow Secularism as the basic structure.
- \rightarrow 356 should not be political instrument, should be used occasionally.

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Financial Emergency \rightarrow 360 Art in 38th CA 1975 \rightarrow made President satisfaction emine

\rightarrow as it cannot be questioned in court but by 49th CA \rightarrow satisfaction of President is not beyond Judicial Review

Approval

↳ Duration 2 month
If L.S dissolve without approved within 2 month \rightarrow continue till 30 days of LS take place \rightarrow mean while RS approval

Once approved by both house of Parl →
↳ no man. period for its operation
↳ repeated parl'n approval is not required

⇒ Simple majority
⇒ Revoked by President

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Effect of Ann Emern →

→ Center direct states of Finanⁿ Matters.
→ Reduction of salary (↓) → any person serving in state.
→ Reservation of all financial bill & money bill for President.
→ Judge of SC salaries & allowance of all person (↓)

Distinction b/w 358 and 359 →

358

⇒ Only Art-19
⇒ Start automatically
⇒ Only in External emergency
not in case of Intra emergⁿ
⇒ article 19 whole time
⇒ Completely 19
⇒ enable / empowers the state to
make any law or executive
action inconsistent of FR.

359

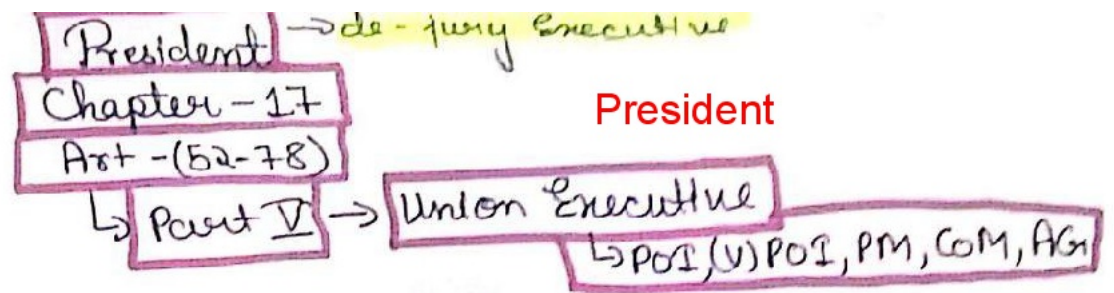
⇒ take any executive
action inconsistent
with FRs whose
enforcement is suspended
by Presⁿ order
⇒ President suspend
⇒ In both extⁿ
& Internⁿ emergency
⇒ FRs suspended for
specific time either
full or partial
20, 21 cannot be
suspended.

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Art 352 → affects FRs of the citizen
→ L.S can pass a resolution for its revocation.

Art 356 →

→ no effects on FRs.
→ There is no such provision. It can be revoked by the
President only on his own.



↳ **President Election** - head → Unity, integrity & Solidarity

↳ Art (52) → There shall be POI

↳ Art 65(1) → Vacancy occurs → Vice President

↳ If vacancy occurs simultaneously → CJJ + 30 other Judges → the president discharge of junction act, 1969

↳ **Qualification** → 35y, C.O. India, OoProfit (x), eligible to become memⁿ of LS

↳ **Election** → Electoral College → elected MP of LS & RS

↳ MLA of S Legislature

↳ MLA from Delhi & Puducherry Assembly

17th CA

No Nominated member

MP vote = $\frac{\text{total no. of MLA}}{\text{total no. of elected MP}}$

MLA = $\frac{\text{Total Population of State}}{\text{Total Elected MLA of SLA}} \times \frac{1}{1000}$

Quorum = $\frac{\text{Total Valid Vote}}{2} + 1$

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↳ Any dispute → SC → Art 71

↳ cannot be challenged on the ground of incomplete electoral college.

↳ oath → President → CJJ

Condition of President Rule →

↳ member of RS & LS or State legislature (not be a member)

↳ He must vacate the seat when he enters upon the president

↳ not hold office of Profit

↳ he can get all the benefits of President

Can be reappointed

Terms → 5 years, resignation letter to V(POI)

↳ By Impeachment → Art 56

↳ on the violation of the Const.

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Process → either house by 2/4 member (support)

Chairman / speaker can reject or pass

14 days prior notice

2/3 (Absolute majority) → 2nd house, POI R. to defend

Quasi judicial role.

if pass → by 2/3rd → POI impeached.

Power → Executive Power → Art 52

↳ Art 74 → President works on aid & advice of CoM.

→ All executive decision of Union with the taken on the name of President

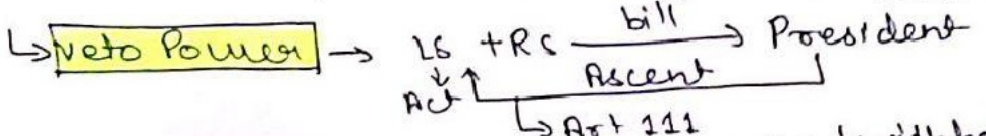
→ Appⁿ or Removal → V(POI), CJJ, HC, SC Judge, Governor, AG, CAG, UPSC, EC, FC, & St Commisⁿ

2) → **Legislative Power** — Art 79 → there shall be a Parl.
Art 123 → ordinance.

3) → **Financial Power** —
↳ Money bill with his prior permission
↳ laid annual financial statement
↳ no demand of grant can be made except on his recommendation
↳ constitutes a F.C after every five years to recommend the distribution of revenue b/w center and states.

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4) → **Judicial Power** — **Art 72** → Pardonning Power
↳ Pardon → either conviction free or punishment free or both
↳ Comutation → Change in nature (Death → Imprisonment)
↳ Remission → Reducing the period of sentence without changing its character.
↳ Reprieve → suspension of punishment till decision of President.
↳ Respite → special fact [Pregnant lady, handicapped.



↳ Art 111
↳ He may give / withhold / return for re-consideration

- ↳ **Absolute veto** → to withhold the 'assent'
- ↳ **Suspensive veto** → return bill for reconsideration
- ↳ **Pocket veto** → simply keep pending bill for indefinite times.

Provisional veto over state legislation → Governor can reserve a bill for President reconsideration.
↳ He may give or withhold

or may return for reconsideration to the state legis, if it again pass, Art 111 is not bound to give assent / no time bound for POT.

- 56 → Term of office of POT
- 59 → POT, Conditions of P's office
- 60 → oath or aff'n
- 65 → V(P) acts as POT
- 72 → Power of P. to grant Pardons.
- 111 → Assent to bills passed by the Parl.
- 112 → Union Budget (Annual financial statement)
- 123 → Power of President to promulgate ordinance.
- 143 → Power of President to consult S. Court.

← **Imp Articles**

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Article - 63-71

Vice President → elected by the members of an electoral college - UH, LH Memⁿ
 → include both elected & nominated memⁿ of parli.
 → not memⁿ of state Legislative (not include)
 → elected by system of propⁿ represⁿ by means of single transferable vote & voting is done by secret ballot.

Qualification → Citizen of India, 35 age, qualifiⁿ to become member of RS
 → not hold office of profit.

→ The nomination of a candidate for election to office of VP must be subscribed by at least 20 electors as proposer & 20 electors as seconders. Every candidate has to make security depⁿ of ₹1500 in RBI.

Oath → by President or some person appointed in that behalf of him.

* He should not be a memⁿ of either house of Parliⁿ or a hon^r of S. Legislatⁿ

Term of office → 5 years from date on which he enters upon his office
 → removed by a resolution of RS by an absolute Majority (i.e. majⁿ of actual total strⁿ of house) & agreed by the LS (i.e. simple majority).
 → no such resolution can be moved unless at least 14 days advance notice has been given.
 → He may be elected for any no. of terms.

Vacancy in office of VP → on the expiry of his tenure of 5 years
 → By his resignation
 → on his removal
 → By his death
 → Declared disqualified by SC

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→ All the doubts in connection with election of the VP are inquired into & decided by the SC whose decision is final.

Power & Function → He acts as ex-officio chairmⁿ of RS. His capacity, powers & function are similar to those of the sp. in LS.
 → Act as President when vacancy occurs in office of Pres.
 → cannot act as President only for a maxⁿ period of 6 months.
 → while acting as President, VP does not perform the duties of the office of the chairmⁿ of RS.

Emoluments → Const. has not fixed any emolⁿ for VP in that capacity
 → He draws his regular salary in his capacity as the ex-officio chairmⁿ of the RS.
 → while acting as President, he is entitled the salary & allowances of President.

- Art - 63 → The VP of India
- Art - 64 → VP to be ex-officio chairmⁿ of RS
- Art - 65 → The VP to act as President
- Art - 66 → Election of VP
- Art - 67 → Term of office of VP
- Art - 68 → Time of holding election to fill vacancy in the office of VP.

- Art - 69 → Oath & offⁿ of VP
- Art - 70 → Discharge of Presⁿ Junⁿ in other contingencies.
- Art - 71 → matter related to, or connected with, the election of VP.

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Chapter-19

PM Art 74-78

Art (76 → Attorney General)

Prime Minister — de facto Executive

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Art 75 → There shall be PM appointed by President
→ POI appoint PM using discretion

In 1980 — Delhi HC → Const. does not require that a person must prove his majority in LS before he is appointed.

In 1997, SC said that a person who is not the memⁿ of any house can be appointed as P.M, for 6 Month, he had to take permission from President.

Hold office — during pleasure of President

→ i.e. as long as majority, he will not be dismissed.

Power & Junction of the PM → In Relation to Council of Ministers →

Remd the name for Ministers, give transfer various portfolios, asked them to resign or advice POI to dismiss, preside over meeting & influence decision; guide & control activity of minister bring a collapse by resigning.

In Reln to President (PM as Principal Chanell of Communication)

→ advice POI for appointment of CAG, AG, Chairman & member of UPSC, Election Commission, Chairman & member of finance Commission.

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In Reln to Parliament → He advice president for summon or Prerogation of Parliaments.

→ recommend dissolution of LS to president any time.
→ announces govt. policies on the floor of the house
✓ but not in case the lack majority merger in chief, it pol. level during emergⁿ

Other Powers

→ Chairman → NITI Aayog, NSC, NSIC, ISC, NWRC
→ imp role in shaping foreign policy of the Country
→ Chief spoken person in govt. policies.

Art-74 → COM to aid & advise President

Art-75 → other provision as to Ministers

Art-77 → Conduct of business of the GOI

Art-78 → Duties of PM as respect the Jurisdiction of Information to the President et.

Chapter-20

Central-Council of Ministers

COM → executive authority

Art 74 → There shall be a COM with the PM at head, advise the President, who shall in exercise of his action act accordingly.
↳ POI can asked for 'reconsideration'

Art 75 → PM appointed by President (other ministers on advice of PM)
→ PM + COM should not be more than 15% of the strength of LS. → 91th CA, 2003
→ Member of either house disqualified on Anti-Defection law cannot be a minister → 91th CA, 2003
→ Minister shall hold office during pleasure of President.
COM collectively resp. to L.S

Minister → Secrecy oath by POI.

↓
who is not MP, within 6 month should take membership.

Art 77 → Conduct of business of the Govt, All execn action will be taken in name of POI.

Art 78 → Duties of PM as respects the furnishing of information to the President, etc.

Art-88 → Pt. to speak & take part in proceeding of any house, joint sitting, but cannot vote.

In 1971 → SC → Even after the dissolution of LS, the COM doesnot cease to hold office.

→ Again in 1974 → Satisfaction of President is not the satisfaction of President, but it is of the COM.

Appointment of Minister → By President on the advice of PM.

Person not a memⁿ of house → Minister
↳ should take memⁿ within 6 month.

Minister → not vote but take part in function.

Oath - salary → By President - By Parliament.

Collective responsibility → Art 75, says, i.e. Minister own joint respⁿ to the LS for their act of omission etc. & if no No confidence motion passed → All minister have to resign including (RS)

- Com can advise for dissolution LS, as house does not represent true representation.
- Cabinet should support in public the decision.

Individual Respⁿ → President can dismiss a COM even the Councils enjoy majority on the advice of the POT.
 → PM can also ask to resign.

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Composition of COM → PM - de facto ruler
 Cabinet Minⁿ → head impⁿ minⁿ like defence home, external affairs etc.
 ↳ attend meeting & play imp. role in decision making.

State Minister → can be given independent charge or attached to a ministry, to support Cabinet Minister.

Deputy → attached to cabinet or state only assist them.

Parliamentary secretary
 ↳ dist memⁿ of COM
 ↳ only assist them

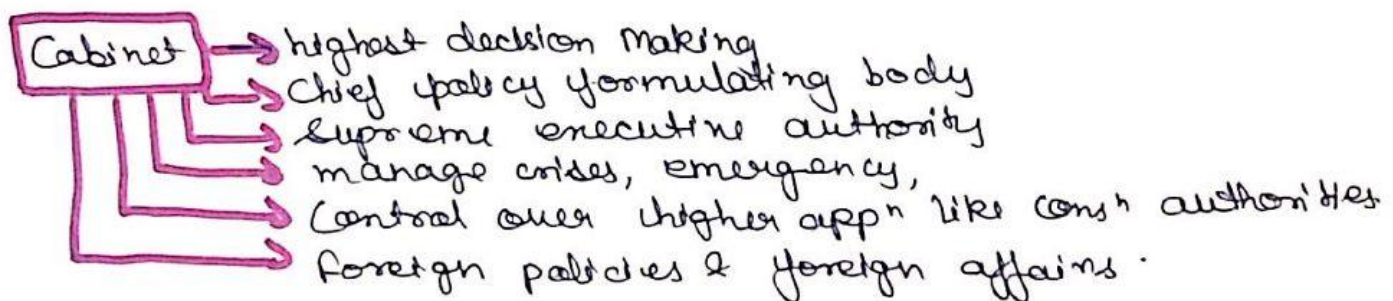
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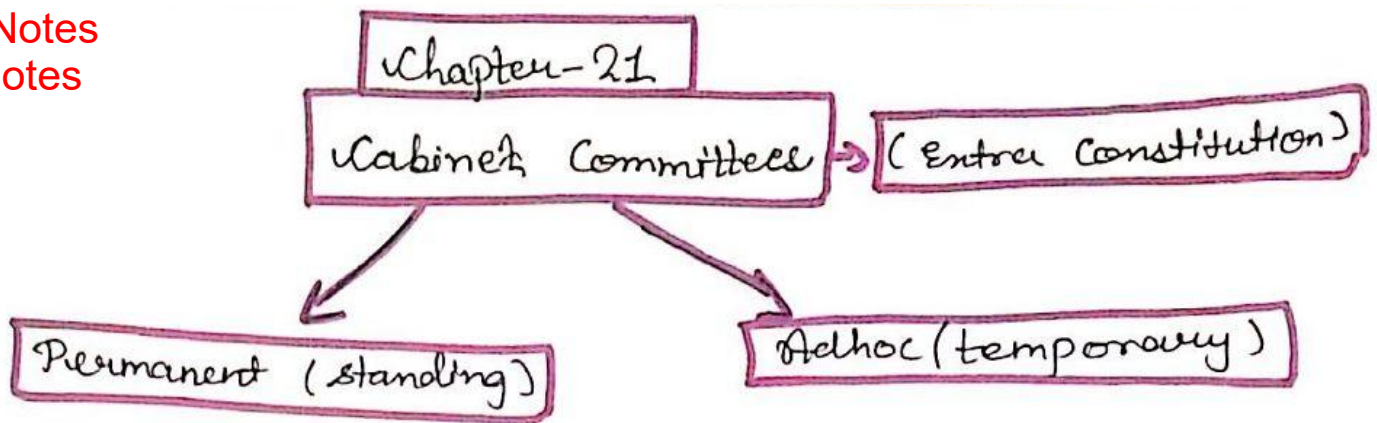
↳ no deep under their control
 ↳ no parl. secⁿ have been appointed except the 1st phase of Rajiv Gandhi Govt.

Council vs Cabinet

- ✓ 66-70
- ✓ Cabinet, COM deputy
- ✓ does not meet as a body to trans^t govt.
- ✓ funn are determined by cabinet
- ✓ implement the decision of cabinet
- ✓ Collectively Respⁿ to L.S.

- ✓ 15-20
- ✓ only cabinet
- ✓ It meet frequently & ess^t
- ✓ Control COM
- ✓ Supervise the implementation of its decision
- ✓ Collectively respⁿ to COM to LH of Parl.



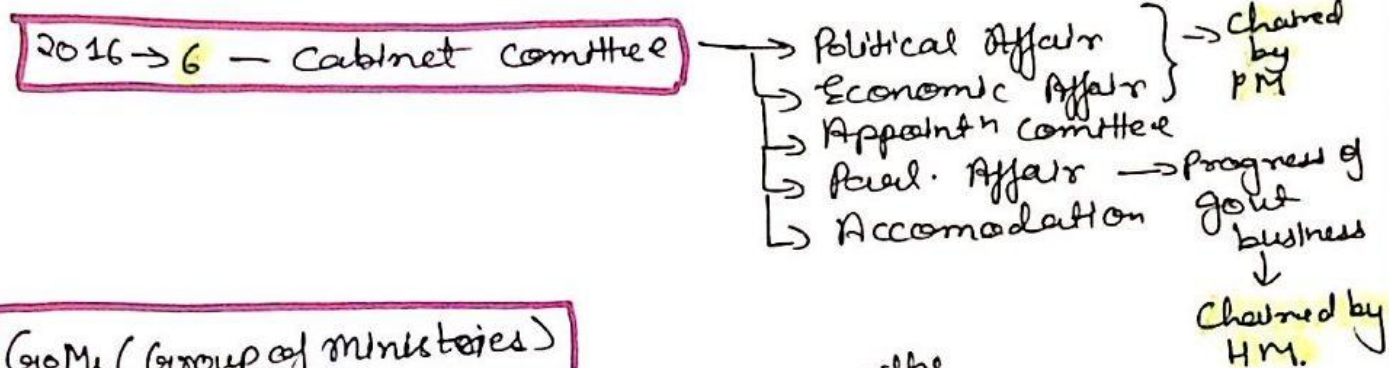


⇒ Setup by the **PM**

⇒ 3-8 members → usually include Cabinet Minister
↳ non cabinet **Can be**
↳ include minister - in-charge & also senior Minister.

Work → Reduce the work load of Cabinet
↳ Can sort out the matters that should be discussed.

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GoMs (Group of Ministers)

↳ Some GoMs take discussion on the behalf of Cabinet where as others make recommendation to cabinet.

→ 21 GoMs are present — till 2013 www.DesireIAS.com

2014 → Govt. stopped GoMs

↳ Post folio → will deal with all matters.

↳ to (↑) the decision making

↳ whenever Ministers need PMO will help.

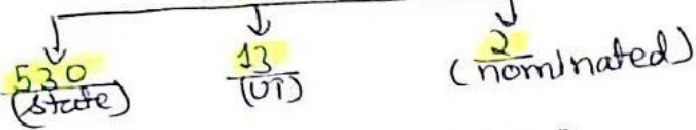
↳ efficiency, delivery system implementation.

Parliament - Art. 79

LoK Sabha

- ↳ Art 81
- ↳ Art 331
- ↳ not more than 530 = 530 (state)
- ↳ not more than 20 (UT)
- ↳ 2 nominated

545



→ variation b/w seat & popⁿ should be maintained

→ Uniformity

- a) → b/w different state
 - b) → b/w diff constituency in same state
- Art 82

⇒ After every census, a readjustment is to be made →

- a) → allocation of seat to LS in state.
- b) → division of seat in each constituency.

Delimitation Commission - 1952, 62, 72, 82

42nd CA → froze allocation of seat to LS to division of seat into territorial constituency till 2000 its 1971 level.
↳ 2026 → 84th CA 2001.

↳ 34th CA → set territorial constituency on the base of 1992
↳ 87th CA → on base of 2002 not on 1991.

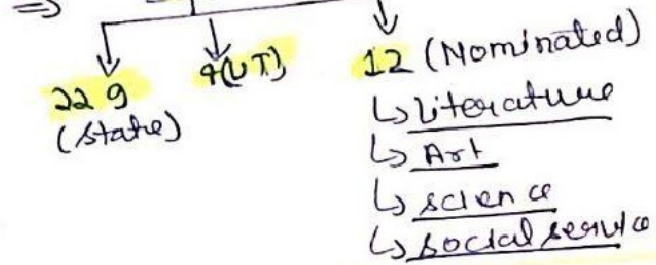
Rajya Sabha

↳ allocation of seat in RS

↳ 4 schedule

→ Composition → not more than 250 max
↳ 238 from UT & state
↳ 12 nominated

245



⇒ system of Proportional Representation

↳ single transferable vote

⇒ For UT → Pres. may prescribe.

President

Reservation of seat in LS for SC/ST
 => Const. has same Communal Representation.
 ↳ Initially it was for 10 years, in 1960
 ↳ by extend + 10 years each time.

95th CA → till 2020
 2009

→ 25 years (Art 84), t = 5 years (Temporary) (Art 83), must be citizen of India, => Lok Sabha
 → 30 years (Art 84), t = 6 years (Art 83), 1/3 retires every year

Disqualification

→ if he held office of profit.
 ↳ unsound mind, insolvent
 ↳ if found guilty (RPA 1951)
 ↳ on the ground of anti defection law (not following whip)

Exception → expelled members
 ↳ 2/3rd merger allowed.

Double membership

→ LS + RS (elected in both house)
 ↳ max time 10 days to inform } RS seat will become vacant

→ If a sitting member of one house elected for other house, his seat on first house will become vacant.
 → If elected for two seats, he should exercise his option for one, otherwise will become vacant.
 → If a person, member of both Parl. & state legislature within 14 day, Parl. seat vacant.

Speaker

→ elected by first sitting
 ↳ If casual vacancy, filled by new election --- (DOE - Preside)
 ↳ vacate earlier → if he ceases to member of LS.
 ↳ resign by writing
 ↳ removed by a resolution of then majority by giving 14 days notice.

↳ casting vote.
 ↳ does not vot at first instances.
 → when LS dissolve, speaker does not vacate his office continues till new - elected LS meets.

Role Power & Junction

→ The sp. is the head of LS, & its representative.
 Guardian of Power & Privileges
 Principal speaker, decision is final
 order of business, final interpretation of Cons.
 decided disqualification of members → Judicial Role.
 Salary fixed → not subject to vote as from CFJ.

Deputy speaker → elected similar as LS, itself
↳ whenever the office of Dy speaker, LS elect.

• removal or term of office → similar to LS speaker.

Perform duty → when speaker office is vacant
↳ if speaker is absent.
↳ presides joint sitting in case of sp. absence.

• while presiding over the house → dy speaker → casting vote
↳ Regular salary by Parl. from CFI.
↳ In the presence of sp. work as ordinary member.
origin → 1931 → Act of 1929 (Montague Chemsford)

• Panel of chairperson of LS → The speaker nominate → then chairperson

↳ same power as sp. while presiding. Hold office till new LS chairperson nominate.

→ when members of chairperson are absent any of the member determined by house act as speaker.

→ Panel of chairperson cannot presides over the house when the office of sp & Dy. speaker is vacant.

→ During such time sp. duty is performed by the, such member of the house as appointed by President.

Speaker Problem

→ Senior most member, appointed as problem speaker → vacate office immediately after the speaker is elected.

→ Presides the first sitting of new selected LS.

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Chairman of R.S

→ Presiding officer of R.S
↳ V.P → ex officio of Chairman of R.S.
↳ when he act as POI, he did not perform duty of chairman.
↳ can be removed from RS only if he is removed from the office of V. President.

⇒ Power similar to LS speaker

↳ no discretion on money bill

↳ presides over joint sitting (X)

⇒ cannot vote in first instances, when resolution for his removal is in consideration.

↳ no voting power in removal (as in case of sp. of LS).

Power of casting vote

Salary and allowance - from CPI

↳ when act President → No salary as chairman.

↳ salary & all from CPI

Deputy chairman →

↳ elected among its members, if vacancy → selection is done.

Vacates → if resign

↳ ceases memⁿ of RS.

↳ By a resolution with a majority of all members (14 days notice)

↳ perform duty of chairman in his absence, Not an subordinate of chairman, directly responsible to RS.

↳ when acting as chairman → casting vote
↳ ordinary member.

Leader in Parliament -

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Leader of house → PM, if he is memⁿ of LS

↳ any memⁿ, nominated by PM to function.

Leader of opposition → the leader of largest opposition

Moblaunkar rule → 1/10 of the seat of LS, this leader will be regarded as LOP

→ Dam Subhag Singh - 1st LOP

→ Salary & Allowance of LOP Act, 1977, give it a statutory status.
↳ status of Cabinet Minister.

WHIP

→ LOP & LOH → not mentioned in the Constitution
↳ but mentioned in the Rule of House & Parl. Statute.

whip → no where, based on parlⁿ convention.

Summon of the Parl → President summons session from time to time

a) Summoning → President from time to time summons each house to meet. But max. gap b/w 2 sessions cannot be more than 6 months. (3 sessions in a year) → Budget (Feb to May)
Monsoon (July to Sep)
Winter (Nov to Dec)

→ the period spanning b/w the prorogation & its reassembly of a house is called "recess"

b) Adjournment → suspend work in a sitting for a specific time. which may be hr, day, week.

c) Prorogation → terminate session (whole) by President.

d) Dissolution → 1) → Automatic dissolution

2) → when President decides to dissolve the house.

- The position of lapsing of bills is as follows -
- Bill pending in LS lapses (whether originating LS or transmitted to it by the RS).
- Bill passed by the LS but pending in RS lapses.
- Bill pending in RS but not passed by the LS does not lapse.
- Bill passed by both houses but returned by president for the reconvening of the houses does not lapse.
- Bill not passed by both houses due to disagreement & joint sitting is notified before the dissolution of LS, does not lapse.

Quorum → min. no. present to transact business.
 ↳ 1/10 of the total no. of each house (including presiding officer).
 ↳ no quorum, meeting will be suspended.

Language in Parl → www.DesireIAS.com
 ↳ by const. Hindi & English
 ↳ presiding officer can permit one to in mother tongue
 ↳ Eng only for 15 years from 26 Jan (1950), the official language Act (1963) allowed Eng to be contd. along Hindi.

Right of Member & Attorney general → Every minister and attorney general have right to speak & take part in proceeding of either house, any joint sitting, any parli. committee but without being entitled to vote.

Lame Duck Session → Last session of existing LS, after a new LS is elected. Those memⁿ of existing LS, who could not be elected in a new LS are called 'Lame Duck'.

Device of Parlⁿ Proceeding —

Ques hr — 1st hr of every parli. sitting (memⁿ ask ques & minⁿ give ans)

a) **Starred Ques** → Ques with / demand oral answer, showing Asteric marks.
 Per day - 20 question
 min = 10 day max 21 day notice
 L.S → green paper, R.S = pink paper

(b) → **unstarrred question** → ques which are not usually called for oral answers.

↳ written answers, not contain astrick mark.

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↳ notice period min-10 days, max 21.

↳ LS unstarrred (white paper)
RS (Yellow Paper).

(c) → **short notice question** — related matter of general pub Imp.
↳ ques asked to PVT Mem → By MP to any Myn on the matter the lecturer belongs.

(d) → **Zero hour** → No mention in Parl. Procedure || came in 1960
↳ hr after the ques hr.
↳ raised matter of general public imp, which can't be delayed.

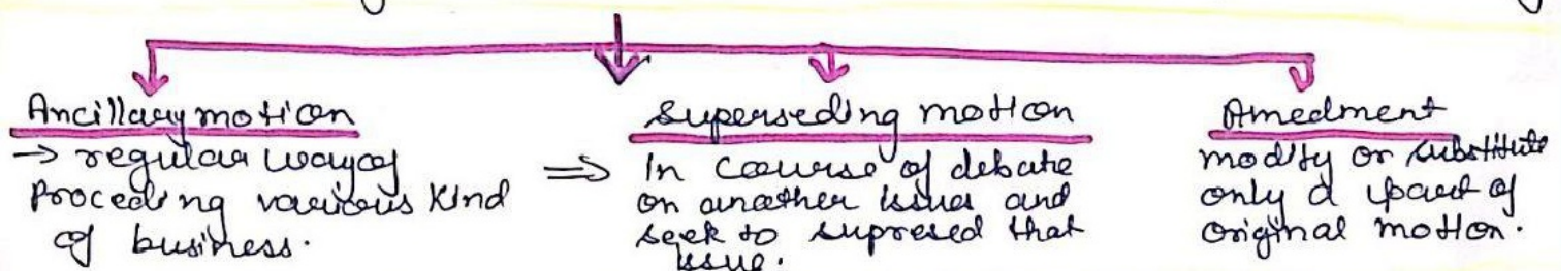
(e) → **Half an hr** — It can be raised on matter of general imp, which has been subject of recent question in LS & RS, irrespective of ques orally ans or were laid on table.

Motions → No discussion on the matter of general public imp" can take place except on a motion made with the consent of presiding officer.

Substantive → self contained independent proposal dealing with imp like impeachment of president, CJI, CEC.

Substitute → move in substitution to original motion & poses an alternative if adopted, supersedes other.

Subsidiary → no meaning can't state the decision of House without ref. to original motion of the proceeding of house.



Closure Motion → to cut the debate, if matter is put to vote.

Simple closure → matter sufficiently discussed now pass to vote.

Closure by Compartment → group in parts & put for debate after whole is put to vote.

Kangaroo closure → only imp. clause taken up for debate & voting.

Guillotine closure → undiscussed clause of a bill or resolution also put to vote also with discussed (due to lack time)

Privilege motion → Against Ministers, other memⁿ (breach of privilege, giving wrong info by a member).

Calling attention motion → (Indian Innovation) / Mentioned in Rule of Procedure, with prior permission of speaker → call attention of any matter on General Public Importance.

Adjournment Motion → introduce in Parl. to draw attention of the house to a definite matter of urgent public imp.
↳ 50 members support | cannot be used against RS as it is total against govt / censure |
↳ should not be less than **2hr 30min**

No Confidence Motion → Art 75, Com collectively responsible to LS. LS can remove ministry from passing no confidence motion. 50 members support needed. within 10 days from date on which leave is asked, reason should not be empⁿ.

Censure Motion → state the reason for its adoption | can be against a minister or grp. of ministers or the entire council | moved by opposition; passed against a Com then the LS is bound to seek confidence in LS.

Motion of Thanks → after every 1st session after every g. election as addressed by President, concept similar as "speech from throne in England".
At the end → motion is put to vote. www.DesireIAS.com

Point of order → by a member when proceeding do not follow the nominal / normal rules of house / work to enforcement of the Rules of the house by an opposition, in order to control govt / suspend the proceeding before house, no debate is allowed.

Half an hr discussion → discussing a matter of sufficient public imp. which has been subjected to dot of debate can be allotted, no formal motion or voting.

Short Duration Discussion → 2hr discussion, not more than that
↳ matter of urgent public importance.
⇒ 2 days allotted by speaker.

Special mention → which cannot be raised during question
no point of order.
hr, any other
only in RS, similar as 'Notices' in LS under 377

Resolution

moved to draw attention of the govt. on general public imp. memⁿ who moved resolution can't withdraw same except the leave of the house.

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3 Categories of Resolution

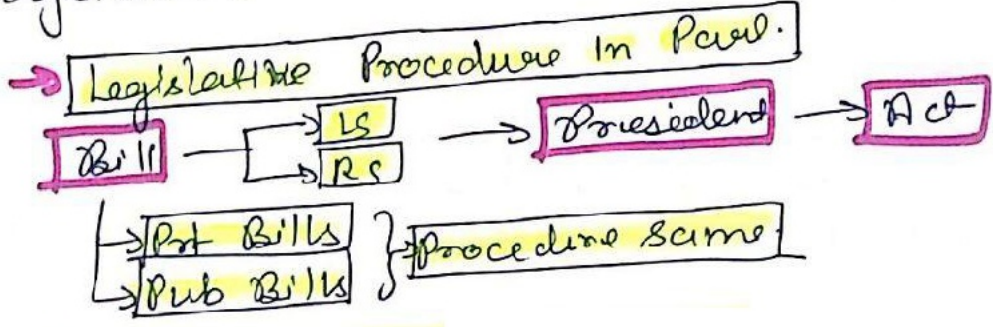
- Private memⁿ Resⁿ** → discⁿ only on alternate Friday (afternoon).
- Govt. Resolⁿ** → moved by any minister any day Mon-Thu
- Statutory Resolⁿ** → either by a priv memⁿ or minister.
↳ for any provision of Constⁿ.

→ All resolution → substantive matter
 ↳ is a motion but All motion are not subⁿ
 hence, all motion can't be put to vote.
 But all the Resⁿ will be put to vote.

Youth Pwd → an acronym of youth all Indian whip conference, objective are -

- 1) → younger generation → practice and procedure of pdl.
- 2) → imbibe the spirit of discipline and tolerance of youth.
- 3) → proper perspective of democracy in youth.

Ministry of pdlⁿ affairs provides necessary training and encouragement to the state in introducing scheme.



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Bill Introduced in Parliament

- Ordinary
- Money
- Financial
- C.A bill

Pvt vs Public

- by any memⁿ except Ministers
- If it fails, govt has to resign
- govt has to resign
- Intro requires 1 month notice
- Only Ministers
- No effect
- 7 day notice.

Ordinary Bill

→ First Reading → In either house introduced
 ⇒ member has to 'ask for leave' before introducing.

after discussion published in Gazette of India.

If bill is published in gazette before its introduction

→ leave of house is not needed to publish Bill.

introduction of bill and its publication in the Gazette constitute the 1st reading.

Second reading

→ General discussion → printed copies are distributed
 principle of the bill & its provision discussed generally but not details of the bill.

@ stage

- can be taken in consideration or y/n another date.
- may refer to select committee.
- may refer to Joint Committee.
- may circulate bill to elicit public opinion.

Committee stage

→ mainly referred

Examine clause by clause

→ after its examination send to parl. (if amend any recommendation)

Consideration stage and vote clause

→ after the recommendation house discuss by clause separately.

Amendⁿ can be moved, if accepted they become part. Can be for public opinion.

IIIrd stage

→ only voting

Bill goes to second house →

If accepted → seems to be passed

deadlock - { if denied

Joint session { did not take any action. If passed them seem to be passed.

- may pass the bill as sent
- may pass with amendment
- may reject the bill
- should not take any action.

- HSCent \rightarrow Art (111) \rightarrow (✓) or withheld \rightarrow pocket veto
- Suspensive one \leftarrow (X)
- Time reconsideration \rightarrow 2nd time forced to pass.

Money Bill (110)

- Introduced only in LS.
- introduced by minister (only)
- only on recommⁿ of the Presⁿ
- Can't be amend or Rejected by RS
- RS return bill with or without recommⁿ which can be rejected by LS.
- Requires the certificate of the sp. when transmitted RS
- President assent - approved only by LS.
- defeat in LS leads to resignⁿ of the govt.
- Can be rejected or approved but cannot be returned for reconsideration by the President.

Financial Bill \rightarrow **Art 117(1)** \rightarrow Contains not only any or all the matters mentioned in Art 110, but also matters of general legislation.

Foregⁿ \rightarrow RTE is ordinary but it need finance.

Similarity \rightarrow both can be introduced in the LS and not in RS
 \hookrightarrow only on recomm of President.

Art [117(11)] \rightarrow expenditure from CFI but not matter included in Art 110. (treated as ordinary bill)

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Joint Session (Art 108) \rightarrow to remove deadlock

- 1) Bill is rejected by others
 - 2) disagreement
 - 3) Passage of 6 month time
- } applicable only on ordinary or financial bill
 Not on Money & CA Bill (from each house)

Presiding \rightarrow **Speaker (LS)** \rightarrow **Dy Speaker (LS)** \rightarrow **Dy Chairman** \rightarrow by any person determined by member Present.

- If President notified Joint Session, no progress on bill could be made. Chairman (RS) $\xrightarrow[\text{C X}]{\text{Preside}}$ Joint Session, as he is not the member. Quorum - 1/10, governed by LSRules.

Budget Art 112 \rightarrow Annual financial statement
 \hookrightarrow not used
 \downarrow
 estimated Receipt & Expenditure of Govt

\hookrightarrow estimate of Revenue & Capital ways to raise revenue estimate of expenditure economic policy.

2017-18 \leftarrow 2018-19 \rightarrow 19-20
 Actual Budget Revised Budget Budget Estimate

→ In 1921

by recommend of Acworth

Budget

↓ Committee ↓ Railway (only receipts & expend)

General

(all receipt & exp except Railway)

↓
On the go of development of Railway, stability, business.

↓
In August 2016 — On Rec. of Ubet Debraj it was merged.

Presentation of Budget → On 1st Feb, by finance minister → on instruction of President.

General discussion — (3-4 days) (no cut motion & no submitted to vote)

Scrutiny by departmental Committees — [3-4 week]

Voting on demand for grants — (Art 113)

Passing of Appropriation Bill

Passing of Finance Bill

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As only ordinary expenditure is meet so other grants are also meet, so grants were made.

Supplementary grants → for insufficient amount extra money.

Additional grants → for additional expenⁿ by addition of new services.

Excess grants → more expen, then allotted amount before the demand for it laid in L.S.

Vote of Credit → Blank cheque (Executive by LS)

Exception grant → for special purpose.

Taken grants → Rs 1, is submitted to vote of the LS.

Funds

Consolidated fund (226)

↳ all receipt are credited & payment (✓)

↳ all revenue by Govt

↳ all loan raised by Govt

↳ advances

↳ money (↓) by Govt in repayment of loan.

No (↑) money → without Parliamentary law.

Contingency fund (267)

By 1950 ₹ 500 Cr
held by finance secretary
on the behalf of President.

Public account fund (266)

↳ all public money
↳ provided fund
↳ Judicial deposit
↳ bank deposit
↳ departmental deposit.
without parl. appropriation
can be made.

Multifunctional Role of Parliament ⇒ operated by executive action.

Legislative power & function

↳ can make law for UList (100), CList (52), Residuary and
even on state list provided, Art 249, 250, 252, 253, 356.
Approval of Ordinance.

Financial Power → Art 265, budget

Const. Power → Amendment (Simple 50%), Special, Absolute.

Judicial power → Impeachment of POI, VPOI, CJI, CEC, CAG etc.

Electoral Power → elect POI + VPOI + sp + dy sp (RS + LS)

Other power → approves emergency / create or abolish SLC
↳ art 2, 3, 9, 10 etc etc.

Position of RS → **RS = LS**

↳ Ordinary, CA bill, Elec & Impeachment of POI, VPOI
↳ Intro & passage of financial bill.
↳ for CJI & Judge impeachment, CAG, CEC
↳ Approval of ordinance, Pro of Emergency
↳ Selection of Minister.

↳ Consideration of reports of Const. Bodies (UPSC, SPS, CAG)
↳ Enlargement of Jurisdiction of UPSC & SC

RS ≠ LS

→ Money Bill
↳ Retake of Emergency
↳ Finance bill only in LS
↳ speaker LS preside Joint session → LS wins.
↳ cannot pass no confidence motion, special powers
to LS ↳ art 249, 312.

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Parliamentary Privileges

Individual Privileges

No arrests during session
before & after today of session.
Rt. to speech & vote cannot be
challenged in court, Art (105) MP 194(MLA)

Breach of Privileges in Contempt of house.

Collective Privilege

If can punish members
as well as other
courts are prohibited
in an enquiry.

Chapter-23

Parliamentary Committee

No of sitting (less) + Work burden (↑) + Complexity
 Each part cannot be discussed properly as politics prevails
 ↓ hence

- COI → provided → 'Committees'
- ↳ To task → appointed / elected / Nominated by sp & Chairman
 - work under direction of RS & LS (Speaker)
 - present its report to them
 - secretariat provided by the LS

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a) **Adhoc Committee** - temporary & exist after work is complete
 ↳ Inquire Committee → Time to time by sp / Chairman
 ↳ Advisory Committee → Include related or termed committee to consider reports on particular bill.

Public Account Committee → setup in 1921 by the act of 1919

- 22 member, 15:7 :: LS/RS as 2:1
- memⁿ elected by Proportion Representation amongst its members
- Chairman → Ruling part but after 1967 → from opposition
- Tenure → 1 year work → to annual audit report of CAG
- ↳ Finance ↳ Public under taking

CAG as a Guide friend

Estimate Committee - 1 year tenure, early traces in 1921 after Independence - 1950 [F.M. John Mithal Recommend]

- 25 memⁿ 30 memⁿ
- ↳ Raised 1956
- ↳ All from LS, Proportional Representation
- ↳ single transferable vote
- ↳ minister cannot be member
- ↳ Chairman → appⁿ by sp (mainly Ruling Party)
- work → to report what economic improvement, organisation, whether the money is well used.

Consultative Committee → for different house both memⁿ of house [30 (max)] [10 (min)]
 ↳ constituted by ministry of parl. affairs.

Departmental Committee → 1993 → 17 → 2004 (+7) → 24 Depⁿ Commⁿ
 21 memⁿ in each commⁿ → 2:1
 ↳ nominative member.

Committee to Inquire → Petition, Privilege, Ethics
 LS → 15 RS → 10
 LS → 15 RS → 10
 LS → 2000 RS → 1997

Rule Committee
 ↳ 15 (LS)
 ↳ 16 (RS)

Committee on Business Advisory
 LS = 15 RS = 16 } regulate programs

enforced Code of Conduct & recommend appⁿ action

P. Forums

↳ 1st - on water conservation & management ⇒ At Present (8)

Objective - To provide a forum for discussion, interaction with concerned Ministers on critical issues.

- To establish & sensitive members with group level situation and equilib" them with latest info, Knowledge technical.
- To prepare a data base, through collection of knowledge on critical issues through various. So that they can be meaning in discuss and clarification.

Composition of the forum

Speaker except

Ex-officio chairman

↳ P.F on Population & Public health } Chairman } VP of RS

Dy. Chairman of RS + Dy Sp. of LS + concerned Ministers are the Ministers ↳ ex-officio VP

P + VP + Co-president + 31 member (max)

↳ nominated by the Sp / Chairman

21 LS (max) 20 RS (max)

↳ Co-terminus with their membership in respective house can resign.

↳ appoints a convenor who help him holding and other needs.

Functions of the Forums ⇒ (8)

Parliamentary forums

- ↳ on water conservation and management
- ↳ on Youth
- ↳ on Children
- ↳ on Population and Public Health
- ↳ on Global warming and C. change
- ↳ on Disaster Management
- ↳ on Artisans and Craftspeople
- ↳ on Millennium Development Goals.

Parliamentary Group

- autonomous body
- all memⁿ of parliament (present or former member)
- founded in 1949

- It is an international organisation of parli. of sovereign states
- 153 parliamentary of sovereign states of International Organisation.

- Objectives** → promote contacts b/w memⁿ of the POI
- arrange seminars, discussion, orientation courses.
 - arrange lectures on political, defence, econ, social etc.
 - visit to foreign country with a view to develop contacts with memⁿ of other parli.

- Composition** → open to all memⁿ of parli.
- speaker → LS → ex officio president
 - Dy sp & Dy chairman → ex officio vice president
 - General Sec^y → LS → ex officio sec

- Functions** → gp acts as connecting link.
- National Cnp of the IPU (B) main branch of the CPA in India.
 - seminars & symposia on parli. sub.
 - memⁿ of parli (6 months) go for parli. delegation.

- **Awards** → Award of Outstanding Parli.
- ↳ sp invites of the LS, invites & finalises the nomⁿ for award

- The Cnp & IPU** → International Organisation of the parli of sovereign states.
- helps memⁿ of Indian parliⁿ delegation to develop contacts with the parliⁿ of the memⁿ countries of the IPU.
 - event provide an opportunity to study
 - facility to meet
 - visiting

- The Cnp & CPA** → association of about 17000 Commonwealth Parli. spread over 175 National state, Provincial & Territorial Parliⁿ.
- understanding of constⁿ, legisⁿ, econⁿ, social & cultural system.

- Advantages**
- Conferences & Seminars
 - Publication
 - Information
 - Introduction
 - Parli. Facilities
 - Travel Facilities

Supreme Court

Concept from

Single Integrate Judicial System

Govt Act 1925

Inaugurated on Jan, 28, 1956

Art - 124-147 → Part V

Original ⇒ CJJ + 7 other judges

Art 124 → authorised Parl. to increase the no. of judges

↳ By Feb, 2009 → 31 Judges (Including CJJ) i.e. 30 + 1 (CJJ)

Appointment → CJJ (by President, after consultation with judge he deems necessary (SC/HC))

↳ other Judges (By President after consultation with judges of SC, he deems necessary.

Qualifications → must be citizen of India, Judge for 5 years (HC), advocate for 10 years (HC) | Eminent Jurist.

Oath → before President

Tenure → till attains the age of 65 | Resign | Retired.

Removal by President on recommendation of Parl. Charge on Provoke misbehaviour or Incapacity.

↳ resolution at any house — LS → 100 mem's support — RS - 50 mem's support.

Art 126 → Acting CJJ → if vacancy / temp absent / Incapable

Art 127 → Adhoc Judge → when there is lack of quorum → CJJ can appoint Judge of HC for temp period.

Art 128 → Retired Judge → CJJ can use any retired Judge

Consent of that person | Permission of POJ

Art 130 → seat of SC → Delhi

↳ If CJJ wishes, any where in India.

143 → Procedure of Court → decide a bench consist at least 5 Judge
↳ for Const. cases or references.

CJJ → Master of Roster

↳ constitute bench + decide the hearing of petition.

Independence of SC → salary & Pension from CFI, Ban on practice after retirement, free to appoint staff, decisions cannot be curtailed.

Jurisdiction

Original Jurisdiction

→ Center vs State or Union / State vs State
↳ **Art 131** (direct hearing)

↳ Dispute by a private citizen against State cannot be heard.

- ↳ I.S. water dispute
- ↳ Matter referred to FC.
- ↳ ~~Pro~~ treaty agreement
- ↳ Recovery of damage by a State against Center / Commerce nature b/w State.

Appellate Jurisdiction

→ **Constitution Matter (Art 132)**

↳ appeal against judgement of HC, if HC satisfy that it is needed.

Civil Matter (Art 133)

→ In it involves subsequent question of law question need to be described.

Criminal matter (134)

→ direct threat to body & property & further, 134(a) one has to take permission of HC.

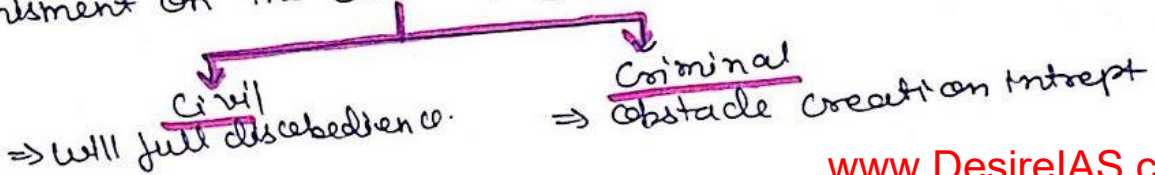
Art (136)

→ Appeal by special leave (should be used cautiously as by SC).

Art 129

→ Court of Record → Judgement proceeding, and act are recorded for perpetual memory & testimony.

⇒ punishment on the Contempt of Court → 2000₹ or 6 month or both.



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Advisory Jurisdiction

Art 143

→ President can seek opinion from the SC
↳ on the any question of law or fact.
↳ on any dispute arising out of the const. treaty agreement, Conventant

but advice - non binding.

Power

→ Const. of both legislature of Central ⊕ State govt.
Illegal, unconst. & invalid.

Other power

Art 137

→ Review of its own judgement

Art 141 (141)

→ decision binding on whole India

Art 145

→ Rule of Court

↳ Ultimate interpreter of Constitution.
↳ to with draw or transfer case.

Chapter - 27

Judicial Review

- USA → Marbury v. Madison (1803)
- In India - Constⁿ provides under article (13, 32, 226, 131, 132, 133, 134, 135, 136, 143, 227, 245, 246, 251, 254, 372)



Jus. Syed Shah Mohamed
C.A. 13

- To review CA or legislation by the Parl or state legislature or administrative action.
- imp → To uphold the principle of supremacy of Constitution.
↳ Federal Equilibrium Fundamental Right.

Scope

- Infring FR (III)
- ↳ Repugnant of Constitutional Provision
- ↳ Competance of the Authority

Narrower than America

→ due process of law
↳ S.C. → third chamber / super legislature arbiter of social policy.

Judicial Review of 9th Schedule

- 31(B) → save the act from Judicial Review
- 1st CA, 1951 → + 9th schedule

IR Coelho

→ as 13 - 282 [1951 - 2016]
→ 24/04/1973 → Possible if the violate art 14, 15, 19, 21

Chapter-28

Laxmikant CRUX Notes

Judicial Activism

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Origin → By Arthur Schlesinger Jr., an American historian & educator
(In 1947)

→ In India — introduced in 1970 → by Justice V.R. Krishna Rao, Justice P.N. Bhagwati, Justice O. Chinnappa Reddy & Justice D.A. Desai.

Meaning of JuAc → denotes proactive role played by Judiciary
↳ in protection of Rt. of Citizens
↳ in promotion of Justice in the society.
→ also known as "Judicial dynamism"
→ exercising Juⁿ power that makes judges to depart from normally to judicial precedents
→ judiciary of protecting individual rights

Concept of JA → is closely related to PIL (Public Interest Litigation)
↳ Litigation interest
↳ most popular form of Judicial Activism

Justification of Judicial Activism → Acc. to Dr. B.L. Wadhwa → there is near collapse → resp. govt → when Leg & Exe fail to discharge their respective function. (Result → in erosion of the confidence in the Const. & democracy amongst citizens)
↳ Judiciary for the protection of their rights & freedom
↳ Judicial Enthusiasm ↳ liberalises the principle of locus standi

Acc. to Subhas Kashyap → when the legis fails to discharge its responsibilities.
↳ 'hung' leg when govt provide weak, insecure and busy on the the struggle for survival.
↳ power may be afraid of taking honest and hard decision.
↳ leg & exe fail to protect Rt. of citizen

Acc. to Dr. Vandana → Expansion of Rts of hearing in the administrative process.
→ Excessive delegation without limitation.
→ Expansion of Ju. Control over disⁿ power.
→ Exp. of Judicial review over the adm.
→ Indiscriminate exercise of Contemp pw.
→ Fostering of order which are per se unworkable

Activators of Judicial Activism

- Civil Right Activists
- People Right Activists
- Consumer Right Groups
- Bonded Labour Groups
- Citizen gp against large irrigation.
- Right of child group.
- Custodial Rt. groups

- Poverty Rt gps.
- Indigenous People's Rt gps.
- Women's Rt. gp
- Bar-baso gps.
- Media Autonomy gps
- Assorted Lawyer Based gp.
- Assorted Ind. Petitioner

Apprehensions of JA

- Ideological fears
- Epistemic fears
- Management fears
- Legitimation fears.

JA Vs JR Restraint

- JA & JR are two alternative Judicial philosophies in US.
- JR → Contend that role of Judges should be scrupulously limited.
- 'Original intent' of the authors of the Const. & its amendments is knowable, and must guide the Courts.
- **JR** → Conservative Interpretation of the Const.
- **JA** → Liberal interpretation of the Constitution.

Supreme Court observation

⇒ while delivering a Judgement in Dec 2007,
 The SC of India → called for JR & ask Courts
not to take over the fun of leg or executive,
 saying → there is broad separation of power under
the Cons. & each organ of the state must have
respect for others and should not encroach
on other's domain.

Chapter-29

Public Interest Litigation

PIL means (Legal action for the protection) of the Public Interest.

↳ Originated & developed in USA
In 1960

↳ To provide legal representation to previously unrepresented groups & interest.

↳ PIL is a product of the Judicial activism role of the SC. It was introduced in 1980s.

↳ Justice V. G. Krishna Rao & Justice P. N. Bhagwati were the pioneers of the concept of PIL.

↳ Also known as Social Action Litigⁿ (SAL), Social Interest Litigation (SIL), Class Action Litigation (CAL)

- ↳ Product of the Judicial Activism role of Supreme Court.
- ↳ any public-spirited citizen or a social organisation can move the court for the enforcement of the Rt. of any person / group etc.
- ↳ maintaining Rule of law.
- ↳ meaningful realisation → FRs.

Features → reach by the people (poor masses), who constitute the low visibility area of humanity. Role held by the court is more assertive than in traditional action.

SC, 1988 formulated a guidelines → Bonded labour matter, Neglected children, Non payment of min wages to workers, Petition from riot victims, harassment, burning, rape, Kidnap, Family pensions.

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Not entertained as PIL → Landlord-tenant matter, Service matters, Complaint against Central / State gov., Admission to medical or other institution, petitions for early hearing of cases pending in HC and subordinate courts.

Principles of PIL → Imp. exercise in powers under Article 32 and 226 of the const. Const. bounded to protect the PR. satisfied about violation of any FRs of a groups. Disputes blue ges in the realm of private law would not be allowed to agitated as a PIL. special situation may appoint commission.

⇒ SC, in this context "PIL is not a pill or a panacea for all wrongs."
↳ protect basic human Rights
↳ HC should not entertain a writ petition by way of PIL.

gov** = governor
↳ instead →

Governor

Chapter - 30

Part VI

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- Governor - Part VI - (153-167) Article.
- State eme ⇒ gov + CM + COM + Adv general.
nom head Ex head (Real)
- Const. head

→ **Art 153** → There shall be a gov for each state.
7th CA (1956) → A gov, two or more state charg @ time. (dis. on the ratio of Popⁿ)
Salary → ₹ 3,50,000/- only

155 → Appointment → by President on the advice of COM
159 → Oath by chief Justice of the HC of respective state.
 through draft provide for election but the present system was adopted as
direct election ———→ Incompatible with Parliament.
 → lack of impartiality disturb CSR.

→ Hence canadian model adopted.

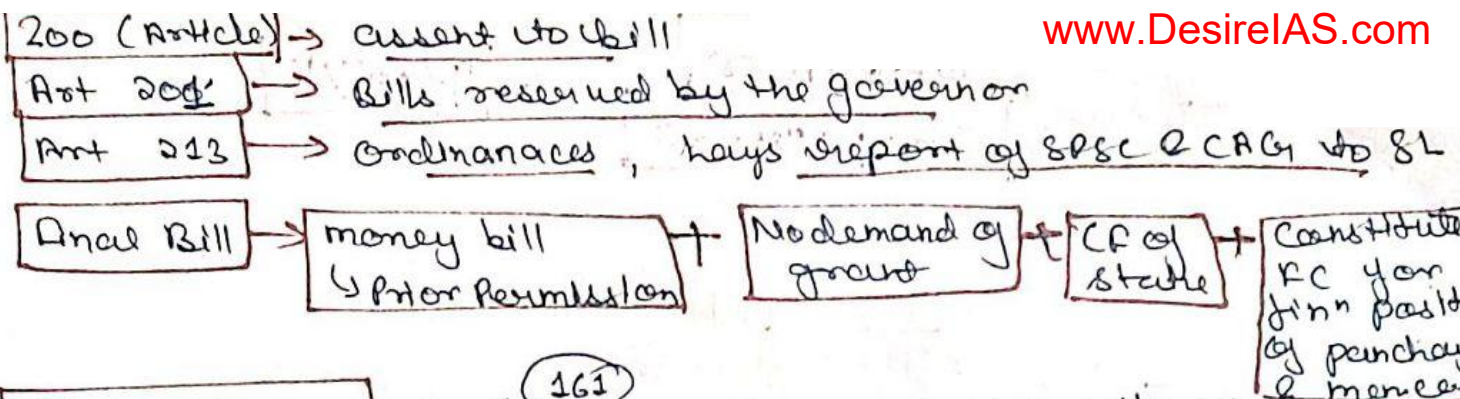
157 → Qualification → Citizen of India, 35 year of age.
156 → Tenure → 5 year but with pleasure of POI
 ↳ SC → non-Justiciable → resign or removed any time.
 ↳ Can transfer from state to another for erst term.
Cannot be vacant (interregnum) hence, hold office till the new arrives.

→ CJ (HC) can be appointed as gov (acting) in case of deaced.
 not the memⁿ of Parl, no office of Profit, allowance can't be reduced

Executive Power → All executive action, name of gov.
Make rules → for the business of SL
 ↳ allocation of ministries
 ↳ order & manner in which other instrument made executed.
Appoint → CM, other Ministers
 → Tribunal welfare memⁿ for CW, JK, MP, odisha.
 ↳ Bihar excluded by 94th CA 2006.
 → **SEC** → remove as CJ & other J(HC)
 Chairman & memⁿ of UPSC → by President (remove)
 seek any info from CM
 recommend imposition emergency.

Legislative Power → summon / prorogue / dissolve / adjourn the house.
 → address first session can send msg for
 → pending bill & appoint any mem to preside
 → over the proceeding when office fall vacant.

nominate → 1/6 to SLC → liter, art, science, social sci, Cooperatives societies
 → 1 Anglo-Indian to SLA



Judicial Power → Pardon, (161) respite, reprieve + respite + Remission.

- (297) Consulted while appoint Judge of SC
- (233) appoint of DJ, in appointment, posting, promotion
- appoint person of Judicial service (other than the DJ) in consultation with HC (state) & SPSC
- (334)

(165) Adv. General for state

Constitutional position of Governor

Governor nominal Executive: Real Exec Com + CM

↓ junction ↑ on adv & advice

- Art 154 → All Exec. power of state, by him or his officers etc
- Art 163 → Com will be Responsible to SLA

→ Governor can use his discretion at some instance more as compared to POT.

After 42nd 1976 → advice binding for president but no such provision for the governor.

- discretion of govt. cannot be challenged,
 - ↳ Reservation of bill for President.
 - Recm & Imposition of President Rule.
 - while exercising his function in addition & charge state.

Chief Minister

Chapter - 31

- Real Executive head
- appointed by governor on the basis of Rec. of Sarkaria Commission
CM should not prove majority before appointed.
↳ 6 month for a person to get mem^r of any house.
- **oath** - governor - [oath + office of secretary]
- **Term** → not fixed, during pleasure of POI
↳ governor dismiss only if he/she lack majority
- **Salary** → by SL + supplementary allowance etc. etc.
- Powers** →
 - In Relation with COM**
 - suggest the name for appointment
 - allocate or reshuffle portfolio
 - ask minister to resign or advise gov to dismiss
 - provide guide, controls, coordinate all the COM & meeting
can bring collapse by resigning / CM Resignation / death
automatic dissolve COM.

In Relation to Governor → principal channel of communication b/w gov & COM.
→ advisor for appointment of advocate general, mem^r of state Public Service Commission etc.

In Relation to State Legislature → advise governor for summoning, proroguing, dissolution etc.
announces the govt policies to SL.

Other Powers

- Chairman of the state Planning Board & Act as v. Chairman of Zonal Council (1 year)
- Member of IEC, NBC & chief spoken person of government
- Crisis manager in chief at political level during Emergency.

- Art 163** → COM to aid & advise governor
- Art 164** → other provision as to Ministers
- Art 166** → Conduct of business to the govt. of a state
- Art 167** → Duties of CM as respect the furnishing of Informⁿ to Governor, etc.

State Council of Ministers

Art 163 → COM headed by CM $\xrightarrow{\text{advice}}$ governor
 ↳ can not be inquired in any court.

Art 164 → CM → by governor → COM
 ↳ advice

↳ **CM + COM** → max → 15% of total strength (including CM)
 ↳ min → 12 (91st CA, 2003)

→ **during pleasure of governor** → collect. responsible. to SLA.
 ↳ oath by governor / **ministers 6 month** [to get membership]

166 → Conduct of business
 → all executive decision → governor
 → rules made by governor to transit-function. www.DesireIAS.com

Art 167 → Duties of COM

Art 177 → Rt. of ministers as respect of the house.

Nature of advice by ministers → cannot be enquired in court.
 → in case of vagueness governor decision final.

1971 SC → COM must exist to advice even after the dissolution or resignation.

satisfaction of governor = satisfaction of COM.

Appointment → on only advice of CM
 ↳ **ministers 6 month** to make membership → minis speak in either house or take part but vote in his/her house only.

Oath & Salary → SLA
 ↳ governor.

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Responsibility

Collective responsibility

→ **164** → Collective resp. i.e. work as team
 swim or sink together → no confidence motion
 ⇒ no dissolution et.

→ **Individual Respⁿ** → governor remove a minister on advice of the CM, though COM enjoy majority.

✓ **CM can ask for resignation.**

✓ **No legal responsibility**

→ **No → order of governor** should not do content signed by minister.

→ **Court cannot query on the Nature.**

State Legislature → Part VI

Art → 168 - 212

- No uniformity, bicameral legislature
- 2018 → 7 state, bicamⁿ legis → AP, Telⁿ, UP, Bihar, MH, Karnataka, J&K
- 22 → state unicamⁿ legis.

→ When Bicamⁿ SL → Governor + L.C + LA → Vidhan Sabha or Lower house
 → Created or abolished - by Parl. → Upper house or Vidhan Parishad.

→ $2/3^{rd}$ [PTV] + 50% SLA → passes a resolution
 → Criticised - No the house of Representatives

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→ Composition of the assembly -

Strength → represⁿ of the directly elected people on universal adult franchise. Max = 500 & Min = 60


→ Nomination → one memⁿ of Anglo Indian (for 10 years but later increase for 10 years (1960))
 85th CA → 2020

Territorial → demarcation of these constituency, equal representation = ratio b/w population at state remain same throughout the state

Readjustment → total no of seat in assembly, territorial constituency Parl. empowers to make laws.

Composition of Council → $1/2^{nd}$ of the total strength of the assembly
 Smin-40 Except JK-32

Duration → SLA → 5 year → dissolved at any time / extend 1 year
 ↳ SLA → permanent house, 1/3 retires every year within 6 months, revoked emergency shd be elected.

Qualification → citizen of , oath in front of election commission
 → SLA = 25 years, SC → 30 years.

→ other qualification as People representation Act 1951.

Disqualification → any office of profit, insolvent, unsound mind, acquire citizenship of foreign

Oath → governor or dy by governor.
Speaker, Dy Speaker, Dy Chair → same as Parl.

Summon / Adjournment / Prorogation / Dissolution same as Parl. (By governor & speaker)

Quorum → 1/10 No Joint session.

	LA	LC	Dissolution of LA	Other Condition
Bill Lapses → Passed	✓	X	✓	—
Bill does not Lapse →	X	✓	✓	—
does not lapses →	✓	✓	✓	President or governor assent
does not lapse →	✓	✓	✓	President return for reconsideration

Language → official lang of state English or Hindi, but P.O can permit address mother tongue.

↳ Single Integrated Judicial System

↳ High Court below SC & above the subordinate court.

↳ Top position in Judicial adm

- 1862 → Calcutta → Bombay → Madras, 1866 → Allahabad HC
- 1950 → Existing H.C of provinces bcm own H.C.
- Art-214 → each High Court for a state
- ↳ but by 7th CAA 1956 → Common HC for two or many state or UT
- At Present → 24 HC, 4 are common (Delhi → UT → has its own HC) since 1996.
- ↳ Organisation → CJ (HC) + other judges (not decided by Const. can be altered time to time as President deems necessary)
- Judges → Appointment → by President
- CJ (HC) → Consultation with CJI + Governor
- ↳ other judges → Consent of CJI is insisted.
- ↳ Common HC of 2 or more state, gov. of all concerned by President.
- 99th CA 2005 → NJAC → unconst. & void

Qualification → Citizen, 10 year Judicial office, 10 years judge of HC.

- ↳ no minimum age
- ↳ no provision of Eminent Jurist.

Oath → 219 → by governor

Tenure → no fixed

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- ↳ age 62 ✓
- ↳ design ✓
- ↳ President on (Parl. recommend) ✓
- ↳ on appointed as judge of SC or other judges ✓

Removal → misbehaviour, Incapacity } Removal same manner as SC

Salaries → 221 → CJ (HC) → 2,50,000
J (HC) → 2,25,000

Pension from - CFI

Transfer → 222 → POJ can transfer from one HC to another.
↳ on transfer entitled to receive extra salary.

Retired Judge

↳ At any time, CJ (HC) → to any Retired Judge for temp period
↳ Previous consent of POJ + appointed person.

Jurisdiction & Power of the HC

→ Highest court of appeal
→ protector of FR, interpret the Const

Original Jurisdiction

→ matter of admiralty, will marriage, divorce, company law & Contempt of Court.
MP + ML election Dispute Regarding Revenue FRs.

Writ Jurisdiction

→ Art 226 empower HC to issue writs
↳ Habeas corpus, mandamus, certiorari, prohibition and quo - warranto.

→ If HC issue any writs to any person authority & govt not only within territorial but outside territorial Jurisdiction, if the cause of action within Jurisdiction (territorial).

Wider Jurisdiction of HC larger than SC
↳ of both SC & HC - Constitute a part of Basic structure, Hence can't be Amendment.

Appellate Jurisdiction → high court → primarily court of appeal
↳ civil appeal
↳ criminal appeal
↳ all appeal against subordinate.
↳ wider than original Jurisdiction.

④ → Supervisory Jurisdiction → 227 → super intendence over all court & tribunal in its territorial Jurisdiction (except military or tribunal)
↳ call for return, make & issues general rules prescribes book & entries.

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- ⇒ Control over subordinate court
↳ administrative control over subordinate case
- Consulted by governor, in matter of appointment, posting & promotion of person to judicial other than (DJ)
 - Matter related to posting, promotion, grant of leave, transfer & discipline of judicial service.
 - withdraw cases from subordinate that require an interpretation of constitution.
dispose → return (after interpretation)
 - law binding in all court of India of SC similarly of HC in State.
 - A court of Record (215) → cases recorded & recognised as legal precedents and references.
 - to punish for contempt of court either punishment i.e sentence or fine or both.
Contempt → same as SC
 - ⇒ but innocent publication, distribution of some matter fact & fact report, fair & reasonable criticism — (X)
contempt of court

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→ cannot review its own judgment
but SC have power

Judicial Review → examine constitutionally of legislative of both central & state govt. If the inconsistent can be declared void.
→ If it infringe PRs outside the authority forms repugnant to CA.

→ 44-CA
banned this power.
restored by 43 CA
of const. validity of center law.

Subordinate Courts

↳ as they are under subordination

↳ under the HC at district level & lower level.

233 - 237 → Part VI of Constitution

233 ✓ Appointment of District Judges → Appointment of DJ, Posting, transfer, promotion with consultation of HC by the Governor.

A DJ → should not be already in service of central or state govt. → been advocate for 7 years or leader should be recommended by HC.

234 ✓ Other Judges → appointment of other Judges to judicial service of state made by governor of state after consultation with SPSC & HC.

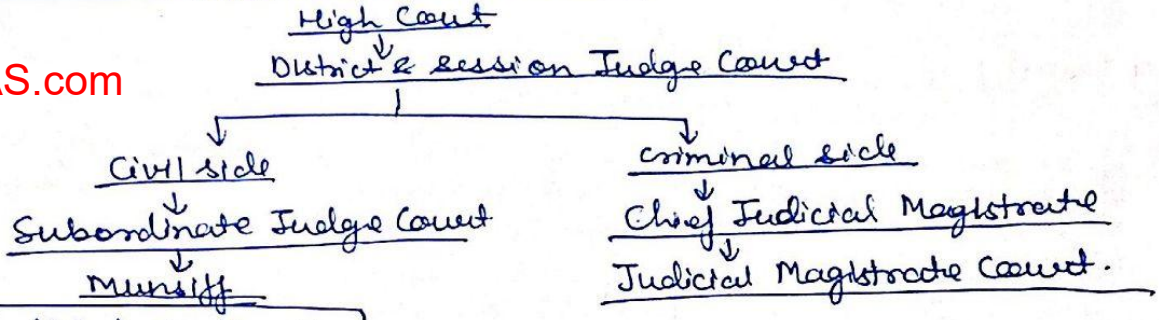
Control → all transfer posting, promotion leave belonging to Judicial Service of the state and rank below DJ, vested in HC.

Interpretation → Judges of City Civil Court, ADJ, JDJ, ADJ, CJ of small court CPM, A. (CPM), Session Judges, Ad. Session Judge.

Judicial Service → service consisting exclusively of person intended to fill post of DJ and other civil judicial post (intention to DJ)

Structure & Jurisdiction → of subordinate court laid by state, they differs slightly from state to state, There are mainly three tier of civil & criminal court below HC,

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⇒ DJ highest Judicial authority

↳ original & Appellate → Civil DJ → District Judge
 ↳ Judicial & administrative power → Criminal DJ → Session Judge
 ↳ supervisory power overall

→ appeal against order of DJ in HC

↳ Any capital punishment or fine
 ↳ should be verified by state

NLSA (National Legal Service Authority) -

39(A) → Free legal Aid to poor & weaker section to ensure justice to all.

Article (22)(1) → Obligatory to ensure equality before law and legal system promote justice on the basis of equal opportunity of law.

In the year 1987, the legal service Authority Act came under force in 9th Nov / 1995

↓
 To establish a nation wide uniform network of free and competent legal service.

SC legal service committe → to implement legal service programmes

Lok Adalat → Case pending in courts or at litigation stage are compromised or settled in an amicable manner.

People court, Gandhian principal

Expedious & Economic effective & In Expensive Justice

- Base. on Alternative Dispute Settlement ADR
↳ No victors / no rancor → by negotiation Conciliation

Function → SLSA, DLSA, SLSC, HC, SC, TLSC → organised Lok Adalat at such internal & places as he think fits.

⇒ LA = service or Retired Judge + lawyer + social worker.

⇒ Requisite its own power for determining any issue →
All Judicial proceeding within IPC.

- ↳ Award will be final no pleading.
- Easy trial & speedy with flexibility.

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Permanent Lok Adalat → Legal Service Authority Act 1987 → 2002
for permanent Lok Adalat to deal with case dealing with public utility service.

Reason → help weaker section / In expensive / spirit of Conciliation out side court.

New features → P(LA) consist of chairman [CJ + A(CJ)] + or other higher officer.

→ on public utility service such as transport communication, Power etc. etc.

Family Court → Family Court Act 1984 → establishment of family court with a view to promote Conciliation & secure speedy trial in marriage & family issues.

Reason → many urge for family court for family disputes emphasis on the Conciliation & achieving socially desirable Results.
↳ mechanism of dispute Conciliation.

Features → Establishment of FC by state govt, obligatory of state govt, Family Court in every city.

- ↳ Focus on Conciliation, so no tough rules.
- ↳ Simplifies Rule of law.

↳ Rt. to appeal in HC only.

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Gram Nyayalayas → Gram Nyayalaya Act 2008, establishment of Gram Nyayalaya →

Justice at door step / secure justice

Eliminate → social, economic, geogr etc.

Reason → Poor can't access to justice } Compel for it.
39 (A) of DPSP

→ Lok Adalat & other ADR, Conciliation, simplifying Judicial procedural Law etc by state govt hence need further ⊕

→ The Law Commission in 118th Report → necessity of Gram Nyayalaya

→ Mobile Court → Criminal
→ Civil

seat @ headquarter of the
↳ try to settle dispute.

Intermediate Panchayat shall be guided by principal of Natural Justice & sub to any rule.
↳ An accused of offence may file & plea bargaining.

Special Provision for J&K

Chapter - 36

- Under Art 1 → J&K is the part of territory.
- Art 370 → Part XXI grants to a special status to it.
- J&K → separate status.
- Part XXII → 12 other state - special status but in minor form.
- ↳ J&K unparalleled
- J&K → By the Instrument of Accession of J&K → Pandit Nehru
↓
26 Oct/1947.
- Art 370 → till the temp. Indian Const.
- Provision of art. 238, is not applicable to J.K.
- Power of Parli. to make law for state is limited.
- Art I declares & Art 370 are applicable for J&K.
- Now, J&K → Part I & scheduled state → Name Boundary Area
only with const. of st.
- President Rule (State Emergency) → Failure of the Const. Machinery
Under provision of state Const, Not of
- 5th & 6th schedule (Not Applicable)
- Jurisdiction of CAG, E.C, SCourt 'special leave' (✓)
- H.C (J&K) writ only for rights.

Features of J&K Constitution -

- In Sept 1951, Const Assembly → Adult franchise.
- J&K → internal part of Const.
- Justice, liberty, equality, fraternity to people of states.
- Comprises all the territory that was under the ruler.
- Citizen of India → permanent Resident.
- List of DPSP
- Bicameral legislature → SLA → 111 → (24) → POK → 87
SLC → 36
- Executive power → state → governor - 5 years.
↳ com by state
- Originally → Sadar-i-Riyasat (President)
↳ Muztar Ali Azam (PM)
- By - 1965 → Governor
↳ PM
- HC → CJ + 2 other - President.
- Urdu as official language.
- Procedure for amendment → by each house 2/3rd majority
↳ No CA for changing Relⁿ with India.

J&K → 'Autonomy Resolution'

- On June 26, 2000 → a resolution accepting the report of state autonomy committee.
- Defence, FA Comm, & Auxiliary sub with Centre.
- EC no rule.
- No room for IAS/IPS/IFS.
- No appeal on hear by SC, No Jurisdiction of SC in appeal in HC.

Special Provisions for
Some States

Chapter-37

Art 371 to 371-J in Part XXI

Special Provision for 12 states

- 371 → Special Provision with respect to the state of Maharashtra & Gujarat.
- 371A → w.r.t the state of Nagaland
- 371B → w.r.t the state of Assam
- 371C → w.r.t the state of Manipur
- 371D → w.r.t the state of Andhra Pradesh or state of Telangana
- 371E → Establishment of Central University in Andhra Pradesh.
- 371F → w.r.t the state of Sikkim.
- 371G → w.r.t the state of Mizoram.
- 371H → w.r.t. the state of Arunchal Pradesh.
- 371-I → w.r.t the state of Goa
- 371-J → w.r.t the state of Karnataka

Panchayati Raj

Chapter - 38

→ 73rd CA, 1992, to established or build democracy @ ground level.
 Balwant Rai Mehta → **CoP** → Committed
 under Balwant Rai Mehta } → to examine

Community Development Programme (1952)
 Newton Extension Service (1953)

Recommended democratic decentralisation ⇒ Panchayati Raj
 ⇒ establishment of three tier Panchayat

- Gram Panchayat
- Panchayat Samiti
- Zila Parishad.

^{District collector}
 ⇒ **D.C.** → chairman of Zila parishad (advisory, co-ordinating supervisory)

⇒ Accepted by National Development Council → Jan / 1958
 ↳ R.J → Nagaur district, 2/10/1959
 but most of the state by Mid 1960.

⇒ **Pb/m** → difference in mechanism [tenure, composition, function, finances]
 ⇒ **Nagay Panchayat** → Judicial Panchayat
 ↳ Civil
 ↳ Criminal
 To reduce it (Reluctancy & Reform)

Ashok Mehta Committee → 1977 → Ashok Mehta → 1978
 ⇒ only two tier ⇒ Zila Parishad
 ↳ district 'first point for decentralisation' below state level.
 ↳ official participation of political parties at all level of Panchayat
 ↳ Nayay Panchayat, separate body.
 ↳ Minister of Panchayat Raj
 ↳ Seat Reserve for SC/ST

C.V.K. Rao Committee → by planning commission 1985
 ↳ Problems of bureaucratisation and Panchayat Raj →
 grass without root.
 ↳ three-tier
 Regular election (if state election were due)
 Creation of New District Development of officer → CEO of that Zila Parishad.

Laxmi Mal. Singhvi Committee → Rajiv Gandhi → Committee → Revitalisation of Panchayat Raj Institution for Democracy & Development.

Panchayat → Constitutionally recognised, protected, preserved.
 → New chapter should be added
 → Naya Panchayat @ cluster of village → Judicial Review
 → village Panchayat more financial resources.
 → Three tier
 → Participation of politics (↓)

P.K. Thungon → Consultative Parliamentary committee under PK Thungon
 focused → Strengthen in Parliamentary system

- Constitutionally recognised
- three tier
- Zila Panchayat @ Planning
- Fixed tenure = 5 years
- Reservation of seat + women
 ↳ on the basis of population
- P.C for Panchayat Raj (in each state).

Gadgil Committee → V.N. Gadgil → how best effective Panchayat Raj institution could be made effective

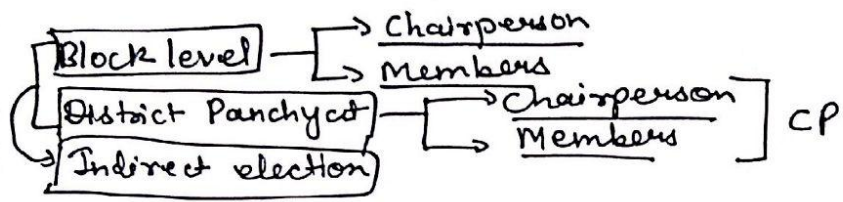
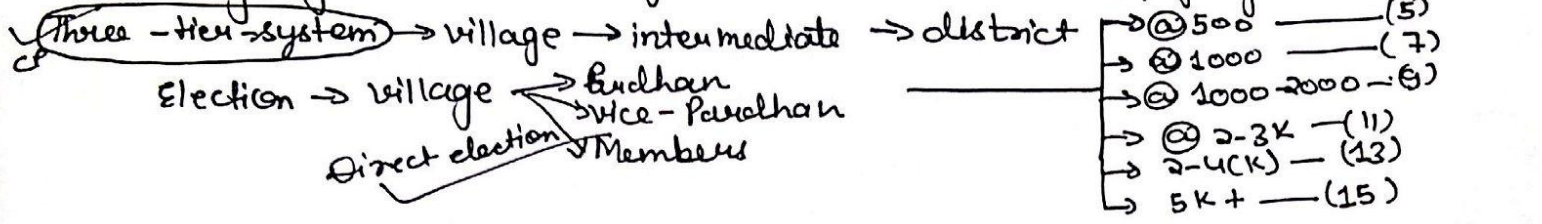
- a) → Constitutional status
- b) → three tier (5 year) (direct election)
- c) → Reservation for SC/ST women
- d) → establishment of state finance election commission for allocation of finance.
- e) → establishment of S(FC)

73rd CA. 1992 → Part IX, 11th schedule Newly added } 29 items

243-243 (0)
Art. 40 → Practicality
→ Const. status to Panchayat Raj
→ Hence under

CP Silent Features -

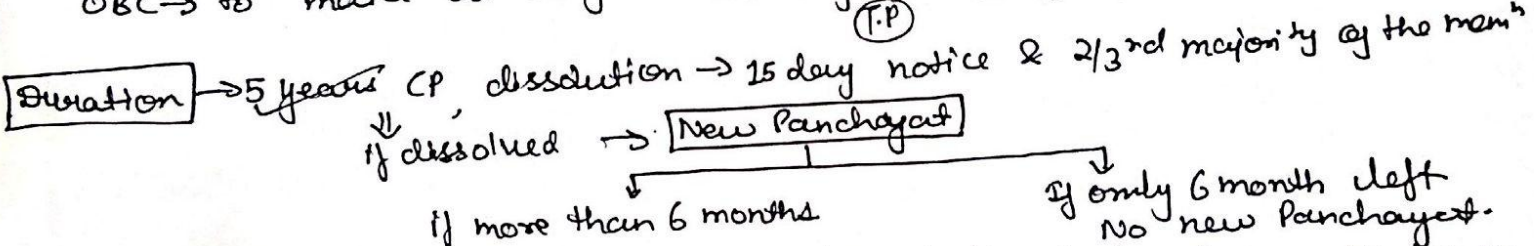
Gram Sabha → will be consist of people registered in the electoral roll. Consisting of all those registered voters.



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Reservation → SC/ST according to population

CP Women → 1/3 of the total no. of seat.
OBC → to make at any extent by S.L. (T.P.)



Disqualification - min age 21, under any law election to legislature under any law made by state legislature.

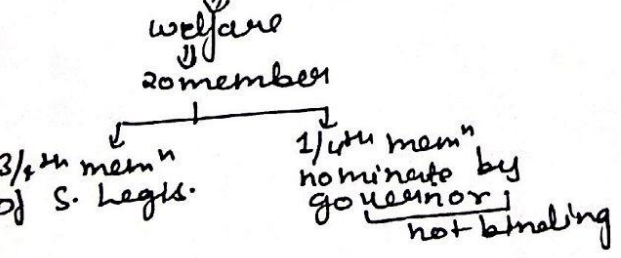
Qualification → 21 years, eligibility to become MLA.

SEC → Const body
SEC → governor (removal as CJ(HC) & J(HC))

Finance → authorised panchayat to levy, collect & appropriate taxes, tolls & fee.

5th schedule
declared by President
Tribal advisory Council

6th schedule
a) area → Assam, Tripura, Meghalay, Miz.
b) autonomous District Councils.
30 memⁿ → 6 nominated



24 directly
→ Power → legal legislature
→ Judicial Powers Under HC.

→ Provision of the Panchayat (Extension to S. Area)
→ PESA, 1996
Part IX - matter related to SA IX - not applicable to 5th schedule area.

Municipalities

Chapter - 39

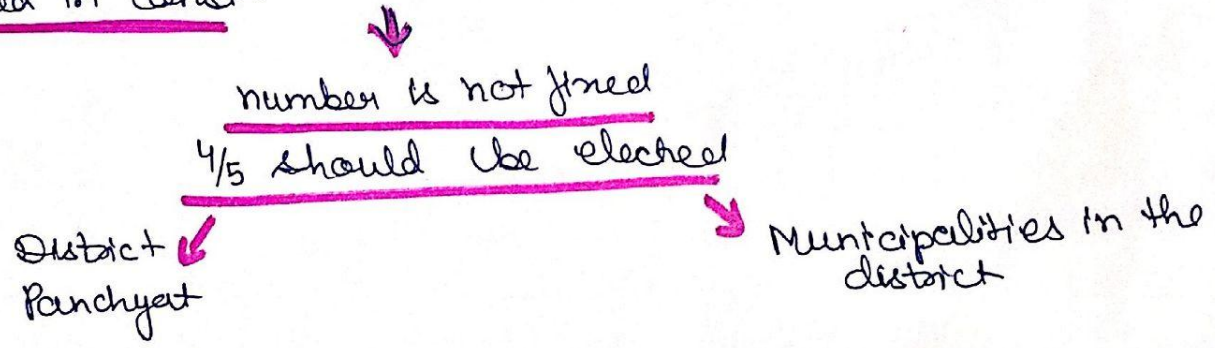
1687-88 → First municipal cooperation → Madras
1726 → M. cooperation → Bombay, Calcutta
1935 → Local self government was declared as a provincial subject
Rajiv Gandhi (65th CA) ⊗; VP Singh yielded by Narshima Rao by 74 CA, 1992
⇒ 74th CA, 1992, IX A → The Municipalities 243P-243G, 12th schedule was added Constitutional status to Municipalities.

Nagar Panchayat
→ for a transitional village - low developing area
popⁿ → less than 3 lakh.

Municipal Council
(Nagar Parishad)
⇒ Small-Urban area
⇒ 3 to 20 Lakh.

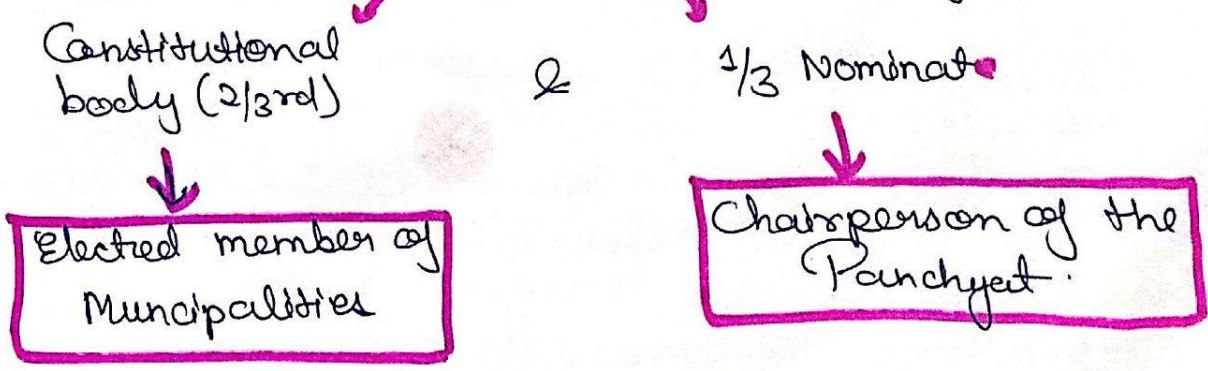
Municipal Corporation
→ Large Urban area
⇒ More than 20 lakh

74th CA → a new District Planning Commission, Constitutional body mentioned in Const.



1/5 Nominated
Chairperson → Senior officer
⇒ Urban Planning recommend government

Metro-Politan (Metropolitan Planning Committee)



Chapter 40

Art-1 → ^(a) territory of the state, ^(b) Union territory, ^(c) territory acqⁿ by India at any time.

At present → 29 States & 7 UTs

Federal Strⁿ but UT are directly under center - Hence, it claimed as conspicuous departure from federalism.

1874 → certain Area → schedule district

- Andaman and Nicobar - (1956)
 - Laccadive Minicoy, Amindivi → Lakshadweep (1956)
- after 1973

Strategic importance

- Delhi (1956) } Political imp.
- Chandigarh } Political imp.
- Puducherry } Cultural imp.
- Delhi & Nagas Haveli } Cultural imp.

Adm in UTs → Art 239-241
Part VIII

↳ administered by → President → Lt Governor } in Delhi p^r ARN
or Administrator }
or Chief Commissioner } Rest

↳ Such administrator free from advice of COM in UT administration.

↳ Delhi & Puducherry (1962) → LC

↳ establishment of LA do not diminish the power.

↳ Parl. can make law for UT even though they have legislature (on state list also).

↳ LA can also make law on any concurrent list or state list (except public order, Police, Land).

↳ (ARN, DRNH, DRDL) → President can make rules for the peace, progress and good governance.

↳ Puducherry → President can legislate by making regulation when L.A dissolved.

↳ Special provision of Delhi → By 69th special status to a UT of Delhi and redesignated it as National Capital Territory of Delhi.

↳ Lieutenant Governor → LA & COM } By election (ECI)
↳ 70 MLA }

⇒ COM → 1/10 of SLA = 7 including CM appointed by President.

↳ Collective Responsible ⇒ during pleasure of POI
If difference b/w CM & Lt. Governor, Lt. Governor refers to POI & act accordingly.

356 - Ordinance

↳ When assembly dissolved than promulⁿ with order of POI (Permission)

Chapter - 41

Schedule 2 Tribe area → Article (224) → Part X
Schedule 5 → Adm & Control of SC & ST in any state
Schedule 6 → Only with Assam, Tripura, Mizoram, Meghalaya. (4)

Administration of scheduled areas →

- aboriginal, different, socially economical backward, various features under, Vth schedule → Greater Responsibility
 - a) → Govt, can declare alter or new order to scheduled area to governors.
 - b) → State have all power in S. areas but governor spl. resp.
 - c) → Tribals advisory Council.
 - d) → governor can state that is Parliamentarian or state laws not applicable or specified modification & exception
- ⇒ Under VI, special provision,
 ↳ anthropological specimen preserve culture, custom, civilization } need → so greater autonomy was given for self govt.

Various features

1) → Autonomous district (created (4 state) but under state authority. ^{governor manage})
different S.C. tribe → autonomous region.
 autonomous district 30 memⁿ → (4) nominate (26) → selected during pleasure 5 years of governor

Can establish Courts, Primary School, Fisheries, Fisheries, out governor assent needed.

finally governor assent law

social laws on specified matters, divorce, water, land, canal, agriculture, marriage.

Chapter - 42

Election Commission

POI & V(POI)

S.L

Recruitment

→ for Panchayats & Municipalities → State Election Commission
Art 324 → Election Commission = CEC + EC — as framed by President

→ Condition of service & tenure by POI

Historical → 1950 - 1989 → single body [voting age 21-18]
16/10/1989 → POI, two election commissioners [abolished 1990] → 1993 → 2 more appointments.

1993 --- till current → three election commissioners
↳ decision by majority ↳ salary/allowance/other
↳ 6 years/68 years | can be removed before time.

Removal → same as JHC → incapability
↳ misbehaviour.

→ No regional commissioners without consultation with CEC

Constitution provides
↳ No specified/legal education, admi qualification
↳ No fixed term
↳ No debarred from future appointment by govt.

Power & function with regard to E.C are

- 1) → to determine territorial constituencies
- 2) → revise electoral rolls & to register all eligible voters
- 3) → date/scheduled of election recognition of Political Parties.
- 4) → Symbol
- 5) → dispute settlement
- 6) → enquiry
- 7) → Code of Conduct
- 8) → advice POI for disqualification of MP.
→ governor for disqualification of MLA
- 9) → cancel upoll in event of rigging
- 10) → ensure free and fair election.
- 11) → state election feasibility / President Rule
- 12) → registered parties.

Chapter-43

UNION PUBLIC SERVICE COMMISSION

315-323 → Part XIV

UPSC → Chairman + other member (9-11)
↳ By POI ↳ no as decided by POI from time to time

→ No qualification given except 1/2 of member should hold office for at least 10 years, either under GOI or state government.

→ **tenure** → 6/65 → can resign to POI
↳ can be removed by the President

Acting chairman → office vacant
↳ unable to perform function.

Removal → In engaged in → paid employment outside office
↳ bankrup

→ **Sc enquires** → advice (binding) → President can suspend chairman or member.
→ **Independence** → chairman & member removed on ground mentioned in Constitution.

↳ Salary → CFI

↳ Chairman → No second term (no retirement appointment)
↳ member → Only chairman of SPSC or UPSC.

Functions → Holding examination for All-India Services, Central & public services.
→ forming & operating scheme of SPSC.
→ serve state or any need of state with approval of POI.
→ extension / re-appointment of services.

UPSC - Not consulted → while in making reservation for any backward classes.

↳ SC/ST in appointment.

→ selection of chairman / memⁿ of commission tribunal, highest diplomat
→ temporary appointment.

Role → watch dog of merit system. ✓
→ Not concerned with classification of service, pay condition
→ cadre management, training. ✓
→ upsc recruit
→ recommend govt. but only advisory nature. ✓
↳ by govt has bound to state the reason for disregarding the Reccom.

CVC → 1964 → diluted UPSC as both are consulted before taking decision / disciplinary against civil servant.
Problem arises when two bodies tender conflicting advice.

However, UPSC, upper has as CVC [Created by resolution by govt act & conferred statutory status in Oct, 2003]

Chapter-44

State Public Service Commission

315-323 — Part XIV

SPSC → Commissioner + other members } by governor.
(Chairman)

No qualification except 1/2, 10 year government or state service.
Chairman & member → 6/62 years; by resignation

acting chairman

when office
& vacant

→ unable to perform
function

Removal

By President
↳ same as UPSC
Independence of SPSC → UPSC
memⁿ or chairman

function →

↳ all the examination of appointment of service of state
consulted in

↳ all recruitment for civil services
↳ all principal relating to appointment of civil service & transfer.
↳ all disciplinary matters other SC as UPSC

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limitation → UPSC, only governor

Role → watch dog of merit system
↳ recruitment by state.
↳ not concerned with training, advisory body
S.(VC) → 1964 → dilute

} same as
UPSC

↳ SPSC is constituted by governor for judicial service other
than DJ, HC is also concerned.

Joint State Public Service Commission

↳ for two or more state | by Parliamentarian act

Statutory body -

↳ Chairman → appointed or removed by POT → 6/62 years.

↳ No of members & Chairman by POT.

↳ JSPSC → to concerned each governor → SLA

Chapter - 45

Finance Commission

Art - 280 → quasi judicial body after every five year or such earlier.

F.C = Chairman + 4 other members → Tenure by PoI / Reappointment eligible.
6 experience in public affairs
 → Judge of HC or one qualified
 → specialised knowledge of finance & account of govt.
 → special knowledge of economics
 → wide experience in administration & financial matters

Status of civil court

Functions → to make recommendation to PoI, on following matters -

- 1) → tax allocation & distribution of tax b/w center & state
 29% → 12th FC, 32 → 13th FC, 14% = 42%
- 2) → Principal that should govern grant in aid
 - 1) → Fiscal capacity → 50%
 - 2) → Population → 1971 → 17.5% (till 13th)
 → 2011 → 10%
 - 3) → Area → 15%
- 3) → measures needed to augment the CF of state to supplement

Chapter-46

National Commission for SCs

Const. body

- Art 338

↳ appoint Special officers for SC & ST to investigate all the matters relating to Const. safeguard for SC/ST and to report the President.

↳ In 1978 → Multi-member Commission.

↳ 89th Const. Amn, 2003

↳ by JUDGE

↳ National Commission for SC

↳ National Commission for ST

↳ N.C.Sc (2004)

↳ Chairperson + 3 other members → by PoI

Function → to investigate & monitor all matters relating to SC & evaluate them.

⇒ to inquire, all complaint with respects and deprivation of right of SCs.

⇒ to participate advice → socio-economic development of SCs.

⇒ to present → report of work to PoI.

⇒ to recommend → to measure to improve the socio-economic development.

Reports of the Commission

Commission report → President

↳ remote memorandum

↳ LS

↳ action taken

↳ why no action taken by recom.

if he seeks

↳ Governor

↳ SLA

↳ action taken

↳ why no action taken by recom.

Power of the Commission

↳ call the matter investigate (inquiring & complaints)

↳ summon & enforcing any person (from any part) & examining on oath.

↳ requiring & discovery of any product www.DesireIAS.com

↳ reviewing evidence on affidavits.

↳ requisitioning any public record from any court.

↳ any matters PoI decides.

• C.G & state government should commission for SC major policy.

• same function for OBC & anglo Indian & present its report to PoI.

National Commission for STs

Chapter - 47

↳ Article 338 (A) → Constitutional body

1999 A New ministry → Ministry of Tribal Affairs.

↓
Commission, 2003, 89th CA

⇒ Chairperson + Vice chairperson + Members by POI.

⇒ Functions, same as SC i.e. to look after them.

• Report & Powers are same as SC Commission.

Other function → In 2005 POI specified —

a) ownership Rt. to Minor Forest → STs.

b) Safeguard STs right on Minerals water.

c) develop work for viable livelihood.

d) alienation of tribals & rehabilitate.

e) elicit max. cooperation and Inbalent of Tribes
for afforestation & forest conservation.

top rooted their
culture
extension
them.

Special officer for Linguistic Minorities {Constitutional bodies}

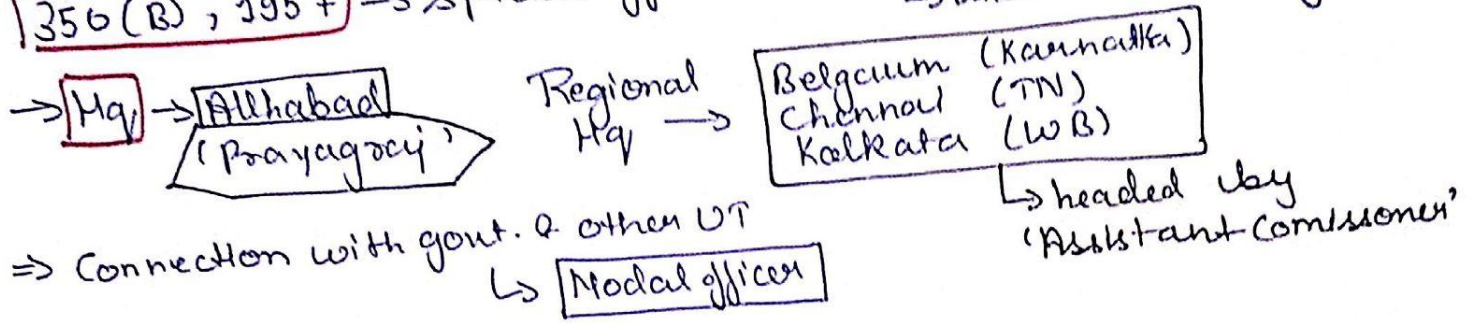
- No original Provision
- recommended by state Re-organⁿ Commission
- By 7th CA, 1956 → 350(B) → XVII

↓
 → Special officer for Linguistic Minorities - by POI
 → to investigate all the matters relating to safeguard of linguistic minorities.

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→ President Report → Presid. (Both House)
 → Governor (Conc. State)

→ Commission for Linguistic Minorities.
 [356(B), 1957] → Special officer w/ "Commissioner for L. Minorities"
 ↳ under Mo Minority Affairs



Role of Commissioner

- 1) → To bring all matters Relⁿ to Minorities (Linguistic) to state or center and recommend action.
 - 2) → To safeguard them
- * To point Progⁿ → to lend fresh impetus to governmental efforts towards preservation.

Vision - To safeguard the spⁿ of Minority langⁿ & to provide them equal opportunity for inclusive develop.

Mission - To safeguard them

Function - To recommend / inquire / & submit report to POI

Objective - Spread awareness / effective implementation / represent representation for redress of grievance.

↳ Equal oppⁿ for inclusive dev. & National Integrity.

COMPTROLLER & AUDITOR GENERAL OF INDIA

CHAPTER - 49

bulwark of democratic system of govt.

Art 148 → **CAG** → Guardian of public purse
→ Control as the entire finance system

appointed by PoS / Oath by PoS / 65 years / 6 years / (resign) removed by PoS → same manner as Judge of SC
On the same charge Judge of SC

INDEPENDENCE

→ removal process = security of tenure
→ salary & all = from C.P.F. = Judge of SC ⇒ 2,50,000
→ not eligible for further office
→ nothing, pension, leave for absence can be altered after appointment can take part in Parliament but not vote.

Art 149

→ Duties & Powers of CAG, CAG, Duties Powers & Condition of Service Act 1971 was amended 1976 to.

- 1) → To audit related to C.F.S, consolidated fund of state and territory.
- 2) → All expenditure from C.F.I, consolidated fund, public current fund.
- 3) → Trading balance sheet Manu & other subsidiary.
- 4) → All receipt & expn govt related debt, sinking funds, deposits fund
- 5) → Acc. of any authority when required by PoS & governors (the audit of local bodies)
- 6) → audit - report → PoS & Govt
- 7) → form in which account should be kept (Art 150)
- 8) → net proceed of any tax duty (Art 151)
- 9) → guide, friend philosopher of the PAC

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Role of CAG

→ To uphold constⁿ & laws of part. in finanⁿ admⁿ
→ agent of Parl. & conduct audit on the behalf of the Parl.
→ To ascertain whether money bill shown in account, has been disposed properly.

↳ wisdom, justfulness expenditure, legal & regulatory audit, obligatory part of CAG.
↳ no control over the issue of money from C.F.I & many are authorised to draw money by issuing cheques without specific Authority of CAG.

→ Role of CAG in govt company, audit is limited, govt comp audit by pvt auditor by governor on the advice of CAG.

CRITISM

→ function of CAG → in large measure a inheritance from colonial rule.

↳ Auditory had a repressive and neglecting influence.
↳ Parl. got a upper hand in Auditing & failed to define the function of CAG.

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Attorney General

Chap - 50

Art - 76

⇒ highest law officer of the country { there are solicitors & additional solicitor general to help him }

Appointment & term

→ appⁿ by POI
→ qualification same as Judge of SC

↳ Citizen of India / Judge of HC = 5 years / Adv. of HC = 10 years / Eminent Jurist

Can resign → POI

↳ Conventionally when a govt resign the A.G. resign

→ Term of office
→ Salary
→ Procedure & ground of removal

not decide in CoI so till wish of POI

Duties

- To advise the Govt, upon general legislature.
- To perform duty of a legal chamber provided by POI.
- To discharge function conferred by him on, or by Const.
- To appear of behalf of Govt in SC or HC
- To represent the Govt in only reference made by POI under Art. 143

Rights

- Pvt practiced allowed
- right of audience in all court / right to participate in Parl. Joint sitting session committee
- ↳ but not to vote

→ All the privileges & immunities of MP
→ not a full time counsel for governor

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Limitation

- brief against govt (X)
- should defend criminal prosecution, without Govt permission
- should not accept appointment as director of any company without permission of Govt.
- ↳ no case against Govt (appear) (X)

Art. 76

→ AGI

Art. 88

→ Rt. of AGI as respects the HoParl. & its committee

Art. 105

→ Power, privileges & immunities of A. General

Chap - 51 Advocate Gen. of State Art - 165

↳ Highest law officer of state } app. by governor
 ↳ respond to Attorney General } qualⁿ as to J(HC) → Citizen of India
 → adv of HC - 10 years
 → In Judicial office for 10 years.

⇒ Term, Salary, Remunerⁿ, Removⁿ & Proceⁿ → not fixed as, so by governor or order or pleasure

Duties

- To advise the (S.G.) on legal matters referred by Governor.
- To perform such other duties as assigned by governor.
- ↳ To discharge function conferred him by the government.

Titled

- To appear before any court
- To speak & to take part

All the privilege & emⁿ of A.G., are available to member of state legislature

Chapter-52

NITI Aayog

- Aug-2014 → Planning Commission [65 year old]
- 1 Jan, 2015 → NITI Aayog [National Instn for transforming India]
- Created by executive Resolution of Govt, hence neither a Constitutional body nor a statutory.

Think Tank - Policy

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- ~~Center - state one way policy~~
- ~~Command & Control~~
- Think - Tank
- top to down approach → bottom up approach (TI)
- ↳ Lot of change happened (politically, socially, economically) so there is a need of change.
- ↳ catalyst of development; nurturing an environment through a holistic approach.
- State role (TI) → Cooperative Federalism
- Think Tank → expertise on strategic issues, Knowledge hub.
- Collaborative platform → facilitating implementation
- all executive closer.

Planning Commission

↓
 one-size fits all } → obsolete
 } In command economy structure in diversified country

Composition

→ PM + CM of all state + Lieutenant governor of (Delhi + Puducherry) + CM of Delhi + Puducherry
 UT except → governing council
 + special invites (expert specialist + Practitioner) by PM.

Regional Council

→ to address specific issue of one or more state [fixed tenure] → PM + CM + Chair
 Full time → PM + v. chairperson + Part time i.e, Max - 2 from universities, Research & Organisation.

Executive (4 member) + CEO

↳ Union Council mem. ↳ by PM fixed tenure
 ↳ rank of secretary to Govt.

Special wing

- ↳ Research wing
- ↳ Consultancy wing
- ↳ Team India wing.

- Objectives →
- ↳ Cooperative Federalism (TI)
 - ↳ Establish collaboration & work on Agenda
 - ↳ National long term strategic goals setup
 - ↳ focus on agenda of development!

Aims → Growth 'Enabler' not a provider for first and last resort.
 ↳ Economically vibrant middle class (1)
 ↳ India as a global active player.
 ↳ technology (IT) → capacity & potential for misadventure in govt (↓)
 ↳ Urbanisation as an opportunity to create a secure & whole some habitat.

Critics → Juff & nomenclature.
 Subordinate office → National Institute of Labour Research & Development.

Planning Commission → 1950 → by executive Resolution of Govt.
 ↳ a supreme organ for planning (social & economic development)

Function →
 1) → Plan for 'balance utilisation'.
 2) → To check up progress & Reccoment.
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Composition → PM + Dy. chairman + seven minister + 4-7 expert memⁿ + memⁿ secretary (PAS)

Critics → Staff agency → advisory role
 ↳ but took the form of social cabinet or economic cabinet or parallel cabinet or the fifth wheel of the coach.
 ⇒ No representation of state as advisory body → administration.

NDC (National Development Council)
 ↳ last meeting was in Dec 2012.
 ↳ rumors for ending NDC ↳ till now no resolution.

⇒ PM + All union cabinet minister + CM of all state + CM/Ad of UTs + Memⁿ of Planning Commission
 → Secretary of Planning Comis → Secretary of NDC.

Objective → secure plan for cooperation of state, common economic policies, balance & rapid growth.
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Functions → guideline for nation program.
 → make assessment of resource.
 → consider social & economic policies.
 → review working of National plan.

Five year plan way → Union Cabinet after approval N.D.C
 ↳ By Niti Aayog.

Importance → highest body, for policy matter → reg. social & economic development.
 non-binding nature.

Critical Evaluation → super cabinet, upper stamp of decision taken by central government.

National Commission for Human Rights

National Human Right Commission → 1993

↳ By act of Parl., namely Protection of Human Right Act

⇒ "watch dog of human right"

Objective - Strengthen Institutional arrangements, address human right entirely.

⇒ govt. participation ensure Human Right
⇒ Complement the effort, that had been already made.

Composition

Retd. CJI → chairman + 4 other member

- * serving or retired Judge of S.C
- serving or retired Chief Judge of H.C
- ↳ 2 person having knowledge or practical exp. with respect to human Rights.

Chairman & Memⁿ of elec com^{tee}

- sp. of LS
- Dy. Chairⁿ R.S
- LOP - [LS / RS]

- + for-officio Member
- ↳ chairⁿ of National Comⁿ of minorities
- ↳ National Comⁿ for SCs
- ↳ Nationⁿ Comⁿ of Rts Women

Central Home Minister

* for their appointment Consultation with CJI.

- ⇒ 5 years / 7 years / No further or addⁿ employment
- ⇒ removed if Insolent / employment outside / Unsound mind
- ⇒ President can remove - [incapacity / Misbehaviour] → But its prefer. to SC & after inquiry POI can.

Function

- inquire any violation of HR
- to visit Jail & other detention place & recommend social awareness (↑) NCGO work (↑) Protection of HR (↑)
- Review Const. safeguard of HR & make recommⁿ
- Suo Moto petition Court order

Working

- Delhi, Reg. Hq → at other place
- power of civil court
- Can call any Central or state employⁿ
- first hand info from NCGO

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→ matter within 1 year of occurrence →

- a) → recomⁿ to pay compensation interest rel^y to victim
- b) → recomⁿ concerned govt. to take action against any action for guilty public servant.
- c) → May approach S.C or H.C for necessary direction order or writ.

Role

→ recommend only, no power to punish, no monetary award.

→ Annual report (every year)

→ govt. Executive → Legislature →



Chapter-54

State human Rt. Commission

enquiries

- work in state → 25 states have violation against human Rights on state list I & Concurrent list (III) of 7th schedule cases for violation against SHRC don't enquire.
↳ but if transferred that in enquire.

→ **Composite** → Chairperson + 2 members

↳ Retd. CJJ
↳ appointed by governor on recomⁿ of committee.

↳ serving or Retd. Judge of HC ^{or}
↳ District Judge (Min 7 years)
↳ or a person with practical experiences.

⇒ 5 years / 7 years → No further employment under state or Center.

⇒ Removed by PoI (same as NHRC)

⇒ Salary allowance by S.L

⇒ Function same as NHRC

⇒ Same working and nature of Recomⁿ as NHRC.

⇒ **Human Right Court**

Protection of H.R. Court Act (1993) → Human Rt. Court in Every district

↳ setup by CJ(HC) + a spl. public prosecutor (7 years)

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Central Injorn Comission

Chapter - 55

- by Central govt 2005
- not a Constitutional body
- ⇒ look the complain + decide
- ⇒ Entertain Complaint & appeal pertaining to offices, An institution, Public sector.
- ⇒ CIC + Max (10) I-Comn by POJ
- ↳ recommended by committee (PM + LOP + Union Cabinet Minister) → from → Law, Science, Management, Social services, Journalism etc. etc.
- ↳ Chairperson should not be
 - MLA / MP
 - P.P memⁿ
 - on carrying business
- ↳ Removal same as memⁿ of NHRC
 - ↳ By POS
- ↳ salary & power = CEC = CIC
- IC = EC = but cannot be varied with disadvantage during service.

(65/5 years)

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Power and Function

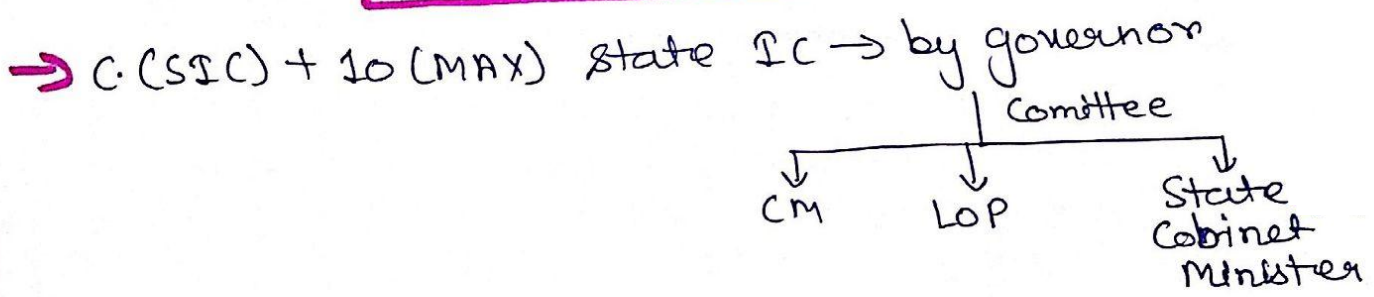
- To hear grievance of
- + Can order an probe in query (sub moto)
- + Civil Court power (refer back)

- whose inf. not accepted
- not satisfied with given info
- if think fees charge unreasonable
- didnot receive response for his complaints
- any other matter relating to obtaining inf

- + any public record or officer
- + report to govt.
- ↳ both house of + Parli.
- + when public authority do not have right

Chapter - 56

State Injorn Comission



→ further, same as, (IC in state ↑↑↑↑ (above))

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Chapter- 57

Central Vigilance Commission

CVC → established in 1964 by an executive resolution of central govt.
→ neither Const. nor statutory body.
→ 2003, Parl. enacted a law conferring statutory status.

- Consists of CVC (Chairperson) & not more than 2 Vigilⁿ Commⁿ
- appointed by President on the recomⁿ of Committee
- Consist of → PM
→ Union Minister of Home affairs
→ header of opposition in the LS
- hold office for a term of 4 years, or 65 years (whichever is earlier)
- Removed by President on the same grounds as of C.I.C.
- Salary & allowances → same → as Chairman of UPSC, Vigilance Commⁿ are similar to memⁿ of UPSC.

Organisation → Secretariat
→ Chief Technical Examiner's wing
→ Wing of Commissioners for Departmental Enquiries. (CIDs)

Working → CVC conducts its proceedings at its Hq (Delhi)
→ vested with power to regulate its own procedure
→ all power of a Civil Court & its proceedings have a judicial character.

- CVC has present annually to the President a report of its performance. → The President place its report before each house of parl.

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Jurisdiction → All IAS + Group A officers
→ officer of rank of scale II and above in Pvt. sector bank.
→ officer in Grade D & above in RBI, NABARD, SIDBI
→ SDM ⊕ in LIC
Manger ⊕ in GIC
E-8 > Group A & B in PSU
E-7 → Drawing Salary above 8700/-

Whistle blower act - 2011 → The Public Interest Disclosure & Protection to Person.
→ Making the disclosure bill, 2010 in LS

→ 26/08/2010

Revised POI Ascent → 2 May 2014

CBI Non-Const. bodied

- CBI** → was setup up (1963), by a resolution of Mo Home Affairs
- Derives its powers from the Delhi Sp. Police Establishment Act 1946
- also merged with CBI, (1941) (sp. Power)
- Non-statutory body ↳ By recomn of Santhanam Comtee
- Investing agency of central govt.
- Plays an imp role in prevention of corruption assistance to CVC & Lokpal.

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Composition of CBI

✓ CBI headed by a director. He is assisted by a sp. dirn or addn director.

✓ Dirn of CBI as Inspector-General of Police, Delhi S.P. establishm, is responsible for the adm of organisation.

✓ Director of CBI, has been provided security of 2 years tenure by the CVC Act, 2003.

✓ CVC Act also provides the mechanism for the selection of the Dirn of CBI & other officers of the rank of SP & above in CBI.

Dirn of CBI is appointed by the CG on the recom of the Committee consisting

- CVC (Chairman)
- Vigilance Commission
- Secretary to the Govt in-charge of the MHA
- Secretary Coordination & Public Grievances in the Cabinet Secretariat.

⇒ LOKPAL & Lokayukta Act (2012) → Amend Delhi Sp. Police Establishment Act 1946.

⇒ Director → appoint → 3 memⁿ committee

- PM (as chairperson)
- LOP (Leader of opposition)
- CJI or Judge of SC

Investigating case of Corruption, bribery & misconduct of CG employees.

Coordinating the activities of the anti-Corruption agencies & various state pols.

Functions

Taking up, on the reqⁿ of a state govt, any case of pub imp. for investⁿ

Investⁿ serious crimes, having Natⁿ & Intⁿ ramifications.

Investⁿ cases relating to infringement of fiscal & eco laws.

→ democracy & social - Economic development
↳ need Infrastructure.

→ Infrastructure strengthens expansion of bureaucracy

bureaucrats - main power

- harassment
- malpractices
- mal admin
- corruption

→ grievances (T)

↳ to here I+ →

→ Ombudsman System

Scandinavian → Donald C. Rowat

→ Complaint/grievances will be heard

→ many followed →

→ In India Ombudsman → Lokpal

Second Administrative Reform Commission recommended for setting

a) → Lokpal, for hearing grievances, against center & state level.

b) → Lokayuktas (1 at center and 1 at state levels)
& (ARC) kept it out from purview of judiciary.

Appreciation

Lokpal

→ appointed by PoP after consultation with CJI.

Lokpal & Lokayuktas Act, 2013

→ Passed in 2013, & reviewed PoP ascent 01/01/2014 came into effect 16th Jun 2014.

Features

↳ Lokpal at Center, Lokayukta at state.

↳ Lokpal → chairperson + 8 members (+ from Judiciary) an 50% of total sc, sts, minorities women OBC.

↳ Chairperson → \$ by 5 memⁿ committee (selection committee)

↳ PM + Sp (LS) + LOP (LS) + CJI or his nominate disputes.

↳ Search committee will help selection com.

↳ Clear timelines, Preliminary enquiry → 3 months.

Investigation → 6 months

Trial → 1 year.

7 to 10 year punishment

↳ Financed by Govt.

↳ All entities receiving donation above 10L are under Lokpal.

↳ Drawback →

• Not suo moto / heavy punishment for false complain.

• Emphasize on Complaint.

• 7 year of file Complaint

• Non-transparent nature of Complaint against PM.

Lokayuktas

→ Even before the 2013 many state have lokayuktas
→ structure variation → some state have lokayukta & other have both lokayuktas & up-lokayuktas

→ Appointment → Lokayuktas + UP Lokayuktas → governor
CJ(HC) + LOP (Assembly) ← Consult

→ Qualification → some state Judicial & other not mentioned.

→ Tenure → 5 year / not eligible for reappointment.

→ Jurisdiction → CM + Minister + local bodies
↳ former ministy & Civil Servant in MH.

Included in
MP, UP, Bihar,
RJ, Orissa.

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Investigation → or receiving complain or suo moto
↳ but not in UP + HP + ASSAM.

Scope = Grievances + Allegation

↳ MH, UP + Bihar + Karnataka included from grievances.
↳ HP, Andhra Pradesh, RJ, GJ.

Lokayuktas → report → Governor → state legislature
[explanatory memorandum]

→ help of state Investigating
→ agency for conducting inquiry
→ call relevant files from any binding only advisory in nature.

Chapter - 60

Co-operative Societies → 97th CA, 2011

↳ gave a constitution status and protects to co-operative societies.

→ made 11 FRs under (Article 19)

→ new DPSP (Art 43-B)

→ Part IX - B in the Const. → "The Co-operative Societies" ↳ Art 243-2H - 243(2T)

Composition → Max - 21 directors - $\left. \begin{array}{l} \rightarrow 1 \text{ or } 1^{\text{st}} \\ \text{Reserv. matter} \\ \rightarrow 2 \text{ women} \end{array} \right\}$ for each co-operative societies.
5 years after date of election.

↳ S.L → work → Caption of expert → In banking finance management } mem - 2 (Article 21).

Election → S.L responsible for election election before end of 5 years.

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→ suspension & supervision of Board & interim management.
↳ max - 6 months for negligence, committence, persistent default.

→ Audit of Acc. of co-operative societies → Account should be audit atleast once in a year.

→ Annual general co-operative meeting should be held.
Rts. of memⁿ to get info → (✓)
↳ ensure participation.

→ Provision of Penalty on co-operative society & members.

→ Reasons for 97th CA, 2011

→ In the past → outstanding contribution to various sectors of National economy & achieved valminous growth but safeguard the interest of member (✓)

→ Continuous election (✓)

→ Inadequate professionalism (↑)

→ Members with long term (↑)

Chapter - 64

Official language

Const. deals with the official language.

↳ Part → XVIII → Art (343 - 351)

Lang. of Union → Hindi → 'Devnagri script'

↳ Numerals → Indian Nomenclature.

→ Eng. for 15 years but not by official lang act 1965, can be used further.

→ Regional lang → states may accept → any lang or Hindi as off. lang

Eng → Center → state langs for non hindi state.

State - State lang → for Hindi states → Enter state both Hindi + translation copy in english.

→ If POI, satisfy with main use of any lang can be recognised as state language.

→ Language of the Judiciary & Text of laws → until Parl. provides English language → authoritative text of all bill acts ordinances, orders, rules, regulation. All Proceeding of SC HC

Petition Eng only no Hindi

Protection of Minority language

- ↳ any govt. in Hindi only or state, or any language.
- ↳ Mother tongue education compulsory.
- ↳ spl. linguistic officer to investigate all the matters.

Development of Hindi language

Promotion of Hindi lang → Lingua Franca. Article C-8

At Present, Eight schedule - 22 language.

- Hindi, Urdu, Sanskrit, Nepali, Marathi, Assamese, Dogri, Bodo, Manipuri, Bengali, Odia, Kanada, Konkani, Tamil, Telgu, Malayalam, Punjabi, Gujarati, Marathi, Kashmiri, Santhali, Sindi.

71st CA → Konkani + Manipuri, Nepali

92nd CA → Bodo + Dogri, Mithali + Santhali

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Committee on official language, 1963 of Parl.

↳ Hindi for official use. 2015 + 10RS → Setup a committee 1976. → Connection

→ Union minister as chairman

→ Classical language status

6th lang. status of 4th (2016) → Tamil, Sanskrit, Telgu, Kanada, Malayalam, Odia.

↳ once declare get financial support.

1500-2000 year ago-text.

- Public Services In India - 3 Categories
- All India Services - only IAS, IPS, IFS
- Central Services
- State Services

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→ 308-314 → 308 make it clear that it do not apply to the state of J&K

Recruitment & Service Condition

309 → Empowers parlt. to regulate the recruitment & condition of service.

310 → tenure → Civil services of state + defence services + Civil services of center & all India services military or civil part ↓ hold office.

emp. compensation → during pleasure of POT & governor of state.

↳ if the post is abolished before the expiration, if he is required to vacate office for not reason of mis conduct or misbehaviour.

311 → Two restriction → Can't be dismissed or removed by subordinate.
↳ Can't be dismissed / removed.
↳ not to mem^s of defence.

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ordl opportunity to be heard → at Inquiry
↳ at punishment.
↓
but by 4th CA

but SC → reasonable opportunity of being heard.

Art 312 → 2/3 member solution for creation of New APS.

↳ Sardar Patel → "Father of All India Civil Services".
→ IFS highest central services in their - salary lower than IAS higher than IPS.

→ Central services → group A, B, C, D

→ Any disciplinary action → consult with CVC.

→ Uniformity in salary & allowance of cadre.

→ Group A & gp B comprises of gazetted officers,
→ while gp C & gp D are non-gazetted.

Chapter-63

TRIBUNAL

Original Const. → No Tribunal

42nd CA 1976 (Tribunal) → Art 323 A → Administrative Tribunal
→ Art 323 B → dealing with other matters
added in Part XIV-A of the Const.

Art 323(A) → Central govt. to establish one central Administrative Tribunal and the state administrative tribunals.

CAT → Central Adm Tribunal - 1985 → Branch Delhi (17 branches in states)

↳ Chairman + V. Chairman + Memⁿ
↳ 65 years ↳ 62 years ↳ same status Judge of HC.

members → recomnd by → a committee of chaired by sitting judge of SC who is nominated by CJA.

→ CAT → multi member body.

SAT → State Adm Tribunal → Presence of JAT Joint adm. Tribunal

↳ By adm tribunal act 1985, SAT chief by POI after conc. with governors.

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Tribunals for other matters →

323(B), Parl. & State legislature for tribunal to following matters.

↳ taxation, foreign exchange, Industrial labour, land reform, food stuff. Election to parliament & state legislature.

323A

- ↳ for public service only ✓
- ↳ By Parliament ✓
- ↳ one for center ✓
- ↳ one for each state. ✓

323B

- ↳ for above ✓
- ↳ mentioned only ✓
- ↳ Both Parl. & state legislature. ✓
- ↳ Any no. of tribunal. ✓

Chapter - 64

Rights and Liabilities of the Government

Art 294-300 → Part XII of the Const.

Property of the Union & States → All the property assets (Dominion of British India + Princely States)
All the Rts, liability & obligation.
↳ part of the union its Rts liability obligation.

12 nautical miles → territorial water boundary, all land, mineral, other valuable area of the Union upto Exclusive zone (200 nautical miles).

All Escheat lapse, Bona Vacantia → State.

Compulsory acquisition can be done www.DesireIAS.com

↳ suits by or against the state

↳ can be, for Govt → Union of India.
for S (Govern) → Respective State.

Govt. can acquire / hold / dispose / contract only if three conditions
condition —
Must be expressed to be made by governor or POI.
On the behalf of POI or governor.
Such person or in such manner as POI & governor may direct or abuse.

Official Act → Cannot be sued during their term of office.
Minister → Const. does not grant any immunity for their official Act.

Judicial officer → Immunity, cannot be sued for their any action in performing duty.

Civil servants → Immunity for legal liability, civil proceeding after giving 2 month notice.

Escheat → death of a person into state without any heir.

Lapse → termination of Rts through disuse or failure to follow appropriate procedures.

Bona Vacantia → property found without any owner, for want of rightful owner.

Authoritative Text of the Const. in Hindi Language

- 58th CA-1987 → 394 - A - XXII
- President shall cause to be published under his authority.
- Translation of CI → HINDI
- All amendment should be published in Hindi.
- If any difficulties arise, President can cause the Hindi text to be revised.
- Originally no provision
 - ↳ Authoritative text
 - ↳ Hindi language
 - ↳ 58th CAA
 - ↳ Art 394A
 - ↳ Part XXII

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- Under Authority
 - ↳ President (of)
 - ↳ Publish
 - ↳ Translation of Constitution
 - ↳ Hindi
 - ↳ Amendment


- * If difficulty
 - ↳ Answered
 - ↳ given by President (finally)

Hindi (translation of every CAA)
 ↓
 Same meaning as in English

- Reason for the 58th Amendment → Hindi Translation (1950)
- General demand → Authoritative Text - Hindi → Conformity →
- language, style & terminology → adopted in the authoritative
- text → Central Acts in Hindi.

Chapter-66

Special provision Relation to Certain Classes

- Special provision → Part XVI of Art 330 to 342.
- (SC, ST, Backward classes) and Anglo Indians.
- Protecting from injustice & exploitation.
- Aim → to promote → socio-economic interest.
- ST, SC, BC → not defined by the Constitution.
- Reservation in legislature -
 - Art. 334 → reserving seat for SC/ST + nomination of Anglo 
- Special Representative in Legislature. ✓
- Reservation in Services & Posts. ✓
- Education Grants. ✓
- Appointment of National Commission. ✓
- Appointment of Commission for Investigation. ✓
- Appointment of Commission to check the position of SC, ST & backward by POF
 - ↳ Kaka Kalekar
 - ↳ Mandal Commission.
 - ↳ UN Dhebar
 - ↳ Dilip Singh Bhuria
- SC/ST → in Public Services → by lowering marks & other means
- Sp. grants to education Institution of Anglo India.
- Nation Commission for SC & ST. 338, 338A
- Claims of SC & ST to services & Posts. 335
- Control of the Union over the Administration of Scheduled Areas and the welfare of STs. 339
- Appointment of a Commission to Investigate the condition of BCs. 340
- Reservation for SCs & STs & Special Representation for Anglo Indians in legislatures. 333

Political Parties

→ Voluntary association of group of individuals who share same political views and want power to get desired goal [const. means National Interest].

- a) → Reactionary Parties
 - b) → Conservative Parties
 - c) → Liberal Parties
 - d) → Radical Parties
- ↳ Leftist, Rightist, Centerist.

→ **Party System** → One party system → USSR [no opposition]
 Two party system → USA & Britain
 Multi-party system → Switzerland, Italy, India.

→ Size India (↑)
 → Different Culture (↑)
 → Geo, Bio, Socio, diversity (↑) } multiparty system
 ⇒ After 16th L.S election, 6 (N.P)
 + 7 (S.P) + 1593 unregistered parties

↓
 Hung parl. Common

→ Though Multiparty system 1947-1967 (Single Party dominance in India) → Janta Party (1977)
 Janta Dal (1989)
 BJP → (1991)

Reason

- 1) → No clear cut ideology → quite similar Ideology.
- 2) → Charismatic power of leaders → Called as there are political personalities rather than political parties.
- 3) → Base on religious and regional → loose ground at National level.

Emergence

BJP in alliance, DMK & AIADMK - TN, Akali Dal Punjab etc. Played a important Role in coalition govt & hence were able to raise Nation Issues.

But we see diviation in Political Parties like Congress, Janta Dal, TDP etc. Due to lust for power & material consideration.
 ↳ So every time parties disintegrate & merge.
 Lack of effective opposition → failed to play a Constructive Role.

→ To remove all the parties are registered for them & were given symbol and recognised as national / state → poll performance.
 ↳ recognition gave benefit such as -
 ↳ Symbol, time for political broadcast on TV & Radio + access to electoral rolls.
 ↳ only one proposer for filling nomination.

→ **Recognised party** → 40 start Campaigner.
 → **Unrecognised party** → 20 start Campaigner.
 travel of the Campaigner not included in charge, election expenditure.

→ National Party → Symbol (whole country)

→ State Party → Symbol (only state)

• Condition for National Party

- If it secure 6% of valid vote in any ~~four~~ or more state or
- If it win 4 seats of LS from only state or states.
- If win 2% of seat in LS, and candidate are elect from three states.
- In state party in 4 states.

• Condition for State Party

- 6% of total vote or 2 seats in general election (iA)
- 6% of total vote secured + 1 seat in LS (general election)
- If win 3% of seats or 3 seats.
- If 8% of total vote to LS to LS election.

→ 16th L.S ⇒ GNP + 47 (State Parties) + 1593 registered unrecognised.

Chapter-68

Election

→ Art - 324-329, Part XV of the Constitution.

324 → Independent election Commission

↳ election → POI + V (POI) + MP + MLA

↳ one general electoral roll for Parl. & state legislatures

↳ separate electorates } demand (X)
Communal electorates }

↳ No dis. on basis of religion, sex, gender.

↳ adult franchise

↳ all male, preparation of electoral roll

↳ delimitation of constituency for securing all free fair election.

↳ state legislature can make law only on those subs in which not covered by Parliament.

↳ validity of any law

↳ delimitation
↳ allotment of seat

↳ cannot be questioned in court.

323B → tribunal for electoral dispute.

↳ exclusion of Jurisdiction (All)

↳ ~~entire~~ special leave appeal in SC.

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Election machinery

→ EC → 3 memⁿ body (by POI) → CEC + 2 EC

→ Chief electoral officer (CEO) → CEO → each state / UP

→ District election officer → DEO

→ Returning officer → EC can appoint RO + ARO (if needed)

→ Electoral Registration officer (ERO) → EC appoint ERO after consultation with state govt.

→ **Presiding officer** → conduct election at polling station & EO appointing polling officer, in case of UP RO appoints.

→ **Observers** → EC appoints govt. officer as observers in adequate no in Parliamentary and assembly constituency.

- ↳ general observer
- ↳ expenditure observer
- ↳ Police observer

- ↳ Awareness observers
- ↳ micro observers
- ↳ assistant expenditure observer

Election Process

→ **Time of election** → after every year, unless call earlier.

→ **Schedule of election** → last session of max-6 new call for the new house. dissolved L-S

→ Just before a few weeks. EC announced. ↳ mode of conduct immediately effect.

- Oath → for a candidate necessary → In front of RO and ARD
- for person in prison / detention → Superintendent of Prison & Commandant
- for person in hospital → medical superintendent or similar.
- for person in foreign → High Commissioner or diplomatic Counselor.

Rolling day → different in different constituency.

Voting → Now EVM → first 1998 - Exp(RT)

- ↳ 2003 → all state election
- ↳ 2004 → LS election / 1 million EVM
- ↳ 1999 → 1st entire state GVA.

a) → eliminate doubtful votes.

b) Counting early.

c) Paper expenditure (↓), ecofriendly etc.

→ Election Petition → if an elector or candidate thinks can be filed in HC.

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→ 16th LS → women 62/668

→ Const. of 16 LS → 3426 (Crores)

→ Area wise largest Constituency

→ Ladakh → Baramulla → Keith → Arunachal (West + East)

→ Area wise smallest Constituency

→ Malkajgiri (Telangana) → Grayabad (UP) → B'home North (Karnataka) → Unao (UP) → Northwest Delhi (NCR of Delhi)

→ Smallest Constituency (Population wise)

Lakshadweep → Daman & Diu → Ladakh (JK)

→ Dadar and Nagar Haveli → A & N Island.

Chapter- 69

Voting Behaviours

→ behaviour of vote, the way he votes.

→ Study of voting behaviour → Psychology

→ Comprehending the process of political socialisation

→ examining the internationalisation of democracy.

→ Caste, Regional language, Region, Personality Votes (Money)
Performance of Ruling party, Party Identification Ideology,
Incumbency Factor, Current scenario & factors
language.

Role of media →

• Information Dissemination → Every minute detail to public & spread awareness.

→ disclose mal practice, hate speech etc.

Section 126(A) 1951 → ^{ROPA} stops exhibit Post, during mentioned period.

Section 126 of 1951 → ^{ROPA} prohibit displaying any election matter.

Section 127, 1951 (Representation of people act)

↳ Printing publication of election pamphlet & poster etc.

Section 171 H of I.C. → no expenditure without authority of Candidate.

- Voter Education → imp. role of media to wind up the gap b/w what should know & what they actually know.
- Voter education (TV) → Commission expect media as volunteer in this.

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Responsibility of government

In Broad cast → Public Service Broadcaster are expected to lead example of neutrality & objectivity. Political parties and Candidate were given this to use for persuading but to all.

Chapter - 70

Election Laws

→ allocation of seat according to 1/03/1950 population

Representation of the people act 1950

- Art 80 & 170 → max no. of seat in Parl. & state legislative
- Assembly article 71 → for the SLC ← max min ← seat allocation method
- was not mentioned, hence, Representation of People act 1950, provide,
- Representation of people act 1950, do not contain all provisions for election but only provided allocation & delimitation so act of 1951 enacted.
- Qualification / Disqualification of MP / MLA / MLC
- Notification / Administrative machinery / Registration of Political Parties, Conduct of election / Dispute / offences / Free supply of materials.
- Delimitation Act 2002,
- Art 82 } reallocation of seat after every general election -
170 } on the basis of 2001 census
- 330 - } reallocation & re-fixing the no. of seat for SC/ST
332 } in House of legislature (by 2001 census).
- Before it was according to 1971 census.

Chapter - 71

Electoral Reforms

- Various Committee gave their recomⁿ & hence many electoral reforms were made, → Law Commission of India 244th Report of Electoral Disputes such as Law Commission of India 255th Report of Reform (2015)

Electoral Reform -

- Before 1996 → 61st CA, 1988 → voting age 21 → 18
↳ deputed election Commission
↳ provision → to engaged in the preparation visitation & electoral office.
- Increase no. of proposer → 10% elector or 10 elector
↳ for RS & SLC
- Introduction of EVM → 1998 experiment
- Boot Capturing → result outturnment.
- Electors Photo Identity card → 1993.

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Electoral Reforms of 1996 -

- In 1990 → VP Singh → Drish Goswami Committee
↳ report was implemented in 1996.

- a) → Listing name
Order ↓ } Candidate of unrecognise political parties
 } Candidate of registered unrecognised Political Parties.
 } Other independent Candidate. } Order

- ↳ Disqualifying for abiding National Flag, Constituted Anthem Under Prohibition of Inst. to National Honour Act 1971.
- ↳ Prohibition of sale of liquor (48 hrs before)
 - ↳ 6 months / 2000z / or both.
- ↳ No. of proposer 10 for independent party.
- ↳ Death → earlier → the election stops.
 - ↳ current → 7 days time to bring new.
- ↳ Time limit 6 months, for by election.
- ↳ Paid Holiday to employee in voting day.
- ↳ max two constituency.
- ↳ No curms [Fine + 2 year Jail if violated]

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Electoral Reform After 1996

- ↳ no. of elector & proposer for P.O.E → 10(7) → 50
 - ↳ no. of elector & proposer for V(P.O.E) → 5(7) → 20
- | | |
|-------|-------|
| 15000 | 15000 |
| 250 | 150 |
- ↳ LIC, university government undertaking will help.
 - ↳ Postal ballot, apt to vote through proxy for armed soldier.
 - ↳ ~~2003~~ Declaration of all criminal antecedents Assets etc by candidates.
 - ↳ ~~2003~~ Rayya Sabha Domestic rule removed.
 - ↳ ~~2003~~ open ballot system instead of secret to curb horse trading.
 - ↳ traveling expenditure of campaigning leader include.
 - ↳ Free supply of electoral rolls.
 - ↳ Parties can accept contribution.
 - ↳ Allocation of time on electronic media.
 - ↳ Braille signage feature for visually impaired voters.

Electoral Reform Since 2010

- ↳ Restriction on exist upall upalls —
 - ↳ during the notified period
- ↳ Voting Rights to Citizen of India
- ↳ Increase in security deposit.
 - L.S = 10,000 → 25,000 (general)
 - L.S = 5000 → 12,500 (SC)
 - SL = 5000 → 12,500 (general) ; 2500 → 5000 (st)
- ↳ Appellate authority within district
- ↳ Introduction of NCPA
- ↳ Online Enrollment
- ↳ VVPA 7, 2013
- ↳ People in jail can contest election.
- ↳ Immediate disqualification of MP MLA (convicted)
- ↳ Photos of candidates on EVM + Ballot paper.

Chapter - 72

Anti Defection Law

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→ 52nd CA → 1985, 10th schedule

↳ It was added 1985

- Letter by 91st CA, 2003 made one change in 10th schedule
↳ disqualification on the ground of defection not to apply in case of split.

Provision of the Act →

A memⁿ of the house become a disqualified

- a) ↳ if he voluntarily gives membership of such political party.
- b) ↳ if he opposes whip.

Independent Member → if he joins any political party after such election.

Nominated Member → any political party after expiry six months.

Exception → 2/3rd merger allowed. If memⁿ after being elected as speaker memⁿ of party - or join a party after he ceases to hold office.
↳ voluntary give

→ 1/3 - was deleted by 91st CA, 2003

Deciding Authority → Presiding officer final & can't be questioned.
but by 1993 (Kihoto Holashan Case 1993)
↳ Judicial Review possible, as Presiding officer work as Tribunal, but court rejected it.

Rule making Power → Presiding officer
↳ to make rules and place before the House with 30 days.
house decide his fate
next summito → only after complaints
↳ investigation.

Advantages - greater stability, democratic alignment, stops horse trading, corruption.

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Disadvantage:

- Freedom of conscience (↓)
- Voice of dissent (↑)
- discrimination b/w an independent & nominated -
↳ not allowed ↳ allowed
- member wrong
- Party Center Politics (↑)

99th C.A (2003) -

- Continuous demand for strengthening & Amending anti-defection law -
- National Commission to Review the working of the Const. (NCRWC) recommⁿ omission of provision of disqualification

In case of split.

- **Provision** →
- Total no - 15% of the total strength
- mem^r of any party disqualified under anti-defection cannot be a member.
- Total no minister including CM should not be 15% but less than 12 members.
- Members of either house of SLA disqualified on these grounds cannot be the minister.
- 1/3rd deleted.
- **Any MLA & MP** → on the ground of Antidefection; should not be allowed to hold any office —
- Salary or remuneration from public revenue.
- any body held by either center or state govt. partially or wholly owned.

Chapter-73

Pressure groups



- **originate from USA**
- promoting & defending common interest.
- methods → lobbying, correspondence, publicity, propagandizing, petitioning, public debating maintain contact.
- Technique** — try to place public officers who are favourably disposed their interest to seek to promote Electronering.
- to try to persuade public officers, favourably towards them — lobbying.
- try to influence public opinion by direct or indirect influence → Propagandizing.

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Pressure groups in India

- Business group
 - ↳ **FICCI** → Federation of Indian Chamber of Commerce and Industry.
- **ASSOCHAM** → Associated Chamber of Commerce and Industry of India
- Trade Union, Agrarian, Professional, Students Religious caste groups, Tribal, Linguistic Ideology based group, Atomic groups.

Chapter-74

National Integration

→ widespread diversities in term of religion language, caste, tribe, race, religion ---

Nation Integration

↳ avoidance of divisive movement, obstacle to National Integration.

⇒ **Regionalism** → subnationalism (↑)
subterritorial loyalty (↑)

↓
Demand separate state (↑)

Inte → Communalism, Casteism, Linguism

National Integration Council

→ 1961 → Unity to diversity + DM + Home Minister + CM + seven leader of Pol. Parties (Chairman)

+ UGC (Chairman) + two educationalist + Commissioner of SC & ST + seven memⁿ nominate by PM.

⇒ **Function** → to examine all the problem in National Integration & recommend (no achievement)

✓ 1960-80 → 39-55 and performance several experiment but unsuccessful

→ Continuous meeting held to achieve the goal of National harmony.

• National foundation for Communal Harmony
↳ 1922 → promote cultural Harmony

Vision → Endow free from communal violence and attain peace.

Mission → Promoting communal harmony strengthening nation
Integration & fostering unity.
Peace, security prosperity.

Activities → financial assistance of child victims of social violence.

Communal harmony & **National Integration** by organising variety of activities either independently or in association with
NCo, Studies (↑) Award (↑).

Chapter - 75

Foreign Policy

• Relation with other nation of the world —

- ⑩ → **Principals** → Promotion of world peace (Art 51)
- **Anticolonism** → oppose colonialism as colonialism of exploitation
India supported Afro-Asian Countries. $\frac{1}{2}$ International peace.
- Anti Racism** → Racism of exploitation
Played role in South Africa, Zimbabwe.
- Non-Alignment** → World - 194
↳ [Capitalism] USA
↳ USSR [Communism]
→ India Non-Alignment
- Panchsheel** → mutual respect, non-aggression, non-interference, equality and mutual benefit & peaceful coexistence.
- Link with common wealth, support of UNO, Disarmament
- **Objective** → to protect National Interest & concern in rapidly changing environment.
 - strengthen International campaign preserve autonomy.
 - Supportive International Environment.
 - work closely with P-5 countries and to build strategic ties with USA, EU, Japan, Russia, China.
 - to work realisation of SAARC.
 - to gains from India's Act East.

- Gujral doctrine by P.K Gujral, as a foreign Minister
- India being the biggest country of South Asia, should extend
- unilateral concession to small neighbour.
- **India's accommodating approach** → smaller neighbour on the basis on non-reciprocity.

- True Principal with neighbour like B'desh, Bhu, Sri-L, Maldives,
- Nepal, India should not ask for reciprocity, it can give what it can in good faith.
- No South Asian Nation will allow its territory to be used
- against any other nation.
- No interfere in internal adm.
- Respect each other territory & integrity.
- Settle dispute through peaceful bilateral negotiation.
- Gujral said that it is necessary to make good relation in present of hostile enemies China & Pakistan.

→ **Nuclear Doctrine, 2003**

- Maintaining minimum deterrent
- no first strike use
- first strike will be massive & designed to inflict unacceptable damage.
- by civil political leader only — (PM)
- No use against non-nuclear weapon.
- Continued commitment to goal of nuclear weapon free world.

Nuclear Command authority

↳ Political Council
↳ Chaired by PM

↳ Executive Council
↳ Chaired (N.S.A)

→ Connect Central Asia Policy (2012) → to build up relation
include Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan &
Uzbekistan by mutual cooperation. Look Book

→ 2014 → Look East Policy → Act East Policy (P.V. Narashima Rao)
↳ Narendra Modi

→ to establish a good relation with South Asian countries.

↳ Focus on the extended neighbourhood in the Asia-Pacific region.

↳ Strategic partnership.

↳ ASEM → ASEAN Regional Forum (ARF) & East Asia Summit (EAS)

↳ Promote political economic cooperation.

↳ Civilization front.

↳ India's economic engagement with ASEM.

↳ ASEAN-India Agreement on Trade in Services and Investments has entered into force for India & seven ASEAN countries from 1 July 2015.

↳ closer cooperation in combating terrorism, collaboration for peace & stability in the region and promotion of maritime security based on international norms and laws are being pursued.

Chapter - 76

National Commission to Review the Working of the Constitution

- The National Commission to Review the Working of the Const. (NCRWC) was setup by a resolution of the Govt in 2001.
- The 11-member commission was headed by M. N. Venkatchaliah, the former chief justice of India. It submitted its report in 2002.

Terms of Reference of the Constitution

- Strengthening of the institution of parliamentary democracy.
- Electoral reforms.
- Promoting literacy.
- Union-State relations.
- Decentralization and devolution.
- Enlargement of FRs.
- Effectuation of F. Duties.
- Effectuation of DPSP.
- Legal control of fiscal.
- Adm system & standard in public life.

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Fifty years of working of the Constitution.

- Political Accomplishments
- Economic Infrastructure — Impressive Performance
- Social Infrastructure — Achievement.
- Political Failures.
- Economic Failures.
- Social Failures.
- Administrative Failures
- Gender justice & equality — Failures.
- Judicial system — Failures.

Areas of Concern: Commission's Perception.

- ↳ The state of social infrastructure is disturbing
- ↳ Rates of infant mortality, blindness.
- ↳ Public health & hygiene etc.
- ↳ Criminal justice system.
- ↳ Rural, de-population, urbanization etc.

Recommendation of the Constitution

The Commission made — 249 recommⁿ

- ↳ (58) recommⁿ involve amenⁿ of Const
- ↳ (86) involve legislative measures.
- ↳ remaining 105 recommⁿ could be accomplished through executive action.

Various recommⁿ of the commission — in area wise manner

- 1) - On Fundamental Rights
- 2) - On Right to Property
- 3) - On Directive Principles
- 4) - On Fundamental Duties
- 5) - On Parliament & State legislature

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- 6) - On executive and administration
- 7) - On Centre - state & Inter-state Relation
- 8) - On Judiciary
- 9) - On Pace of socio-economic change and Development.
- 10) - On Decentralisation (Panchayats and Municipalities)

- 11) - On Constitution in North East India
- 12) - On electoral Processes
- 13) - On Political Parties
- 14) - On Anti-Defection Law.

Finally we have completed Polity M.Laxmikanth Series
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Regards
Team Desire IAS