

IIPA 2022

**Indian Polity and Governance –
Constitution, Political System etc.
Constitutional Development of India**
Shorts Answers
CSM - 07 by Dr Mamta Pathania

22

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Indian Polity and Governance – Constitution, Political System etc. Constitutional Development of India

- Indian Constitution is the lengthiest written constitution in the world. The development of the Constitution in its present form has its roots in British rule.
- A **Constituent Assembly** was formed in **1946** as suggested by **M.N. Roy** in **1934**

Regulating Act of 1773

- It was the first step taken by British Government to control and regulate the affairs of East India Company in India.
- It made Governor of Bengal as Governor-General of Bengal and an Executive Council (comprising of four members) was created for providing assistance to Governor-General.
- Lord Warren Hastings became first Governor-General of Bengal. The act also laid the provisions for the establishment of Supreme Court at Calcutta with one Chief Justice and three other judges. It was established in 1774 with Sir Elijah Impey appointed as the Chief Justice.

Pitt's India Act of 1784

- Pitt's India Act, 1784 was passed to rectify the defects of Regulating Act of 1773.
- This act separated the commercial functions of the company from political functions. Court of Directors were allotted commercial functions and a Board of Control consisting of 6 members was appointed for handling political affairs.

Charter Act of 1813

- It deprived the East India Company of its monopoly of trade with India except for tea and trade with China.
- The act regulated the company's territorial revenue and commercial profits. It was asked to keep its territorial and commercial accounts separate.
- Christian missionaries were allowed to work in India.
- A provision was made that company should invest Rs 1 Lakh/year on the education of Indians.

Charter Act of 1833

- It was passed by the British Parliament to renew the charter of East India Company.
- East India Company was no more a commercial body, all its commercial functions been taken away making it an administrative body working on behalf of the British Government.
- Governor-General of Bengal became the Governor-General of India. Lord William Bentick became the first Governor-General of India in 1833. It deprived the governor of Bombay and Madras of their legislative power.
- All the legislative powers of British India went in the hands of Governor General.
- The number of members of the Governor General's council was again fixed to four. A law member was added in Governor General Council. Lord Macaulay was designated as the fourth member.

Charter Act of 1853

- This act introduced open competition for Indians in Civil Services.
- This act also empowered the Court of Directors either to constitute a new Presidency to appoint a lieutenant Governor. Strength of court of directors was reduced to 18 from 24.
- Six new members were added as legislative councillors. Out of these 6 members, 4 were appointed by provincial governments.

Government of India Act, 1858

- The revolt of 1857 by Indians resulted in the end of East India Company rule, with all the powers of administration of Indian territory been taken by the British crown in its hands. Major provisions of the Act were :
- It changed the designation of Governor-General to that of Viceroy. Viceroy was representative of the British crown.
- Lord Canning became first Viceroy of India, under the Act.
- It provided the Secretary of State with a 15 member council to assist him, responsible for Indian administration. He was a British Cabinet member, who was responsible to the British Parliament.

Indian Councils Act, 1861

- The Act restored the legislative powers of Madras and Bombay which were taken from them by Charter Act of 1833.
- Governor General was given the right to exercise absolute veto power and issue ordinances which could remain in force for 6 months.
- Viceroy was given the power to make rules and orders for convenient transaction of business in council. Under this, Lord Canning introduced Portfolio System which laid the foundation of Cabinet system in India.
- A Law member was added in the executive council of Governor-General.

Indian Council Act, 1892

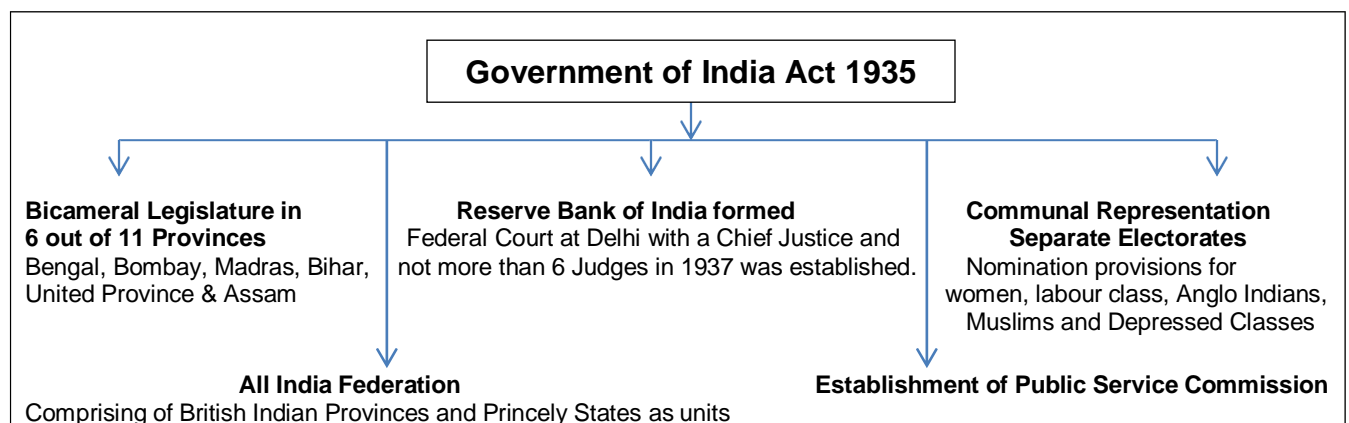
- This Act enlarged the Governor General's council by adding more non-official members. Though official majority was maintained, 2/5 of new members were non-officials.
- The principle of Indirect elections was introduced but the word Election was not used. It gave the power of discussing the budget.

Indian Councils Act, 1909

- Lord Morely was the then Secretary of State for India and Lord Minto was the Viceroy. Hence, the act came to be known as Morley-Minto Reforms.
- The size of Legislative Councils at centre and provinces was significantly increased. The members of Governor-general's council were increased from 16 to 60.
- Separate electorate was introduced for Muslims, introducing the communal representation.
- Elections were introduced in India for the first time, Indians were allowed in executive council of Viceroy.
- Satyendra Prasad Sinha became the first Indian member to join Viceroy's Executive Council.
- Councils were given the right to discuss any matter, move resolutions on budget and ask questions with supplementary questions but they did not have the right to vote.

Government of India Act, 1919

- Dyarchy was introduced at provincial levels i.e. the rule of two, Executive Councillors and Ministers.
- Government of provinces was accountable to legislative council of state for transferred subjects but not for reserved subjects. All the functions of government were divided into centre and state (provinces). Provinces were given more autonomy and they could legislate on all subjects related to provinces.
- Bicameral legislature was introduced at the Centre consisting Council of state (Upper House) and Centre legislative council (Lower House).
- It required three out the six members in Viceroy's executive council to be Indians except commander-in-chief.
- For the first time direct elections were introduced in India.
- Separate electorate system was continued for Muslims and it was also extended to Sikhs, Christians, Europeans and Anglo-Indians.
- This Act provided for elected, nominated officials and nominated non-officials members.
- Limited franchise was introduced in India for the first time on the basis of property, education and tax.
- The Act also provided for a Central Public Service Commission which was established in 1926.
- The persistant demand of administrative reforms led the British Government to appoint a Statutory Commission in 1927, popularly known as Simon.



August Offer, 1940

- Viceroy Linlithgow issued a statement on behalf of the British government on 8 August, 1940 called as August Offer.
- Lord Linlithgow promised that after the end of second World War II, a completely responsible government on dominion model would be established in India.
- It recognised the rights of Indians to make their constitution for the first time as it stated that a constitution making body would be created.

Cripps Mission, 1942

- During the course of World War II, the coalition government in England send Sir Stafford Cripps (a member of the Cabinet) in March 1942, with a Draft Declaration which were to be adopted while framing a Constitution acceptable to the two major parties in India- Congress and Muslim League.
- The proposal provided for an Indian Union comprising of all British provinces in India and the princely states and a Dominion status to India as a participant to the British Commonwealth of Nations.

Dominion status concept is dead as door nail – J.L. Nehru

Clement Attlee's Announcement

Lord Clement Attlee made a historical announcement on 15 March, 1946 that Britain was ready to provide freedom to India, after transferring power into responsible hands not late than June 1948. All minorities interest will be secured. It announced that Cabinet mission was to visit India to assist Indians to determine a suitable form of government.

Shimla Conference, 1945

- All Party met on 25th June, 1945 at Shimla where 22 representatives participated under Abul Kalam Azad.

Cabinet Mission (1946)

- The main objective of the Cabinet Mission plan was to find out ways and means for the peaceful transfer of power in India and to suggest measures taken for the formation of a constitution making machinery and the issue of interim government. Commission to enquire into and report on the working of Government of India Act, 1919 which submitted its report in 1930. The report was considered by a series of Round Table Conferences held at London between

1930-1932 and a the White Paper on constitutional reform was prepared as a result of the Conference which was passed as Government of India Act, 1935.

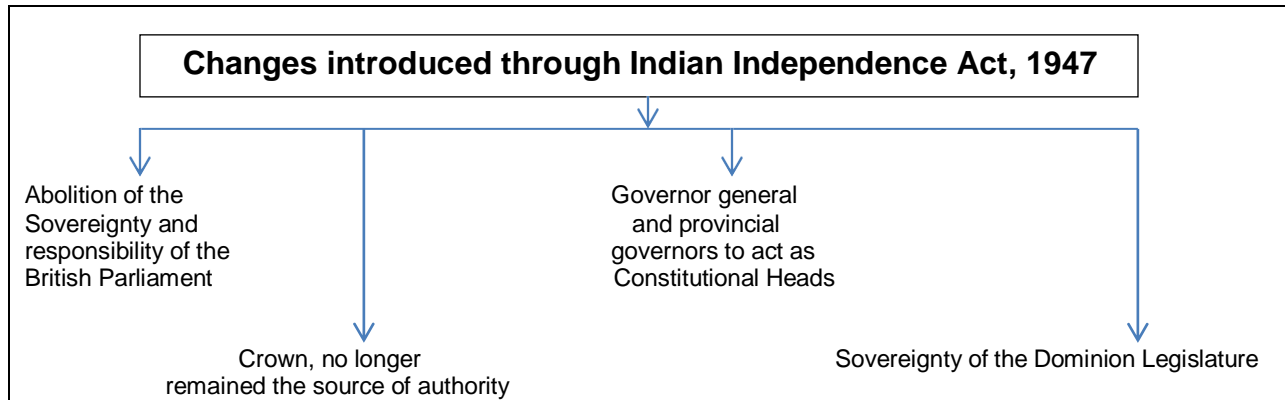
- Cabinet Mission comprising Lord Pethick Lawrence, Sir Stafford Cripps and Mr. Alexander arrived in India on 24th March, 1946.

Government of India Act, 1935

- This act abolished dyarchy at provinces and established dyarchy at the centre. Federal subjects were divided into transferred and reserved subjects. Reserved subjects were in the hands of Viceroy who worked with councillors and was not responsible to the legislature. Transferred subjects were administered by Viceroy on the advice of Council of Ministers responsible to the legislature. Although it never came into effect.
- A union of India comprising British India and princely states thus advocating an undivided India was conceptualized.
- A Constituent Assembly was to be elected and an interim government to be formed with the support of major parties.
- It also provided that all members of the interim cabinet would be Indians and there would be minimum interference by the Viceroy.
- It also proposed that Constituent assembly was to consist of 292 members from British India and 93 from Indian states.
- All state subjects along with residuary powers should be vested in provinces.
- The proposal of Cabinet Mission were accepted and Constituent Assembly Elections were held in July, 1946.

Mountbatten Plan (3 June, 1947)

- Lord Mountbatten came up with a partition plan known as Lord Mountbatten Plan (3 June, 1947) due to the Muslim league agitation for separate country.
- On 20th February, 1947, Clement Attlee declared that British rule in India would end by 30th June, 1948. But after Mountbatten Plan which put forward a plan for a United Hindustan and Pakistan which was accepted by Congress and Muslim League. Immediate effect was given to Mountbatten plan by enacting the Indian Independence Act, 1947.

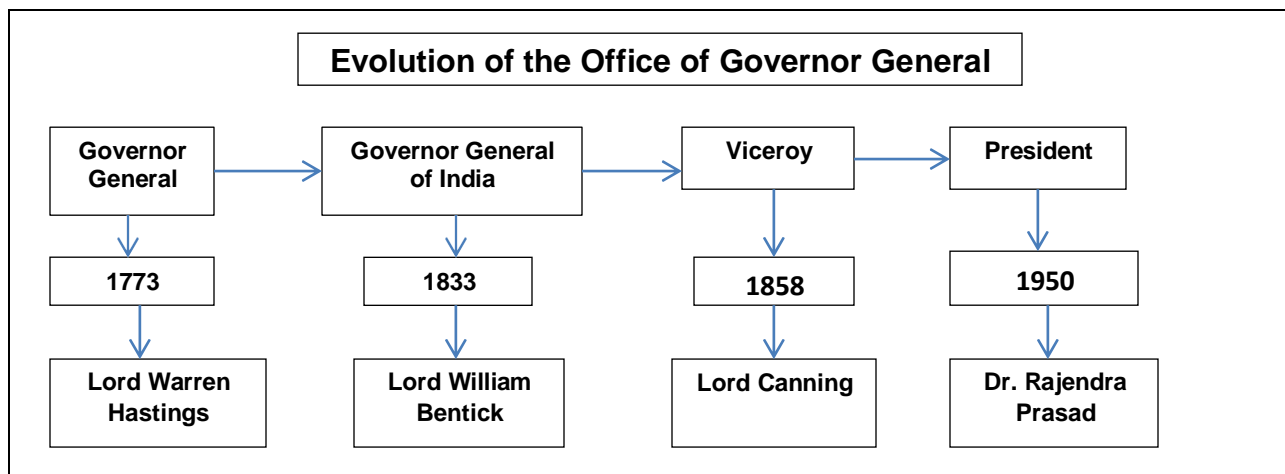


Indian Independence Act, 1947

- On the 15th August, 1947 (at midnight) British rule came to end and two new dominions took powers in their hands for their respective territories.
- Lord Mountbatten became first governor-general of dominion of India with J.L. Nehru as the first PM.

Framing of the Indian Constitution

- There were total 389 members out of which 292 were to be elected by provinces and 93 seats were allotted to princely states, 4 for Chief Commissioners provinces. Seats in the provinces were to be distributed among three communities i.e. Muslims, Sikhs and General in proportion to their populations.
- Finally, suggestions of Cabinet Mission (1946) were accepted and elections for the Assembly conducted in July-August, 1946.



Constituent Assembly elected according to Cabinet Mission Plan for undivided India met on 9th December, 1946 with Dr. Sachchidanand Sinha as its interim President. After two days i.e. on 11th December, 1946, Dr. Rajendra Prasad was elected President of Constituent Assembly. On 13th December, 1946 Objective Resolution was passed in constituent assembly which was introduced by Pt. Jawahar Lal Nehru.

B.N. Rau was appointed as the Constitutional adviser.

Mountbatten Plan paved the way for two nations and a separate Constituent Assembly was formed for Pakistan. Hence, the areas which went in Pakistan i.e. East Bengal, North-West Frontier Provinces (NWFP), West Punjab, Baluchistan, Sindh and Sylhet district of Assam were no more representative in Indian Constituent Assembly. There were fresh elections in new provinces of West Bengal and East Punjab. Sylhet and NWFP decided to join Pakistan through referendum. So, when Constituent Assembly re-assembled its strength came down to 299 from 389 with 299 Indian provinces' members and 70 princely states members.

- Constituent Assembly re-assembled on 14th August, 1947 as Sovereign Constituent Assembly.

Committees on the Constituent Assembly	
The Constituent Assembly appointed 22 Committees to deal with different tasks of Constitution making.	
Major Committees	Chairman
• Drafting Committee	B.R. Ambedkar
• Union Powers Committee	Pt. Jawahar Lal Nehru
• Provincial Constitution Committee	Sardar Vallabh Bhai Patel
• Steering Committee	Dr. Rajendra Prasad
• Committee on Fundamental Rights and Minorities	Sardar Vallabh Bhai Patel
• Union Constitution Committee	Pt. Jawahar Lal Nehru
• States Committee	Pt. Jawahar Lal Nehru
• Finance & Staff Committee	Dr. Rajendra Prasad

- Constituent Assembly appointed a drafting committee of 7 members on 29 August, 1947 with Dr. B.R. Ambedkar as its Chairman. Other members were: N. Gopalswami Ayyangar, Alladi Krishnaswami Ayyar, Dr. K.M. Munshi, Mohammed Sadullah, B.L. Mitter (earlier N. Madhav Rao), D.P. Khaitan (died and replaced by T.T. Krishnamachari).
- The Assembly performed two separate functions. One, making a Constitution for free India and two enacting of ordinary laws for the country.
- On 24 January, 1950, the Constituent Assembly held its final session. However, it continued as Provisional Parliament till 1952.

Some Other Minor Committee	
Committees	Chairman
• Ad-hoc Committee on National Flag	Dr. Rajendra Prasad
• Order of Business Committee	Dr. K.M. Munshi
• Committee on the functions on the Constituent Assembly	G.V. Mavalankar

- The Constituent Assembly adopted National Flag on 22nd July, 1947 while the National Anthem and the National Song were adopted on 24th January, 1950.
- The Constituent Assembly took 2 years, 11 months and 18 days to frame the Constitution and finally it was last assembled on 26th November, 1949 when Constituent Assembly signed the constitution. 284 members signed the constitution.

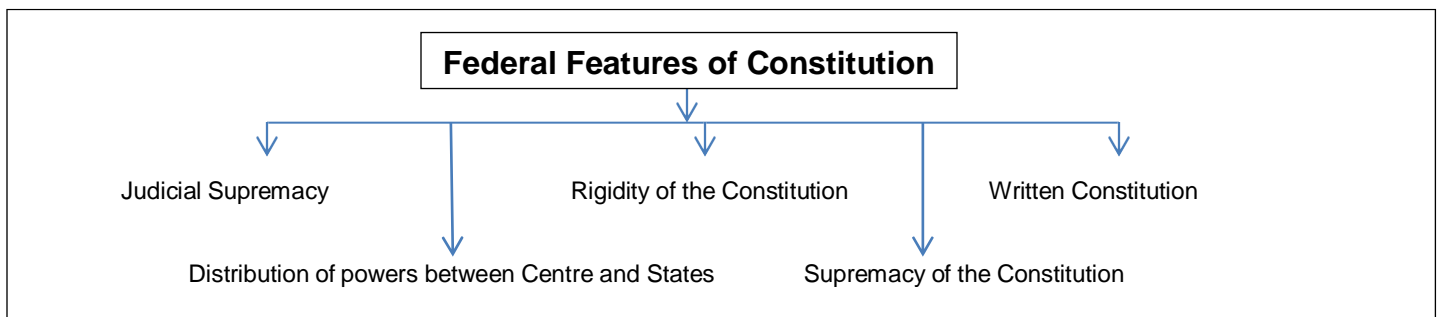
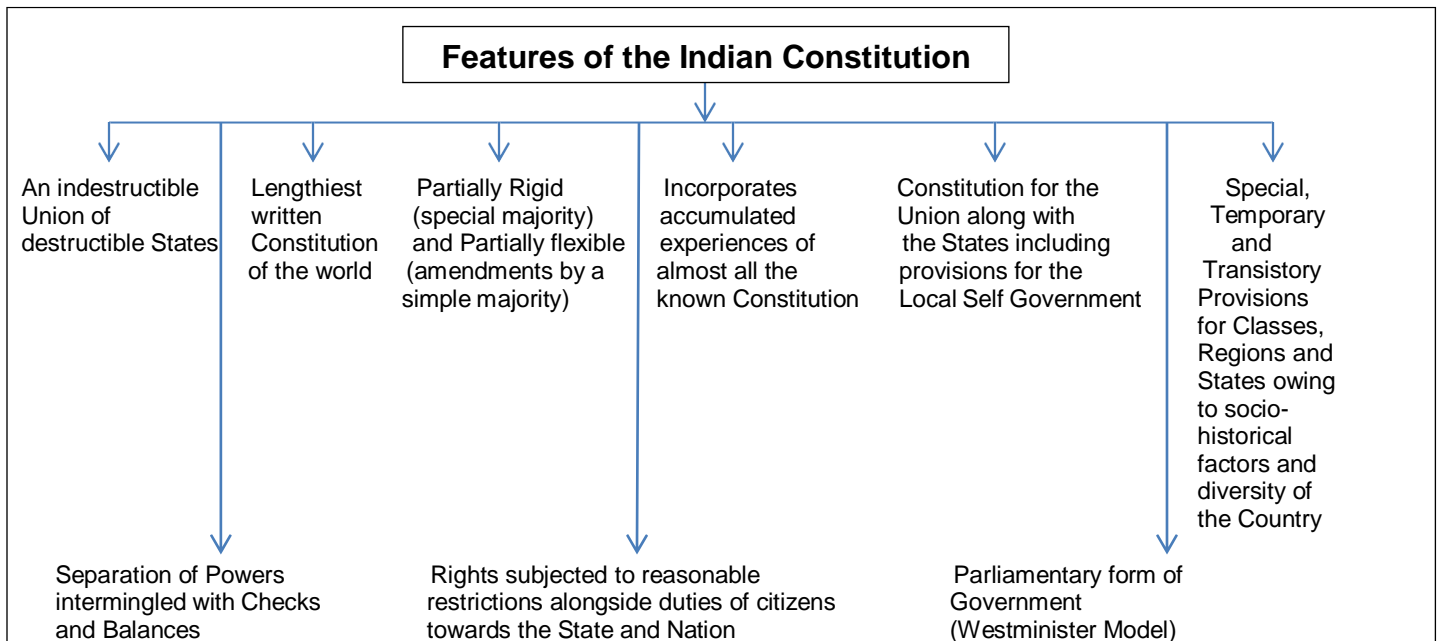
26th January was chosen as a date for commencement of constitution because 26th January was observed as Independence day by people after, Congress session at Lahore on 31st December, 1929 passed a resolution of complete Independence (Purna Swaraj) and declared 26th January as day of Independence.

Important Dates			
Dates	Concerned Events	Dates	Concerned Events
9 th December, 1946	First sitting Constituent Assembly	26 th November, 1949	Constitution was adopted/enacted
11 th December, 1946	Dr. Rajendra Prasad elected President of the Constituent Assembly	24 th January, 1950	Adoption of National Song and National Anthem
13 th December, 1946	Objective Resolution was introduced by Jawaharlal Nehru	26 th January, 1950	Constitution came into force making India a Republic with Dr. Rajendra Prasad as the first President
22 nd July, 1947	Constituent Assembly adopted National Flag	25 th October, 1951- 21 st February, 1952	First general elections were held
15 th August, 1947	Transfer of Power leading to the formation of dominions of India and Pakistan (14 th August, 1947)		

*Source : COSMOS PUBLICATION, DELHI

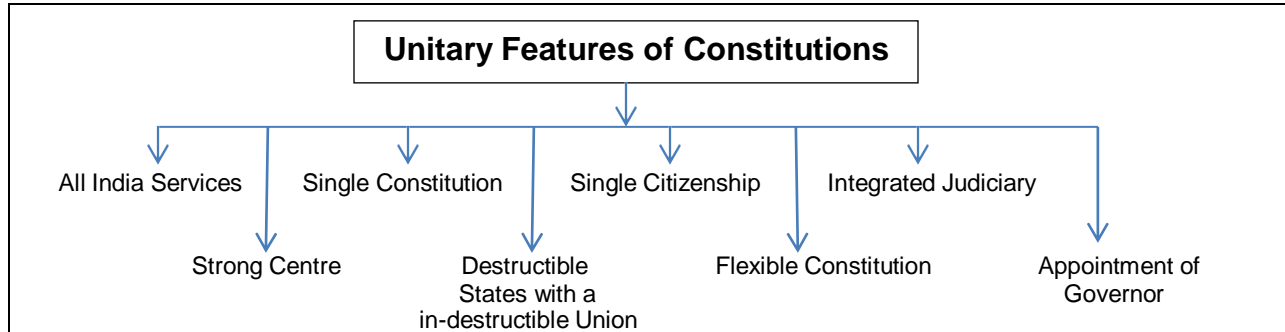
Features of Indian Constitution

- A major part of the Indian Constitution (almost 70% was derived from Government of India Act, 1935 owing to the familiarity with the political and administrative mechanism as envisaged under the Act.



- In a federal government subjects of governance are divided between federal and state governments. States enjoy much independence in their sphere.
- Indian constitution has clearly demarcated powers between the Union and State governments. State governments have their rights on state subjects mentioned in List-II of seventh schedule.
- States can also legislate over concurrent subjects unless they are not in direct conflict with central government's legislation.

- Under Article 368, no amendments in the status of the powers of centre and states can be made without participation of the States. So, Indian constitution is not as easy to amend as the British Constitution but definitely it's not as tough as the US Constitution.



- In the federal countries like USA and Australia, States have their own constitution. But, India has a single constitution for both Union and States. Both centre and states function under a single constitution.
- When there is any conflict between a law of State and center for any concurrent matter then Centre's provisions prevail. Centre also enjoys residuary powers.
- Union enjoys a legislative control over 100 subjects stated under List – I of the seventh schedule as against 61 subjects enlisted under List-II (State list). Also, the Union enjoys overriding power over state on matters enlisted in the Concurrent list. The Residuary power (over subjects finding no mention in either of the lists) also lies with the Union.

India is an indestructible Union of destructible States.

- Governors of the states are appointed by President on the advice of Council of Ministers of central government. Hence, Governor acts like an agent of Centre in State. This increases the centre's control on states.
- Indian Parliament can alter the boundaries, names of the states even without the consent of states. Hence, Parliament enjoys powers to form a new State, merge the states etc. to the extent it seems right.

National Symbols

National Flag

- On August 7, 1906 at Parsi Bagan Square, Calcutta the first national flag of India was hoisted by Surendranath Banerjee. Madam Bhikaji Cama on 22nd August, 1907 hoisted the flag at Stuttgart, Germany.
- The National Flag of India (designed by Pingali Venkayya in 1916) was adopted by the Constituent Assembly on July 22, 1947. It is horizontal tricolor of deep saffron (kesari) at the top, white in the middle and dark green at the bottom in equal proportions. In the centre of the white band is a navy blue wheel representing the Chakra, a symbol of progress and of movement. The ratio of the length of the flag to its width is 3:2.

National Emblem

- The National Emblem is an adaptation from the Sarnath Lion Capital. It was adopted by the Government of India on 26 January, 1950. The words Satyameva Jayate from Mundaka Upanishad, meaning Truth Alone Triumphs are inscribed below the abacus in Devanagari script.
- In the original, there are four lions, standing back to back, mounted on an abacus carrying sculptures in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening wheels over a bell-shaped lotus.

National Anthem

- Jana-gana-mana, composed originally in Bengali by Rabindranath Tagore, was adopted in its Hindi version by the Constituent Assembly as the National Anthem of India on 24 January, 1950.
- It was first sung on 27 December, 1911 at the Calcutta Session of the Indian National Congress.

National Song

- The song Vande Mataram was composed in Sanskrit by Bankimchandra Chattopadhyay from Anandamatha. It was first sung in political context by Rabindranath Tagore at the 1896 session of the Indian National Congress.
- It was adopted by the Constituent Assembly on 24 January, 1950.

National Animal

- Panthera tigris, a striped animal is the national animal of India. It has a thick yellow coat of fur with dark stripes. Lion was the national animal of India till 1972. Later on, it was replaced by tiger.

National Calendar

- The national calendar based on the Saka Era, with Chaitra as its first month and a normal year of 365 days from 22 March, 1957 along with the Gregorina calendar. 1 Chaitra falls on 22 March normally and on 21 March in leap year. The calendar was introduced by the Calendar Reform Committee in 1957.

National Bird

- Peacock (*Pavo cristatus*), which is a symbol of grace, joy, beauty and love is the national bird of India.
- In India the peacock is found in almost all parts and enjoys full protection under the Indian Wildlife (Protection) Act, 1972.

National Flower

- Lotus, botanically known as the *Nelumbo Nucifera Gaertn* is the national flower of India. It symbolizes divinity, fertility, wealth, knowledge and enlightenment.

National Tree

- The Banyan tree (*Ficus benghalensis*) is the National Tree of India.

National Fruit

- Mango (*Manigifera Indica*) is the National Fruit of India.

National River

- Former P.M. Monmohan Singh declared Ganga as The National River of India on February, 20, 2009.

National Aquatic Animal

- To save dolphins (*Planista gangetica*) from extinction, the Union government has declared them as the national aquatic animal on October 5, 2009.

National Currency

- The Indian Rupee sign is an allegory of Indian ethos. The symbol is an amalgam of Devanagari Ra and the Roman Capital R with two parallel horizontal stripes running at the top representing the national flag and also the equal to sign.
- The Indian Rupee sign was adopted by the Government of India on 15th July, 2010.

Important Sources of the Indian Constitution

Source/Country	Provisions borrowed	Source/Country	Provisions borrowed	Source/Country	Provisions borrowed
Government of India Act, 1935	Office of Governor, Federalism, Emergency, Judiciary, Public Service Commissions, Administrative, Details.	USA Constitution	Judiciary's Independence, Fundamental Rights, Judicial Review, Impeachment of President and removal of Judges of Supreme Court and High Court, Preamble.	South African Constitution	Amendment of Constitution, Rajya Sabha Elections.
Ireland (Irish Constitution)	Method of election of President, Directive Principles of State Policy & Nomination of Rajya Sabha Members.	British Constitution	Law making procedure, single citizenship, parliamentary government, cabinet system, bicameralism, Rule of Law.	French Constitution	Republic, Ideals of Liberty, equality and fraternity in the Preamble.
Canadian Constitution	Residuary Power to centre, Federation with strong centre, Appointment of governor, Advisory Jurisdiction of Supreme Court	Soviet Constitution	Fundamental Duties, Planning, (social economic and political) Ideals of Justice in Preamble.	Australian Constitution	Concurrent list, Joint sitting, Freedom of trade, Commerce and inter; course
				Japanese Constitution	Procedure established by Law.

*Source : COSMOS PUBLICATION, DELHI

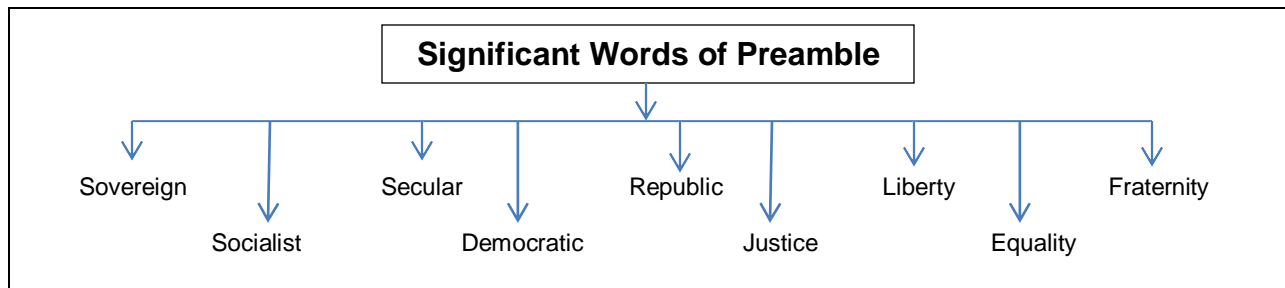
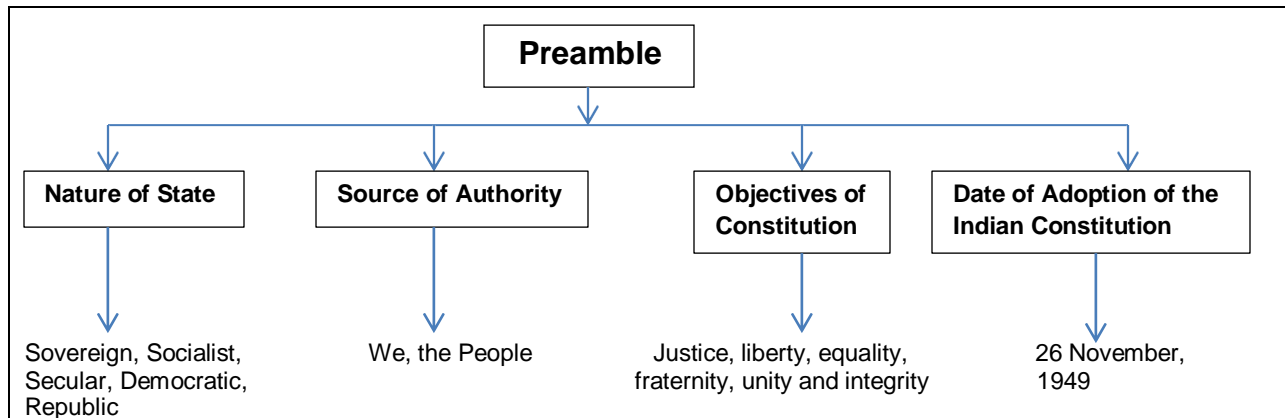
Preamble

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

JUSTICE, Social, Economic, Political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity, and to promote among them all;
FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation :

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

Sources of Preamble	
Country	Sources
American Constitution	Preamble
USSR	Ideals of Justice
French Constitution	Republic and the ideals of Liberty, equality and fraternity



Significant Words of Preamble

Sovereign

- Sovereignty refers to the independent authority of the State. It means that state has the power to legislate on any subject which is not subject to the control of any other state or external power.

Socialist

- The word Socialist was added to the Preamble by 42nd Constitutional Amendment, 1976.
- Socialism does not mean the resisting private sector, instead it emphasizes that wealth should not be concentrated in few hands and inequality of income should be abolished.

Secular

- The term secular was inserted by 42nd Constitutional Amendment Act, 1976.
- It explained that State does not recognise any religion as a state religion and it treats all religions equally and with equal respect, without, interfering with their individual rights of religion, faith or worship.

Democratic

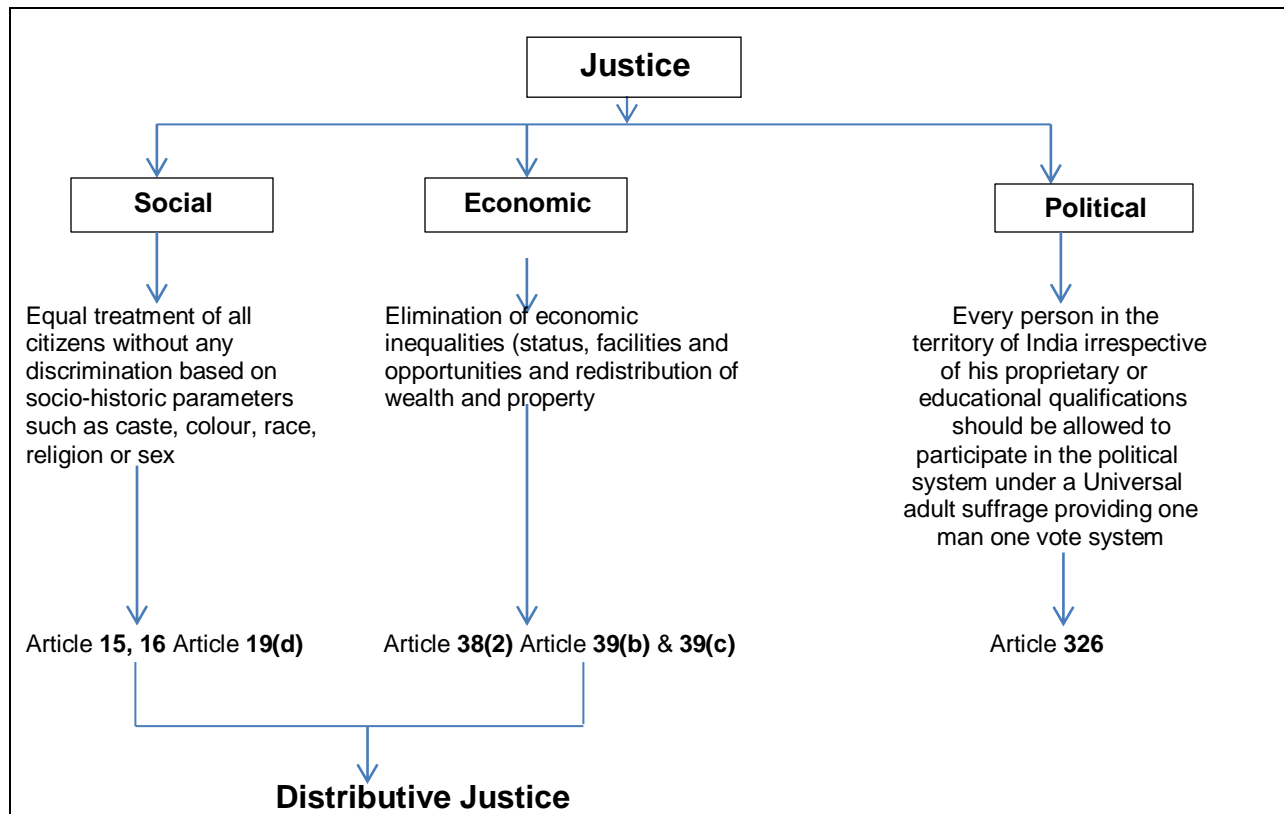
- Democracy is defined as that form of government in the administration of which the adult population has some direct or indirect share.
- Our democracy is a representative democracy which means people have no direct control such as referendum or initiative. People exercise their power through elected representatives in Parliament at Centre and State legislatures at the state level.
- Democratic republic stands for welfare of all the people of India which embodies the concept of welfare state, laid down in Directive Principles of State Policy.

Republic

- Republic means a form of government in which Head of the State is an elected person and not a hereditary monarch like a King or the Queen as in Great Britain.
- President is the Head of Republic of India who is indirectly elected by the people for a fixed period of 5 years. He can also be removed from office by Impeachment (Article 61).

Liberty

- Preamble mentions liberty of thought, expression, belief, faith and worship. These freedoms have been provided in our constitution under Fundamental Rights (Article 19, 25-28) and are enforceable by court of law (through Article 32 and 226).

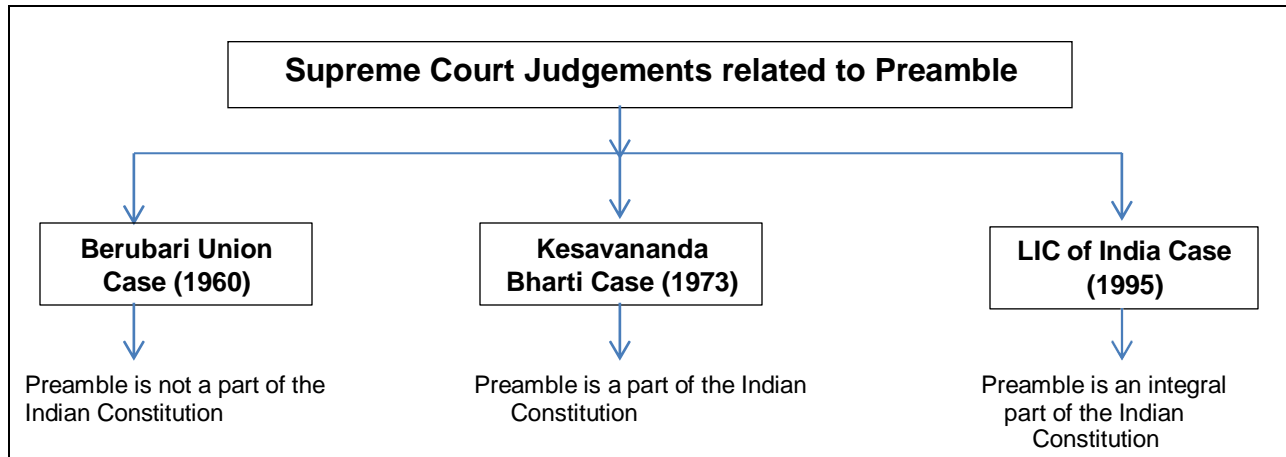


Equality

- Equality of opportunity and status is given in Preamble which is ensured by Article 14-18 and Article 325-326.
- This means that every person shall have equal rights of opportunity for any job, work and nobody can be discriminated or treated as lower than anyone else only on the grounds of religion, race, caste, sex etc.
- Equality of status and opportunity for all is the basis for ultimately establishing an egalitarian society.

Fraternity

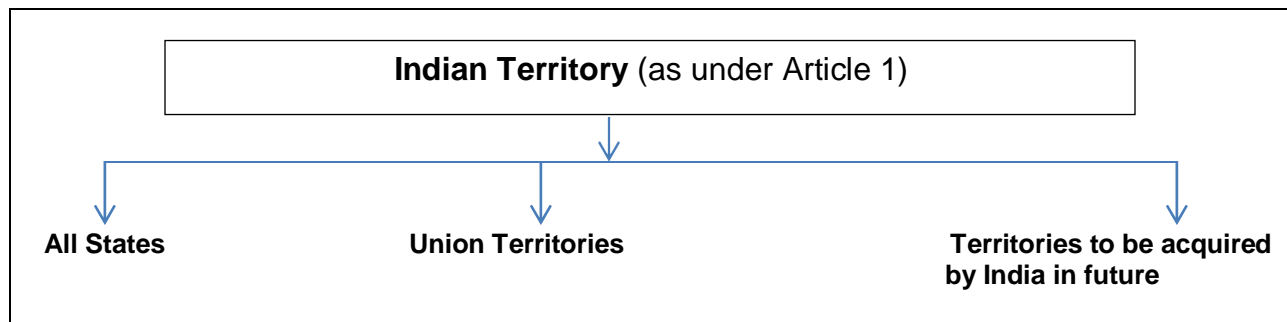
- It refers to the spirit of brotherhood, a feeling that all people are children of same soil, the same motherland. Fraternity ensures the Unity and Integrity of India.



*Source : COSMOS PUBLICATION, DELHI

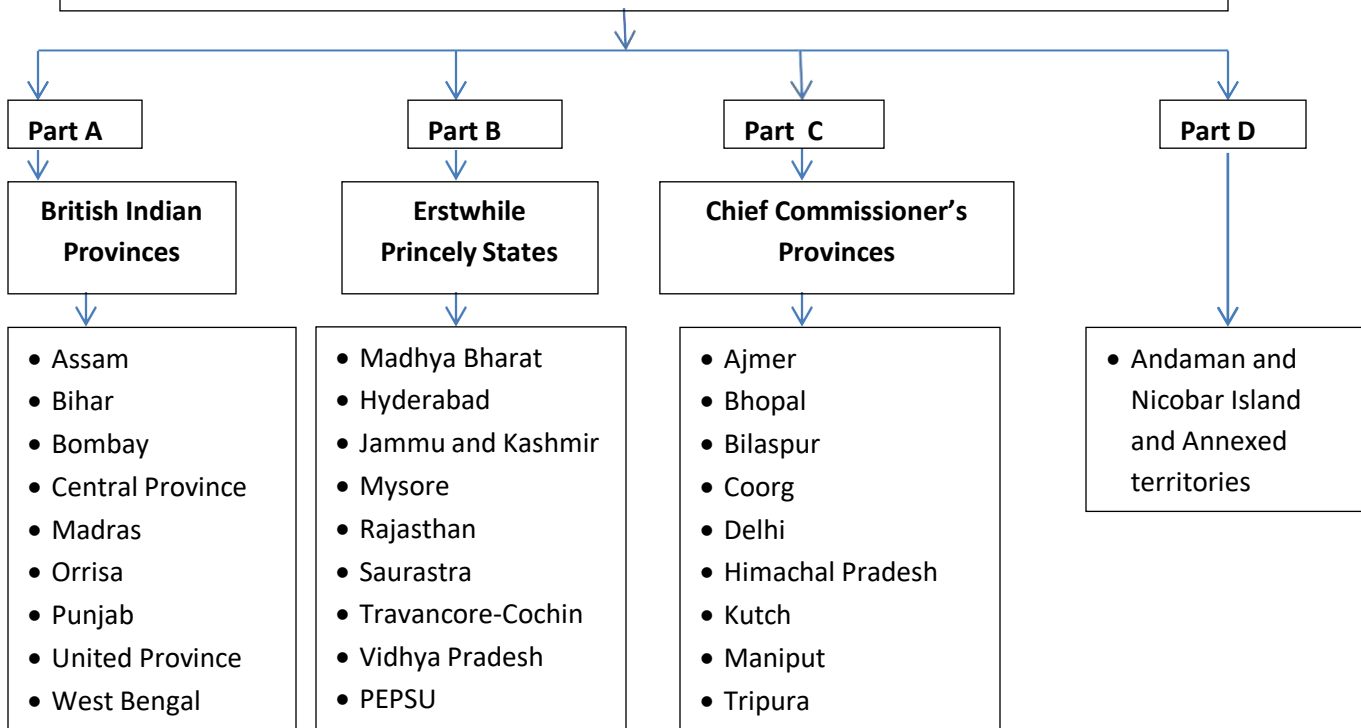
Union and its Territories

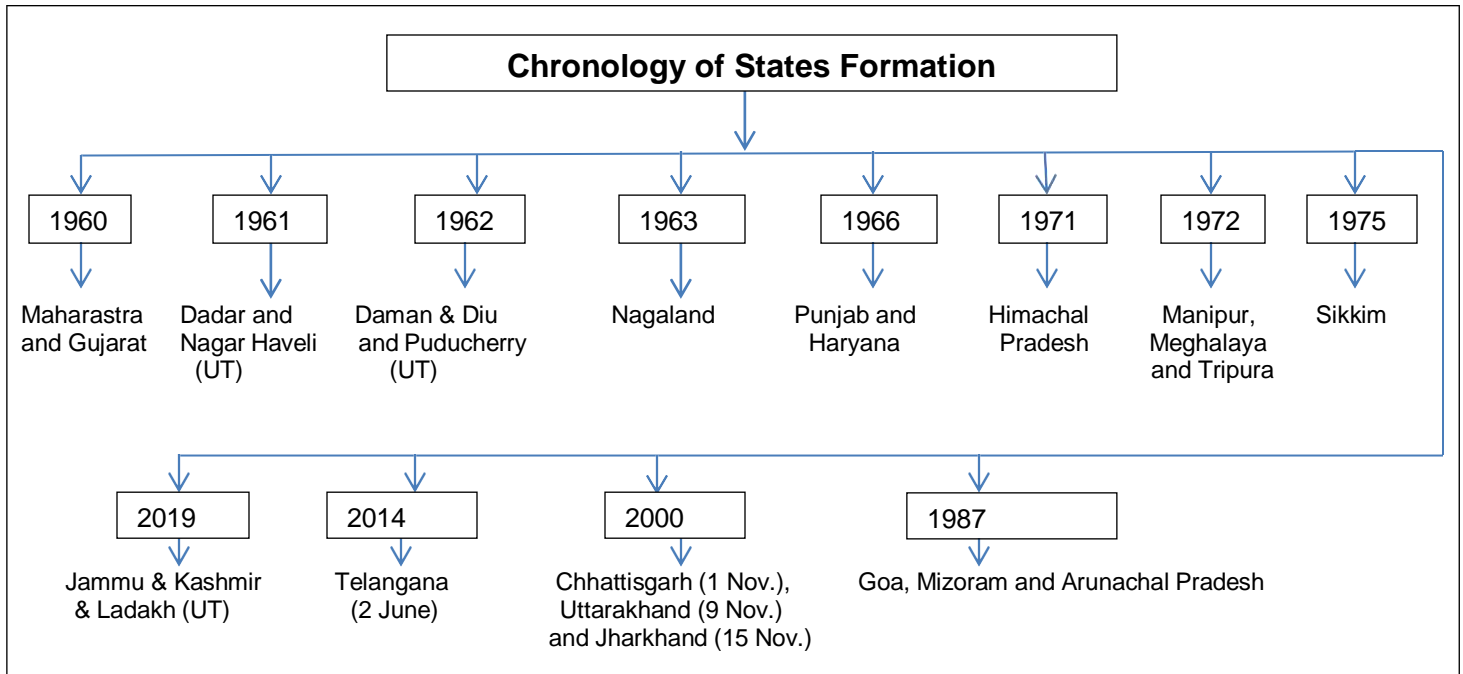
- Part I of the Indian Constitution include Article 1 to 4 related to Union and its territory. Article of the Constitution says India, that is Bharat, shall be a Union of states. This tells us the nature of Indian Political system.
- The expression Union of states establishes :
 - (a) India is not the result of an agreement between States.
 - (b) States have no right to secede from the Indian Union. Thus, India preferred the term Union instead of Federation.
- The term Union of India includes all States but territory of India include entire territory i.e. states, and any other territory that may be acquired by India in future.
- The Territory of India is a wider expression and includes all territory over which sovereignty of India extends.



Part I (Article 1-4)	
• Article 1	Name and territory of the Union
• Article 2	Establishment or Admission of new states
• Article 3	Formation of new states and alternation of areas, boundaries or name of existing states.
• Article 4	Laws made under Article 2 and 3 to provide for the amendment of the First and Fourth Schedules and supplemental, incidental and consequential matters.

Types of States on Commencement of Constitution

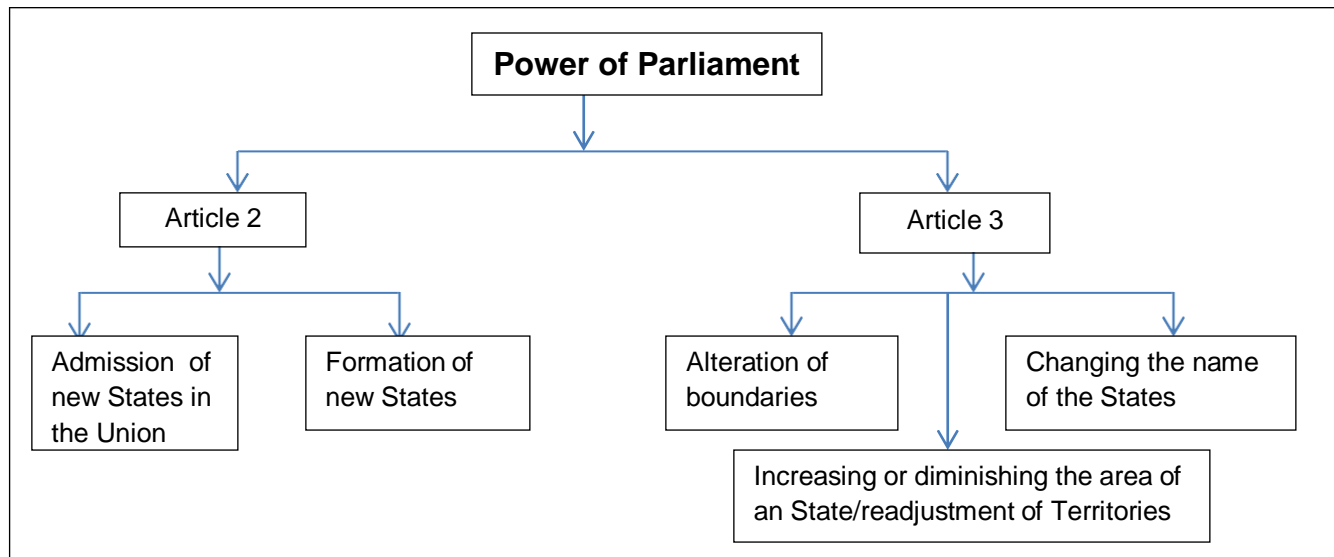




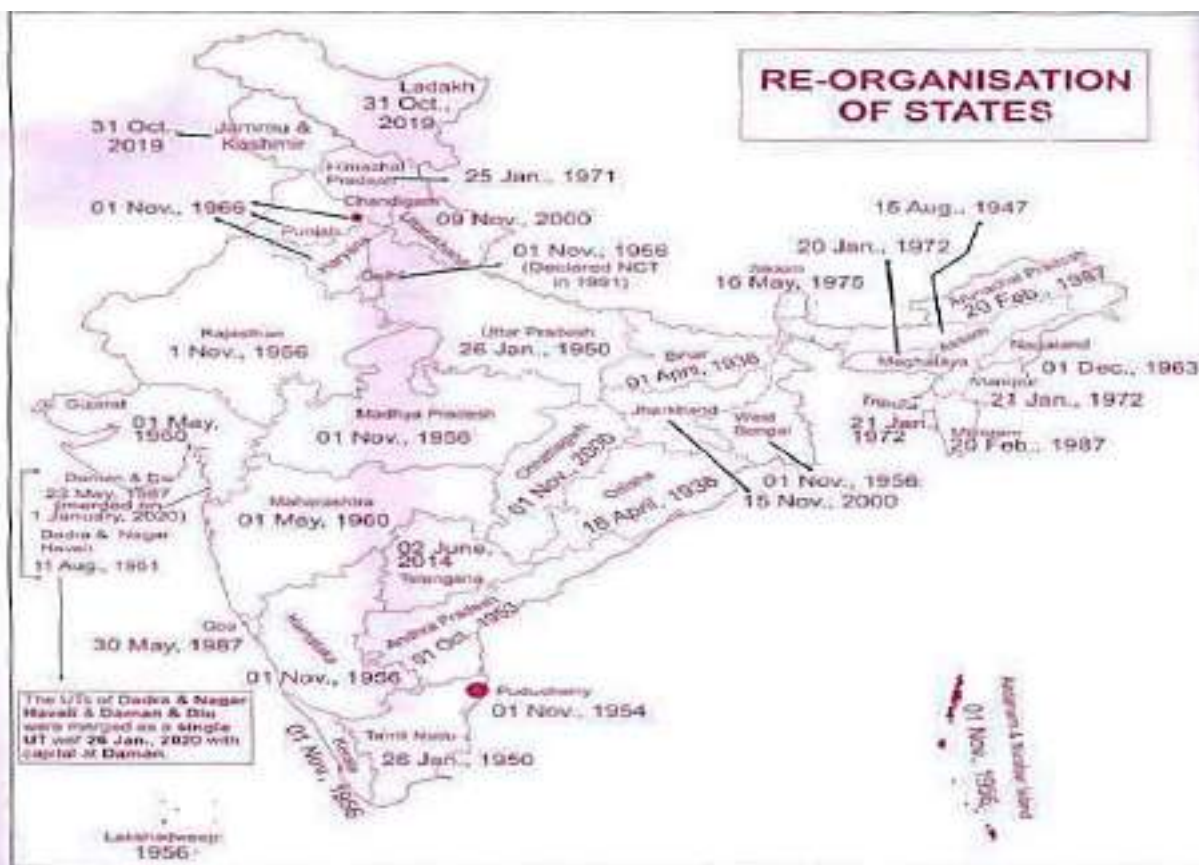
Formation of New States/Union Territories and Alteration of Names

- Assam became a British protectorate in 1826, it was separated from Bengal in 1874 and was reformed as Assam in 1912. It got full statehood on 26 January, 1950.
- Andhra Pradesh was formed in 1953 by taking out some territory from the State of Madras.
- Maharashtra and Gujarat were two states created by Bombay Reorganisation Act, 1960. Thus, creating Marathi and Gujarati Speaking states respectively.
- Bihar was formed by the British on 22nd March, 1912 (carving out of Bengal) and got statehood on 26th January, 1950.
- Orissa was made a separate province on 1st April, 1936 and gained statehood in 1950.
- Madras Presidency was reorganised as a state in 1950 and renamed Tamil Nadu in 1969.

- Former states of Travancore, Cochin and Malabar were merged to form the state of Kerala in 1956.
- Mysore state was formed on 1st November, 1956 by bringing together Kannada speaking regions.
- In 1963, Nagaland was created as a state out of Assam separating Naga Hills Area and Tuensang Area by State of Nagaland Act, 1962.
- Punjab Reorganisation Act, 1966 created state of Haryana and Chandigarh as Union Territory out of Punjab.
- Himachal Pradesh was created with the merger of 30 princely states in 1950, was declared a Union Territory in 1956 and gained statehood on 25 January, 1971.
- The two Union Territories of Manipur and Tripura were made states which were earlier union Territories. The sub-state of Meghalaya gained statehood. In 1987, Mizoram and Arunachal Pradesh became 23rd and 24th Indian states.
- Sikkim became a full-fledged State by 36th Constitutional Amendment Act, 1976. Initially, Sikkim was a protectorate of India and in 1974 by 35th Constitutional Amendment Act, 1975. Sikkim became an Associate State.
- The Union Territory of Mizoram gained statehood by State of Mizoram Act, 1986.
- The Union Territory of Arunachal Pradesh was given statehood in 1986 by Arunachal Pradesh Act, 1986.
- State of Jammu & Kashmir was bifurcated into Union Territories of Jammu & Kashmir and Ladakh on 31st October, 2019.
- Union Territories of Dadra and Nagar Haveli and Daman and Diu were merged on 26th January, 2020 with capital at Daman.



- Parliament has the power to form such states or alter the name or boundaries of States even without the consent of states i.e. by simple majority. Parliament can do such changes or make new states.
- India is an indestructible Union of destructible States. Reorganisation of states can be based on linguistic, geographic administrative or ethnic factors.



Zonal Councils			
1. Northern Zonal Council (Delhi)			Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, National Capital Territory of Delhi and Union Territory of Chandigarh
2. Central Zonal Council (Prayagraj)			Chhattisgarh, Uttarakhand, Uttar Pradesh, and Madhya Pradesh
3. Eastern Zonal Council (Kolkata)			Bihar, Jharkhand, Orissa, Sikkim, West Bengal and Kolkata
4. Western Zonal Council (Mumbai)			Goa, Gujarat, Maharashtra and Dadra & Nagar Haveli, Daman & Diu
5. Southern Zonal Council (Chennai)			Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Union Territory of Puducherry
6. North Eastern Zonal Council (Shillong)			Assam, Arunachal Pradesh, Manipur, Tripura, Mizoram, Meghalaya and Nagaland

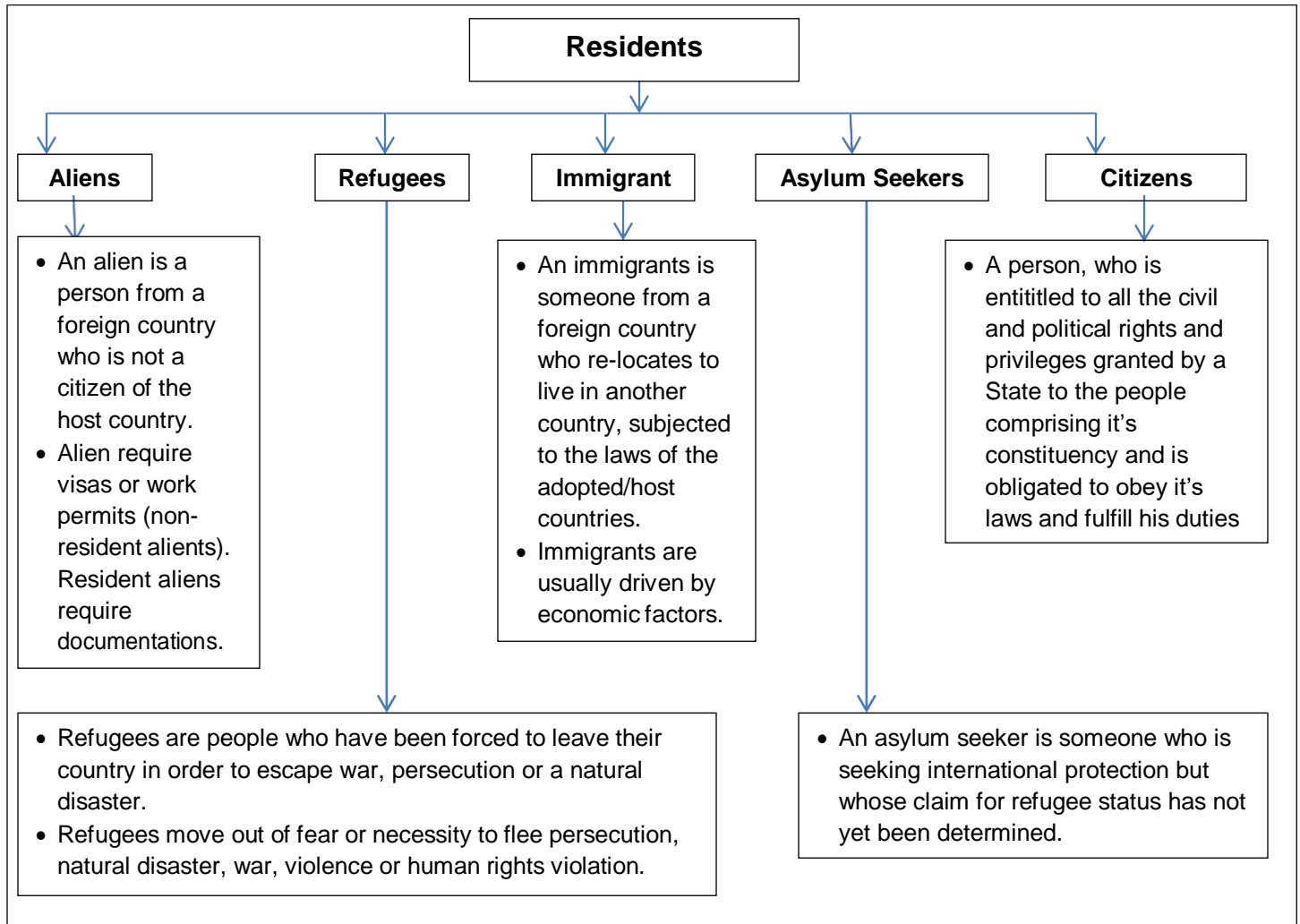
Union Territories (Present)			
Union Territories	Capital	Districts	Area (km²)
1. Andaman & Nicobar	Port Blair	3	8,249
2. Chandigarh	Chandigarh	1	114
3. Dadra & Nagar Haveli and Daman & Diu	Daman	3	603
4. Delhi	New Delhi	11	1,483
5. Lakshadweep	Karavati	1	32
6. Puducherry	Puducherry	4	492
7. Jammu & Kashmir	Srinagar	22	55,538
8. Ladakh	Leh	2	1,74,852

Article 239A and 239AA Special Provisions related to UTs
<p>In 1962, Article 239A (amended by 37th Amendment Act, 1974) was introduced in the Constitution to empower Parliament to create a Legislature (or a Council of Ministers) for some of the Union Territories under which Article 239A (for Puducherry) and Article 239AA (by 69th Amendment Act, 1992) provided special provisions for the Union Territory of Delhi re-naming it as National Capital Territory of Delhi. It also provided for a Legislative Assembly to make laws enumerated in the State list or the Concurrent list in limited jurisdiction (with an overriding Parliamentary Jurisdiction). Hence, Puducherry (1963) and (NCT) of Delhi (1991) along with recently carved Union Territory of Jammu and Kashmir (2019) are the only three Union Territories with State Legislative Assemblies and seats allotted in the Council of States under Schedule 4 of the Constitution. Delhi State government has been demanding complete statehood owing to the administrative ambiguity and complexity of the 3 tier administrative structure.</p>

The States Of India					
Sl.No.	State	Capital	District	Area (km²)	(% of total area)
1.	Rajasthan	Jaipur	33	3,42,239	10.41
2.	Madhya Pradesh	Bhopal	52	3,08,245	9.37
3.	Maharashtra	Mumbai	36	3,07,713	9.36
4.	Uttar Pradesh	Lucknow	75	2,36,286	7.18
5.	Gujarat	Gandhinagar	33	1,96,024	5.96
6.	Karnataka	Bengaluru	30	1,91,791	5.83
7.	Andhra Pradesh	Hyderabad	13	1,60,205	4.87
8.	Odisha	Bhubaneswar	30	1,55,707	4.73
9.	Chhattisgarh	Raipur	27	1,35,191	4.11
10.	Tamil Nadu	Chennai	37	1,30,058	3.95
11.	Bihar	Patna	38	94,163	2.86
12.	West Bengal	Kolkata	23	88,752	2.69
13.	Arunachal Pradesh	Itanagar	25	83,743	2.54
14.	Jharkhand	Ranchi	24	79,714	2.42
15.	Assam	Dispur	33	78,438	2.38
16.	Himachal Pradesh	Shimla/ Dharamshala	12	55,673	1.69
17.	Uttarakhand	Dehradun	13	55,483	1.62
18.	Punjab	Chandigarh	22	50,362	1.53
19.	Haryana	Chandigarh	22	44,212	1.34
20.	Kerala	Thiruvananthapuram	14	38,863	1.18
21.	Meghalaya	Shillong	11	22,429	0.68
22.	Manipur	Imphal	16	22,327	0.67
23.	Mizoram	Aizwal	8	21,081	0.64
24.	Nagaland	Kohima	11	16,579	0.50
25.	Tripura	Agartala	8	10,491	0.31
26.	Sikkim	Gangtok	4	7,096	0.21
27.	Goa	Panaji	2	3,702	0.11
28.	Telangana	Hyderabad	33	1,12,077	3.40

*Source : COSMOS PUBLICATION, DELHI

Citizenship



- Part II of Indian Constitution (Article 5 to Article 11) deals with the Citizenship of India during the commencement of the Constitution.

Part 2 (Article 5-11) relating to Citizenship, came into force on November 26, 1949 itself.

- The Constitution describes who would be considered the citizens of India from the commencement date of constitution i.e. from 26th January, 1950.

Constitutional Provisions related to Citizenship

Article 5

- Article 5 refers to the citizenship on January 26, 1950.

Article 6

- This Article provides citizenship to those persons who have migrated to India from Pakistan.

Article 7

- Right of citizenship of certain migrants to Pakistan who returned back to India with intention to live permanently.

Article 8

- This Article provides the rights of citizenship of certain persons of Indian origin residing outside India.

Article 9

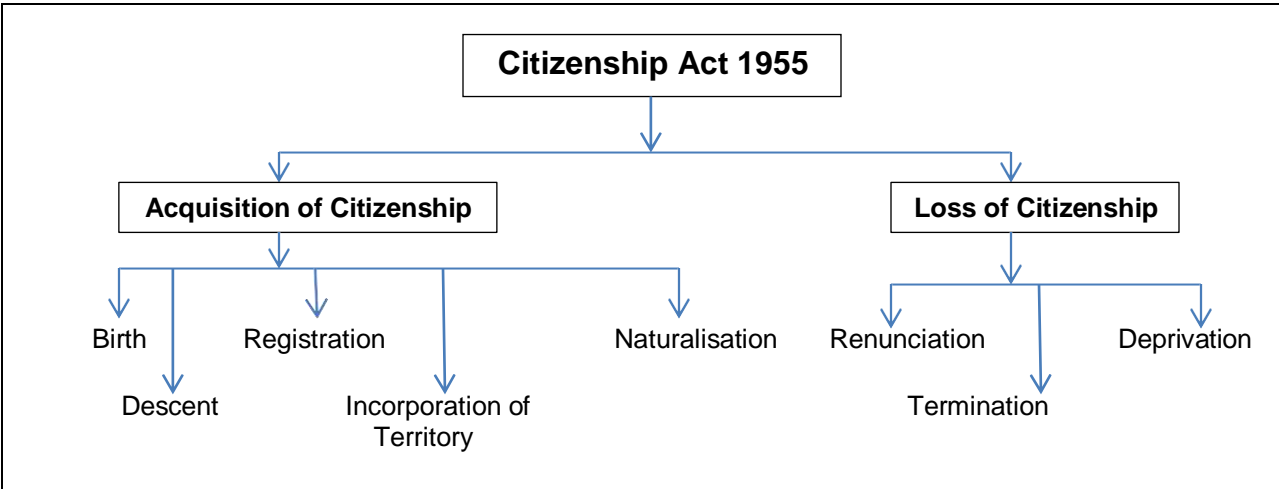
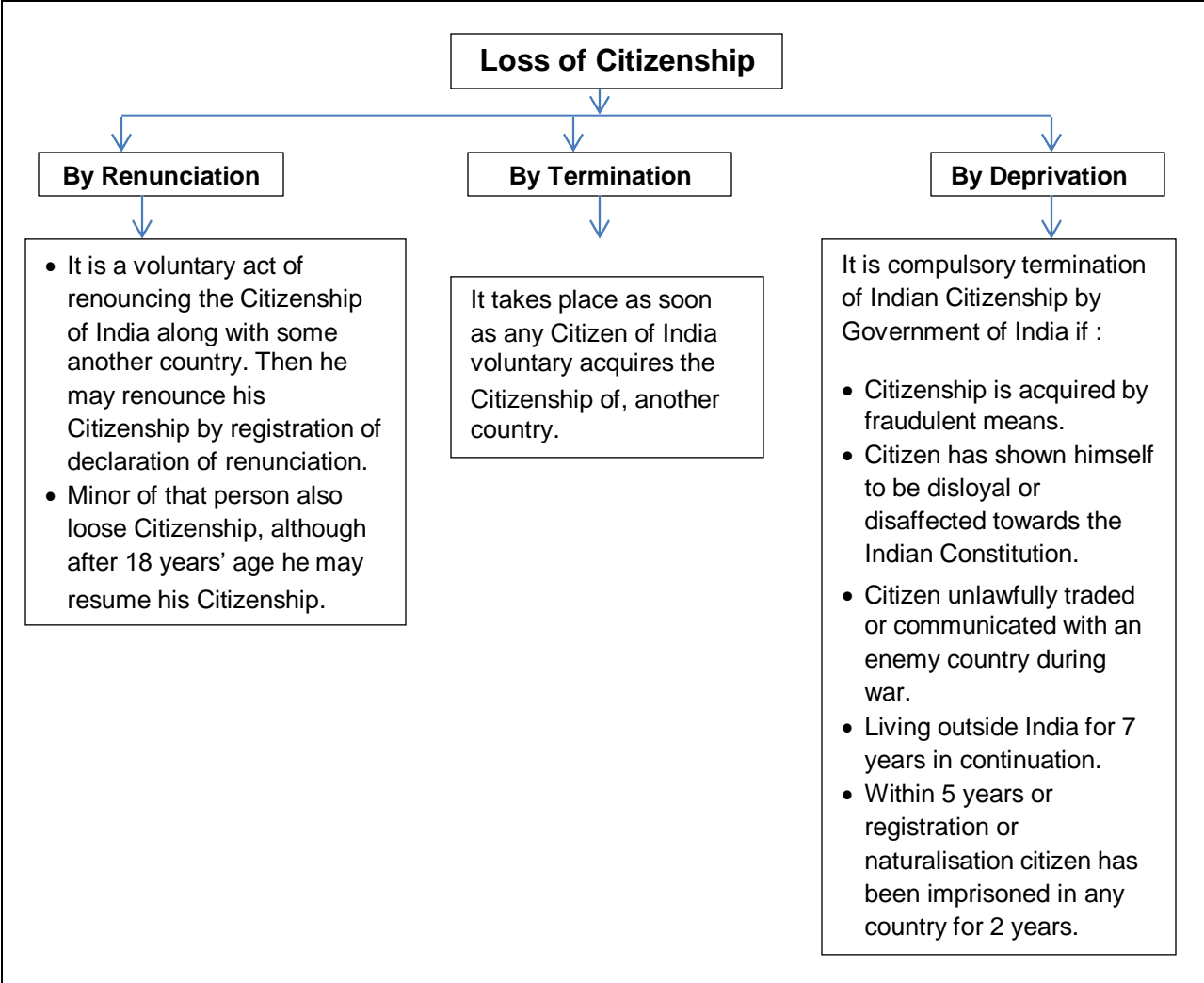
- No person who has voluntarily acquired the citizenship of any foreign state shall be a citizen of India or deemed to be a citizen of India.

Article 10

- Every person who is or is deemed to be a citizen of India shall continue to be such citizens, subject to the provisions of any law made by the Parliament.

Article 11

- Parliament shall have the power to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.



Amendments in Citizenship Act 1955

- The Citizenship Act, 1955 has been amended four times so far by the following Acts :
 1. The Citizenship (Amendment) Act, 1986
 2. The Citizenship (Amendment) Act, 1992
 3. The Citizenship (Amendment) Act, 2003
 4. The Citizenship (Amendment) Act, 2005

By Birth

- A person born on or after January 26, 1950 but before 1st July, 1987, irrespective of nationality of his parents.

By Descent

- A person born outside India on or after January 26, 1950 but before 10 December, 1992, is a citizen of India if his father was a citizen of India at the time of his birth or if after 10 December, 1992 either of his parents were Indian citizens.

By Registration

- Any person can acquire citizenship by registering before prescribed authority.

By Naturalisation

- A foreigner not being an illegal migrant can acquire Indian Citizenship, on application for naturalisation from the Government of India.

By Incorporation of Territory

- If a new territory becomes a part of India, the Government of India shall specify the persons of that territory who shall be the Citizens of India.

Features of Citizenship Amendment Act

- The Act makes religiously persecuted minorities (i.e. Hindus, Sikhs, Buddhists, Jains, Parsis, Christians) from Afghanistan, Bangladesh and Pakistan eligible for Indian Citizenship.
- The Act reduces the requirement of 11 years of continuous stay in India to 6 years to obtain citizenship by naturalisation for these communities belonging to these nations.
- Overseas Citizenship of India (OCI) can be cancelled in case of violation of law.

Census v/s National Population Register (NPR)

- The recent exercise of NPR is related to Census 2021. Census is a macro exercise conducted in every decade and is not intended to identify the individual identify details, while NPR is designed to collect identity details of individuals.
- The government decided to update the National Population Register along with houselisting phase of Census 2021 during April-September 2020 in all States/UT's except Assam (since it recently completed NRC)
- While registering with NPR is mandatory, furnishing additional data as PAN, Aadhar, Voter ID is voluntary. NPR will form the base for a nationwide National Register of Citizens. NPR is not a citizenship enumeration drive since it will include all usual residents (even foreigners staying for more than 6 months)
- Since NRC in Assam was prepared on a similar note, it is expected that after a list of residents is created (NPR), a nationwide NRC could go for verifying citizens from that list.

National Register of Citizens (NRC)

- The National Register of Citizens is the register containing names of Indian citizens.
- It was prepared in 1951 after conducting the census of 1951 and was published only once in 1951.
- The NRC will be updated to include the names of those persons (or their descendents) who appear in NRC – 1951, or in any of the electoral rolls up to the midnight of 24th March, 1971 or in any one of the other admissible documents issued up to midnight of 24th March, 1971, which would prove their presence in Assam or in any part of India on or before 24th March, 1971.
- All the names appearing in the NRC, 1951 or any of the electoral rolls up to the midnight of 24th March, 1971 together are called Legacy Data.
- There are 2 requirement for inclusion into updated NRC :
 - ➔ Existence of person's name in pre 1971 period.
 - ➔ Providing linkage with that person.

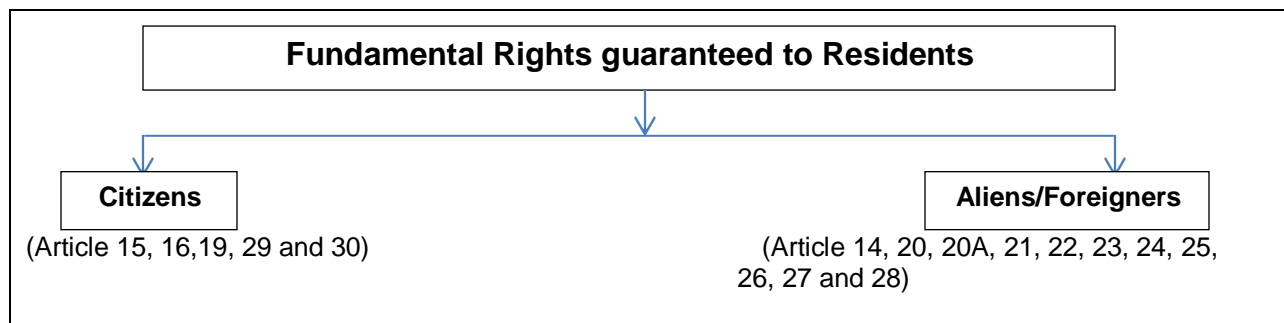
*Source : COSMOS PUBLICATION, DELHI

Fundamental Rights

- The idea of Bill Rights, in Indian Polity first emerged in Nehru report. Framers of the Indian constitution were later inspired from Bill of Rights in US constitution and included a full chapter on fundamental rights, regarded as the Magna Carta of India.
- Part III of Indian Constitution consisting of Articles 12 to 35 deals with Fundamental Rights. These rights are fundamental since they are guaranteed by Fundamental law of country i.e. by Constitution itself.
- Fundamental rights are guaranteed by Fundamental law of land i.e. by Constitution & hence, any action done by state in violation of these rights is null or void.
- For the violation of fundamental rights a person can move to Supreme Court and the right to move to Supreme Court is guaranteed by Fundamental Rights itself (under Article 32).

Right to property was put under Article 300 A in Part XII of Constitution and Article 31 and Article 19 (f) were omitted from Part III.

Fundamental rights can be suspended by President during national emergency (except Article 20-21) as under Article 358 and 359.



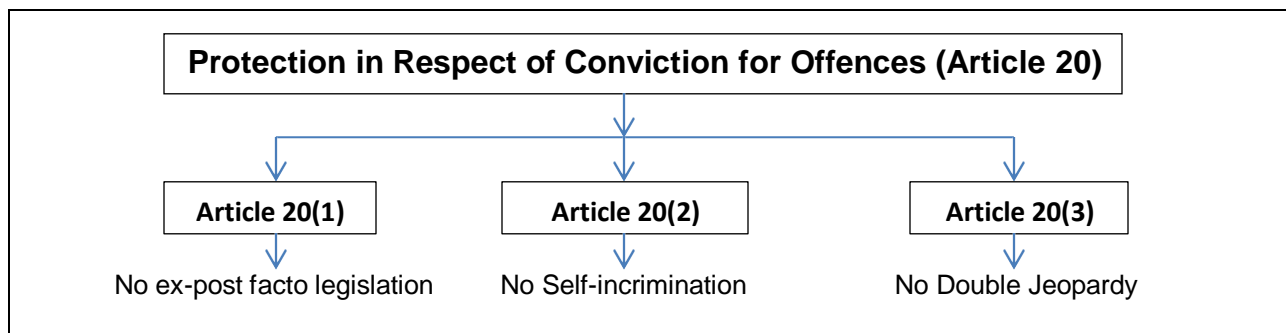
Article 13 provides for judicial Review of all legislations. The notion of Judicial Review is taken from the Constitution of USA.

- Article 14 provides for Equality before law where no man is above law and Equal protection of law, where unequals treated unequally.

- Article 15 contains prohibition of discrimination by state and individual as well against any citizen of India on specified grounds.
- Under Article 15(3) State has powers to make special provisions for women and children under Article 15(3), 16(2), 16(4).
- Article 17 abolished Untouchability under which parliament framed Protection of Civil Rights Act, 1955. The word Untouchability is not defined in the Constitution.

Article 19(1)(f) – Right to Property was removed by the 44th Constitutional Amendment Act, 1978 and made a Constitutional Right under Article 300A.

Right to form Cooperative Societies [19(1)(c)] became a fundamental right through 97th Constitutional Amendment Act, 2011.



Fundamental Rights

Right to Equality
(Article 14 – 18)

Equality before law
(Article 14)
Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
(Article 15)
Equality of opportunity in matter of public employment
(Article 16)
Abolition of untouchability
(Article 17)
Abolition of titles
(Article 18)

Right to Freedom
(Article 19 – 22)

Freedom of speech and expression
(Article 19)
Protection of life and personal liberty
(Article 21)
education
(Article 21A)
Protection against arrest and detention in certain cases
(Article 22)

Right against Exploitation
(Article 23 – 24)

Prohibition of traffic in human being and forced labour
(Article 23)
Prohibition of employment of children in factories, etc
(Article 24)

Right to Freedom of Religion
(Article 25 – 28)

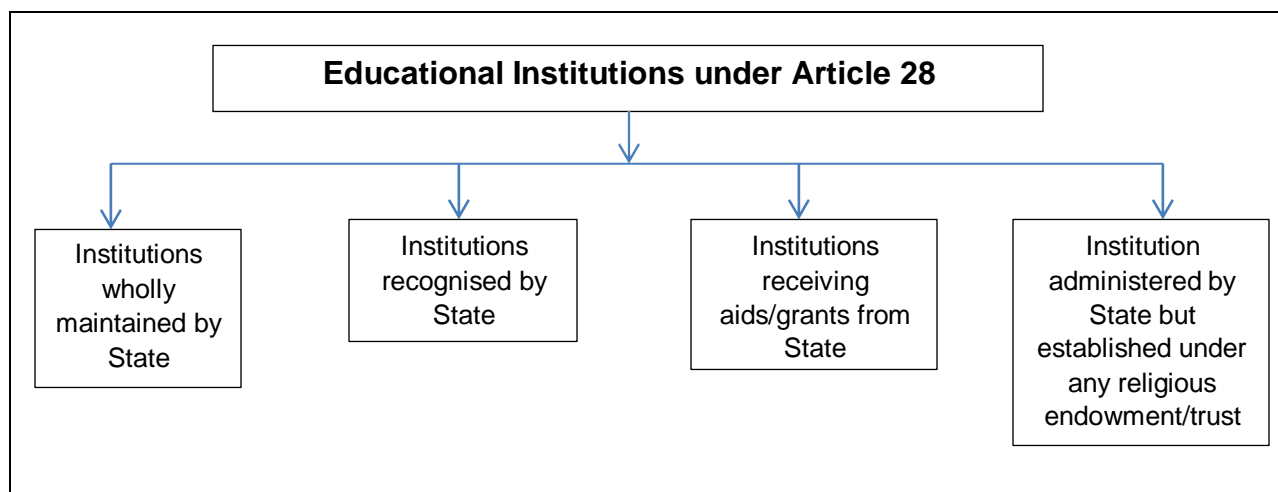
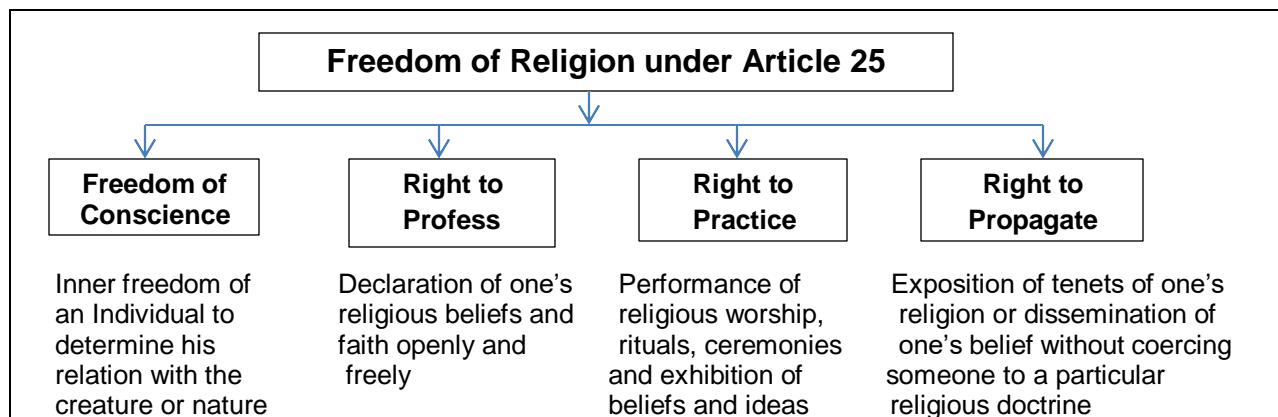
Freedom of conscience and free profession, of religion
(Article 25)
Freedom to manage religious affairs
(Article 26)
Freedom from payment of taxes for promotion of any religion
(Article 27)
Freedom from attending any religious instructions or worship in certain educational institutions
(Article 28)

Cultural and Educational Rights
(Article 29 – 30)

Protection of interests of minorities
(Article 29)
Rights of minorities to establish and administer educational institutions
(Article 30)

Right to Constitutional Remedies
(Article 32)

Remedies for enforcement of fundamental rights conferred by this part
(Article 32)



Exceptions of Fundamental Rights	
Article 31A	A law for agrarian reform or for acquisition of estates, etc. cannot be invalidated if it contravenes Article 14 and 19.
Article 31B	This articles provides complete exception to fundamental rights i.e. Law put under 9 th Schedule which is read with Article 31B cannot be invalidated on the ground of violation of fundamental rights.
Article 31C	Laws made for giving effect to certain directive principles cannot be invalidated on ground on contravention of Article 14 and Article 19.

Prerogative Writes	
Habeas Corpus	<ul style="list-style-type: none"> • Habeas Corpus literally means to have the body • In this writ court orders to a person who has detained another to produce the body of detained person before it.
Mandamus	<ul style="list-style-type: none"> • It literally means we command. This is issued against executive and inferior judicial bodies to perform their duties which they have failed to perform.
Prohibition	<ul style="list-style-type: none"> • Prohibition literally means to forbid (inactivity). • This writ is issued against judicial and quasi-judicial bodies only to stop them from going beyond their jurisdiction.
Certiorari	<ul style="list-style-type: none"> • This writ is issued against any judicial or quasi-judicial body by a higher court to quash the order of a inferior judicial body or to transfer any case to itself from a lower court.
Quo Warranto	<ul style="list-style-type: none"> • It literally means by what authority. • It is issued to ensure the legality of the qualification of the person holding an office.

*Source: COSMOS PUBLICATION, DELHI

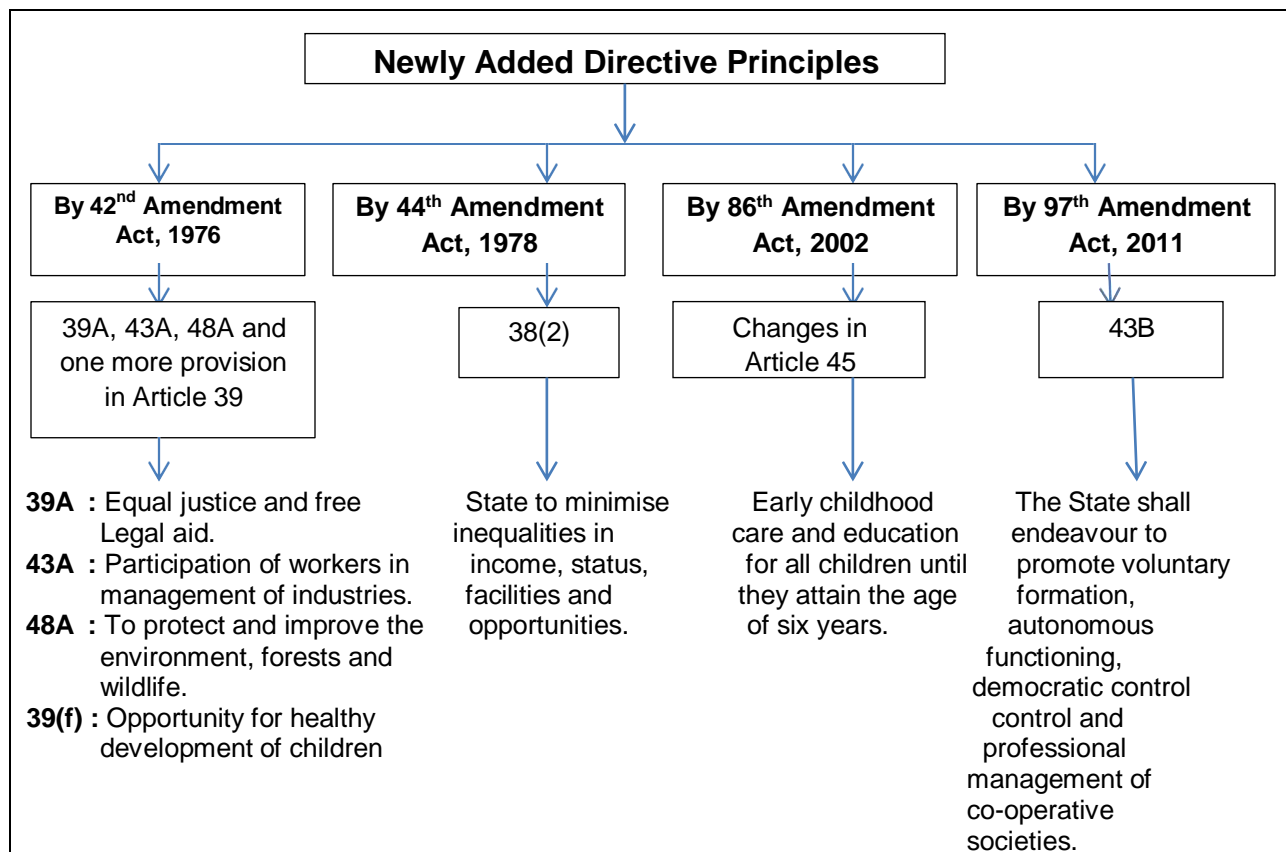
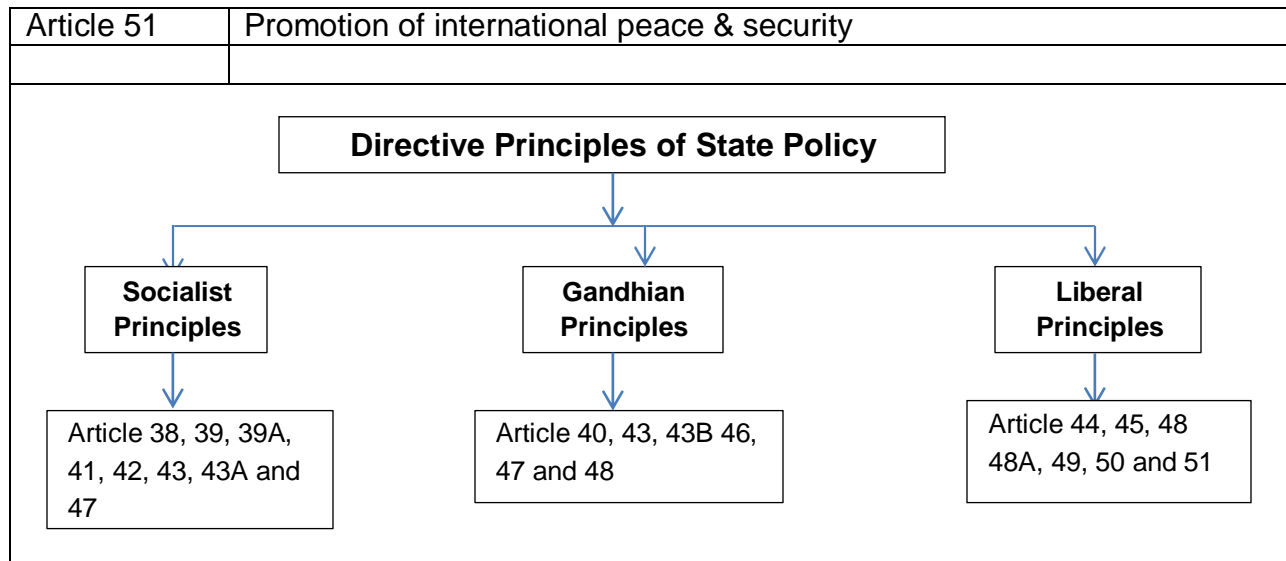
Directive Principles of State Policy

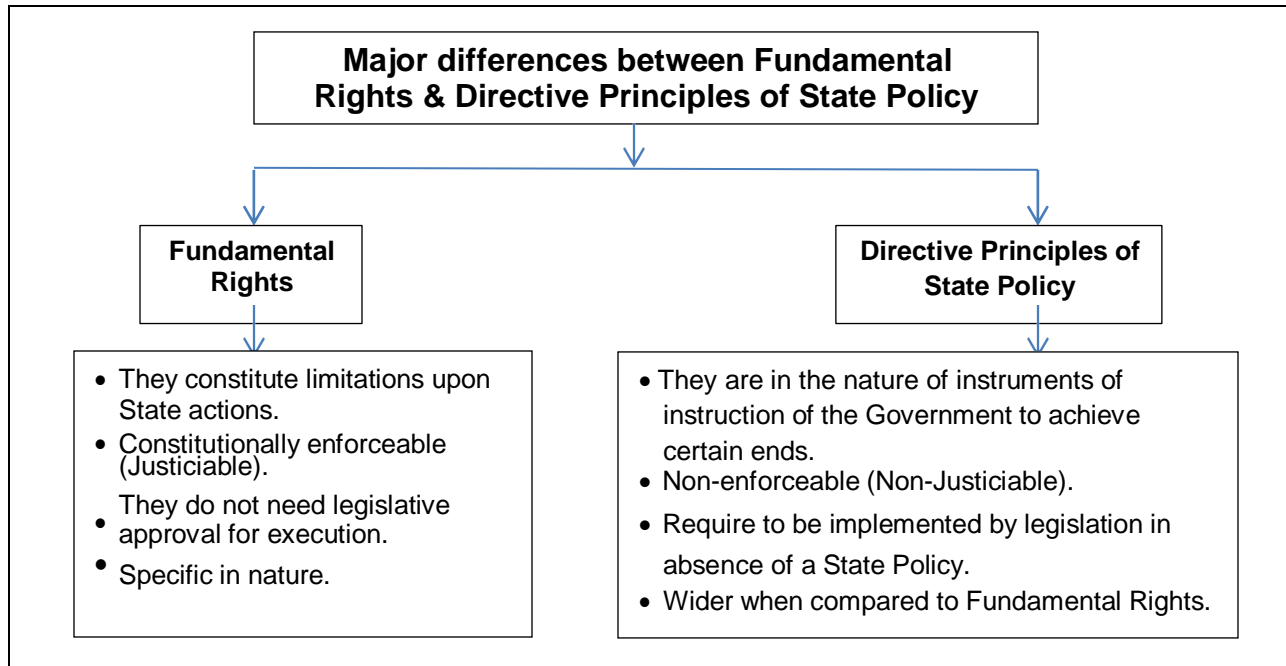
- Directive Principles of State Policy (DPSPs) are the principles or guidelines for law making to Indian State.
- Directive Principles contained in Part IV (Article 36 – 51) of the Constitution have been borrowed from Irish Constitution.
- These principles aim to establish social and economic democracy through a welfare State.
- Directive Principles are like the Instrument of Instructions given in Government of India Act, 1935.

At present under Article 31(c), a law can be protected if it implements Article 39(b) or (c) and not all Directive Principles.

- DPSP are non-justiciable in nature and were incorporated in the Constitution as Directives to the Union to draft future policies to ensure socio-economic democracy.

Directives Principles of State Policy Part IV (Article 36 – 51)	
Article 36	Definition of State
Article 37	Application of principles contained in this part
Article 38	State to secure a social order for the promotion of welfare of the people
Article 39	Certain principles of policy to be followed by the state
Article 39A	Equal justice and free legal aid
Article 40	Organisation of village panchayats
Article 41	Right to work, to education and to public assistance in certain cases
Article 42	Provision for just and humane conditions of work and maternity relief
Article 43	Living wage, etc, for workers
Article 43A	Participation of workers in management of industries
Article 44	Uniform Civil Code the citizens
Article 45	Provision for early childhood care and free and compulsory education for children
Article 46	Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
Article 47	Duty of the state to raise the level of nutrition and the standard of living and to improve the public health
Article 48	Organisation of agriculture and animal husbandry
Article 48A	Protection and improvement of environment and safeguarding of forests and wildlife
Article 49	Protection of monuments, places and objects of national importance
Article 50	Separation of judiciary from executive





*Source : COSMOS PUBLICATION, DELHI

Fundamental Duties

- Fundamental Duties are expected by the citizens of India like Directive Principles of State Policy (DPSP) are expected to be implemented by State.
- In 1976, the Congress Party set up Swaran Singh Committee to make recommendation about Fundamental Duties whose need was felt during emergency.
- Fundamental Duties were not the part of original Constitution instead added in 1976 by 42nd Amendment Act on the recommendation of Sardar Swaran Singh Committee.
- Ten Fundamental Duties were added initially in the Constitution by 42nd Amendment Act, 1976.
- This Amendment added Part IVA (Article 51A) in the Indian Constitution.
- One more duty was added in 2002 by 86th Constitutional Amendment Act raising the total number of Fundamental Duties to 11.

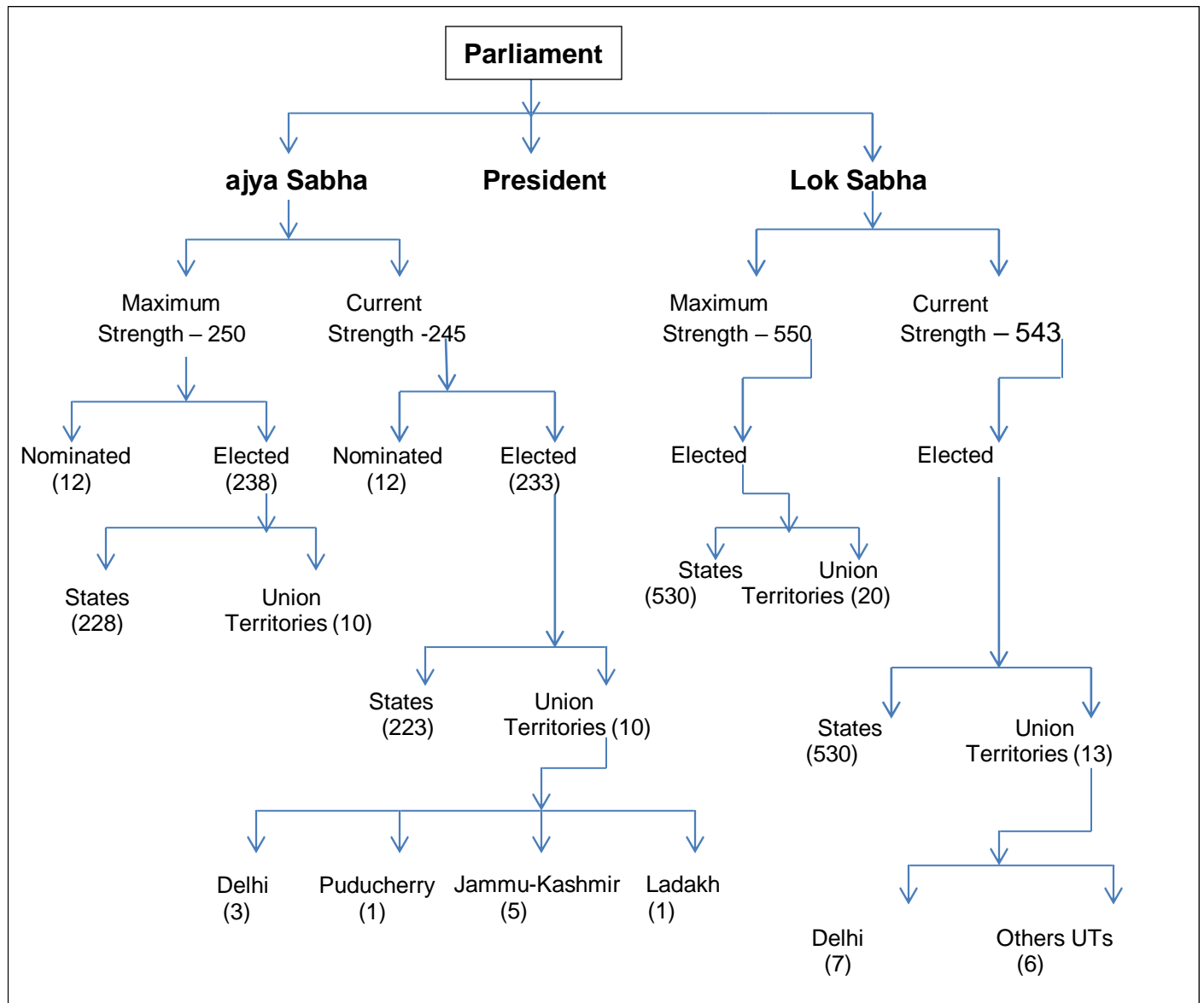
Fundamental Duties
<ul style="list-style-type: none">• Part IVA (Article 51A) of the Constitution says that, it shall be the duty of every citizen of India :
<ul style="list-style-type: none">(a) To abide by Constitution and respect its ideals and institutions, the National Flag and National Anthem;(b) To cherish and follow the noble ideans that inspired the national struggle for freedom;(c) To uphold and protect the sovereignty, unity and integrity of India;(d) To defend the country and render national service when required;(e) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women;(f) To value and preserve the rich heritage of our composite culture;(g) To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;(h) To value the scientific temper, humanism and the spirit of inquiry and reform;(i) To safeguard public property and to abjure violence;(j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;(k) A parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six to fourteen years (86th Amendment Act, 2002).

- Fundamental Duties have references from USSR's and Japanese Constitution. Japanese Constitution is the only democratic constitution in the world which contains duties of citizens.

*Source : COSMOS PUBLICATION, DELHI

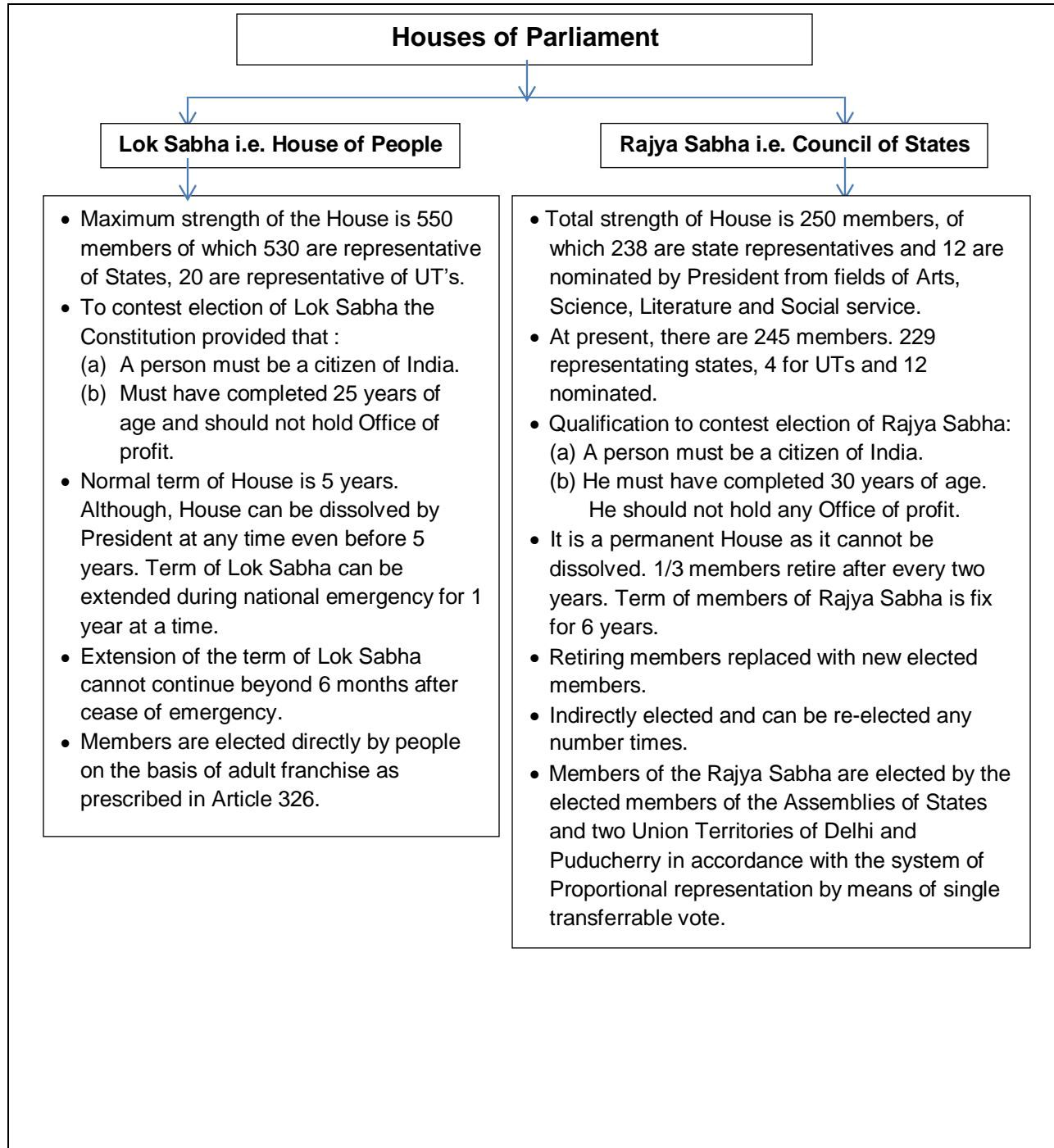
Parliament

- Parliament is the legislative wing of the Central Government in India. It is responsible for making laws.
- The Parliamentary form of government is adopted from Britain (westminster model).
- Part V (Article 79 – 123) of Indian Constitution gives the details of composition of both the Houses, sessions of Parliament, Annual financial statement, Bills, Money bill, Role of Speaker and Chairman and their election, powers, privileges of Houses and its members.
- Lok Sabha is also called House of people or Lower House, Rajya Sabha is also called as Upper House or Council of states. Lok Sabha represents people of India as whole and Rajya Sabha represents the States and Union territories.
- After Rajya Sabha passes such resolution with absolute majority then resolution has to be passed by Lok Sabha also (Article 67).



- Rajya Sabha has the special power to pass a resolution for creation of any All India Services or All India Judicial Services if Rajya Sabha considers it in national interest. If Rajya Sabha passes such resolution with special majority then only Parliament can legislate on this. (Article 312).
- If Rajya Sabha thinks that it is important or in the national interest to legislate on any State subject by Parliament then it can pass a resolution for that by 2/3 majority. Such a resolution can be initiated only in Rajya Sabha (Article 249).
- Legislation passed under Article 249 on state subject shall remain in force for one year.

- Rajya Sabha has equal powers with Lok Sabha in the process of impeachment of President, removal of judges of Supreme Court, High Court, Chief Election Commissioner and CAG.



Disqualification of Members of Parliament

Constitutional Provisions (Article 102)

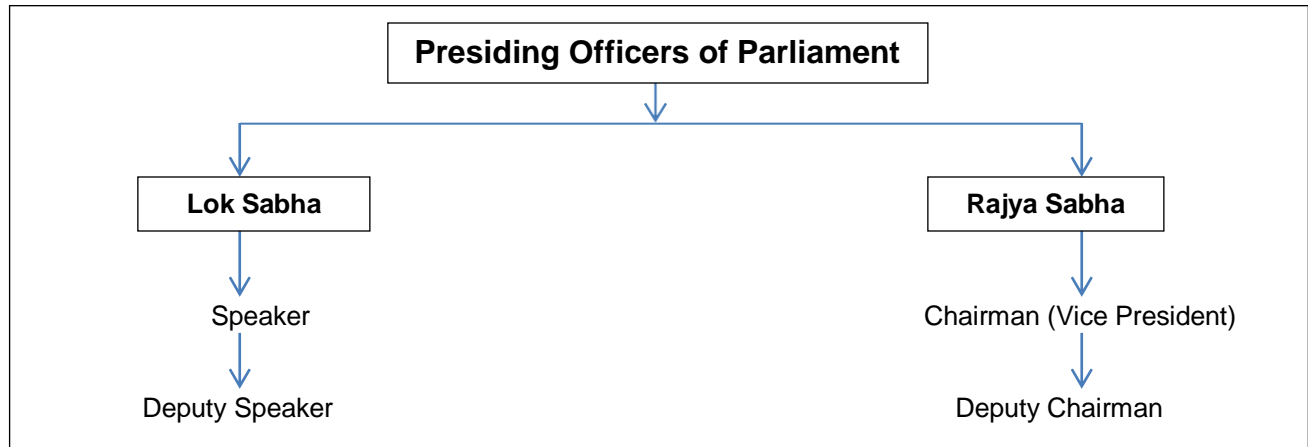
- If he holds any office of profit under Government of India or State Government (but not a minister for union or state).
- If he is of unsound mind and stands so declared by a competent court.
- If he is an undischarged insolvent.
- If he is not a citizen of India or he has voluntarily given up Indian citizenship or acquired foreign citizenship.
- If he is so disqualified by or under any law made by Parliament.
- On the question of disqualification of any member decision of President in consultation with Election Commission is final.

Representation of People's Act, 1951

- A person who have been convicted for any offence resulting in imprisonment for 2 or more years.
- If a person has been found guilty of certain electoral offences or corrupt practices.
- If person has been dismissed from government service for corruption.
- If a person is engaged in spreading enmity between groups.
- If he is holding office of profit in government services.
- Failed to lodge election expenses on time.

Grounds of Defection under 52nd Amendment Act 1985 (Schedule – 10)

- He gives up membership of a party on whose ticket he was elected.
- He defects or joins another party.
- He votes against whip or party or abstains from voting against party will.
- He is a nominated member and joins any political party after 6 months.
- A member elected as an independent candidate shall be disqualified if he joins any political party after his election.



- Speaker is the Presiding officer of Lok Sabha. He presides over the meetings of the House of people, maintains the order of the house and the interprets the rules of procedure for the proceedings of house.
- Speaker chairs the Joint session of both the houses and is the sole authority to decide if a bill is Money bill or not.

Constitutional Provisions related to Parliament : Part V, Chapter II	
Article 79	Constitution of Parliament
Article 80	Composition of the Council of States/Rajya Sabha
Article 81	Composition of the House of People/Lok Sabha
Article 83	Duration of Houses of Parliament
Article 84	Qualification for membership of Parliament
Article 85	Sessions, Prorogation and Dissolution
Article 89	Chairman and Deputy Chairman of Council of States
Article 93	Speaker and Deputy Speaker of the House of People
Article 102	Disqualification for membership
Article 105	Powers and Privileges of the Houses of Parliament
Article 108	Joint Sitting of the House
Article 110	Definition of Money Bills
Article 111	Assent to Bills
Article 112	Annual Financial Statement
Article 114	Appropriation Bills
Article 116	Votes on account
Article 117	Finance Bills
Article 120	Language used in Parliament
Article 122	Courts not to inquire into Parliamentary proceedings
Article 123	Ordinance making Power of President

- Speaker and Deputy Speaker are elected by the house from its members by a simple majority of members present and voting.
- He can be removed by a resolution of the House by absolute majority. He should be given a 14 day notice before such a resolution. Resolution must have 50 members support in order to be introduced.
- Vice-President of India is the ex-officio Chairman of Council of States (Article 64). He presides over Rajya Sabha as its Chairman and remains in office as long as he functions as Vice-President of India.
- He is removed from office only as Vice-President of India.
- Vice-President can be removed from the office if Rajya Sabha passes a resolution by an absolute majority and Lok Sabha approves the resolution by a simple majority.

Leader of Opposition

- The post Leader of Opposition existed earlier also but got statutory recognition in the Salaries and Allowance of Leader of Opposition in the Parliament Act, 1977.
- Each house has a leader of opposition who is leader of the largest opposition party that has not less than one-tenth of the total strength of the house.

Powers and Functions of Lok Sabha and Rajya Sabha

- Lok Sabha has special powers with regard to Money Bills. Money Bills can be introduced only in Lok Sabha. After passage of Money Bill in Lok Sabha it is sent to Rajya Sabha.
- Rajya Sabha has to return the bill to Lok Sabha within 14 days with or without any recommendations. If Rajya Sabha does not return the Money bill within 14 days then Bill is considered to be passed and if Rajya Sabha returns the Bill with amendments then too it is up to Lok Sabha whether to accept the changes or not.
- Any constitutional amendment bill can be introduced in either house like ordinary bill. Whether it is Ordinary Bill or Constitutional amendment bill it must be passed by both the house of Parliament.
- In case of disagreement on ordinary bill, there is a provision for joint sitting of both houses (Article 108) where, deadlocks are resolved by majority both the members of the house present and voting.

- Joint sitting is presided by Speaker of the Lok Sabha or in his absence the Deputy Speaker of the Lok Sabha or in his absence Deputy Chairman of the Rajya Sabha.

Joint-Sitting (Article 108) cannot take place for Constitutional Amendment Bill (Article 368) or the Money Bill.

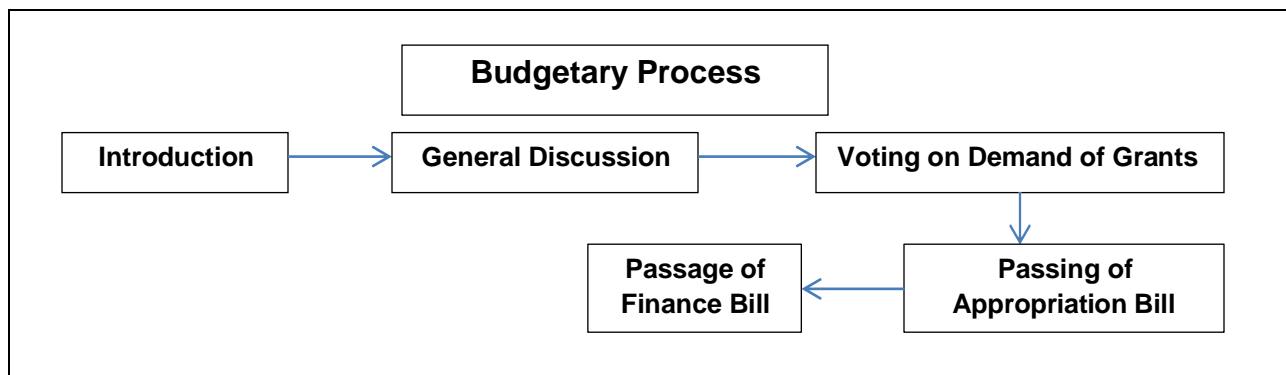
Voting on demand for grants can take place only in Lok Sabha.

Powers/Functions of Rajya Sabha

- A resolution of remove the Vice-President can be introduced in Rajya Sabha only.

Sessions of Parliament				
February – May	Recess	July – September	Recess	November - December
Budget Session		Monsoon Session		Winter Session

Adjournment, Prorogation and Dissolution of the House		
Adjournment	Prorogation	Dissolution
This is the suspension of proceedings of house for hours, days or weeks. This is under a session.	This is the termination of the session of the house. This can be done even when the house is adjourned.	This ends the tenure of Lok Sabha. General elections must be held for the new house of people after dissolution.
This is done by the presiding officer of a House.	This is done by President on the recommendation of Council of Ministers.	President dissolves the Council of Ministers recommend (in case of end of tenure) or when Council of Minister loses majority in the House of People.



Voting on demand is an exclusive privilege of the Lok Sabha.

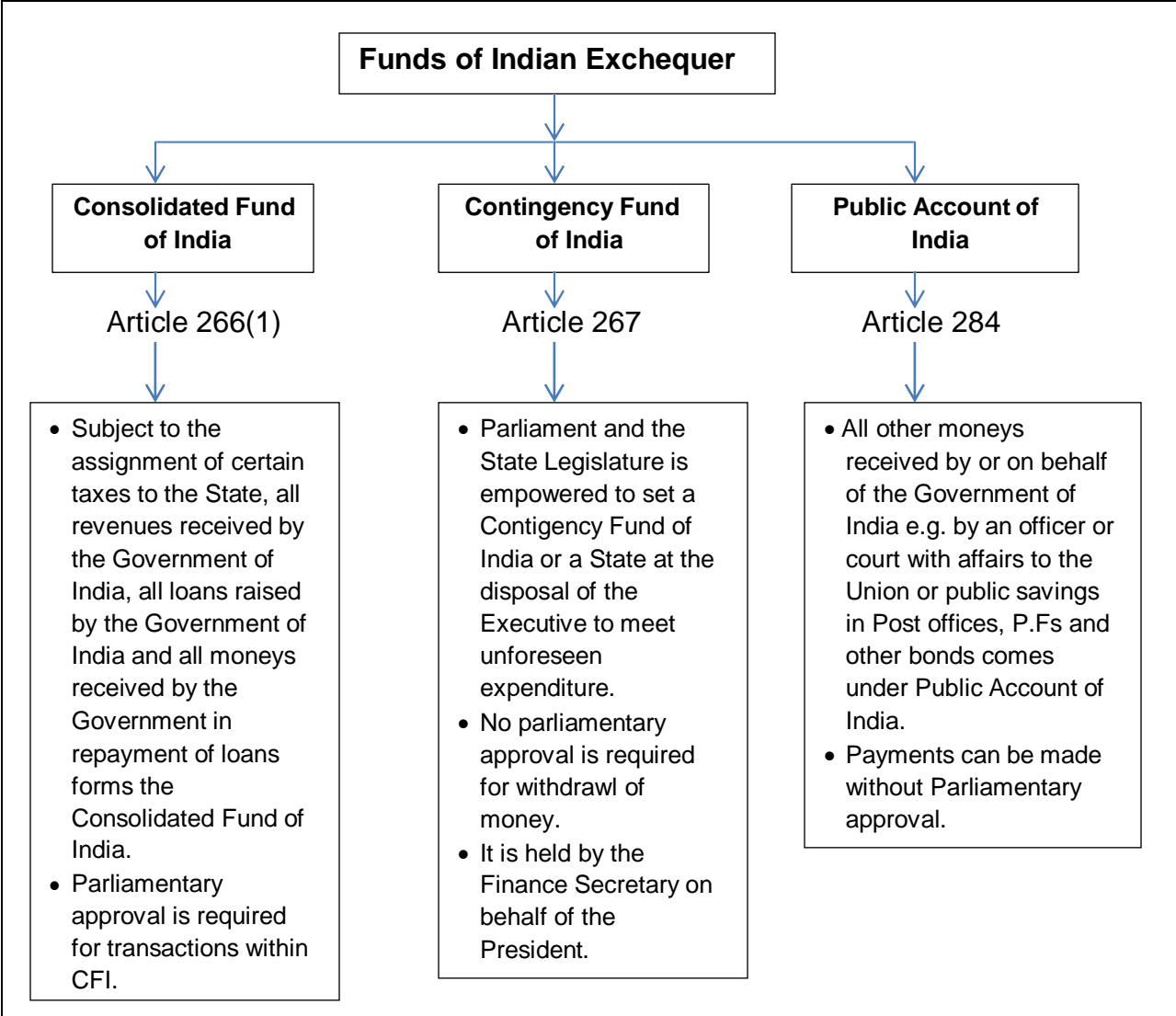
Appropriation Bill is passed as a Money Bill, under the condition that no amendment is proposed at this stage, changing/altering the amount of any grant made earlier.

Important facts related to Budget

- First Budget was introduced by East India Company on April 6, 1860.
- RK Shanmukham Chetty was the first Finance Minister who presented Independent India's first Union Budget on November 26, 1947.
- Morarji Desai has presented the most number of Budgets at ten, followed by P. Chidambaram's nine and Pranab Mukherjee's eight. Yashwant Sinha, Yashwantrao Chavan and CD Deshmukh have presented seven budgets each and Manmohan Singh and TT Krishnamachari six each.
- Union Budget was announced at 5pm on the last working day of February until 1999, a practice inherited from the British era.
- Finance Minister Arun Jaitley stated presenting the Union Budget on February 1 from 2017. Rail budget was merged with Union Budget in 2017.

Expenditure Charged upon the Consolidated Fund of India/Non-Voted Part [(Article 112(3))]

- Emolument and allowances of the President, Chairman and Deputy Chairman of Rajya Sabha, Speaker and Deputy Speaker of Lok Sabha.
- Debt Charges of Government of India.
- Salaries, allowances and pensions of Supreme Court Judges and CAG.
- Pension of High Court Judges.
- Sums satisfying any Judgement, decree or award of any court or arbitral tribunal.



Imported Provisions related to Bills

Public Bill

- Introduced by a Minister in either of the House.
- It's introduction requires 7 day's notice.
- It can be detained for a maximum period of 6 months by the house other than the one, where the bill originated.
- In case of a deadlock, a provision of joint sitting between both the houses is provided, which is summoned by the President and presided by the speaker.
- President can apply suspensive Veto or Pocket Veto.

Private Member Bill

- Introduced by a member of either of the House, other than a minister.
- It's introduction requires one month notice.
- President can apply Absolute Veto.

Money Bill

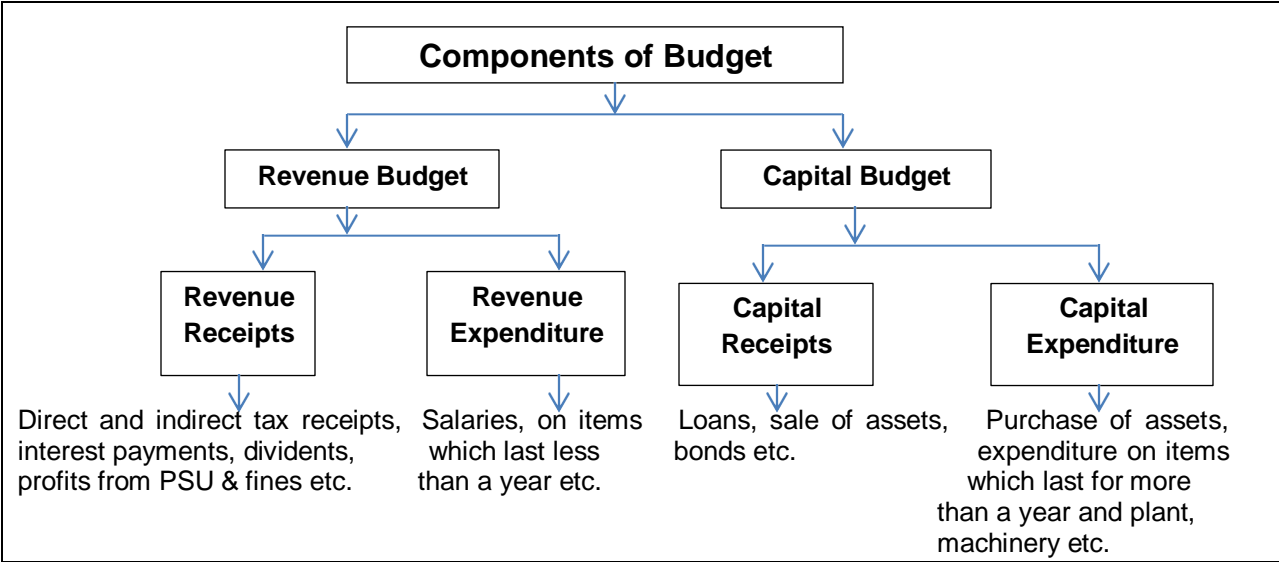
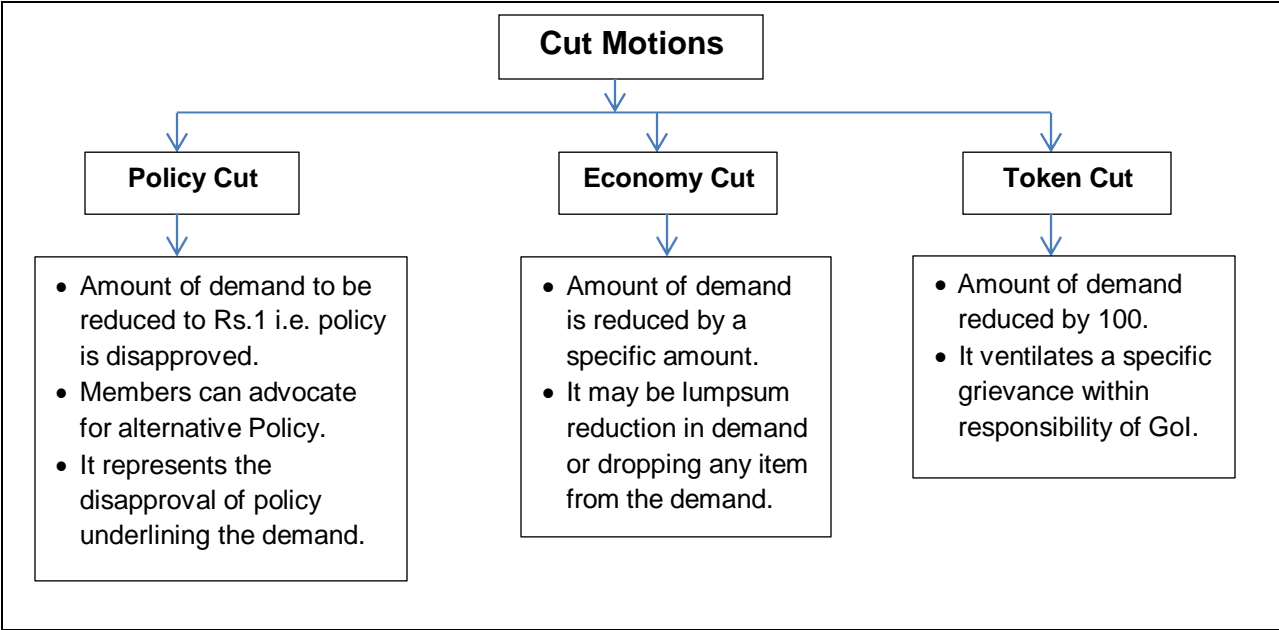
- Can be introduced only by a Minister, only in Lok Sabha.
- It can be introduced only on the recommendation of the President and requires the certification of the Speaker, when transmitted to Rajya Sabha.
- It can be detained by Rajya Sabha for a maximum duration of 14 days.
- There is no provision of joint sitting.
- It's defeat in the Lok Sabha leads to the resignation of the Government.

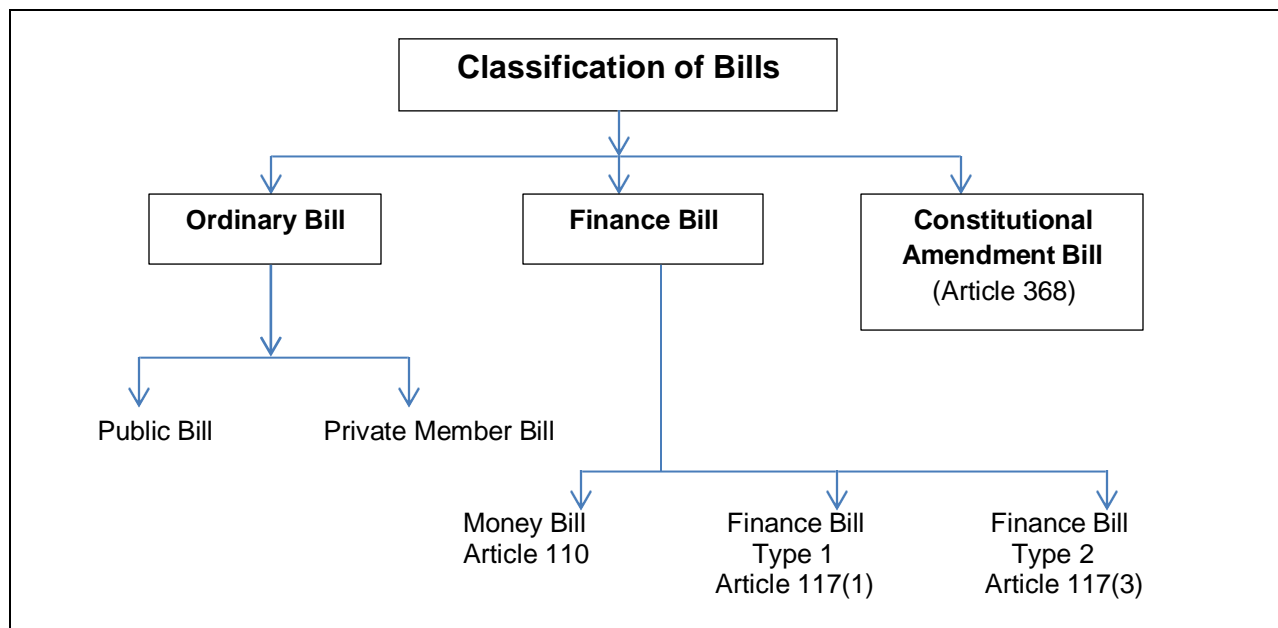
Finance Bills Type – I & II

- Finance Bill Type – I can be introduced only in Lok Sabha on the prior approval of the President.
- There is a provision of joint sitting in case of a deadlock.
- Finance Bill Type – 2 is treated like an ordinary bill with similar provisions.

Constitutional Amendment Bill

- Can be introduced in either of the House.
- There is no provision of joint sitting, since the bill needs to be passed by both the houses by a special majority.
- In case of bills dealing with the federal structure, the bill needs to be ratified by half of the State legislatures by a simple majority.





- Bills can be Public Bills (introduced by a minister) or it can be Private Bill (introduced by a member of House who is not a minister).
- 7 days notice is required for Public Bill while one month notice and leave of the house for introduction of Bill should be taken in private members' Bill.

If Bill is passed by a simple majority of members present and voting in joint sitting then it is considered to be passed by both the houses.

Question Hour

- This is first hour of Parliament sitting. Members of Parliament ask questions to ministers, who have to reply for those questions.

Starred Questions

- These are the questions on which ministers give oral reply and if member is not satisfied by the answer then he can ask supplementary questions with permission of speaker.
- These have star mark with questions.

Unstarred Questions

- These are the questions whose reply is given in written form.
- These questions are not labelled with stars and hence called unstarred questions.

Short Notice Questions

- These are the questions of public importance and can be asked with a short notice of less than 10 days. These are answered orally.
- These are answered after starred questions are replies.
- Date for the answer is fixed as suggested by minister.

Zero Hour

- During this time after Question hour when members raise questions on different issues without prior notice.

It is not mentioned in rules of procedure.

Calling Attention Motion

- This is the motion moved by a member to raise the matter of public importance. It is mentioned in rules of Procedure.

Censure Motion

- This is the motion moved for censuring the specific policy and actions against any minister or council of ministers.

Censure motion can be introduced only in Lok Sabha.

No-confidence Motion

- This motion is for showing that government has lost its majority and if this motion is passed then Council of ministers has to resign.

Confidence Motion

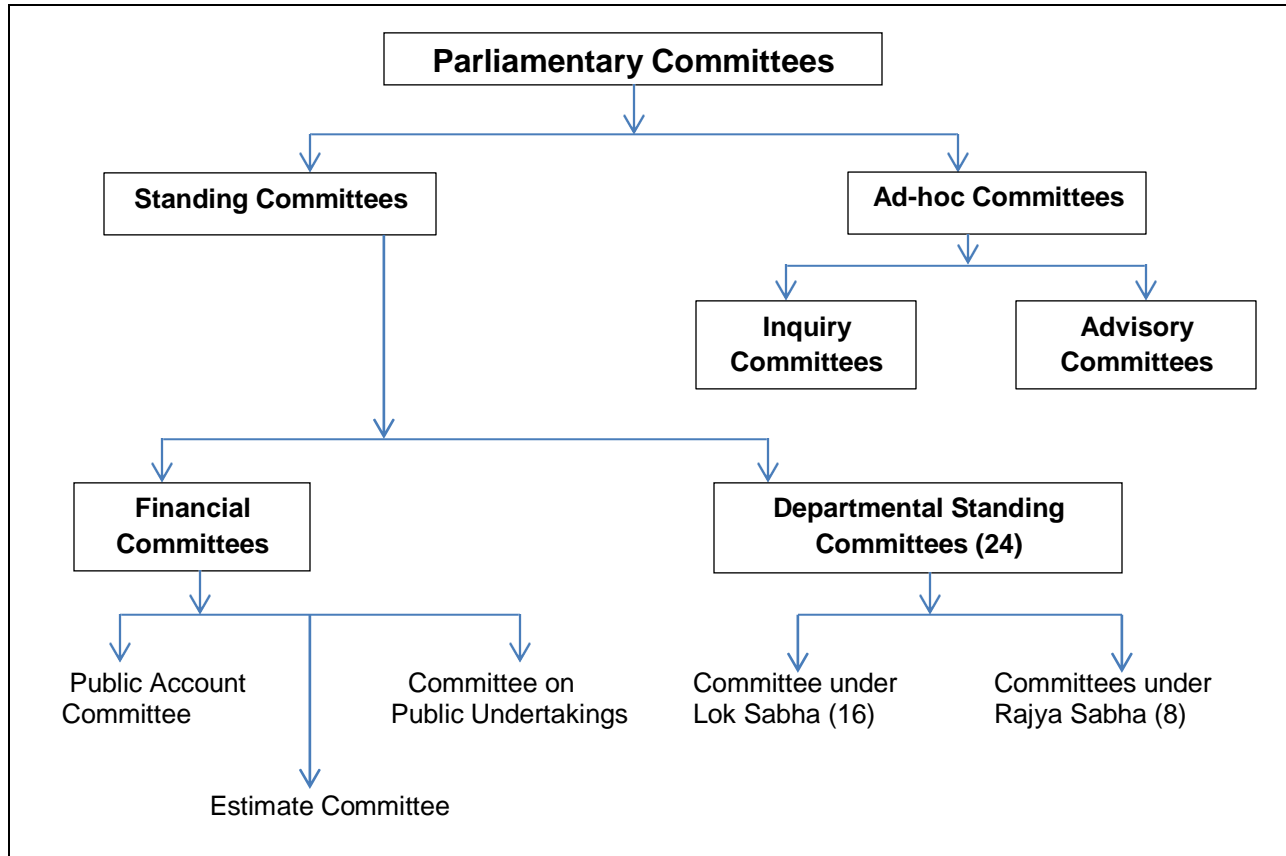
- This motion is introduced by ruling government to prove confidence or support of majority in Lok Sabha.

Adjournment Motion

- This motion is introduced to draw attention of the house towards a recent matter of urgent public importance.

Motion of Thanks

Every first session of the year and first session after general election is addressed by the President. If this motion is not passed then ministry has to resign from office.



*Source : COSMOS PUBLICATION, DELHI

President and Vice President

- India adopted the parliamentary system of government under which President is the Head of the State but he is a nominal head (de-jure). The real power lies in the hands of Prime Minister (Head of the Government) who is de-facto ruler.
- Part V of Indian Constitution deals with the Union Executive (Articles 52 to 78). Union Executive comprise of the President, the Vice President, the Prime Minister, the Council of Ministers and the Attorney General of India.
- Under Chapter I of Part V, provisions regarding qualification, election, impeachment etc. of the President of India are provided (Article 52 to 62).
- President is an integral part of the Parliament. All the executive powers of the Union are vested in the President which shall be exercised by him directly or through officer subordinate to him (Article 53).

Election of the President

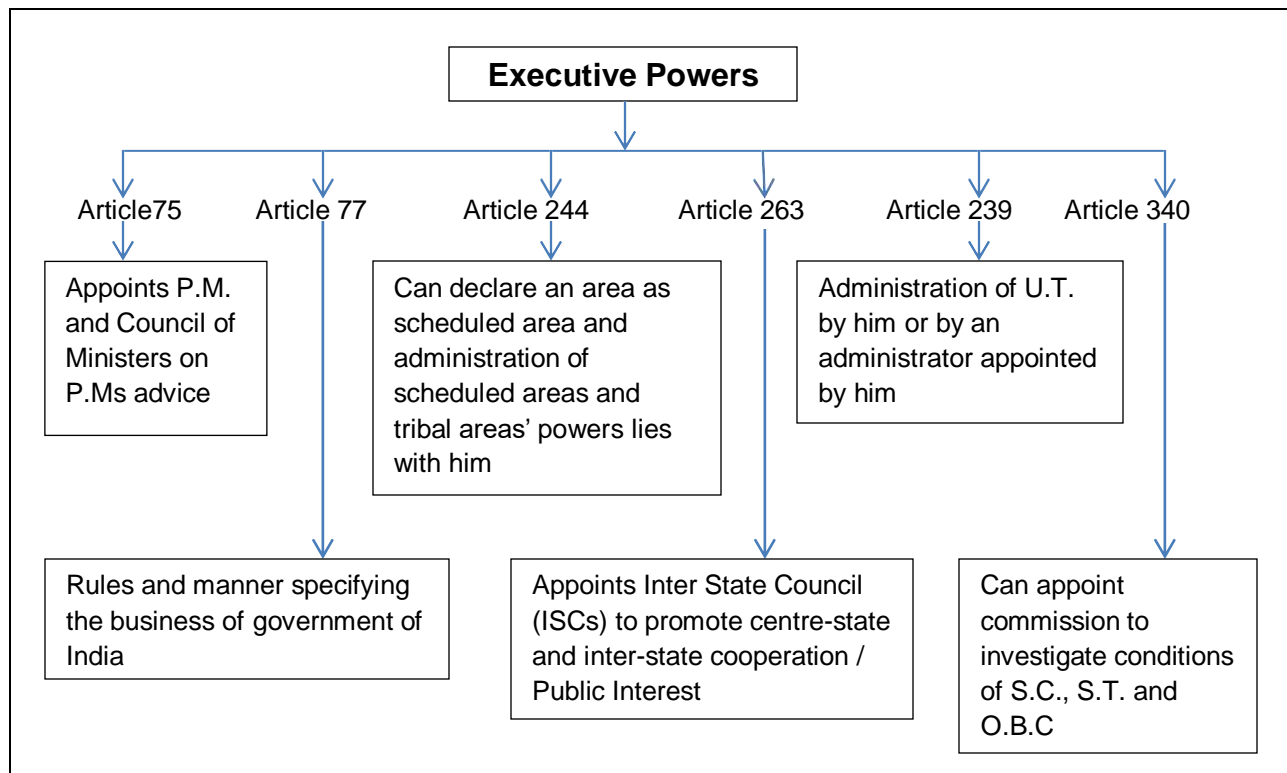
- President of India is elected by Indirect election i.e. by an electoral college in accordance with the system of proportional representation by means of single transferrable vote.
- Electoral college consists of – elected members of both the Houses of Parliament, elected members of Legislative assembly of the States and elected members of Union Territories of Delhi and Puducherry.
- Method of Election of President is taken from the Irish Constitution. Any doubts and disputes related to election of President can be challenged only in the Supreme Court of India, which is final.
- When a permanent vacancy occurs in the office of President due to death, resignation or removal, the Vice President acts as President and discharges the functions of office of the President until the new president enters upon his office [Article 65(1)]. Parliament enacted President (Discharge of functions) Act 1969, under which CJI and in his absence seniormost judge of SC can act as President in case of vacancy.
- The Constitution also provides that the election to fill the vacancy should be conducted within six months of vacancy.

Qualification for Election of President

- A person must : be a citizen of India, have completed 35 years or age, be qualified for election as member of House of People (Lok Sabha).
- President takes an oath administered by Chief Justice of India and in his absence by senior most judge of the Supreme Court.
- An acting President, who is temporarily discharging the functions of the President shall also be administered oath before entering the office.
- The term of President office is 5 years from the date on which he enters upon his office and he is eligible for re-election (Article 56-57).
- He may resign before the term of 5 years by giving resignation to the Vice-President.
- He can be impeached from his office for the violation of Constitution (Article 61). But the term violation of Constitution is not mentioned in the constitution.
- For President's impeachment, a resolution signed by not less than 1/4th of the total members of the house could be initiated in either house, after 14 days' prior notice to President in writing.
- The Resolution should be passed by a majority of the house not less than two-third of the total membership of the house in which the resolution originates.
- The other house investigates the charge and the resolution passed by not less than two-third of the majority of membership of that house, the President stands removed.
- The nominated members of either House of the Parliament can take part in the impeachment process, but the elected members of State Assemblies and UT of Delhi and Puducherry do not take part in the impeachment.
- The current salary of the President is 5 Lakh/month since the Union Budget, 2018-19.

Appointments by President

- Prime Minister and Council of Ministers on the advice of Prime Minister (Article 75).
- Attorney General of India (Article 76).
- Comptroller and Auditor General (Article 148)
- Supreme Court and High Court Judges
- Chief Election Commission (Article 324)
- Finance Commission (Article 280)
- UPSC and JPSC members (Article 316)
- Special officer for S.C./S.T.
- Official Language Commission (Article 344)
- Governor (Article 155)
- Special officer for linguistic minorities [(Article 350(B)]



Legislative Powers

Ordinance(Article 123)

He can promulgate ordinances which has to be approved by Parliament within 6 weeks, from reassembly, which can be withdrawn any time, by him.

Lays down reports of the following before Parliament:

- UPSC, Finance Commission and CAG.

Article 86(2)

Has the right to send message to either house of parliament regarding nay pen-ding bill or to other matter and House must consider it with all convenient dispatch.

Regarding Parliament

- He summons / prorogue the Parliament.
- He also summons the joint sitting in case of disagreement over a bill.
- Can dissolve Lok Sabha.
- Addresses Parliament after general election and 1st session of each year.

Decides on the question of disqualification s of members of parliament in consultation with Election Commission.

He appoints :

- Any member of Lok Sabha to preside over, when the offices of Speaker & deputy Speaker fall vacant.
- Similarly for Chairman & Deputy Chairman in Rajya

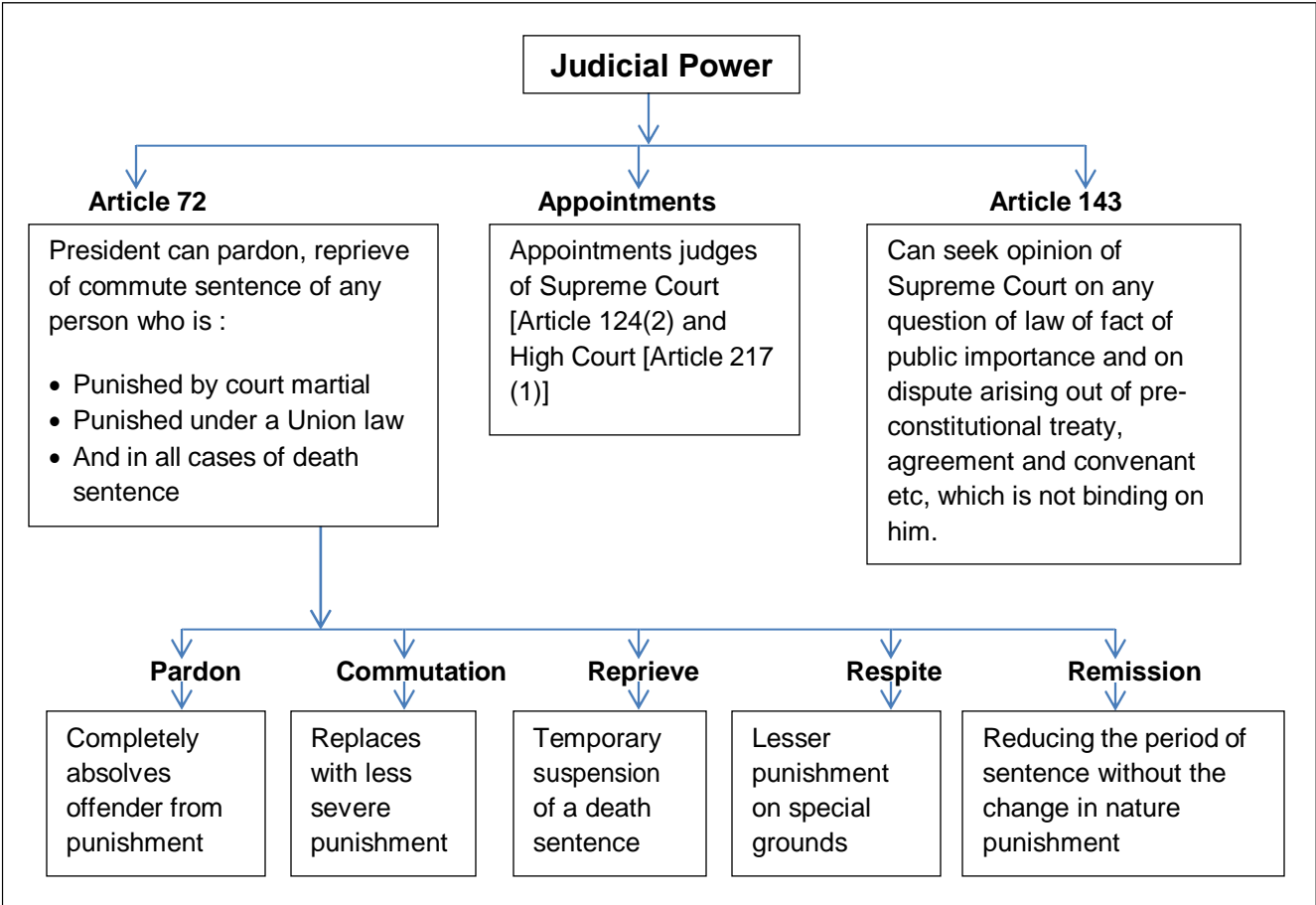
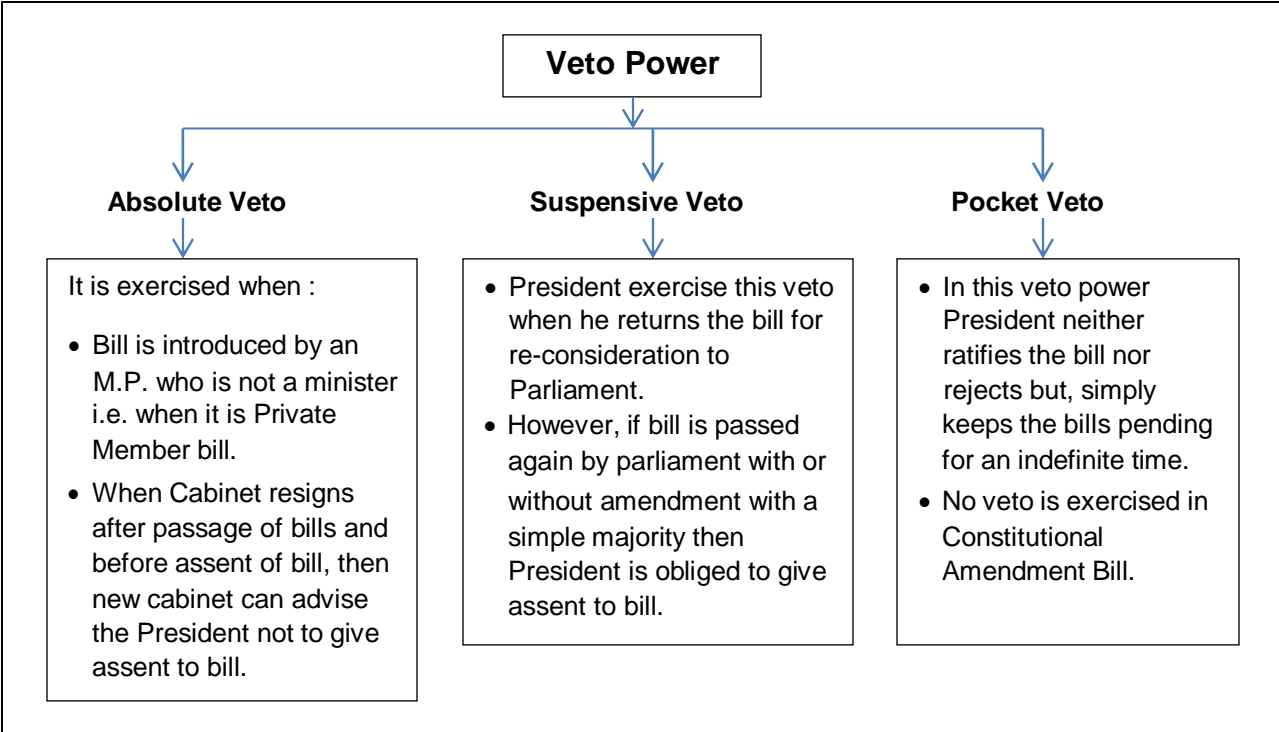
- Can make regulations for peace, progress and good governance of Andaman & Nicobar, Dadra & Nagar Haveli and Daman & Diu.
- In case of Puducherry, President can make regulation when Assembly is suspended or dissolved.

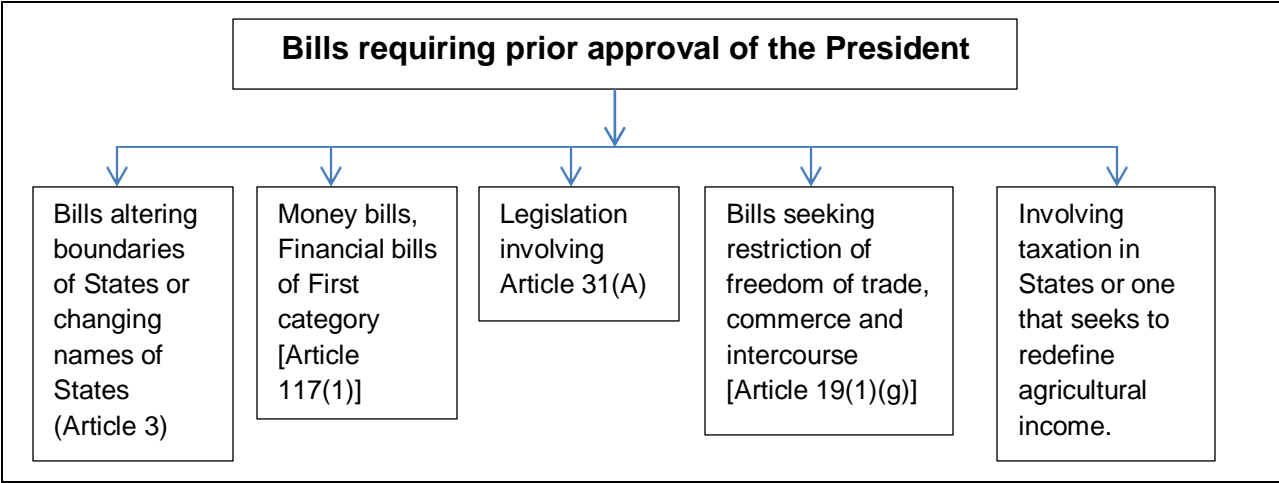
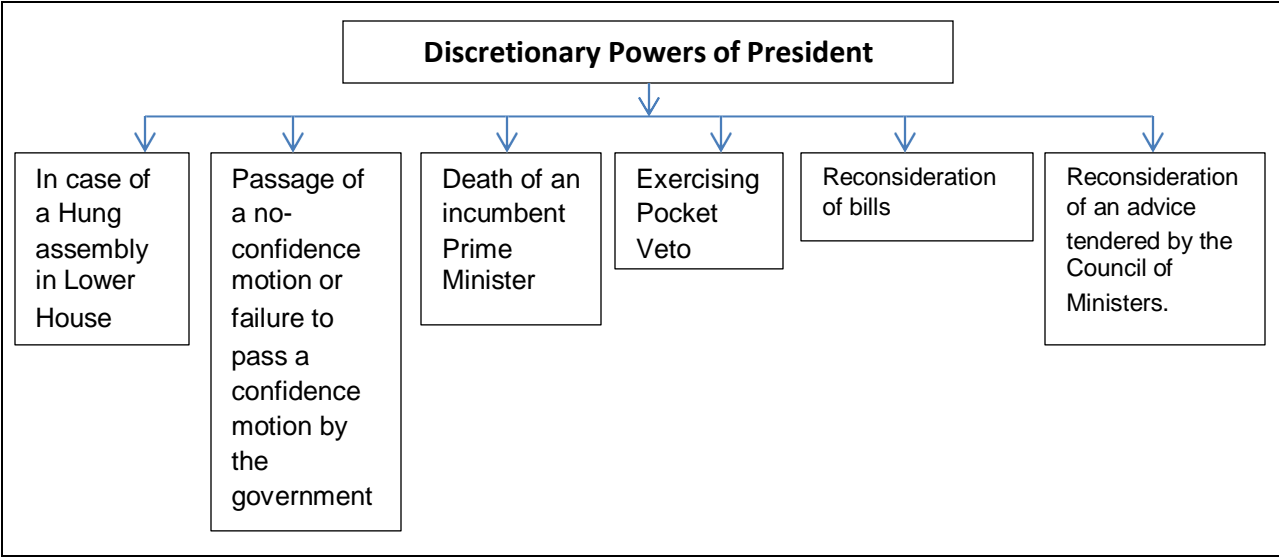
When bill passed by parliament is sent to President for his assent then he has following alternatives :

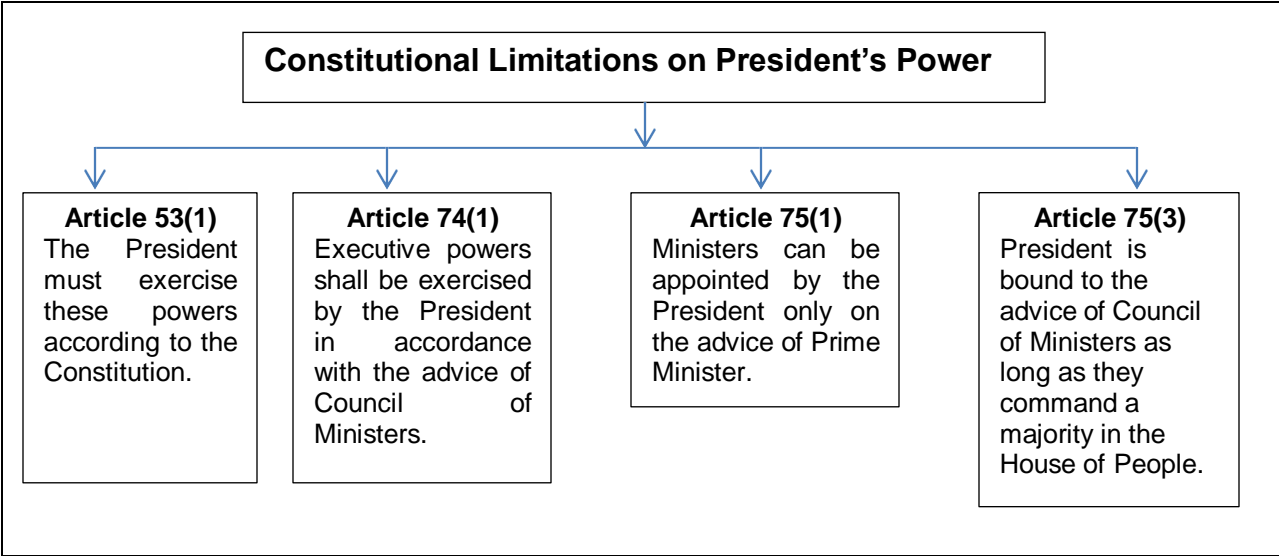
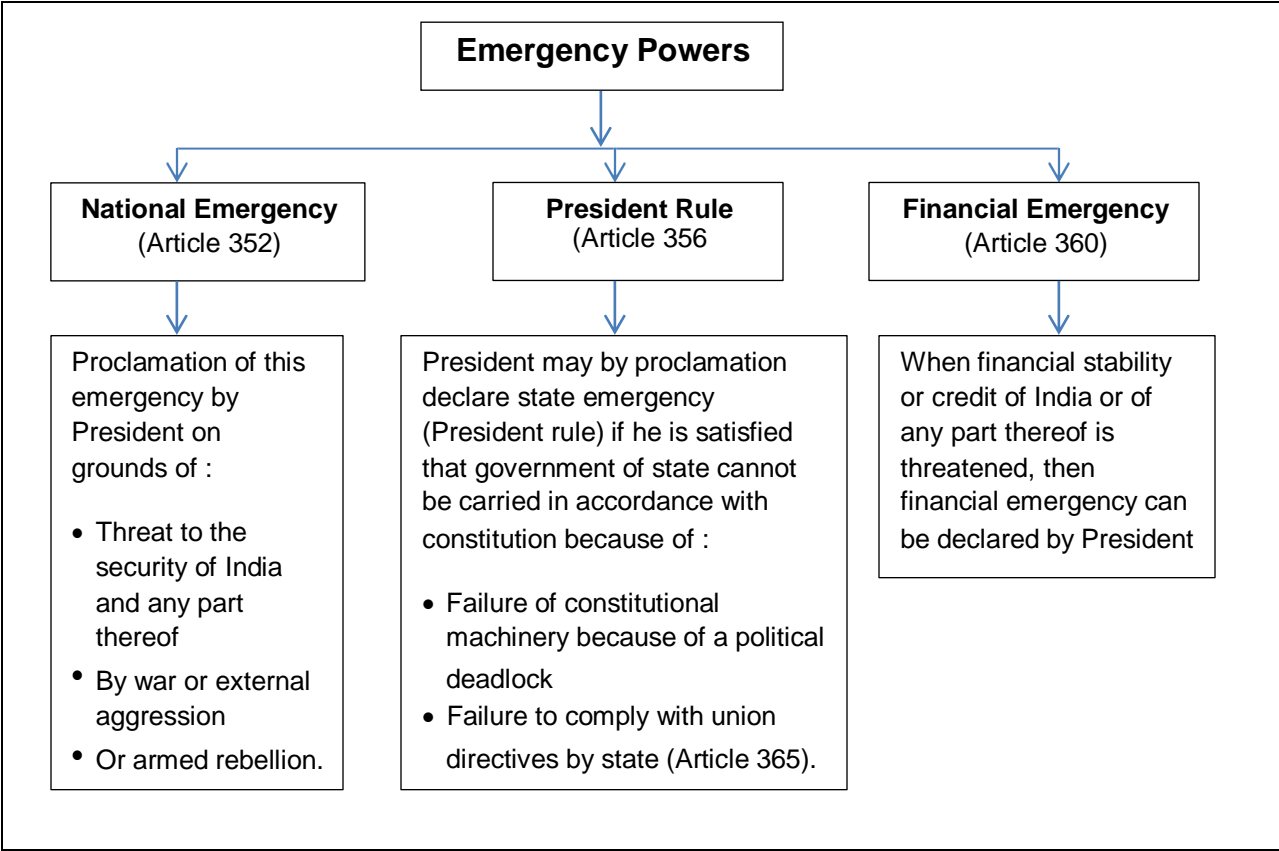
- He may give assent to the bill
- Withhold his assent to the bill
- May return the bill for reconsideration (if it is not a money bill or a constitutional Amendment Bill)

President nominates :

- 12 members of the Rajya Sabha from science, literature, art and social service background.
- Can nominate 2 members to Lok Sabha from the Anglo-Indian Community.







Important Facts Related to President

- Impeachment process of President is taken from the U.S. Constitution.
- Second Schedule of the constitution is related to emoluments, allowances and privileges of President.
- Governor may reserve any State bill for consideration of the President, if he thinks that bill is of national importance (Article 201). Although, in case of the bill affecting High Court's powers it's compulsory to keep the bill for President's consideration.
- In the last sitting of Constituent Assembly, Dr. Rajendra Prasad was elected Interim President unanimously (14 Jan 1950). He was the 1st President of India and also the longest serving.
- Dr. Sarvapalli Radhakrishnan was 1st Vice-President and 2nd President of India. Teacher's Day is celebrated on his birthday (5 September).
- Zakir Hussain was 1st Muslim President and 3rd in row. He was shortest serving President.
- Fakhruddin Ali Ahmed and Zakir Hussain were the only two Presidents who died in office.
- Varahgiri Venkata Giri was the first who became acting President of India. He was the only one, who won during second round of counting of votes with a narrow margin.
- There have been 3 interim Presidents and 14 full-time Presidents till date. Varahagiri, Mohamad Hidayatullah and B.D. Jatti were Interim Presidents.
- Giani Zail Singh was the 1st Sikh President. Operation Bluestar and anti Sikh riots happened during his tenure.
- Kocheril Raman Narayan was the 1st Dalit President and the oldest President of India.
- Dr. APJ Abdul Kalam was popularly known as People's President.
- V.V. Giri was the only President to resign from acting President to contest election of President.
- M. Hidayatullah was the 1st CJI to be appointed as an acting president.
- APJ Abdul Kalam and V.V. Giri were the President who received Bharat Ratna.

- Pratibha Patil was the 1st woman President of India. She was 12th in row.
- Neelam Sanjiva Reddy was the only President who won unopposed election. He was also the youngest President at the age of 64.
- Ramnath Kovind is the 14th President of India.

List of Presidents		
1.	Dr. Rajendra Prasad	January, 1950 - May 1962
2.	Dr. S. Radhakrishnan	May, 1962 – May 1967
3.	Dr. Zakir Hussain	May, 1967 – May 1969
	• V.V. Giri	May, 1969 – July, 1969
	• Mohammad Hidayatullah	July, 1969 – August 1969
4.	V.V. Giri	August, 1969 – August 1974
5.	Fakhrudding Ali Ahmed	August, 1974 – February, 1977
	• B.D. Jatti	February, 1977 – July, 1977
6.	N. Sanjeeva Reddy	July, 1977 – July, 1982
7.	Giani Zail Singh	July, 1982 – July, 1987
8.	R. Venkataraman	July, 1987 – July, 1992
9.	Dr. Shankar Dayal Sharma	July 1992 – July, 1997
10.	K. R. Narayanan	July, 1997 – July, 2002
11.	Dr. A.P.J. Abdul Kalam	July, 2002 – July, 2007
12.	Ms. Pratibha Patil	July, 2007 – July, 2012
13.	Pranab Mukherjee	July, 2012 – July, 2017
14.	Ram Nath Kovind	July, 2017 – till recent

Vice President

- Vice-President performs the duties of President only in his absence, illness, death, removal, resignation or otherwise.
- When the vacancy of President falls vacant permanently due to resignation, death, removal, then election have to be conducted within 6 months and till then Vice-President assumes the office as an acting President.
- Vice President is the ex-officio Chairman of the Rajya Sabha.
- The office of Vice President is taken from the American Constitution.

- When President is unable to discharge his duties due to illness, absence or any other reason, then Vice-President holds office of President until he resumes office.
- When Vice-President functions as President he gets salary, allowances, privileges and emoluments of office of President of India.

Qualifications for Vice-President

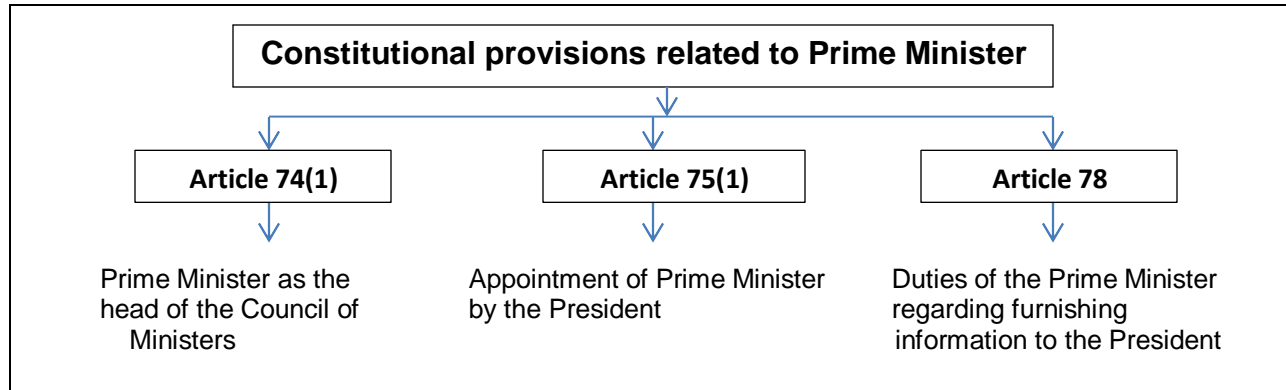
- To contest the election of the Vice-President a person must be : A citizen of India, above age of 35 years, must not hold office of profit, must be qualified for election of a member of Council of States (Rajya Sabha) and he shall not be a member of either House or Parliament.
- Vice-President is elected by both the houses of Parliament. It is an indirect election by system of proportional representation with single transferrable vote system, by Secret Ballot.
- In the election of Vice-President, both elected and nominated members of Houses of Parliament participate.
- Vice-President's hold office for a term of 5 years from the date he assumes office. He can resign before the expiry of his term by giving his resignation to the President. He can also be removed from his office by a resolution passed in Rajya Sabha and supported by Lok Sabha.
- Dr. Sarvapalli Radhakrishnan (1952-62) and Hamid Ansari (2007-2017), were the two Vice Presidents with the longest serving tenure of 10 years (2 terms).
- This oath is administered to Vice-President by President of India or a person appointed by him on his behalf.
- Vice-President gets salary, emoluments, allowances etc. as Chairman of Rajya Sabha. Since the Budget of 2018, Vice-President gets 4 Lakh salary per month.

List of Vice Presidents		
1.	Dr. S. Radhakrishnan	1952
2.	Dr. S. Radhakrishnan	1957
3.	Dr. Zakir Hussain	1962
4.	V.V. Giri	1967
5.	G.S. Pathak	1969
6.	B.D. Jatti	1974
7.	M. Hidayatullah	1979
8.	R. Venkataraman	1984
9.	Dr. Shankar Dayal Sharma	1987
10.	K.R. Narayanan	1992
11.	Krishna Kant	1997
12.	B.S. Shekhawat	2002
13.	Mohd. Hamid Ansari	2007
14.	Mohd. Hamid Ansari	2012
15.	Venkaiah Naidu	2017

*Source : COSMOS PUBLICATION, DELHI

Prime Minister and Union Council of Ministers

- Prime Minister is the Head of the Government and real executive authority.



- Dr. B.R. Ambedkar said that if any functionary under our Constitution is to be compared with the US President, he is the Prime Minister and not the President of India.
- Prime Minister is appointed by the President. Article 75(1) states that Prime Minister shall be appointed by the President and other ministers shall be appointed by President on the advice of Prime Minister.
- President appoints the Prime Minister who is the leader of the party which won majority seats in the Lok Sabha elections.
- President appoints the leader of largest party as Prime Minister and asks him to prove majority or seek a vote of confidence within a month in case of lack of majority.
- By convention, Prime Minister generally belongs to Lok Sabha. But, in our Parliamentary history there have been Prime Minister's from Rajya Sabha [e.g. I.K. Gujral (1997), Indira Gandhi (1966), Dr. Manmohan Singh (2004)].

Council of Ministers

- India has adopted a Parliamentary system of Government in which Council of Ministers headed by Prime Minister is the real executive authority.

Council of Ministers		
Cabinet Ministers	Ministers of State	Deputy Ministers
<ul style="list-style-type: none">• These Ministers handle the most important portfolios of Government. e.g. Home Ministry, Finance, Defence, External Affairs etc.	<ul style="list-style-type: none">• These Ministers are either given independent charge of any ministry, department or attached to the Cabinet Ministers.	<ul style="list-style-type: none">• These Ministers are generally attached the with Cabinet Ministers or Ministers of State.
<ul style="list-style-type: none">• These are Cabinet Members and play important roles in making policies of government.	<ul style="list-style-type: none">• When they are attached with Cabinet Ministers, they may get charge of particular department or particular task of work in that ministry.	<ul style="list-style-type: none">• They are not given independent charge & usually assist Ministers and Ministries in functioning.
<ul style="list-style-type: none">• Entire Government machinery revolves around them.	<ul style="list-style-type: none">• They are not cabinet members and do not attend it's meetings unless invited on any matter related to their ministry or department.	<ul style="list-style-type: none">• They do not attend meetings of the Cabinet.

Prime Minister's Office

- Prime Minister's Secretariat came into being on August 15, 1947. Since June 1977, it has been known as Prime Minister's Office. PMO is headed by the Secretary to the Prime Minister now designated as Principal Secretary to the Prime Minister.

Salary and Allowances

- Prime Minister gets the same salary and allowances which are paid to the members of Parliament.
- In addition to that he gets sumptuary allowance, free accommodations, travelling allowance, medical facilities etc. Salary and allowances of Prime Minister are determined by Parliament from time to time.
- Currently the PM draws a monthly salary of 1.6 lakhs.

Micellaneous functions of Prime Minister

- He does Overall supervision of Union Government.
- He is the leader of Party in majority.
- He is the Chairman of various commissions and councils like National Defense Committee, Inter State Council, National Integration Council, CSIR.
- He is the chief spokesperson of Government. So, he announces Principal Government Policies.
- He is the manager in Chief of the Government's business.
- He is the political head of services.
- He has special role in defense, foreign affairs, home and finance departments of country.
- Central Cabinet Secretariat is directly under the Prime Minister. Though, it's administrative head is Cabinet Secretary who is ex-officio chairman of Civil Service Board.

Prime Ministers of India		
Sl.No.	Name	Tenure
1.	Pt. Jawaharlal Nehru (INC)	1947 – 1964
2.	Gulzarilal Nanda (INC)	1964 – 1964
3.	Lal Bahadur Shastri (INC)	1964 – 1966
4.	Gulzarilal Nanda (INC)	1966 – 1966
5.	Indira Gandhi (Congress – I)	1966 – 1977
6.	Morarji Desai (Janta Party)	1977 – 1979
7.	Chaudhari Charan Singh (Janata Party)	1979 – 1980
8.	Indira Gandhi (Congress – I)	1980 – 1984
9.	Rajiv Gandhi (Congress – I)	1984 – 1989
10.	Vishwanath Pratap Singh	1989 – 1990
11.	Chandra Shekar (SJP)	1990 – 1991
12.	PV Narsimha Rao (Congress – I)	1991 – 1996
13.	Atal Bihari Vajpayee (BJP) (16 days)	1996 – 1996
14.	H.D. Deve Gowda (Janta Dal)	1996 – 1997
15.	I. K. Gujral (Janta Dal)	1997 – 1998
16.	Atal Bihari Vajpayee (BJP)	1998 – 1999
17.	Atal Bihari Vajpayee (BJP)	1999 – 2004
18.	Manmohan Singh (Congress – I)	2004 – 2009

19.	Manmohan Singh (Congress – I)	2009-2014
20.	Narendra Modi (BJP)	2014 till date

- 42nd Constitutional Amendment Act, 1976 during Indira Gandhi Government made the advice tendered by Council of Ministers binding on President.

Cabinet

- The word Cabinet was inserted in Article 352 of the Constitution by 44th Amendment Act (1978). It does not find mention in the original Constitution.
- Cabinet is a smaller body of Council of Ministers and Cabinet Ministers are the Ministers of most important departments of Union Government e.g. Defense Ministry, finance, home, foreign affairs.

*Source : COSMOS PUBLICATION, DELHI

Governor

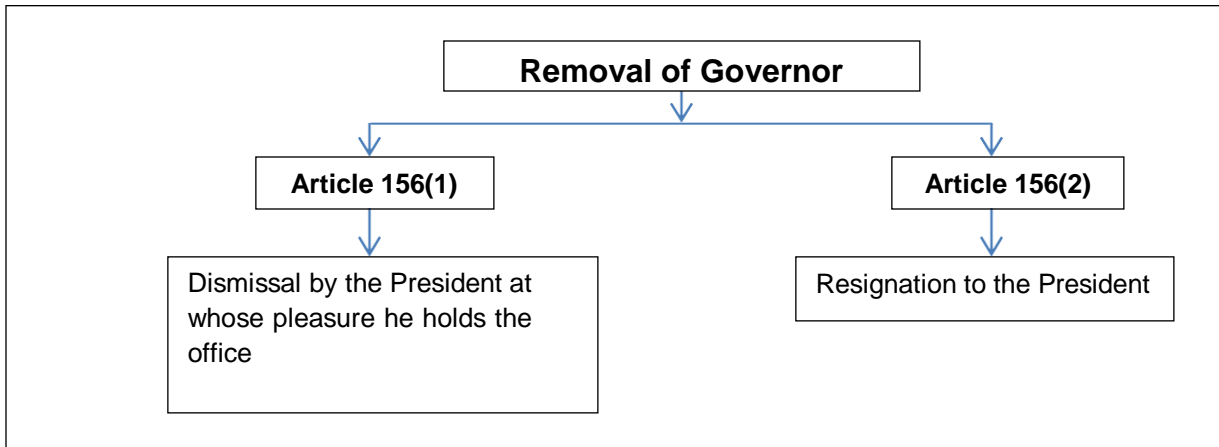
- Article 153 of the Indian Constitution provides for the office of Governor in every States.
- All the executive functions of the State are carried out in the name of Governor.
- Governor discharges his duties on the advice of Council of ministers headed by the Chief Minister. So, Governor's position in the State is similar to the President in Centre.
- Generally, every state has a Governor but 7th Constitutional Amendment Act, 1956 laid the provision that same person can be appointed as Governor of two or more states.

Qualifications

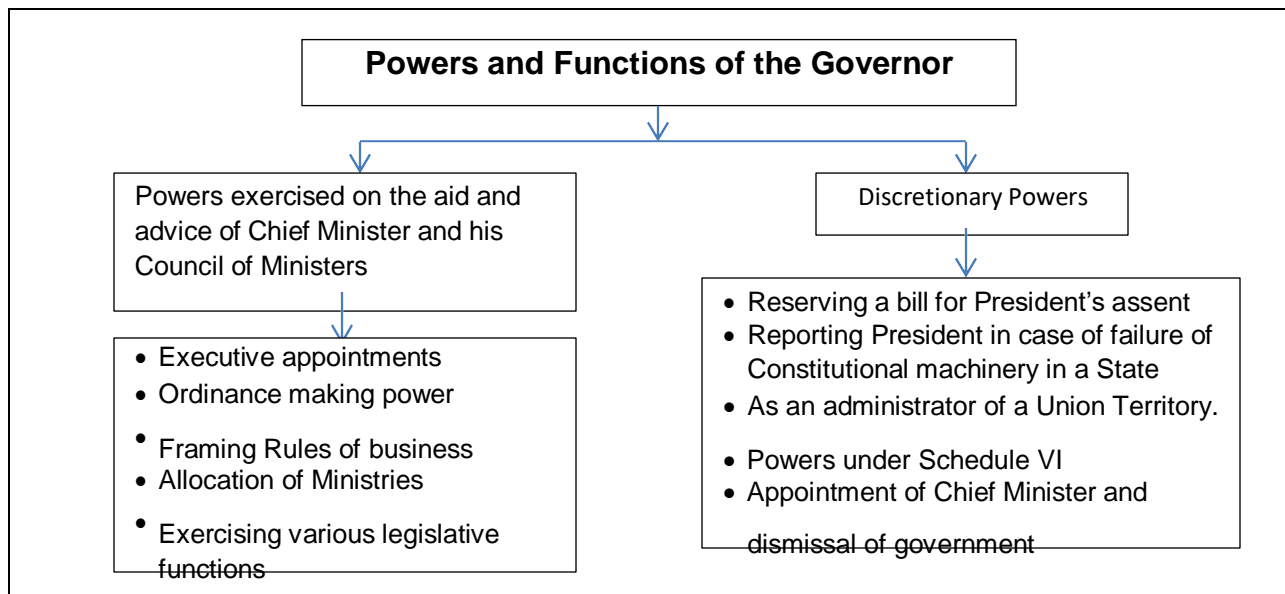
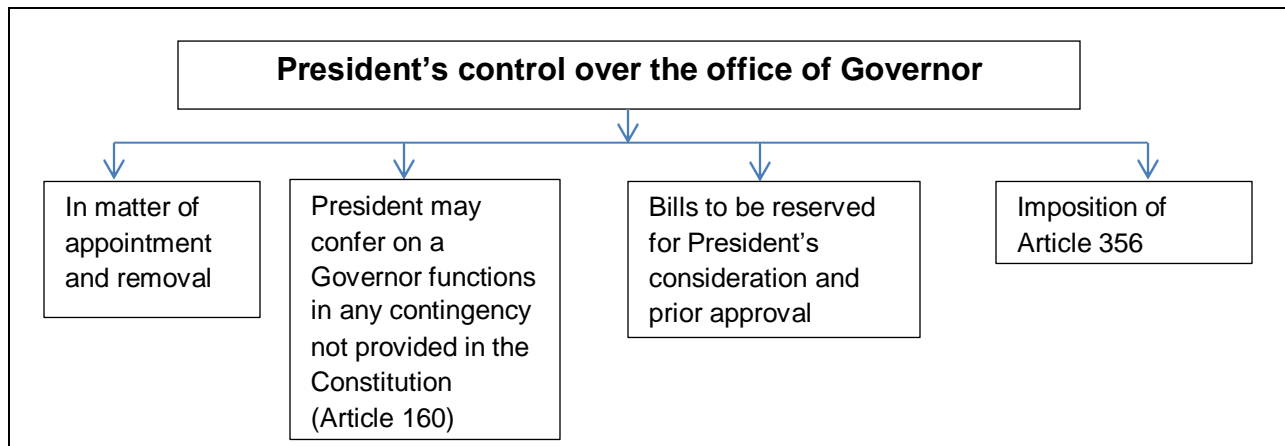
- A person must have the following qualifications to be appointed as Governor of a state:
 - He should be a citizen of India.
 - He should be of 35 years' of age at least.
 - He should not hold any office of profit.
 - Other than above mentioned qualifications a person to become Governor must not be a member of either house of Parliament or State Legislature.

Appointment

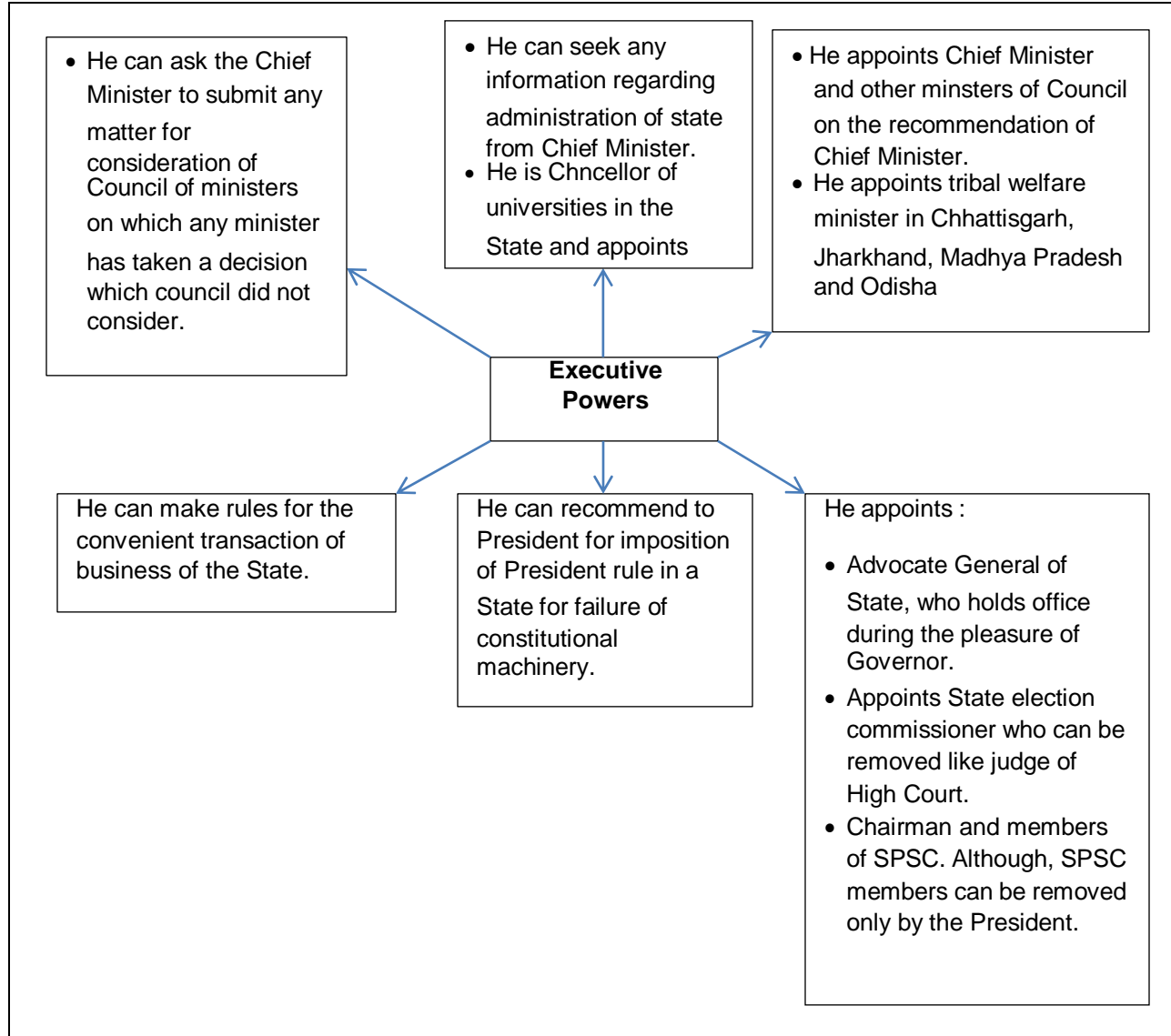
- Governor of a state is appointed by President of India on the recommendation of Union Council of Ministers.
- Term of the office of Governor as prescribed in Article 156(3) is 5 years. Though, he holds office at the pleasure of President.
- He is eligible for re-appointment. He can be transferred from one state to another and President can ask his resignation anytime without giving reasons. He can resign himself also.
- The grounds upon which a Governor may be removed by the President are not laid down in the Constitution.



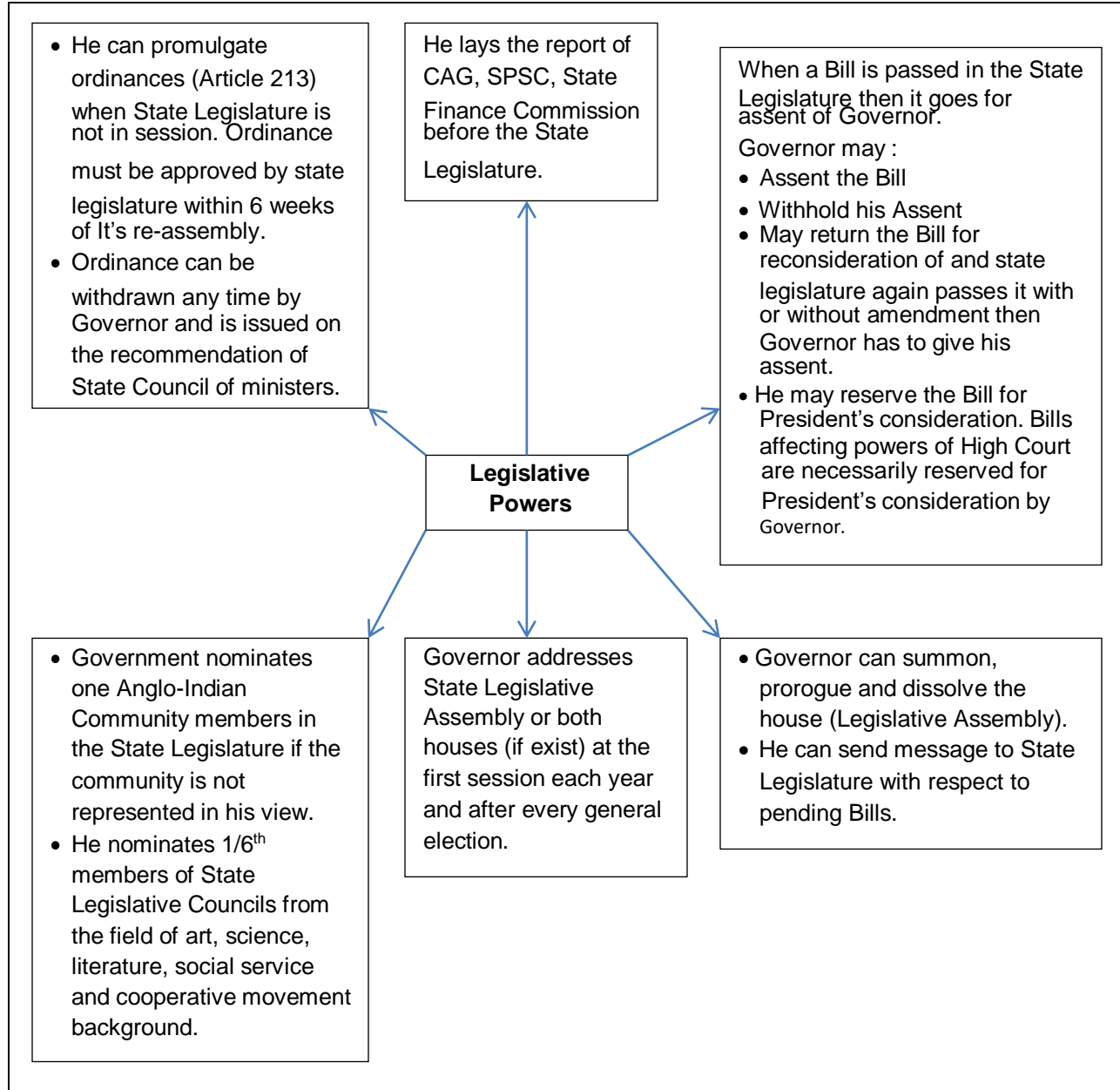
- Governor takes oath administered by Chief Justice of High Court of concerned state or by senior most judge in his absence.



Executive Powers of Governor



Legislative Powers of Governor



Immunities

- No criminal proceedings can be initiated against a Governor during his office term. Although, civil proceedings can be initiated against him provided two months prior notice is given to him.
- He cannot be arrested while in office he is not answerable to any court for his performance of duties in office.

Judicial Powers

- President consults the Governor of the concerned State while appointing judges of High Court.'
- Governor can pardon, commute, respite, remit or suspend, remit and commute the sentence of any offence of any person convicted of any offence under any law related to matters to which executive power of State extends.
- There is a difference between pardon granted by the President under Article 72 and by the Governor under Article 161. The President has an exclusive power to grant pardon in cases of death sentence or sentence inflicted by court martial. The Governor has no such powers.
- He appoints district judges in consultation with High court. He appoints persons to judicial services (other than district judges) of state after consulting with State Public Service Commission (SPSC) and High Court.

Discretionary Powers

- Veto powers over the bills
- In case of Hung Assembly
- Can reserve the bill for President consideration
- Proposal for Presidents rule under Article 356

*Source : COSMOS PUBLICATION, DELHI

State Legislature and State Council of Ministers

- The Constitution provides for the establishment of a Legislature in every state.
- Some states are unicameral, with only a single house while some (six states) are bicameral i.e. they have two houses.
- States of Bihar, Andhra Pradesh, Maharashtra, Telangana, Karnataka and Uttar Pradesh consists of bicameral Legislature. 22 out of 28 states have unicameral Legislature (Article 168).
- The Constitution has provided a specific procedure for creation or abolition of second chamber (State Legislative Council) under Article 169.

Composition of Legislative Council

- The Constitution has fixed the number of members of Legislative Council maximum up to $\frac{1}{3}$ rd of the total strength of the Legislative Assembly of State and the minimum strength is fixed at 40.
- $\frac{5}{6}$ th members of State Legislative Council are elected indirectly and $\frac{1}{6}$ th members are nominated by the Governor of the concerned state from among distinguished persons in the field of art, science, literature, social service and cooperative movement.
- $\frac{5}{6}$ th members of State Legislative Council members comprise of :
 - I. $\frac{1}{3}$ rd members of the council are elected by electorates consisting of members of local bodies, such as municipalities, district boards and Panchayats.
 - II. $\frac{1}{12}$ th are elected by electorates consisting of three years standing residing in that state.
 - III. $\frac{1}{12}$ th are elected by electorates consisting of persons engaged for at least three years in teaching in educational institutions within the State, not lower in standard than secondary schools.
 - IV. $\frac{1}{3}$ rd are elected by members of the Legislative Assembly from amongst persons who are not members of the Assembly.

Composition of Legislative Assembly

- The Members of Legislative Assembly are elected directly by people on the basis of adult suffrage for a term of five years, unless the house is dissolved by Governor.
- Normal Tenure of 5 years of State Legislative Assembly may be extended in case of a proclamation of emergency by the President.

- Article 170 states that State Legislative Assembly can have maximum 500 members and minimum 60 members, However, President has the power to alter these maximum and minimum strength of the Legislature. For Sikkim, Goa and Arunachal Pradesh minimum number is fixed at 30 and for Mizoram and Nagaland it is 40 and 46 respectively.
- While there is a provision of joint sitting between the two houses of Parliament in case of a deadlock, there is no such provision in the State Legislature, since in case of a disagreement over proposed amendments, the will of the Legislative Assembly prevails over the State Legislative Council. The State Legislative Council can merely delay the passage of ordinary bills by 4 months.

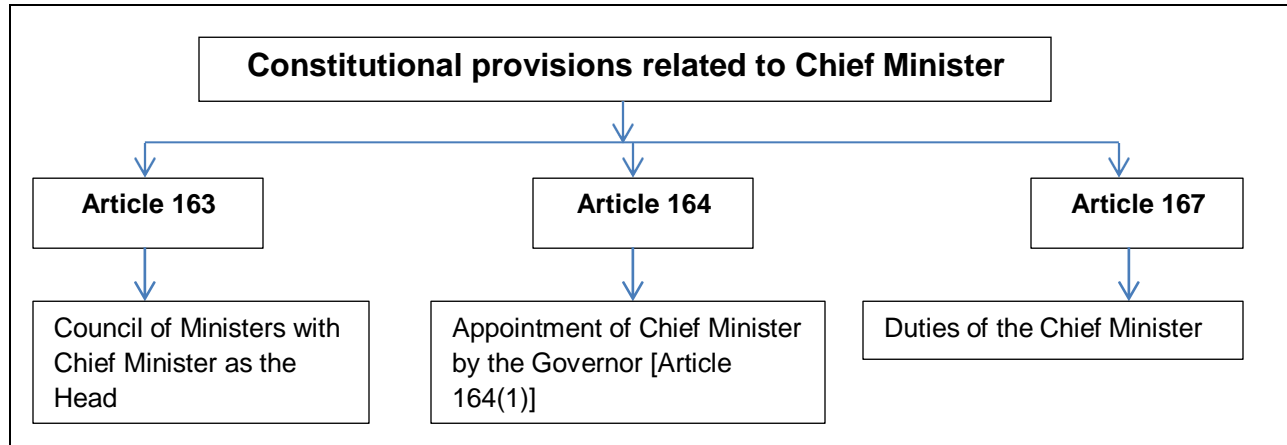
Qualification for Membership of State Legislature

- Article 173 states that a person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he :
 - (a) is a citizen of India;
 - (b) makes and subscribes an oath or affirmation before a person authorised in that behalf by the Election Commission according to the form set out for the purpose in third schedule;
 - (c) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age, and
 - (d) possesses such other qualifications as may be prescribed in that behalf by or under any law made by the Parliament.

Disqualifications for Membership

- A person shall be disqualified for being as, and for being a member of the Legislative Assembly of a state if he :
 - (a) holds any office of profit under the Government of India or the Government of any State, other than that of a minister for Indian Union or for a State or an office declared by a law of the State not to disqualify its holder;
 - (b) is of unsound mind as declared by a competent court;
 - (c) is an undischarged insolvent;
 - (d) is not a citizen of India or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance or adherence to a foreign State;
 - (e) is so disqualified by or under any law made by Parliament.
- There is no provision of joint sitting at State level in case of deadlock or disagreement between two houses. Although at Central level, there is a provision of joint sitting of Lok Sabha and Rajya Sabha to resolve their deadlock on ordinary bills (presided by Speaker of Lok Sabha).

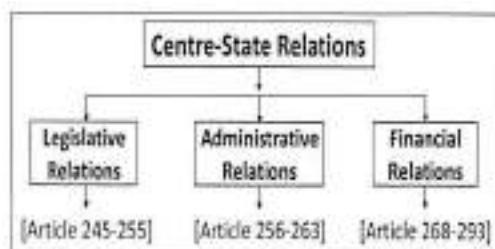
- Position of Chief Minister at State level is similar to the Prime Minister at centre.



- Chief Minister is appointed by the Governor of concerned State under Article 164.

*Source : COSMOS PUBLICATION, DELHI

Relations between Centre and States



Indian Constitution followed **Canadian precedent**, opting for a **strong Union/Centre**.

Under **Article 253**, Parliament has power to make any law for the whole or any part of the territory of India for **implementing treaties and international agreements and conventions**.

- Under **Article 246**, all the subjects are divided into Union, State and concurrent List.

State Legislature can pass certain **bills** regarding the imposition of reasonable restrictions on the **freedom of trade commerce and intercourse** within the State in **Public Interest** with previous consent of **President**.

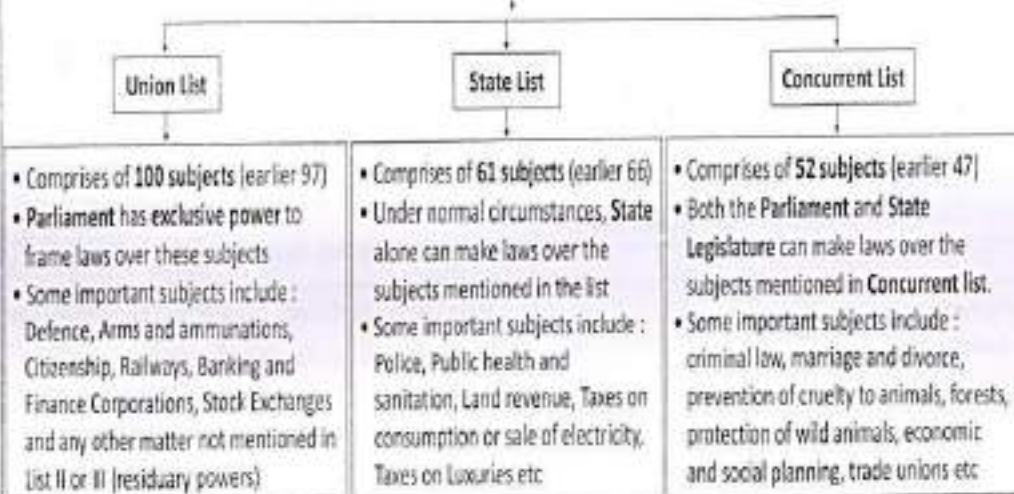
Part XI-Chapter I (Article 245 to 255)	
Legislative Relations	
Article 245	Extent of laws made by Parliament and by the legislatures of the States
Article 246	Subject matter of laws made by Parliament and by the legislatures of the States
Article 247	Power of Parliament to provide for the establishment of certain additional courts
Article 248	Residuary powers of legislation
Article 249	Power of Parliament to legislate with respect to a matter in the state list in the national interest
Article 250	Power of Parliament to legislate with respect to any matter in the state list if a Proclamation of Emergency is in operation
Article 251	Inconsistency between laws made by Parliament under Article 249 and 250 and laws made by the legislatures of States.
Article 252	Power of Parliament to legislate for two or more states by consent and adoption of such legislation by any other State
Article 253	Legislation for giving effect to international agreements
Article 254	Inconsistency between laws made by Parliament and laws made by the legislatures of the State
Article 255	Requirements as to recommendations and previous sanctions to be regarded as matters of procedure only.

- In case of **conflict** between **Central law** and **State law** on a subject of **concurrent list**, **Central law** prevails except when, **State law** has been reserved for **President's consent** and received his **consent**.
- In case of **any overlapping** between jurisdiction Union list and State list or Concurrent list, **Union list** prevails and between concurrent list and state list, **concurrent list** prevails.

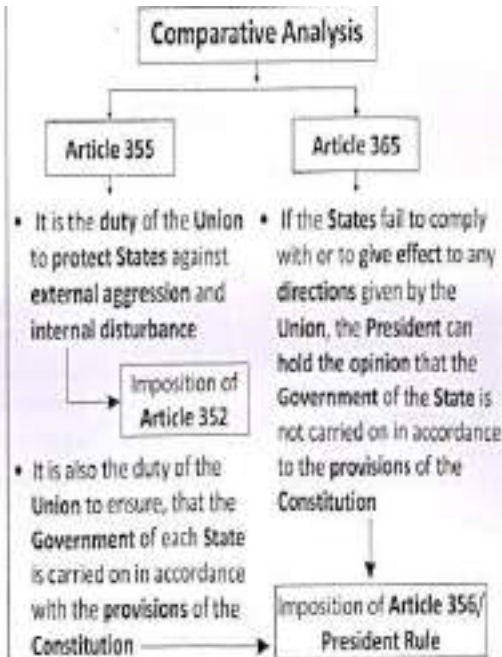
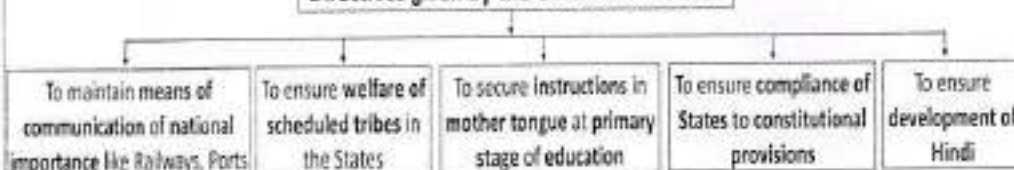
Special Conditions			
Article 249	If Rajya Sabha passes a resolution supported by not less than 2/3rd of its members present and voting that in the national interest , Parliament should make laws on subjects enumerated in the State list . The resolution remains in force for one year , though it can be renewed any number of times. The law remains in force till the expiration of six months after resolution ceases to be in force.		if the legislature of two or more states adopt a resolution that it is lawful of Parliament to make laws on any state subject applicable to them.
Article 250	Parliament can legislate on State subjects during proclamation of emergency . However, such laws will cease to exist on the expiration period of six months after the proclamation has ceased to operate.	Article 253	The Parliament can make law for the whole or any part of the territory of India for implementing any treaty , international agreement or convention with any other country.
Article 252	Parliament can legislate on State subjects	Article 356	The President can also authorise the Parliament to exercise the powers of the State legislature during the proclamation of President Rule . All such laws remain in force even after President Rule ends. Though, such laws can be amended or repealed by State legislature after President Rule ends.

Chapter II (Part XI)			
Administrative Relations (Article 256 to 263)			
Article 256	Obligation of States and the Union	Article 260	Jurisdiction of the Union in relation to territories outside India
Article 257	Control of the Union over States in certain cases	Article 261	Public acts, records and judicial proceedings
Article 258	Power of the Union to confer powers, etc on states in certain cases	Article 262	Adjudication of disputes relating to waters of interstate rivers or river valleys
Article 258A	Power of the States to entrust functions to the Union	Article 263	Provisions with respect to an Inter-State Council

Seventh Schedule



Directives given by the Union to the States



The centre can direct the state government to ensure the development of Hindi to secure instructions in mother tongue at primary stage of education and to ensure the welfare of scheduled tribes in the State.

Part XII (Article 268 to 293)

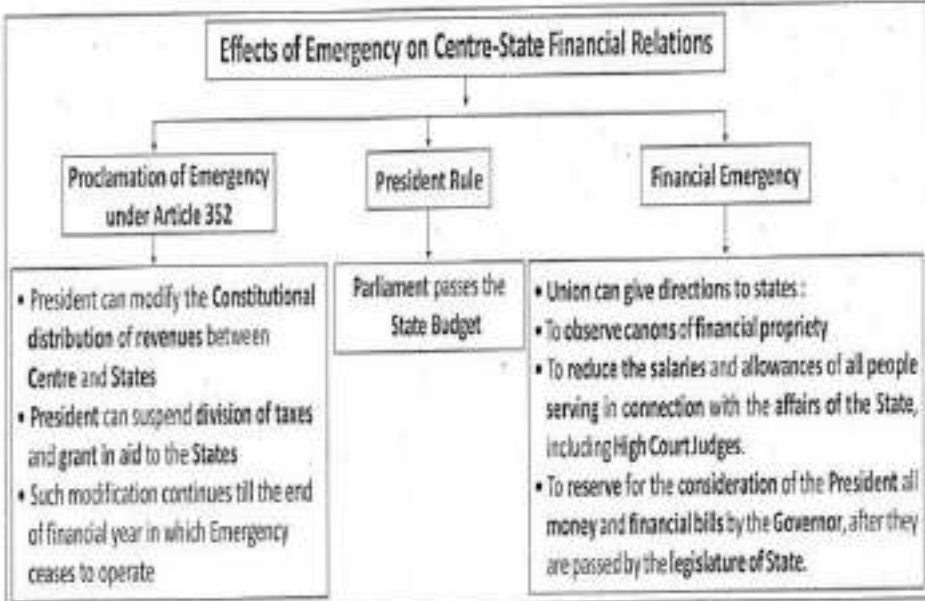
Finance, Property Contracts and Suits

Distribution of Revenue between the Union and the States

<ul style="list-style-type: none"> • Article 268 Duties levied by the Union but collected and appropriated by the States • Article 269 Taxes levied and Collected by the Union but assigned to the States • Article 270 Taxes levied and distributed between the Union and the States • Article 271 Surcharge on certain duties and taxes purposes of the Union • Article 273 Grants in lieu of export duty on jute and jute products • Article 274 Prior recommendation of President required to bills effecting taxation in which States are interested • Article 275 Grants from the Union to certain states • Article 276 Taxes on professions, trades, callings and employments 	<ul style="list-style-type: none"> • Article 277 Savings • Article 279 Calculation of net proceeds, etc • Article 280 Finance Commission • Article 281 Recommendations of the Finance Commission • Article 282 Expenditure defrayable by the Union or a State out of it's revenues • Article 283 Custody, etc of Consolidated Funds, Contingency Funds and money credited to the Public Accounts • Article 284 Custody of suitors' deposits and other moneys received by public servants and courts • Article 285 Exemption of property of the Union from State taxation 	<ul style="list-style-type: none"> • Article 286 Restrictions as to imposition of tax on the sale or purchase of goods • Article 287 Exemption from taxes on electricity • Article 288 Exemption from taxation by States in respect of water or electricity in certain cases • Article 289 Exemption of property and income of a State from Union taxation • Article 290 Adjustment in respect of certain expenses and pensions • Article 290A Annual payment to certain Devaswom funds • Article 292 Borrowings by the Government of India • Article 293 Borrowings by States
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Goods and Services Tax (GST)

- **101st Constitutional Amendment Act, 2016 (GST Act) paved the way for the Government to reconstruct the presently distributed indirect tax law regime into a unified tax structure through the Goods and Services Act.**
- **GST involved a huge financial interest of the Centre and the State Governments and the distribution of revenue between them, such a tax reform needed suitable amendments to the Constitution.**



Commissions & Committees on Centre State Relations
• Rajmanner Committee (1969) – Dr. P. V. Mannar
• Sarkaria Commission (1983) – Ranjit Singh Sarkaria
• Administrative Reforms Commission (1996) – Morarji Desai
• Setalvad Committee (1996) – M.C. Setalvad
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Major Subjects of the Lists		
Union List (total 100)	State List (Total 61)	Concurrent List (total 52)
• Defence, Naval military and air forces	• Public order and police	• Criminal law and criminal procedure
• Arms, firearms, ammunition and explosives	• Local self government	• Marriage and divorce
• Atomic energy and mineral resources	• Public health and sanitation	• Transfer of Property other than agricultural land
• Central Bureau of Intelligence and investigation	• Pilgrimages inside India	• Bankruptcy and insolvency
• Preventive detention	• Fisheries	• Prevention of cruelty to animals
• Foreign Affairs	• Libraries and museums	• Forests
• United Nations Organization	• Markets and fairs	• Goods
• Citizenship, naturalization and Aliens	• Prevention of animal diseases and veterinary training	• Newspapers, books and printing presses
• Railway	• Agricultural income	• Economic and social planning
• Pilgrimage in places outside India	• Betting and gambling	• Population control and family planning
• Shipping and navigation on inland waterways	• Relief of the disabled and unemployable	• Trade unions
• Post and Telegraph	• Land revenue	• Social security and social insurance
• Currency coinage and legal tender	• Taxes on lands and buildings	• Education
• Inter state trade and Commerce	• Taxes on advertisements	• Legal, Medical and other professions
• Banking and Insurance Stock exchanges and future markets	• Taxes on consumption and sale of electricity	• Charities and charitable institutions
• Census	• Tolls	• Price control
• Survey of India	• Capitation taxes	• Weights and measurements
• Corporation tax	• Entertainment tax	• Factories
• Interstate migration	• Gas and gas works	• Boilers
• Corporation tax	• Entertainment tax	• Factories
• Interstate migration	• Gas and gas works	• Boilers
• Stock exchanges and future markets	• Taxes on luxury items etc.	• Goods and Services tax

*Source: COSMOS PUBLICATION, DELHI

Local Self –Government

The present structure of Local Self Government Institutions took shape in 1687, when in **1687**, when British established a **Municipal Corporation** at **Madras** followed by creation of similar bodies at **Bombay** and **Calcutta** (1726).

- The **Minto-Morley Reforms 1909** and **Montague Chelmsford Reforms 1919** made **Local Self Government** a **transferred subject** widening the participation of people in the governing process and by **1924-25**, **district boards** has a preponderance of elected representatives and a **non-official chairman**, an arrangement that continued till 1950's.
- In **1872**, **Lord Mayo** introduced **elected representatives** for these municipalities and was further developed by his **successor Lord Ripon** in **1882**. **Decentralization of power** was started by **Mayo's Resolution** (1870) for **financial decentralization** and **Lord Ripon's Resolution** in **1882** laid foundations of **Local Self Government**. **Lord Ripon** is said to be the **Father of Local Government**.

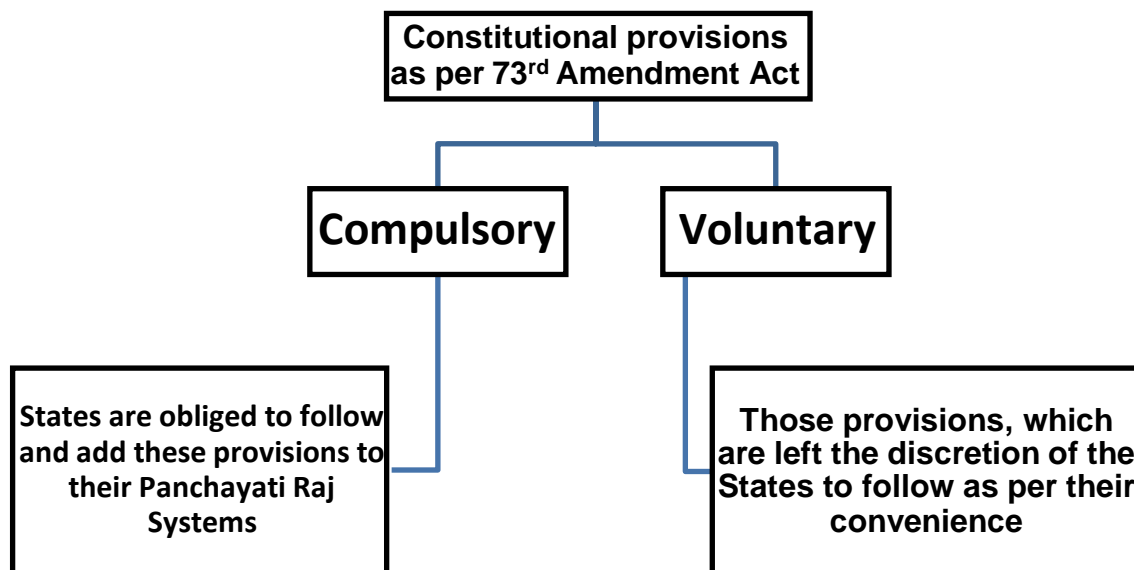
Evolution of Panchayati Raj in India, Post Independence

Community Development Programme (1952) → National Extension Service (1953) → Balwant Rai Mehta Committee (1957) → Ashok Mehta Committee (1977) → G.V.K. Rao Committee (1985) → L.M. Singhvi Committee (1986) → 73rd /74th Constitutional Amendment Act

73rd Constitutional Amendment Act, 1992 inserted the provisions related to **Panchayati Raj** in **Constitution**. Similarly, **74th Constitutional Amendment Act, 1992** gave **powers of Local Government** at the **urban level**.

73rd Constitutional Amendment Act

- This Act implements **Article 40** of Constitution providing a constitutional status to **Panchayati Raj Institutions (PRI)**.



Provisions of 73rd Amendment Act

- This act provides for a **three tier system** in all the States i.e. **Panchayats** at **village, intermediate** and **district level** [Article 243B(1)].
 - **Gram Shaba** (Article 243A) is the **body** consisting of **all registered voters** in a village.

Election of Member and Chairpersons

- **All the members at all three levels i.e. Panchaytas at village, intermediate and district level will be elected directly by people.**

Reservation of Seats (Article 243D)

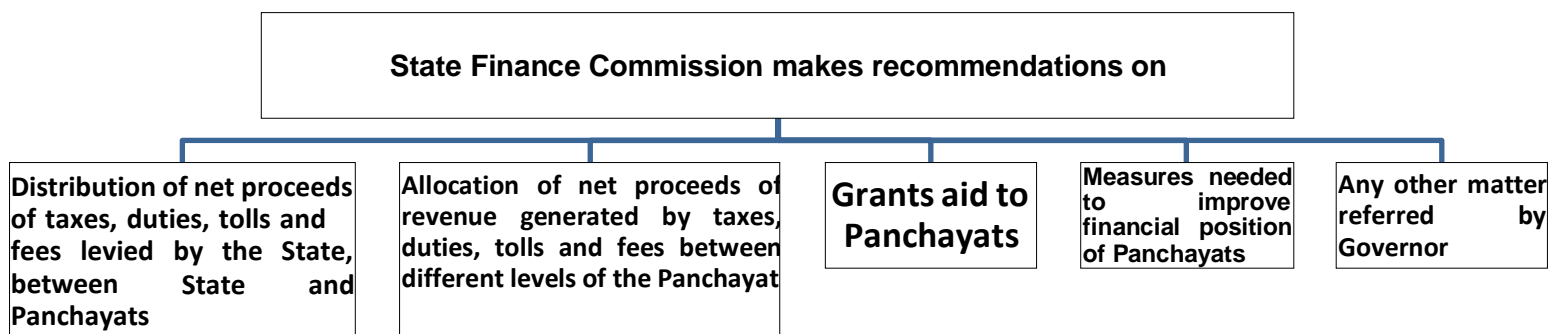
- The Act provides for the reservation of seats for the SC/ST community according to the proportion of their population to the total population in the Panchayat area.

Duration of Panchayats (Article 243E)

- Tenure of Panchayats is kept **5 years** at all three levels by this Act. Election must be completed for the next Panchayat before the expiry of **5 years**. If Panchayat is dissolved earlier then, fresh elections must be completed before the expiry of **six months** from its dissolution.

Disqualification (Article 243 F)

- No person who is below age of 21 years can become a member of Panchayats.
- Local Government including Self-Government institutions in both urban and rural areas is an exclusive state subject under **Entry 5 of List II of the 7th Schedule**, so the Union cannot enact any law to create rights and liabilities relating to these subjects.



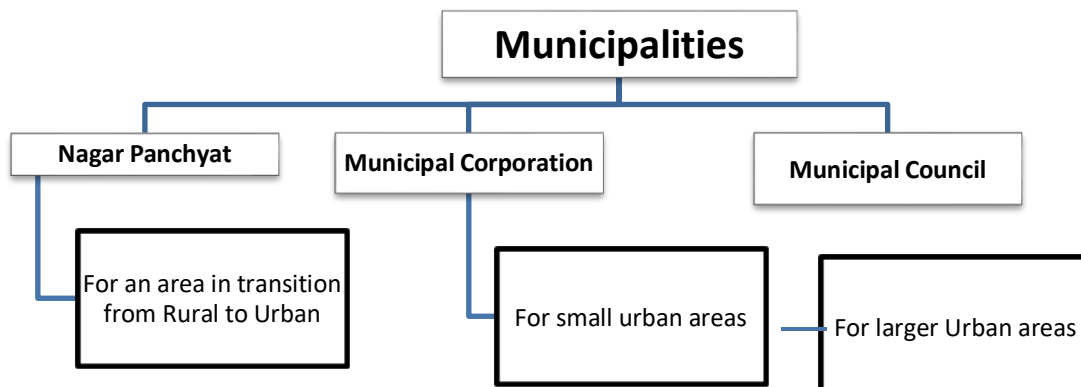
Powers and Functions of Panchayats

- Preparing plans for economic development and social justice.
- Implementing schemes for economic development and social justice.
- In regard to matters listed in the Eleventh Schedule comprising of 29 subjects.

Eleventh Schedule	
➤ This schedule inserted 73 rd Constitutional Amendments Act 1992 contains 29 items placed within the purview of Panchayats:	
1	Agriculture , including agricultural extension
2	Land improvement , implementation of land reforms, land consolidation and soil conservation
3	Minor irrigation , water management and watershed development
4	Animal Husbandry, Dairying and poultry
5	Fisheries
6	Social forestry and farm forestry
7	Minor forest produce
8	Small scale industries, including food processing industry
9	Khadi, village and cottage industries
10	Rural housing
11	Drinking water
12	Fuel and fodder
13	Road, culverts, bridges, ferries, waterways and other means of communication
14	Rural electrification, including distribution of electricity
15	Non-conventional energy sources
16	Poverty Alleviation Programmes
17	Education including primary and secondary schools
18	Technical training and vocational education
19	Adult and non-formal education
20	Libraries
21	Cultural Activities
22	Markets ad fairs
23	Health and sanitation, including hospitals, primary health centres and dispensaries
24	Family welfare
25	Women and child development
26	Social welfare, including welfare of the handicapped and mentally retarded
27	Welfare of the weaker sections, and in particular, of schedule castes and schedule tribes
28	Public distribution system
29	Maintenance of community assets

PESA (Panchayat Extension of Scheduled Areas) Act, 1996

- 73rd Constitutional Amendment was not applied on Scheduled Areas and Tribal Areas (Article 244) so PESA Act was brought to extend the provisions of 73rd Amendment Act to Schedule V areas with such modification as required to maintain their cultural and social identity.
- **Schedule V** contains areas of **10 states** i.e. **Andhra Pradesh, Himachal Pradesh, Jharkhand, Telangana, Chhattisgarh, Gujarat, Madhya Pradesh, Maharashtra, Rajasthan** and **Odisha**.
- This Act Provides the self-rule for tribal population and Gram Sabha has been granted special powers like:
 - Approve development plans
 - Manage minor water bodies
 - Ownership of Minor Forest Produce (MFP)
 - Control of mineral lease
 - Regulation of selling of intoxicants
 - Prevention of land alienation
 - Beneficiary selection for various schemes
 - Consultation on land acquisition

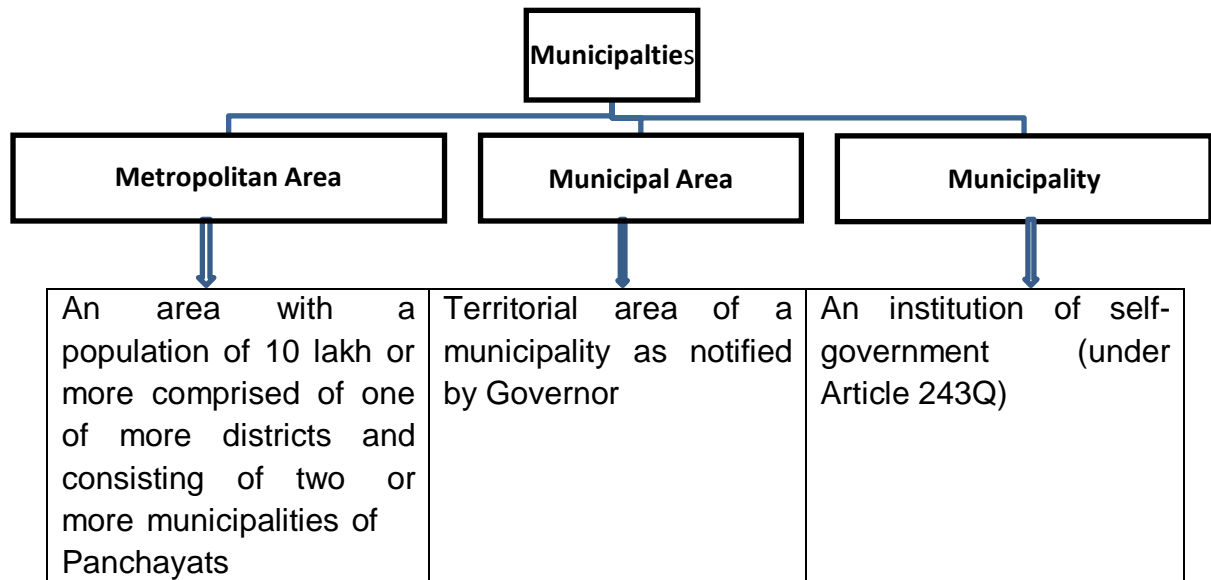


Composition (Article 243R)

- All the members of municipality will be elected by people directly; while State government may by law decided the manner in which chairpersons of municipalities will be elected. For the purpose of elections, Municipal area will be divided into wards.

Ward Committees (Article 243S)

- It provides for the constitution of ward committee consisting one or more wards within territorial area of a municipality having population of three lakhs or more.



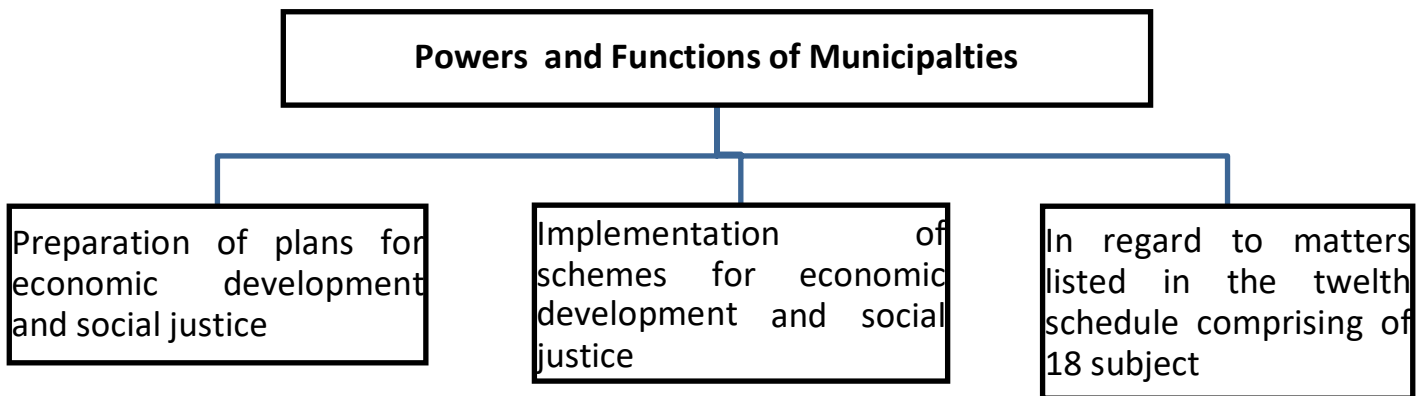
Reservation (Article 243T)

- This Act provides the provisions for reservation of seats for SC/STs and women in urban local bodies.

Duration of Municipalities (Article 243U)

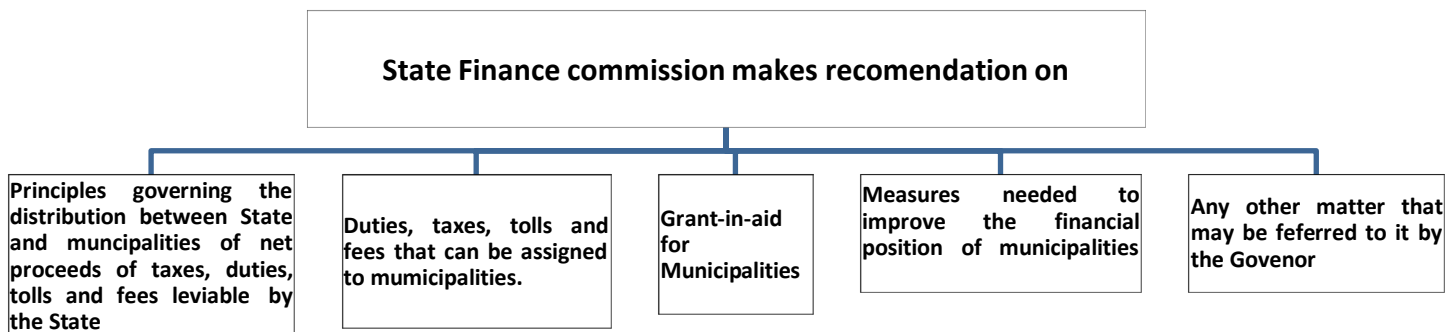
- Tenure of municipalities is fixed as 5 years. But, if municipalities are dissolved before 5 years then elections must be completed within 6 months and newly elected municipality shall continue for the time period for which dissolved municipality would have continued had it not been dissolved.

A person must have the age of 21 years or above to contest in election. No one will be disqualified on the ground that he is below age of 25 years like for state legislative assembly where the required age is 25 years.



District Planning Committee (Article 243ZD)

- Under this (74th Constitutional Amendment Act) Act every **State** has to constitute a **District Planning Committee** which will **consolidate the plans** prepared by **Panchayats** and **Municipalities** of the **district** and will prepare a **draft plan** for the **whole district**.

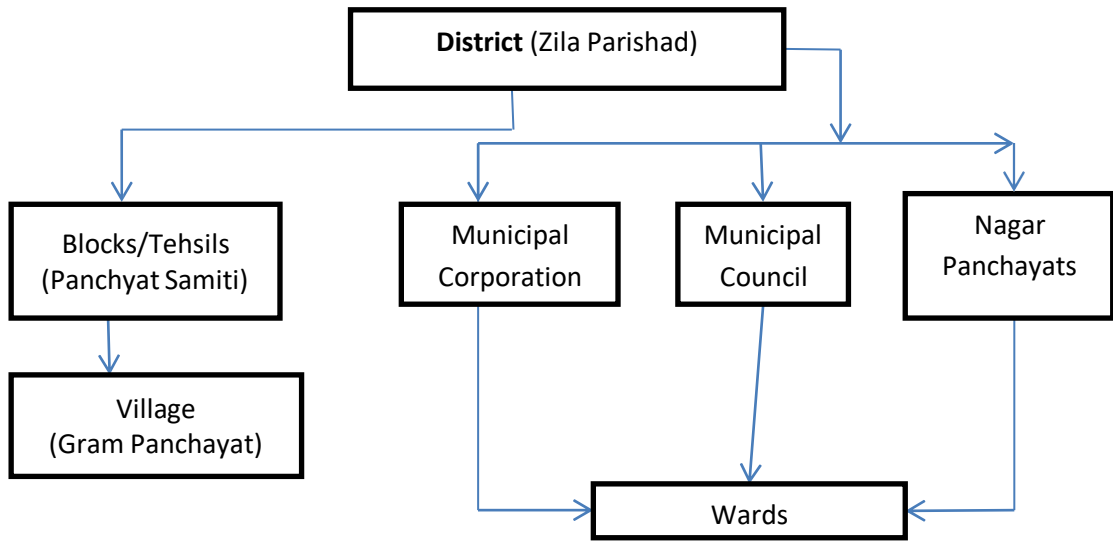


Twelfth Schedule	
It consists of 18 items within purview of Municipalities:	
1.	Urban planning including town planning.
2.	Regulation of land-use and construction of buildings.
3.	Planning for economic and social development.
4.	Roads and bridges.
5.	Water supply for domestic, industrial and commercial purposes.

6.	Public health, sanitation conservancy and solid waste management.
7.	Fire services.
8.	Urban forestry, Protection of the environment and promotion of ecological aspects.
9.	Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10.	Slum improvement and upgradation.
11.	Urban poverty alleviation.
12.	Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13.	Promotion of cultural, educational and aesthetic aspects.
14.	Burials and burial grounds; cremations, cremation grounds; and electric crematoriums.
15.	Cattle pounds; prevention of cruelty to animals.
16.	Vital statistics including registration of births and deaths.
17.	Public amenities including street lighting, parking lots, bus stops and public conveniences.
18.	Regulation of slaughter houses and tanneries.

Types of Urban Bodies (8)

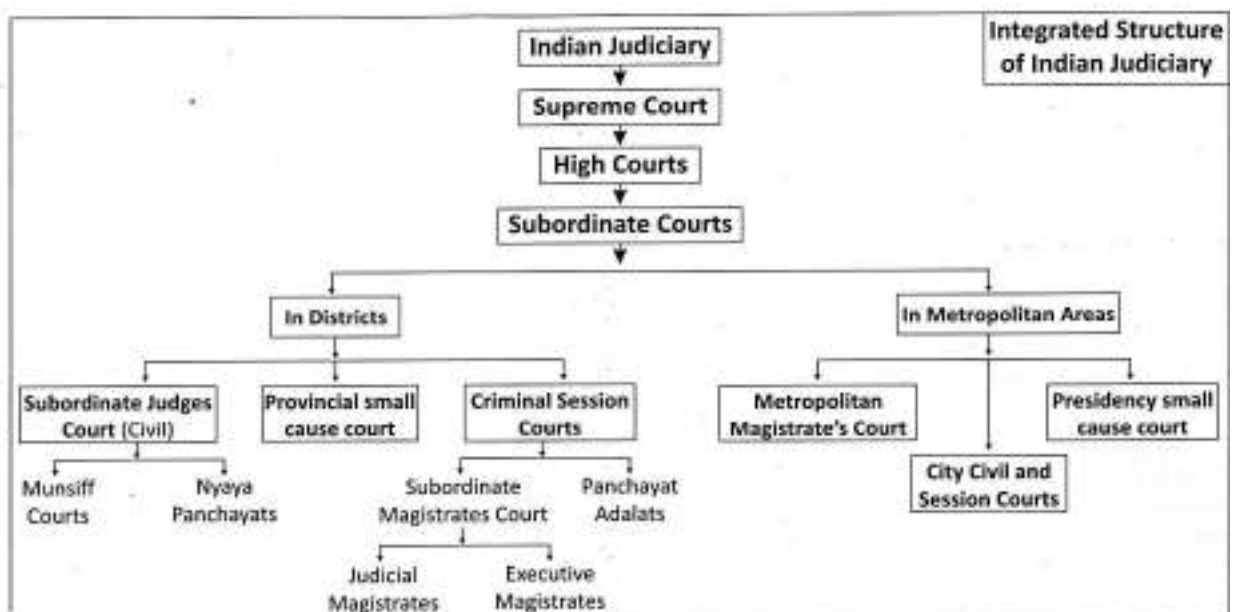
•	Municipal Corporation
•	Municipality
•	Notified Area Committee
•	Town Area Committee
•	Cantonment Board
•	Township
•	Port Trust
•	Special Purpose Agency



*Source: COSMOS PUBLICATION, DELHI

Supreme Court

- Supreme Court is the successor of Federal Court of India which was established under Government of India Act, 1950.
- Federal Court was an intermediate appellate between High Courts and Privy Council.
- Post Independence, Supreme Court became the highest appellate authority, making it the Supreme judicial body in independent India.
- Justice N.V. Ramana in April 2021 sworn in as the 48th Chief Justice of India, Succeeding CJI S.A. Bobde. He will hold the office till August 26, 2022.
- Supreme Court came into existence on 28th January, 1950
- Till 1993 the Supreme Court Judges were appointed by President on the recommendation of CJI but now 5 senior most judges committee recommends the names to the law ministry and after scrutinizing send the paper to the President.



Composition

- Supreme Court consists of a Chief Justice of India and maximum 33 other judges at present. Originally, there was strength of 8 judges (one CJI and seven other judges) in Supreme Court which was later increased to 10 in 1956, 13 in 1960, 17 in 1977 and 25 in 1986. The provision is provided under Article 124(A1).
- In 2009, this strength was increased to thirty one. Supreme Court (number of judges) Bill of 2019 has added four Judges to strength. It increased the judicial strength from 31 to 34, including the Chief Justice of India.

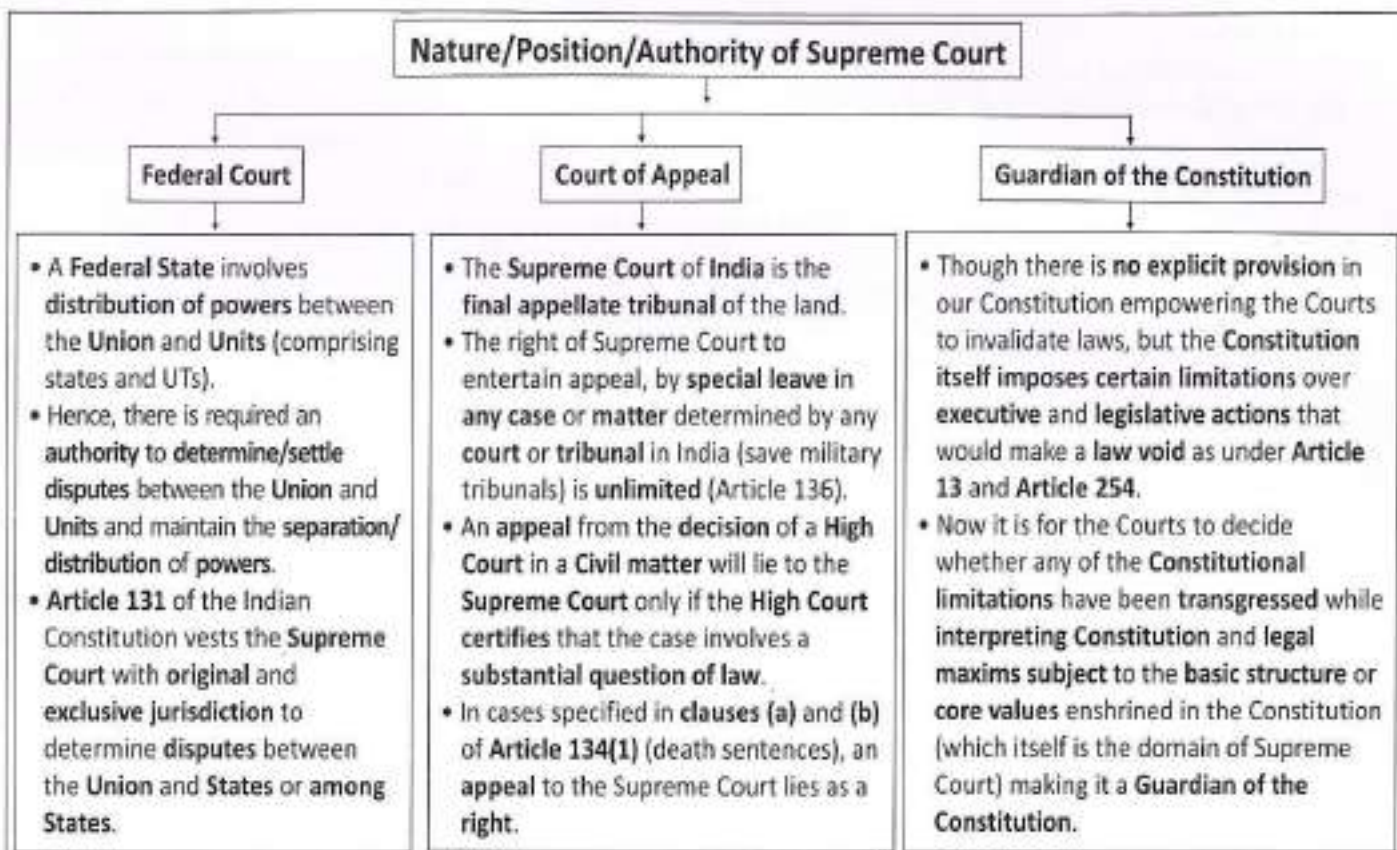
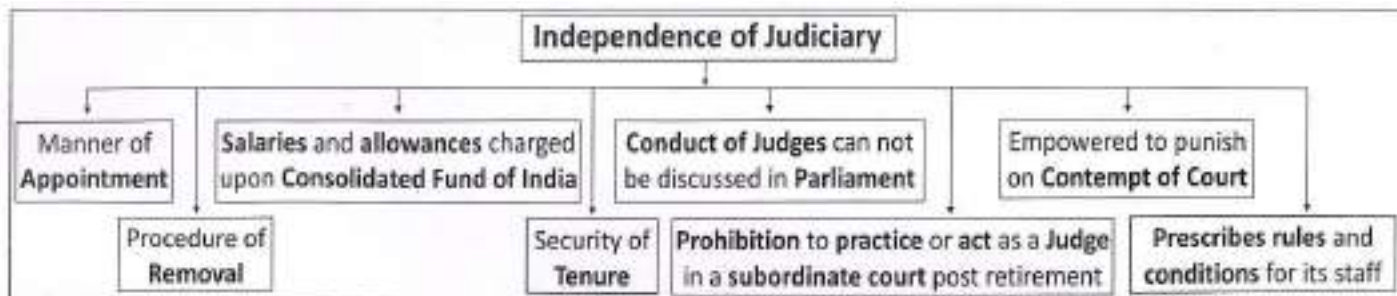
Appointment

- Chief Justice of India is appointed by the President after consultation with such Judges of Supreme Court and High Court as he considers necessary.
- In the Second Judge Case (1993) Supreme Court held that senior most judge of the Supreme Court could alone be appointed as Chief Justice of India.
- In Third Judge Case (1998), Supreme Court ruled that Chief Justice has to consult four senior most judges before tendering his advice to President on the appointment of judges, thus expanded the collegium system.

Qualification of Judges

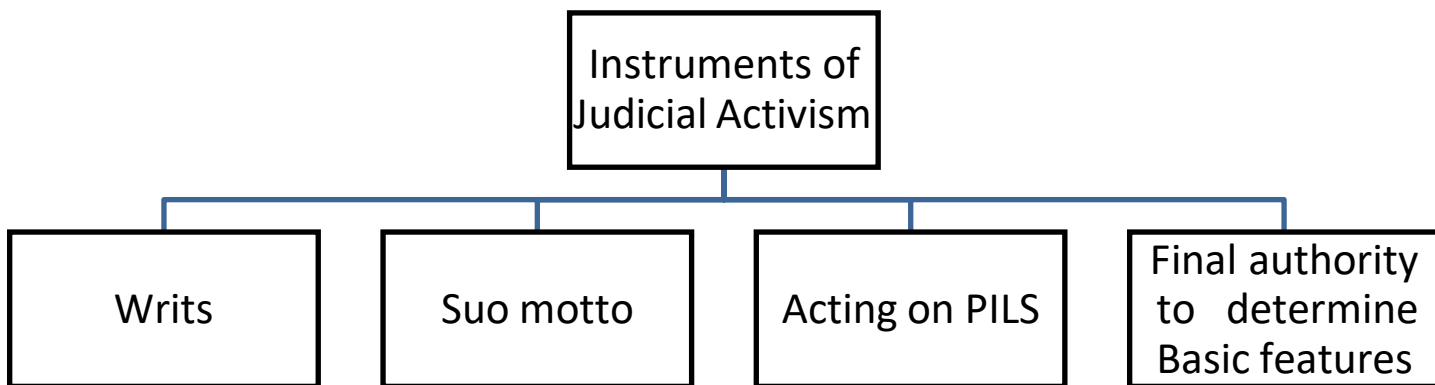
- He must be a citizen of India.
- He should have been the judge of High Court (or High courts) for at least 5 years in succession.
or
- He should be an advocate of High court (or High Court) for 10 years in succession
or
- He should be a distinguished jurist in view of the President.

- No minimum age is prescribed for the appointment as a judge of the Supreme Court.



Judicial Activism

- Judicial intervention in legislative functioning of the State through writs, suo mottos and declaring legislative initiatives null and void as opposed to theory of Separation of Powers.



Contempt of Court refers to the offence of showing disrespect to the dignity or authority of a court. Supreme court and High Courts derive their contempt powers from the Constitution. The **Contempt of Court Act, 1971**, outlines the procedure in relation to **investigation** and **punishment** for contempt. The Act divides contempt into civil and criminal contempt. Civil contempt refers to the **willful disobedience** of an order of any court. Criminal contempt includes any act or **publication** which: **Scandalises the court, Prejudices any judicial proceeding, Interferes** with the administration of justice in any other manner.

Tenure

- Constitution does not lay and fix time period for judges of Supreme Court. Though it provides that a judge of Supreme Court continues to hold office until he attains the age of 65 years.
- A judge of Supreme Court can resign by tendering his resignation to President.
- He can be removed by President's order on recommendation of Parliament on the grounds of proved misbehavior or incapacity.
- President can remove a judge of Supreme Court only after the removal motion is passed by both Houses of Parliament with a special majority.
- The only grounds upon which removal of a judge through a parliamentary resolution is carried out are – proved misbehavior and incapacity [(Article 124(4))].
- The procedure for the removal of judges through parliamentary resolution is same for the judges of Supreme Court and High court.

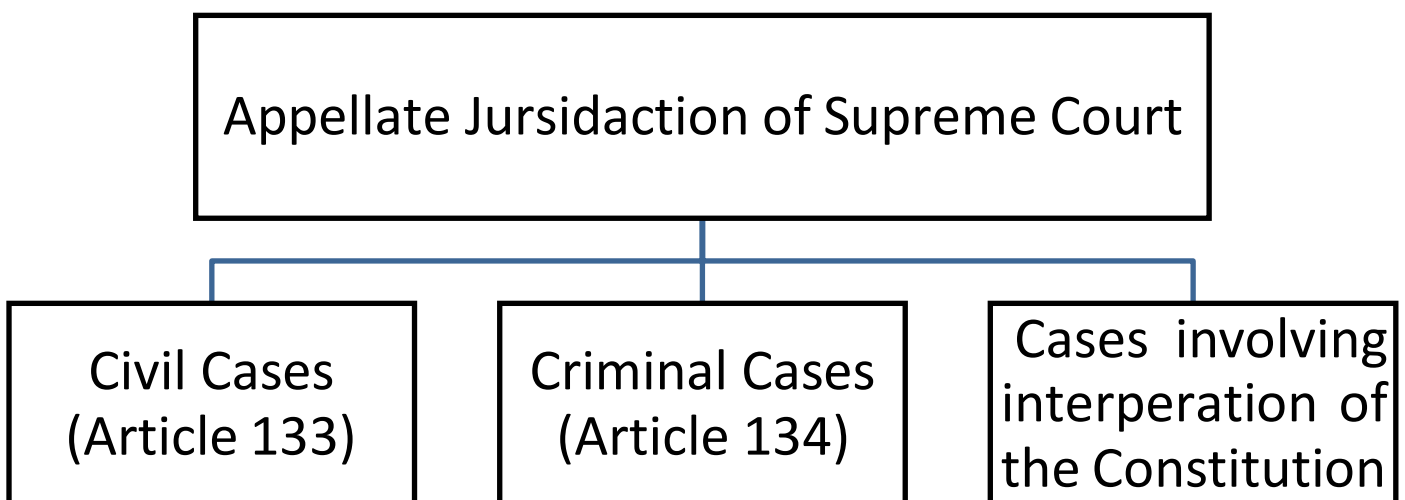
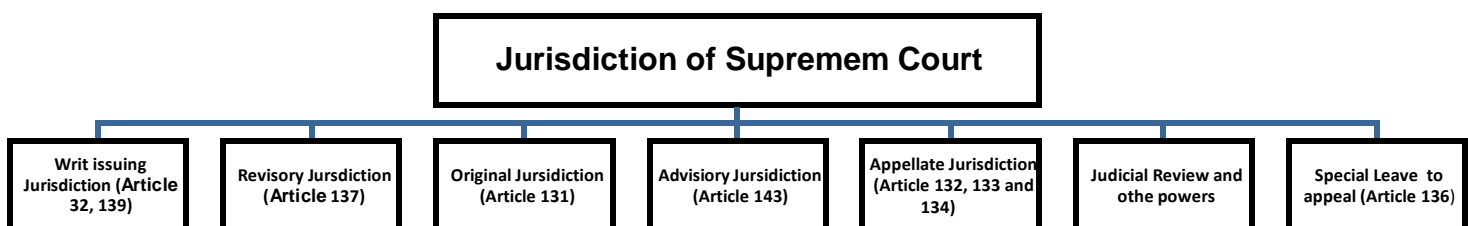
Acting Chief Justice (Article 126)

- President can appoint a judge of Supreme court as Acting Chief Justice when:
- Chief Justice is absent or unable to perform his duties.
- Office of CJI is vacant

Ad-hoc Judges (Article 127)

Chief Justice of India with the previous consent of President can appoint a judge of High court as ad-hoc judge of Supreme court. In doing so, chief Justice has to consult the Chief Justice of concerned High Court and the judge who is to be appointed must be qualified to be a judge of supreme Court. Ad-hoc judges are appointed when there is a lack of quorum of permanent judges in Supreme Court to conduct the business of court.

Any discussion on the conduct of a judge of the Supreme Court or a High Court is forbidden in Parliament as under Article 121 except upon a motion for an address to the President for the removal of the judge.



Supreme Court is empowered to hear Review Petition under Revisory jurisdiction (Article 137).

Reasons for Judicial Activism

- Amending the Preamble
- Amending provisions related to Fundamental Rights
- Extending powers of the Parliament to amend the Constitution without a judicial scrutiny through Article 368
- Frequent misuse of Article 356
- Ordinances as an extra legislative measure for executive functioning of the State
- Curtailing rights of citizens through legislations
- To fill for the Legislative vacuum

*Source: COSMOS PUBLICATION, DELHI

High Courts

- The charter of High Court of Calcutta was ordered in May 1862 and that of Bombay and Madras were on June 1862. Thereby making the **Calcutta High Court** the **first court of the country**.

Article 214 of the Constitution provides that there shall be a High Court for each State.

Part VI (Article 214 to 231) of the Indian Constitution deals with High Courts and related provisions.

7th Constitutional Amendment Act, 1956 provided that there can be a common High Court for two or more States or for two or more states and Union Territory.

Constitution of High Courts

- Every High Court consists of a Chief Justice and such other judges as the President appoints from time to time. So, unlike in Supreme Court, Constitution does not fix the number of Judges in High Courts and it depends on the discretion of President.

Neither additional nor acting judge holds office beyond 62 years of prescribed age for retirement of a High court Judge.

Appointment of Judges

- Chief Justice of High Court is appointed by President of India in consultation with Chief Justice of India and Governor of the concerned State.
- All other judges of High court are also appointed by the President in consultation with the Chief Justice of India, Governor of the concerned State and Chief Justice of concerned High court.
- In case of common High court, Governors of all concerned states are consulted.

Oath

- Every Judge of High Court before entering in office subscribes an oath administered by Governor of concerned State or any person appointed by him on his behalf.

Qualifications

- A person to be appointed as a judge of High Court should hold following qualifications.
- He must be a citizen of India.
- He must have held a judicial office in the territory of India for 10 years or he must have been an advocate of a High Court (or High Courts) in succession for at least 10 years.

Tenure

- There is no fixed tenure for judges of High Courts.
- A High Court Judge holds office until he attains the age of 62 years.
- He can be removed by President in the same manner as the judge of Supreme Court.

Salary and allowances

- Salaries and allowances of High Court Judges are fixed by Parliament and they can not be varied for disadvantages of Judges during their tenure except in financial emergency.
- At present, monthly salary of High Court judges is 2.25 Lakh and Salary of Chief Justice of High Courts is 2.5 Lakh.
- **Jammu-Kas hmir** and Delhi are the only two Union Territories to have their own High Courts.
- Calcutta, Bombay, Madras and Delhi High Courts have original civil jurisdiction in cases of higher value.

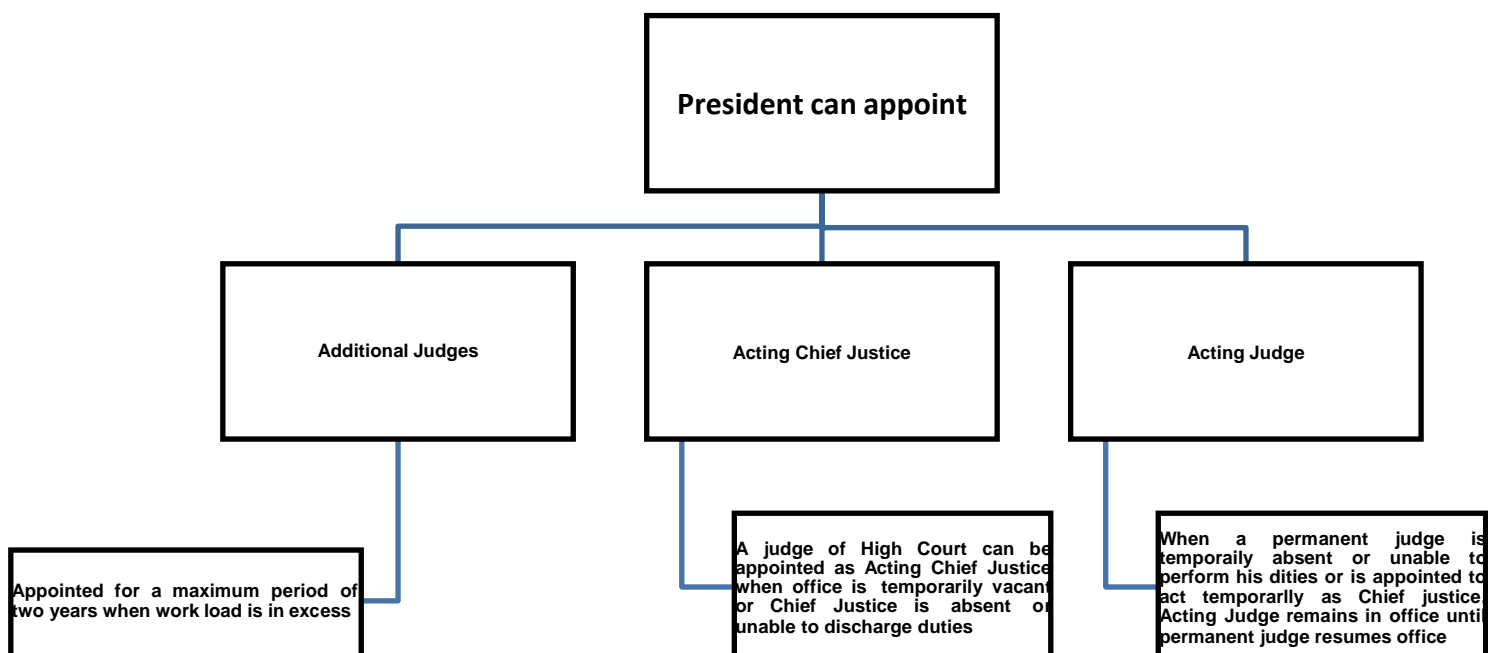
Appellate Jurisdiction

- High Courts are the courts of appeal in Civil and Criminal cases against judgments of Subordinate Courts in the State.
- An appeal can be made to the High Court against a District Courts decision in a matter of fact or law.
- High courts have no jurisdiction over court martial or military courts.
- High court assumes the power of Judicial Review form Article 13 and 226 of the Indian constitution. The word Judicial review is nowhere used in the constitution.

Union Territories	Under Territorial Jurisdiction of
Dadra And Nagar Haveli and Daman and Diu	Bombay High Court
Andaman and Nicobar Islands	Calcutta High Court
Lakshadweep	Kerala High Court
Pondicherry / Puducherry	Madras High Court
Chandigarh	Punjab and Haryana High Court
Delhi	Delhi High Court (1966)
Ladakh	Jammu and Kashmir

Important Facts about High Courts in India

- The **Calcutta High Court** is the **oldest High Court** in the country, established on **2 July, 1862**.
- The **youngest High Court** in India is the **Andhra Pradesh High Court** established on **1 January, 2019**.
- The **Madras High Court** in Chennai, **Bombay High Court** in Mumbai, **Calcutta High Court** in Kolkata and **Allhabad High Court** in Allahabad are the **oldest four High Courts** in India.
- **First female Judge of High Court** was **Anna Chandy**. **First female Chief Justice of High Court** was **Leila Seth** (Himachal Pradesh HC).
- **India's first e-court** was opened at High Court of Judicature at **Hyderabad** in **2016**.



Name and Jurisdiction of High Courts				
S.No.	High Court	Establishment Year	Territorial Jurisdiction	Seat
1.	Allahabad High Court	1866	Uttar Pradesh	Allahabad Bench: Lucknow
2.	Andhra Pradesh High Court	2019	Andhra Pradesh	Amravati
3.	Bombay High Court	1862	Goa, Dadra and Nagar Haveli and Daman and Diu, Maharashtra	Mumbai (Benches at Nagpur, Haveli and Panaji and Aurangabad)
4.	Calcutta High Court	1862	Andaman and Nicobar Islands, West Bengal	Kolkata (Circuit Bench at Port Nicobar Blair)
5.	Chhattisgarh High Court	2000	Chhattisgarh	Bilaspur
6.	Delhi High Court	1966	NCT of Delhi	New Delhi
7.	Guwahati High Court	1948	Arunachal Pradesh, Assam, Mizoram, Nagaland	Guwahati Bench: Aizawl, Itanagar, Kohima
8.	Gujarat High Court	1960	Gujarat	Ahmedabad
9.	Himachal High Court	1971	Himachal Pradesh	Shimla
10.	Jammu & Kashmir High Court	1928	Jammu & Kashmir and Ladakh	Srinagar/ Jammu
11.	Jharkhand High Court	2000	Jharkhand	Ranchi
12.	Karnataka High Court	1884	Karnataka	Bengaluru Bench: Dharwad, Kalaburagi
13.	Kerala High Court	1956	Kerala, Lakshadweep	Kochi
14.	Madhya Pradesh High Court	1956	Madhya Pradesh	Jabalpur Bench: Gwalior, Indore
15.	Madras High Court	1862	Tamil Nadu, Puducherry	Madras Bench: Madurai
16.	Manipur High Court	2013	Manipur	Imphal

17.	Meghalaya High Court	2013	Meghalaya	Shillong
18.	Orissa High Court	1948	Orissa	Cuttack
19.	Patna High Court	1916	Bihar	Patna
20.	Punjab and Haryana High Court	1875	Chandigarh, Haryana, Punjab	Chandigarh
21.	Rajasthan High Court	1949	Rajasthan	Jodhpur Bench: Jaipur
22.	Sikkim High Court	1975	Sikkim	Gangtok
23.	Telangana High Court	1954	Telangana	Hyderabad
24.	Tripura High Court	2013	Tripura	Agartala
25.	Uttarakhand High Court	2000	Uttarakhand	Nanital

Presiding Officers	
Speaker and Deputy Speaker	Chairman and Deputy Chairman
<ul style="list-style-type: none"> • Legislative Assembly has a Speaker and a Deputy Speaker elected by Assembly itself from amongst its members. • Speaker presides over the meetings of Legislative Assembly and in his absence Deputy Speaker presides over the meetings of Legislative Assembly. • Speaker gives his resignation to Deputy Speaker and vice-versa. 	<ul style="list-style-type: none"> • Legislative Council has a Chairman and Deputy Chairman elected by itself from amongst its members to preside over the house. • When Chairman is absent, the Deputy Chairman functions as presiding officer of the house. • Chairman gives his resignation to Deputy Chairman or vice-versa.

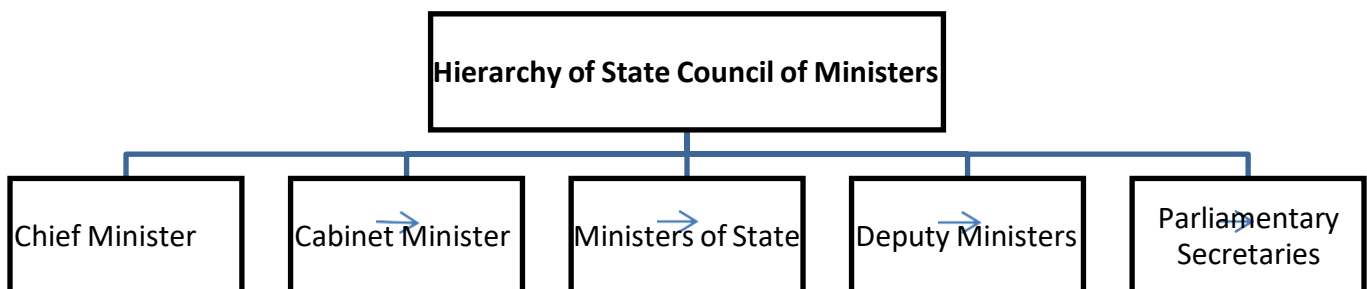
Article 164(1) maintains that the Chief Minister holds office at the pleasure of the Governor; also Article 164(2) maintains that the ministers (including the Chief Minister) are collectively responsible to the Legislative Assembly of the State. Hence forth as long as the Chief Minister enjoys the support and confidence in the house, he cannot be removed by the Governor.

- Chief Minister gets the same salary and allowances which are paid to the members of State Legislative Assembly.
- In addition to that he gets sumptuary allowance, free accommodation, travelling allowance, medical facilities etc. Salary and allowance of Chief Minister are determined by State Legislature form time to time.

Constitutional provisions related to Council of Ministers
Article 163
Council of Ministers to aid and advice the Governor
Article 164
Provisions related to appointment, reshuffle, allotment of portfolios, salary and allowances, individual and collective responsibility.

- **Legislative Assembly** passes the bill again and send it t the Council if the Council still rejects it, the bill is considered to be passed by both the houses; if the Council proposes amendments not acceptable to the Bill, the bill is considered to be passed and if the state legislative council keeps the bill pending for one month; then in either of the three cases the bill is considered to be passed by both the houses.

State Legislative Council can withhold and ordinary bill for a maximum duration of 4 moths.



Powers and Functions of Chief Minister

In relation to Council of Ministers

- Chief Minister recommends persons who are to be appointed as Ministers by the Governor. Article 164 says that Chief Minister shall be appointed by the Governor and the other ministers shall be appointed by the Governor on the advice of Chief Minister. So, Governor can appoint only those members as minister who are recommended by Chief Minister.
- He allocates and reshuffles portfolios among his ministers.
- He presides over the meetings of cabinet and Council of Ministers. He can call cabinet meeting anytime.
- He may ask any Minister to resign any time or can advise the Governor to dismiss a minister on difference of opinion.
- He guides, controls and coordinates the activities of all the ministers.
- If he resigns then Council of Ministers automatically gets dissolved.

In relation to Governor

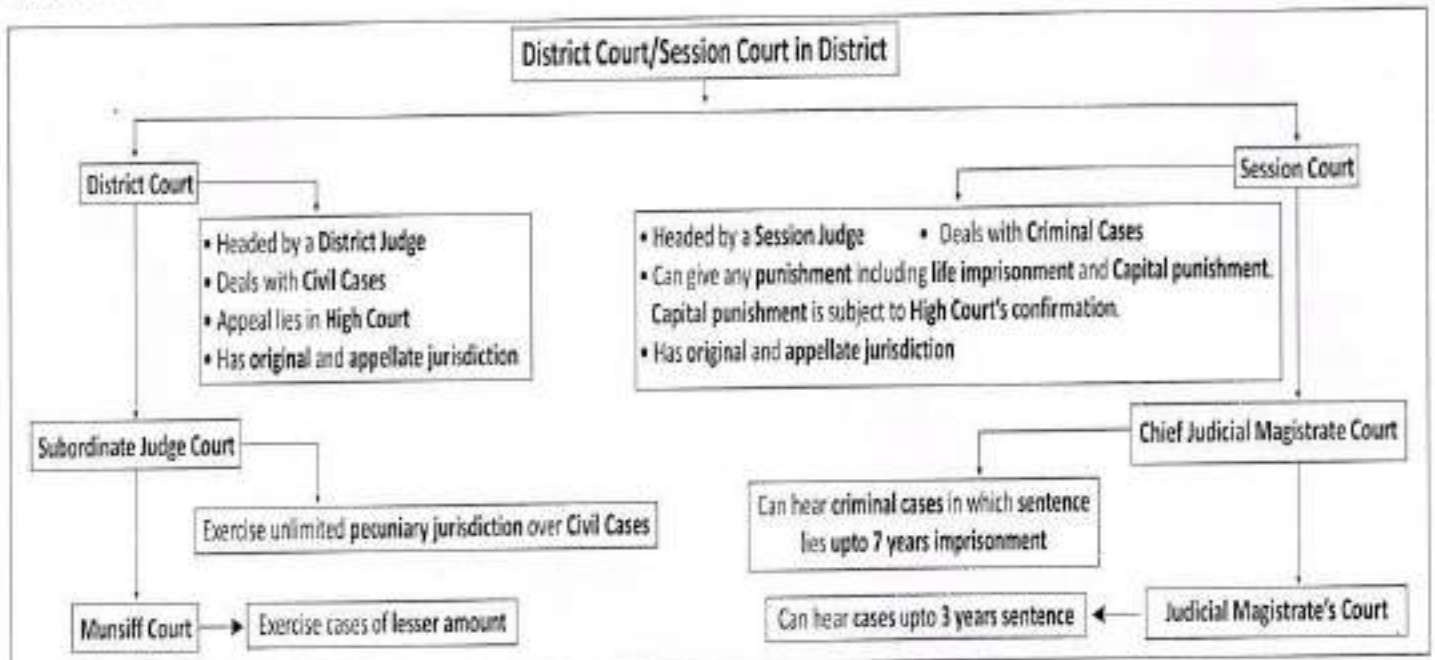
- Chief Minister functions as the channel of communication between the Governor and Council of Ministers.
- As given in Article 167 : It shall be the duty of the Chief Minister of each state
 - (a) to communicate to the Governor of the State all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation.
 - (b) to furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for, and
 - (c) if the Governor so requires, to submit for the consideration of the council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the council.
- He advises the Governor with regard to the appointment of important officials like Advocate General, the Chairman and the members of the State Public Service Commission, the State Election Commissioner etc.

In relation to the State Legislature

- Chief Minister is the leader of the State Legislative Assembly and leader of party in power. He announces government policies on the floor of the house.
- He intervenes in the debates of general importance.
- He advises the Governor with regard to the summoning and proroguing of the sessions of state legislature.
- He recommends the Governor for dissolution of the legislative assembly whenever he wishes to do so.

Subordinate Courts

Part VI from Article 233 to 237 in the Indian Constitution deals with Subordinate Courts.



Subordinate Courts (Part VI) (Article 233 to 237)	
Article 233	Appointment of District Judges
Article 233A	Validation of appointments of, and judgments, etc, delivered by certain District Judges
Article 234	Recruitment of persons other than district judges to the judicial service
Article 235	Control over subordinate courts
Article 236	Interpretation
Article 237	Application of the provisions of this chapter to certain class or classes of magistrates

Appointment of District Judges

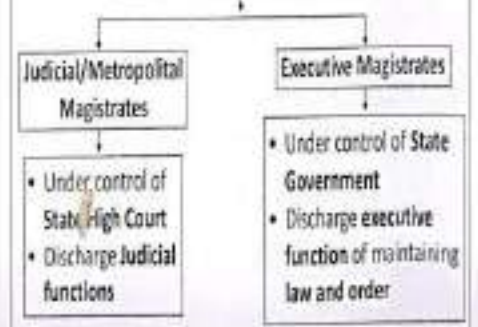
- A Judge of District Court is appointed by the Governor in consultation with the concerned High Court. Promotion and posting of district judges are done by Governor in consultation with High Courts.

District Judge becomes a Session Judge while dealing with criminal cases and District Court is a Session Court in criminal cases. Appeals against District Court go to High Court.

Lok Adalats

- Lok Adalats are an alternative dispute resolution mechanism in an amicable manner by settling disputes in an informal manner. Disputes which are pending in court or are in pre-litigation stage can be settled in Lok Adalats.
- Legal Service Authority Act, 1987 gives statutory backing to Lok Adalats.

Subordinate Magistrates

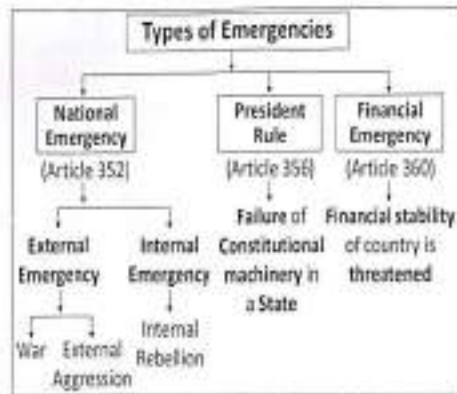


- Gram Nyayalayas were enacted under Gram Nyayalayas Act, 2008 guided by principles of Natural Justice.

*Source: COSMOS PUBLICATION, DELHI

Emergency Provisions

- Indian Constitution provides emergency provisions in Part XVIII from Article 352 to 360. These provisions in Indian Constitution are laid down to deal with an emergency or abnormal situations.

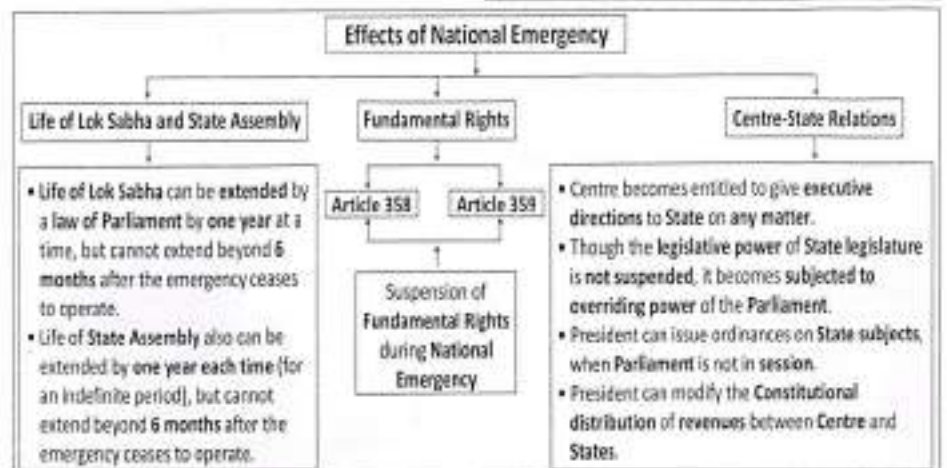


National Emergency (Article 352)

- National Emergency is declared by the President of India when there is grave threat to the security of India or any of its territory due to war, external aggression or armed rebellion. He can proclaim emergency for whole India or any part of it.
- President can declare this Emergency even before actual occurrence of war, external aggression or armed rebellion if he is satisfied that there is an imminent danger.
- President declares National Emergency only on the written recommendation of Cabinet. It should be noted here, the word Cabinet is not mentioned in the original Constitution. It was added by 44th Constitutional Amendment Act, 1978.
- Approval of such proclamation must be done by special majority of both the houses of the Parliament. If both houses approve then Emergency remains in the force for six months. Though, it can continue for indefinite period with an approval of Parliament every six months.

- National emergency can be revoked by the President anytime by a subsequent proclamation if Lok Sabha disapproves the proclamation of Emergency or its continuance.

Proclamation of National Emergency	
26 th October, 1962	– Indo-China War
3 rd December, 1971	– India-Pakistan War
25 th June, 1975	– On grounds of internal disturbances



Laws made by Parliament on State subject during emergency remains in force till 6 months after Emergency ceases.

Though the Proclamation of National Emergency does not suspend the State Legislature, it suspends the distribution of legislative powers between the Union and the State.



President cannot suspend the enforcement of fundamental rights guaranteed under Article 20 and 21 even during emergency.

President Rule [State Emergency (Article 356)]

- Article 356 talks about the failure of Constitutional machinery in the State leading to President's rule. If the President, realises on the basis of Governor's report or otherwise that the situation has arisen that the government of a State cannot be carried in accordance with the Constitutional provisions, he may issue State emergency.
- When a State fails to comply with the directions given by Centre then too President can declare State Emergency as per Article 365.

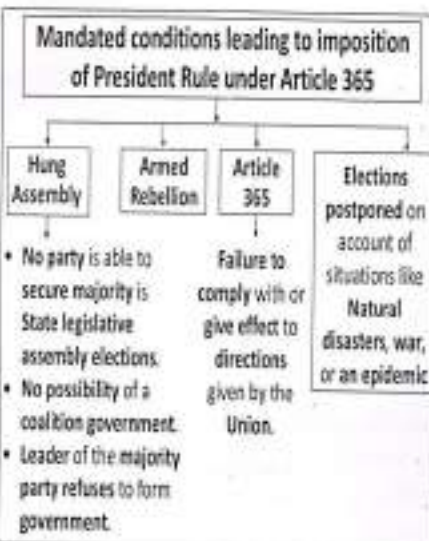
- Proclamation of State Emergency must be approved by the Parliament within two months, otherwise it will cease to operate. Once the proclamation is approved, it remains in force for six months from the date of proclamation.

If a Proclamation of Emergency (National Emergency) is already in operation under Article 352 and Election Commission certifies that elections cannot be held on such occasion, then State Emergency can be extended up to 3 years.

The proclamation of State emergency under Article 356 suspends the State Legislature and the Executive authority of the State is assumed by the President in whole or in part.

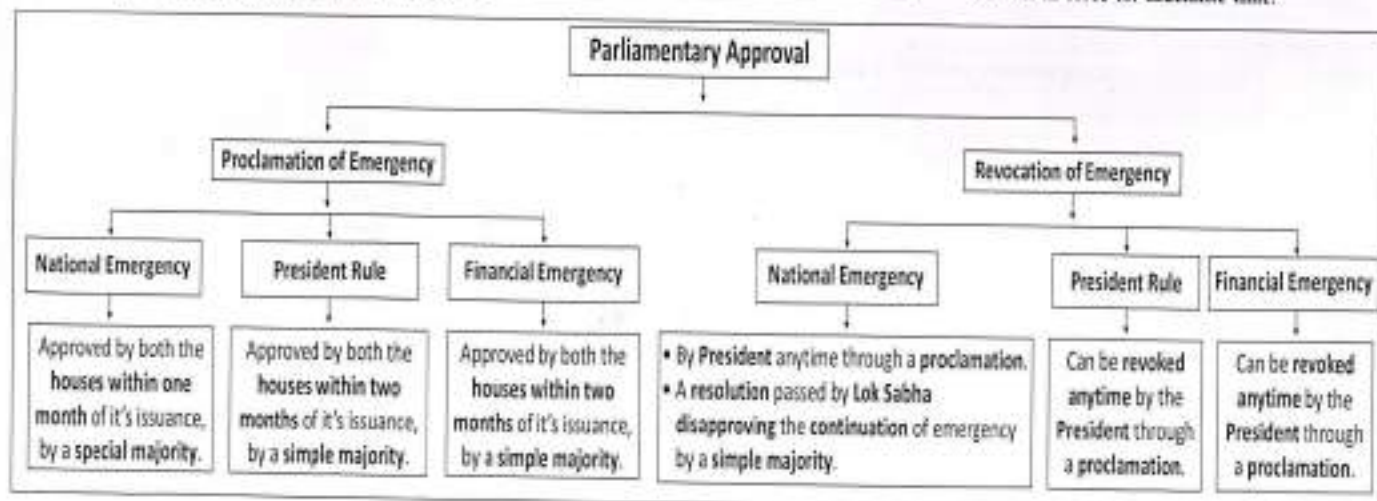
- According to a RTI response from the Ministry of

Home Affairs, President's Rule was imposed 115 times till 2016.



Financial Emergency (Article 360)

- Under Article 360, President can declare the Financial Emergency if he is satisfied that a situation has arisen whereby the financial stability or the credit of India or any part thereof is threatened.
- Proclamation of Financial Emergency must be approved within two months by Parliament. But, if Lok Sabha is dissolved or its dissolution takes place within two months of proclamation without approving it then it will survive until 30 days from first sitting of Lok Sabha after its reconstitution provided Rajya Sabha approved it in the meantime.
- If Financial Emergency is approved by both houses of Parliament by a simple majority then it will survive until it is revoked by President. So, it can remain in force for indefinite time.



*Source : COSMOS PUBLICATION, DELHI

Constitutional Amendment

Article 368 in Part XX of the constitution deals with the power of parliament to amend the constitution and its procedures. Article 368 provides of two type of amendments, that is, by a special majority of Parliament and the Special majority of Parliament along with the ratification of half of the states legislatures by simple majority. Amendment of certain provisions of the constitution requires amendment by a simple majority of each house present and voting. These amendments are not deemed to be amendments under Article 368. In Kesavananda Bharti case 1973, the supreme court has rules that parliament has the power to amend any part of the constitution but it cannot alter the basic structure of the constitution. The constituents of basic structure are not clearly defined by the court. However, it has been interpreted to provisions like values enshrined in preamble like secularism, equality, federalism, separation of power, independence judiciary, rule of law etc.

First Amendment Act, 1951

1. Empowered the state to make special provisions for the advancement of socially and economically backward classes.
2. Provided for the saving of laws providing for acquisition of estates, etc.
3. Added Ninth Schedule to protect the land reform and other laws included init from the judicial review.
4. Added three more grounds of restrictions on freedom of speech and expression, viz., public, order, friendly relations with foreign states and incitement to an offence. Also, made the restrictions reasonable and thus, justiciable in nature.
5. Provided that state trading and nationalisation of any trade or business by the state is not to be invalid on the ground of violation of the right to trade or business.

Second Amendment Act, 1952

Readjusted the scale of representation in the Lok Sabha by providing that one member could represent even more than 7,50,000 persons.

Third Amendment Act, 1954

Empowered the Parliament to control the production, supply and distribution of the foodstuffs, cattle fodder, raw cotton, cotton seed and raw jute in the public interest.

Fourth Amendment Act, 1955

1. Made the scale of compensation given in lieu of compulsory acquisition of private property beyond the scrutiny of courts.
2. Authorised the state to nationalise any trade.
3. Included some more Acts in the Ninth Schedule.
4. Extended the scope of Article 31 A (savings of laws).

Fifth Amendment Act, 1955

Empowered the president to fix the time-limit for the state legislatures to express their views on the proposed Central legislation affecting the areas, boundaries and names of the States.

Sixth Amendment Act, 1956

Included a new subject in the Union list i.e., Taxes on the sale and purchase of goods in the course of inter-state trade and commerce and restricted the State's power in this regard.

Seventh Amendment Act, 1956

1. Abolished the existing classification of States into four categories i.e., Part A, Part B, Part C and Part D states, and reorganised them into 14 States and 6 Union Territories.
2. Extended the jurisdiction of High Courts to union territories.
3. Provided for the establishment of a common High Court for two or more States.
4. Provided for the appointment of additional and acting judges of the High Court.

Eighth Amendment Act, 1960

Extended the reservation of seats for the SCs and STs, and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a period of ten years (i.e., up to 1970).

Ninth Amendment Act, 1960

Facilitated the cession of Indian territory of Berubari Union (located in West Bengal) to Pakistan as provided in the Indo-Pakistan Agreement (1958).

Tenth Amendment Act, 1961

Incorporated Dadra and Nagar Haveli in the Indian Union.

Eleventh Amendment Act, 1961

1. Changed the procedure of election of the Vice-President by providing for an electoral college instead of a joint meeting of the two lines of Parliament.
2. Provided that the election of the President or Vice-President cannot be challenged on the ground of any vacancy in the appropriate electoral college.

Twelfth Amendment Act, 1962

Incorporated Goa, Daman and Diu in the Indian Union.

Thirteenth Amendment Act, 1962

Gave the status of a State to Nagaland and made special provisions for it.

Fourteenth Amendment Act, 1962

1. Incorporated Puducherry in the Indian Union.
2. Provided for the creation of legislatures and Council of Ministers for the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Puducherry.

Fifteenth Amendment Act, 1963

1. Enabled the High Courts to issue writs to any person or authority even outside its territorial jurisdiction if the cause of action arise within its territorial limits.
2. Increased the retirement age of High Court judges from 60 to 62 years.
3. Provided for appointment of retired judges of the High Courts as acting judges of the same court.
4. Provided for compensatory allowance to judges who are transferred from one High Court to another.
5. Enabled the retired judge of High Court to act as adhoc judge of the Supreme Court.
6. Provided for the procedure for determining the age of the Supreme Court and High Court judges.

Sixteenth Amendment Act, 1963

1. Empowered the state to impose further restriction on the rights to freedom of speech and expression, to assemble peaceable and to form associations in the interests of sovereignty and integrity of India.
2. Included sovereignty and integrity in the forms of oaths or affirmations to be subscribed by contestants to the legislatures. Members of the legislatures, ministers, judges and CAG of India.

Seventeenth Amendment Act, 1964

1. Prohibited the acquisition of land under personal cultivation unless the market value of the land is paid as compensation.
2. Included 44 more Acts in the Ninth Schedule.

Eighteenth Amendment Act, 1966

Made it clear that the power of Parliament to form a new State also includes a power to form a new state or union territory by uniting a part of a state or a union territory to another state or union territory.

Nineteenth Amendment Act, 1966

Abolished the system of Election Tribunals and vested the power to hear election petitions in the High Courts.

Twentieth Amendment Act, 1966

Validated certain appointments of district judges in the UP which were declared void by the Supreme Court.

Twenty-First Amendment Act, 1967

Included Sindhi as the 15th language in the Eight Schedule.

Twenty-Second Amendment Act, 1969

Facilitated the creation of a new autonomous State of Meghalaya within the State of Assam.

Twenty-Third Amendment Act, 1969

Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the State legislative assemblies for a further period of ten years (i.e., up to 1980).

Twenty-Fourth Amendment Act, 1971

1. Affirmed the power of Parliament to amend any part of the Constitution including fundamental rights.
2. Made it compulsory for the President to give his assent to a Constitutional Amendment Bill.

Twenty-Fifth Amendment Act, 1971

1. Curtailed the fundamental Right to Property.
2. Provided that any law made to give effect to the Directive Principles contained in Article 39 (b) or (c) cannot be challenged on the ground of violation of the right guaranteed by Article 14, 19 and 31.

Twenty-Sixth Amendment Act, 1971

Abolished the privy purses and privileges of the former rulers of princely states.

Twenty-Seventh Amendment, 1971

1. Empowered the administrators of certain Union Territories to promulgate ordinances.
2. Made certain special provisions for new Union Territories of Arunachal Pradesh and Mizoram.
3. Authorised the Parliament to create the legislative assembly and the council of ministers for the new state of Manipur.

Twenty-Eighth Amendment Act, 1972

Abolished the special privileges of ICS officers and empowered the Parliament to determine their service conditions.

Twenty-Ninth Amendment Act, 1972

Included two Kerala Acts on land reforms in the Ninth Schedule.

Thirtieth Amendment Act, 1972

Did away with the provision which allowed appeal to the supreme Court in civil cases involving an amount of Rs.20,000 and provided instead that an appeal can be filed in the Supreme Court only if the case involves a substantial question of law.

Thirty-First Amendment Act, 1973

Increased the number of Lok Sabha seats from 525-5245.

Thirty-Second Amendment Act, 1973

Made special provisions to satisfy the aspirations of the people of the Telengana region in Andhra Pradesh.

Thirty-Third Amendment Act, 1974

Provided that the resignation of the members of Parliament and the state legislatures may be accepted by the Speaker/Chairman only if he is satisfied that the resignation is voluntary or genuine.

Thirty-Fourth Amendment Act, 1974

Included twenty more land tenure and land reforms acts of various states in the Ninth Schedule.

Thirty-Fifth Amendment Act, 1974

Terminated the protectorate status of Sikkim and conferred on it the 'status of an associate state of the Indian Union. The Tenth Schedule was added laying down the terms and conditions of association of Sikkim with the Indian Union.

Thirty-Sixth Amendment Act, 1975

Made Sikkim a full-fledged State of the Indian Union and omitted the Tenth Schedule.

Thirty-Seventh Amendment Act, 1975

Provided legislative assembly and council of ministers for the Union Territory of Arunachal Pradesh.

Thirty-Eighth Amendment Act, 1975

1. Made the declaration emergency by the President non-justiciable.
2. Made the promulgation of ordinances by the President, Governors and administrators of union territories non-justiciable.
3. Empowered the president to declare different proclamations of national emergency on different grounds simultaneously.

Thirty-Ninth Amendment Act, 1975

1. Placed the disputes relating to the President, Vice-President, Prime Minister and Speaker beyond the scope of the judiciary. They are to be decided by such authority as may be determined by the Parliament.
2. Included certain Central acts in the Ninth Schedule.

Fortieth Amendment Act, 1976

1. Empowered the Parliament to specify from time to time the limits of the territorial waters, the continental shelf, the exclusive economic zone (EEZ) and the maritime zones of India.
2. Included 64 more Central and state laws, mostly relating to land reforms, in the Ninth Schedule.

Forty-First Amendment Act, 1976

Raised the retirement age of members of State Public Service Commission and Joint Public Service Commission from 60 to 62.

Forty-Second Amendment Act, 1976

The most comprehensive amendment made so far to the Constitution; it is known as **Mini-Constitution** it gave effect to the recommendations of Swaran Singh Committee

1. Added three new words (i.e., socialist, secular and integrity) in the Preamble.
2. Added Fundamental Duties by the citizens (new Part IV A).
3. Made the President bound by the advice of the Cabinet.
4. Provided for Administrative Tribunals and tribunals for other matters (added Part XIV A).
5. Froze the seats in the Lok Sabha and State legislative assemblies on the basis of 1971 census till 2001.
6. Made the constitutional amendments beyond judicial scrutiny.
7. Curtailed the power of judicial review and writ jurisdiction of the Supreme Court and High Courts.
8. Raised the tenure of Lok Sabha and State legislative assemblies from 5 to 6 years.
9. Provided that the laws made for the implementation of Directive Principles cannot be declared invalid by the courts on the ground of violation of some Fundamental Rights.
10. Empowered the Parliament to make laws to deal with anti-national activities and such laws are to take precedence over Fundamental Rights.
11. Added three new Directive Principles viz., equal justice and free legal aid, participation of workers in the management of industries and protection of environment, forests and wild life.
12. Facilitated the proclamation of national emergency in a part of territory of India.
13. Extended the one-time duration of the President's rule in a state from 6 months to one year.
14. Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.
15. Shifted five subjects from the state list to the concurrent list, viz., education, forests, protection of wild animals and birds, weights and measures and administration of justice, constitution and organisation of all courts except the Supreme Court and the High Courts.
16. Did away with the requirement of quorum in the Parliament and the state legislature.
17. Empowered the Parliament to decide from time to time the rights and privileges of its members and committees.
18. Provided for the creation of the All-India Judicial Service.

19. Shortened the procedure for disciplinary action by taking away the right of a civil servant to make representation at the second stage after the inquiry (i.e., on the penalty proposed).

Forty-Third Amendment Act, 1977

Enacted by the Janata Government to nullify some of the distortions introduced by 42nd Amendment Act of 1976

1. Restored the jurisdiction of the Supreme Court and the High Courts in respect of judicial review and of writs.
2. Deprived the Parliament of its special powers to make laws to deal with anti-national activities.

Forty-Fourth Amendment Act, 1978 (Enacted by the Janata Government mainly to nullify some of the other distortions introduced by 42nd Amendment Act, 1976)

1. Restored the original term of the Lok Sabha and the state legislative assemblies (i.e., 5 years).
2. Restored the provisions with regard to quorum in the Parliament and State legislatures.
3. Omitted the reference to the British House of Commons in the provisions pertaining to the parliamentary privileges.
4. Gave constitutional protection to publication in newspaper of true reports of the proceedings of the Parliament and state legislatures.
5. Empowered the president to send back the advice of cabinet for reconsideration. But, the reconsidered advice is to be binding on the president.
6. Deleted the provision which made the satisfaction of the president, governor and administrators final in issuing ordinances.
7. Restored some of the powers of the Supreme Court and High Courts.
8. Replaced the term internal disturbance by armed rebellion in respect of national emergency.
9. Made the President to declare a national emergency : only on the written recommendation of the Cabinet.
10. Made certain procedural safeguards with respect to national emergency and President's rule.
11. Deleted the right to property from the list of Fundamental Rights and made it only a legal right.
12. Provided that the fundamental rights guaranteed by Articles 20 and 21 cannot be suspended during a national emergency.
13. Omitted the provisions which took away the power of the court to decide the election disputes of the President, the Vice-President, the Prime Minister and the Speaker of the Lok Sabha.

Forty-Fifth Amendment Act, 1980

Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e., up to 1990).

Forty-Sixth Amendment Act, 1982

1. Enabled the states to plug loopholes in the laws and realise sales tax duties.
2. Brought about some uniformity in tax rates on certain items.

Forty-Seventh Amendment Act, 1984

Included 14 land reforms Acts of various states in the Ninth Schedule.

Forty-Eighth Amendment Act, 1984

Facilitated the extension of President's rule in Punjab beyond one year without meeting the two special conditions for such extension.

Forty-Ninth Amendment Act, 1984

Gave a constitutional sanctity to the Autonomous District Council in Tripura.

Fiftieth Amendment Act, 1984

Empowered the Parliament to restrict the Fundamental Rights of person employed in intelligence organisations and telecommunication systems set up for the armed forces or intelligence organisations.

Fifty-First Amendment Act, 1984

Provided for reservation of seats in the Lok Sabha for STs in Meghalaya, Arunachal Pradesh, Nagaland and Mizoram as well as in the Legislative Assemblies of Meghalaya and Nagaland.

Fifty-Second Amendment Act, 1985 (Known as Anti-Defection Law)

Provided for disqualification of members of Parliament and State legislatures on the ground of defection and added a new Tenth Schedule containing the details in this regard.

Fifty-Third Amendment Act, 1986

Made special provisions in respect of Mizoram and fixed the strength of its Assembly at a minimum of 40 members.

Fifty-Fourth Amendment Act, 1986

Increased the salaries of the Supreme Court and High Court Judges and enabled the Parliament to change them in future by an ordinary law.

Fifty-Fifth Amendment Act, 1986

Made special provisions in respect of Arunachal Pradesh and fixed the strength of its Assembly at a minimum of 30 members.

Fifty-Sixth Amendment Act, 1987

Fixed the strength of the Goa Legislative Assembly at a minimum of 30 members.

Fifty-Seventh Amendment Act, 1987

Reserved seats for the STs in the Legislative assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland.

Fifty-Eighth Amendment Act, 1987

Provided for an authoritative text of the Constitution in Hindi language and gave the same legal sanctity to the Hindi version of the Constitution.

Fifty-Ninth Amendment Act, 1988

1. Facilitated the extension of President's Rule in Punjab up to three years.
2. Provided for the declaration of national emergency in Punjab on the ground of internal disturbance.

Sixtieth Amendment Act, 1988

Increased the ceiling of taxes on professions, trades, callings and employments from Rs.250 per annum to Rs.2,500 per annum.

Sixty-First Amendment Act, 1989

Reduced the voting age from 21 years to 18 years for the Lok Sabha and State legislative assembly elections.

Sixty-Second Amendment Act, 1989

Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the State legislative assemblies for the further period of ten years (i.e., up to 2000).

Sixty-Third Amendment Act, 1989

Repealed the changes introduced by the 59th Amendment Act of 1988 in relation to Punjab. In other words, Punjab was brought at par with the other states in respect of Emergency provisions.

Sixty-Fourth Amendment Act, 1990

Facilitated the extension of the President's rule in Punjab upto a total period of three years.

Sixty-Fifth Amendment Act, 1990

Provided for the establishment of a multi-member National Commission for SCs and STs in the place of a Special Officer for SCs and STs.

Sixty-Sixth Amendment Act, 1990

Included 55 more land reforms Acts of various states in the Ninth Schedule.

Sixty-Seventh Amendment Act, 1990

Facilitated the extension of the President's rule in Punjab up to a total period of four years.

Sixty-Eighth Amendment Act, 1991

Facilitated the extension of the President's rule in Punjab up to a total period of five years.

Sixty-Ninth Amendment Act, 1991

Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi. The amendment also provided for the creation of a 70 member legislative assembly and a 7 member Council of ministers for Delhi.

Seventieth Amendment Act, 1992

Provided for the inclusion of the members of the Legislative Assemblies of National Capital Territory of Delhi and the Union Territory of Puducherry in the electoral college for the election of the President.

Seventy-First Amendment Act, 1992

Included konkani, Manipuri and Nepali languages in the Eighth Schedule. With this, the total number of scheduled languages increased to 18.

Seventy-Second Amendment Act, 1992

Provided for reservation of seats for the STs in the Legislative Assembly of Tripura.

Seventy-Third Amendment Act, 1992

Granted constitutional status and protection to the Panchayati Raj Institutions. For this purpose, the Amendment has added a new Part-IX entitled as The Panchayats and a new Eleventh Schedule containing 29 functional items of the panchayats.

Seventy-Fourth Amendment Act, 1992

Granted constitutional status and protection to the urban local bodies. For this purpose, the Amendment has added a new Part IX-A entitled as the municipalities and a new Twelfth Schedule containing 18 functional items of the municipalities.

Seventy-Fifth Amendment Act, 1994

Provided for the establishment of rent tribunals for the adjudication of disputes with respect to rent its regulation and control and tenancy issues including the rights, title and interest of landlord and tenants.

Seventy-Sixth Amendment Act, 1994

Included the Tamil Nadu Reservation Act of 1994 (which provides for 69% reservation of seats in educational institutions and posts in state service) in the Ninth Schedule to protect it from judicial review. In 1992, the Supreme Court ruled that the total reservation should not exceed 50%.

Seventy-Seventh Amendment Act, 1995

Provided for reservation in promotions in government jobs for SCs and STs. This amendment nullified the Supreme Court ruling with regard to reservation in promotions.

Seventy-Eighth Amendment Act, 1995

Included 27 more land reforms Acts of various states in the Ninth Schedule. With this, the total number of Acts in the Schedule increased to 282. But, the last entry is numbered 284.

Seventy-Ninth Amendment Act, 1999

Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the State legislative assemblies for a further period of ten years (i.e., up to 2010).

Eightieth Amendment Act, 2000

Provided for an alternative scheme of devolution of revenue between the Centre and States. This was enacted on the basis of the recommendations of the Tenth Finance Commission which has recommended that out of the total income obtained from Central taxes and duties, twenty-nine percent should be distributed among the states.

Eighty-First Amendment Act, 2000

Empowered the state to consider the unfilled reserved vacancies of a year as a separate class of vacancies to be filled up in any succeeding year or years. Such class of vacancies are not to be combined with the vacancies of the year in which they are being filled up to determine the ceiling of 50% reservation on total number of vacancies of that year. In brief, this amendment ended the 50% ceiling on reservation in backlog vacancies.

Eighty-Second Amendment Act, 2000

Provided for making of any provision in favour of the SCs and STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to the public services of the Centre and the States.

Eighty-Third Amendment Act, 2000

Provided that no reservation in panchayats need be made for SCs in Arunachal Pradesh. The total population of the State is tribal and there are no SCs.

Eighty-Fourth Amendment Act, 2001

Extended the ban on re-adjustment of seats in the Lok Sabha and the State legislative assemblies for another 25 years (i.e., up to 2026) with the same objective of encouraging population limiting measures. In other words, the number of seats in the Lok Sabha and the assemblies are to remain same till 2026. It also provided for the re-adjustment and rationalisation of territorial constituencies in the states on the basis of the population figures of 1991 census.

Eighty-Fifth Amendment Act, 2001

Provided for consequential seniority in the case of promotion by virtue of rule of reservation for the government servants belonging to the SCs and STs with retrospective effect from June 1995.

Eighty-Sixth Amendment Act, 2002

1. Made elementary education a Fundamental Right. The newly-added Article 21-A declares that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may determine.
2. Changed the subject matter of Article 45 in Directive Principles. It now reads The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
3. Added a new fundamental duty under Article 54-A which reads-It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years.

Eighty-Seventh Amendment Act, 2003

Provided for the re-adjustment and rationalisation of territorial constituencies in the States on the basis of the population figures of 2001 census and not 1991 census as provided earlier by the 84th Amendment Act of 2001.

Eighty-Eighth Amendment Act, 2003

Made a provision for Service tax. Taxes on services are levied by the Centre. But, their proceeds are collected as well as appropriated by both the Centre and the-states in accordance with the principles formulated by Parliament.

Eighty-Ninth Amendment Act, 2003

Bifurcated the erstwhile combined National Commission for Scheduled Castes and Scheduled Tribes into two separate bodies, namely, National Commission for Scheduled Castes and National Commission for Scheduled Tribes. Both the Commissions consist of a Chairperson, a Vice-Chairperson and three other members. They are appointed by the President.

Ninetieth Amendment Act, 2003

Provided for maintaining the erstwhile representation of the Scheduled Tribes and non-Scheduled Tribes in the Assam legislative assembly from the Bodoland Territorial Areas District.

Ninety-First Amendment Act, 2003

Made the following provisions to limit the size of Council of Ministers, to debar defector from holding public offices, and to strengthen the anti-defection law:-

- The total number of ministers, including the Prime Minister, in the Central Council of Ministers shall not exceed 15% of the strength of the Lok Sabha.
- A member of either house of Parliament belonging to any political party who is disqualified to be appointed as Minister.
- The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15% of the total strength of the Legislative Assembly of that state. But, the number of ministers, including the Chief Minister, in a state shall not be less than 12.
- A member of either House of a state legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a member.

The provision of the Tenth Schedule (anti-defection law) pertaining to exemption from disqualification in case of split by one-third members of legislature party has been deleted. It means that the defectors have no more protection on grounds of splits.

Ninety-Second Amendment Act, 2003

Included four more languages in the Eighth Schedule. They are Bodo, Dogri (Dangri), Maithili (Maithili) and Santhali. With this, the total number of constitutionally recognised languages increased to 22.

Ninety-Third Amendment Act, 2005

Empowered the State to make special provisions for the socially and educationally backward classes or the Scheduled Castes or the Scheduled Tribes in educational institutions including private educational institutions (whether aided or unaided by the state), except the minority educational institutions.

Ninety-Fourth Amendment Act, 2006

Freed Bihar from the obligation of having a Tribal Welfare Minister and extended the same provision to Jharkhand and Chhattisgarh. This provision will now be applicable to the two newly formed states and Madhya Pradesh and Odisha, where it has already been in force.

Ninety-Fifth Amendment Act, 2009

Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the State legislative assemblies for a further period of ten years i.e., upto 2020.

Ninety-Sixth Amendment Act, 2011

Substituted Odia for Oriya. Consequently, the Oriya language in the Eighth Schedule shall be pronounced as Odia.

Ninety-Seventh Amendment Act, 2011

Gave a constitutional status and protection to co-operative societies. In this context it made the following three changes in the constitution:-

1. It made the right to form co-operative societies a Fundamental Right.
2. It included a new Directive Principle of State Policy on promotion of co-operative societies.

It added a new Part 11-B in the constitution which is entitled as The Co-operative Societies.

Ninety-Eighth Amendment Act, 2012

Provided for special provisions for the Hyderabad- Karnataka region of the State of Karnataka. The special provisions aim to establish an institutional mechanism for equitable allocation of funds to meet the development needs over the region, as well as to enhance human resources and promote employment from the region by providing for local cadres in service and reservation in educational and vocational-training institutions.

Ninety-Ninth Amendment Act, 2014

Replaced the collegium system of appointing judge to the Supreme Court with a new body called the National Judicial Appointments Commission (NJAC). However, in 2015, the Supreme Court has declared this amendment act as unconstitutional.

One Hundredth Amendment Act, 2015

Gave effect to the acquiring of certain territories by India and transfer of certain other territories to Bangladesh (through exchange of enclaves and retention of adverse possessions) in pursuance of the Land Boundary Agreement of 1974 and its Protocol of 2011. For this purpose, this amendment act amended the provisions relating to the territories of four states (Assam, West Bengal, Meghalaya and Tripura) in the First Schedule of the Constitution.

One Hundredth and First Amendment Act, 2016

Paved the way for the introduction of the Goods and Services Tax (GST) regime in the country. The GST shall replace a number of indirect taxes being levied by the Union and the State Government. It is intended to remove cascading effect of taxes and

provide for a common national market for goods and services. The proposed Central and State GST will be levied on all transactions involving supply of goods and services, except those which are kept out of the purview of the GST.

1. Conferred concurrent taxing powers upon the Parliament and the State Legislatures to make laws for levying GST on every transaction of supply of goods or services or both.
2. Dispensed the concept of declared goods of special importance under the constitution.
3. Provided for the levy of integrated GST on inter-state transactions of goods and services.
4. Provided for the establishment of a Goods and Services Tax Council by a Presidential order.
5. Made the provision of compensation to the States for loss of revenue arising on account of introduction of GST for a period of five years.

Substituted and omitted certain entries in the Union and State Lists of the Seventh Schedule

One Hundred and Second Amendment, 2018

1. Conferred a constitutional status on the National Commission for Backward Act, 2018 Classes which was set-up in 1993 by an Act of the Parliament.
2. Relieved the National Commission for Scheduled Castes from its functions with regard to the backward classes.
3. Empowered the President to specify the socially and educationally backward classes in relation to a State or Union Territory.

One Hundred and Third Amendment, 2019

1. Empowered the States to make any special provision for the advancement of any Act, 2019 economically weaker sections of citizens.
2. Allowed the States to make a provision for the reservation of upto 10% of seats for such sections in admission to educational institutions including private educational institutions. This reservation of upto 10% would be in addition to the existing reservations.
3. Permitted the state to make a provision for the reservation of upto 10% of appointments or posts in favour of such sections. This reservation of upto 10% would be in addition to the existing reservation.

One Hundred and Fourth Amendment, 2020

Extended the reservation of seats for SC/ST in Lok Sabha and State Assemblies Act, 2020 for the next ten years (till 2030).

One Hundred and Fifth Amendment, 2021

The 105th Amendment Act which received the assent of the President last month restores the power of the State Governments and Union Territories to identify and specify Socially and Economically Backward Classes (SEBCs). The 102nd Constitutional Amendment Act, 2018 while giving constitutional status to NCBC also empowered the President to notify the list of SEBCs for any state or union territory for all purposes. Prior to 102nd Amendment Act, the prevalent practice was the States and Union would specify their own lists respectively called state list and union list.

*Source: COSMOS PUBLICATION, DELHI