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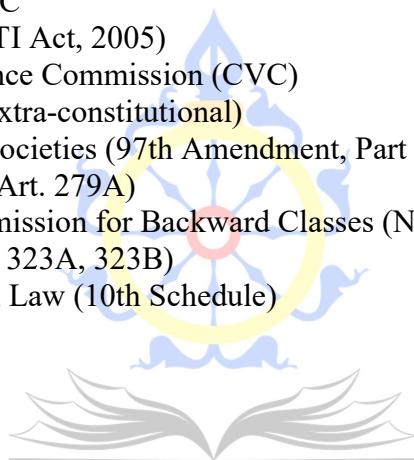


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Salient Features of Indian Constitution

- **Lengthiest Written Constitution**
 - 395 Articles, 22 Parts, 12 Schedules (originally); now 470+ Articles, 25 Parts, 12 Schedules.
- **Drawn from Various Sources**
 - Borrowed from US (Bill of Rights, Judicial Review), UK (Parliamentary Govt., Rule of Law), Ireland (DPSPs), Canada (Federation with strong Centre), etc.
- **Blend of Rigidity & Flexibility**
 - Some provisions require simple majority; others special majority + ratification.
- **Federal System with Unitary Bias**
 - Dual polity, distribution of powers (Union, State, Concurrent Lists).
 - Strong Centre (Art. 356, All-India Services, Single Constitution, Single Citizenship).
- **Parliamentary Form of Government**
 - Collective responsibility of Council of Ministers to Lok Sabha.
- **Sovereign, Socialist, Secular, Democratic, Republic** (Preamble).
- **Fundamental Rights (Part III)**
 - Inspired by US Bill of Rights; enforceable by courts (Art. 32 – "heart & soul").
- **Directive Principles of State Policy (Part IV)**
 - Inspired by Irish model; not enforceable but fundamental to governance.
- **Fundamental Duties (Part IVA)**
 - 10 added by 42nd Amendment (1976), 11th by 86th Amendment (2002).
- **Independent Judiciary & Judicial Review**
 - SC as guardian of Constitution; power of judicial review (basic structure upheld in Kesavananda Bharati, 1973).
- **Single Citizenship** (like UK; unlike US dual citizenship).
- **Universal Adult Franchise**
 - 18 years (61st Amendment, 1988).
- **Emergency Provisions (Part XVIII)**
 - National, State, Financial – tilt system towards unitary.
- **Secular State**
 - Equal respect to all religions; freedom of conscience guaranteed.
- **Special Provisions for Minorities, SCs, STs & Backward Classes**
 - Reservations, cultural/educational rights, political safeguards.
- **Co-operative Society of Provisions**
 - Added by 97th Amendment (2011).

Schedules of the Indian Constitution

- **1st Schedule** – States & UTs, Territories.
- **2nd Schedule** – Salaries, allowances, emoluments of: President, VP, Governors, Speaker/Dy. Speaker, Chairman/Dy. Chairman, Judges SC/HC, CAG.
- **3rd Schedule** – Forms of Oath & Affirmations.
- **4th Schedule** – Allocation of Seats in Rajya Sabha (States & UTs).
- **5th Schedule** – Administration & Control of Scheduled Areas & STs (except NE).
- **6th Schedule** – Administration of Tribal Areas in **Assam, Meghalaya, Tripura, Mizoram**.
- **7th Schedule** – Distribution of Powers (Union, State, Concurrent Lists).
- **8th Schedule** – 22 Languages (Originally 14; last added – **Bodo, Santhali, Maithili, Dogri** in 92nd Amendment, 2003).
- **9th Schedule** – Laws protected from Judicial Review (added by 1st Amendment, 1951). Eg: Land reforms. (But reviewable after **I.R. Coelho, 2007**).
- **10th Schedule** – Anti-defection Law (52nd Amendment, 1985).
- **11th Schedule** – Panchayati Raj (29 Subjects, 73rd Amendment, 1992).
- **12th Schedule** – Municipalities (18 Subjects, 74th Amendment, 1992).



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Sources of Indian Constitution

- **Government of India Act, 1935**
 - Federal scheme, Office of Governor, Public Service Commissions, Judiciary, Emergency provisions.
- **British Constitution (UK)**
 - Parliamentary Govt., Rule of Law, Single Citizenship, Bicameralism, Prerogative Writs, Speaker system, Parliamentary privileges.
- **US Constitution**
 - Fundamental Rights, Independence of Judiciary, Judicial Review, Impeachment of President, Removal of Judges, Post of VP.
- **Irish Constitution**
 - DPSPs, Method of Presidential election, Nominating members to Rajya Sabha.
- **Canadian Constitution**
 - Federation with strong Centre, Residuary powers with Centre, Appointment of Governors, Advisory jurisdiction of SC.
- **Australian Constitution**
 - Concurrent List, Freedom of Trade/Commerce/Intercourse, Joint sitting of Parliament.
- **Weimar Constitution (Germany)**
 - Emergency provisions, Suspension of FRs.
- **USSR (now Russia)**
 - Fundamental Duties, Five-Year Plans, Ideals of Justice (social, economic, political).
- **French Constitution**
 - Republic, Ideals of Liberty, Equality, Fraternity (Preamble).
- **South African Constitution**
 - Procedure of Constitutional amendment, Election of Rajya Sabha members.
- **Japanese Constitution**
 - Procedure for Law-making (legislative procedure).

Preamble of the Constitution

- “*We, the People of India...*” → Emphasises **sovereignty of people**.
- **Nature:** Introductory statement + ideals; not a source of power, but part of Constitution (*Kesavananda Bharati*, 1973).

Key Features in Preamble

- **Sovereign** – Free from external control, independent in internal & external matters.
- **Socialist** – Added by **42nd Amendment (1976)**; aims at social & economic justice (not communism, but democratic socialism).
- **Secular** – Added by 42nd Amendment; equal respect to all religions.
- **Democratic** – Political democracy; based on universal adult franchise.
- **Republic** – Head of State elected (not hereditary).

Objectives Declared

- **Justice** – Social, Economic, Political.
- **Liberty** – Thought, Expression, Belief, Faith, Worship.
- **Equality** – Of status and opportunity.
- **Fraternity** – Assuring dignity of individual and unity & integrity of nation. (Integrity added by 42nd Amendment).

Judicial Interpretation

- **Berubari Case (1960):** Preamble not part of Constitution.
- **Kesavananda Bharati (1973):** Preamble is part of Constitution; can be used to interpret ambiguous provisions; not a source of power.
- **LIC of India Case (1995):** Preamble is integral to Constitution.

Union and Its Territory

- **Articles 1–4** under **Part I**.

Article 1

- India = **Union of States** (not federation of states).
- Reasons for “Union”:
 - Indestructible unity of India.
 - States cannot secede.
- Territory of India = States + UTs + Territories acquired.

Article 2

- Parliament may admit new states / establish new states.
- Eg: Sikkim (1975).

Article 3

- Parliament may form new states, alter area, boundaries, name of states.
- **President's prior recommendation** needed.
- **State legislature's views** sought but **not binding**.
- Eg: Telangana (2014), bifurcation of J&K (2019).

Article 4

- Laws under Art. 2 & 3 = **ordinary laws** (no constitutional amendment required under Art. 368).
- Eg: States Reorganisation Act, 1956.

Important Committees

- **Dhar Commission (1948)**: Rejected linguistic basis.
- **JVP Committee (1948)**: Rejected linguistic basis; recommended unity first.
- **Fazl Ali Commission (1953)**: Recommended reorganisation on linguistic basis → States Reorganisation Act, 1956.

Citizenship (Part II, Arts. 5–11)

Articles

- **Art. 5:** Citizenship at commencement – domicile + (birth in India / parentage / ordinary residence \geq 5 yrs before 26 Jan 1950).
- **Art. 6:** Rights of certain persons from Pakistan (migrants).
- **Art. 7:** Rights of migrants to Pakistan – exception (came back with resettlement permit).
- **Art. 8:** Persons of Indian origin residing abroad (PIOs) entitled to citizenship if registered at Indian mission.
- **Art. 9:** Voluntary acceptance of foreign citizenship = loss of Indian citizenship.
- **Art. 10:** Parliament can regulate rights of citizenship.
- **Art. 11:** Parliament empowered to make laws on citizenship.

Citizenship Act, 1955

Provides 5 modes of acquiring citizenship:

1. **By Birth**
 - Born in India (1950–86: unconditional; 1987–2003: one parent citizen; post-2004: one parent citizen + other not illegal migrant).
2. **By Descent** – Born abroad to Indian parents (conditions vary by year).
3. **By Registration** – PIOs, spouses, minor children.
4. **By Naturalisation** – 12 yrs residence + conditions.
5. **By Incorporation of Territory** – Eg: Goa, Pondicherry, Sikkim.

Loss of Citizenship

- **Renunciation** – By declaration.
- **Termination** – If voluntarily acquires foreign citizenship.
- **Deprivation** – Govt. can deprive (fraud, disloyalty, illegal trade, etc.).

Other Facts

- **No dual citizenship** in India (single citizenship only).
- Overseas Citizen of India (OCI) – introduced 2005 (PIO + NRI blend, not full citizenship).

Fundamental Rights (Part III, Arts. 12–35)

General Features

- Borrowed from **US Bill of Rights**.
- Justiciable, protected by SC (Art.32 – “heart & soul”) & HCs (Art.226).
- Available against State (Art.12) – in some cases against private bodies too.
- Not absolute → reasonable restrictions.
- Can be suspended during **Emergency** (except Arts. 20 & 21).

Classification

1. Right to Equality (Arts. 14–18)

- **Art. 14:** Equality before law & equal protection of laws.
- **Art. 15:** No discrimination on religion, race, caste, sex, place of birth (exceptions: women, children, SEBCs).
- **Art. 16:** Equality in public employment (reservations allowed).
- **Art. 17:** Abolition of Untouchability (punishable under Protection of Civil Rights Act, 1955).
- **Art. 18:** Abolition of titles (except military/academic).

2. Right to Freedom (Arts. 19–22)

- **Art. 19:** 6 freedoms – speech & expression, assemble, form associations, move, reside, profession. (Originally 7 – property removed by 44th Amendment, 1978).
- **Art. 20:** Protection in criminal laws – ex-post facto, double jeopardy, self-incrimination.
- **Art. 21:** Right to life & personal liberty (expanded by SC – e.g., Right to privacy, education, environment).
- **Art. 21A:** Free & compulsory education (6–14 yrs, 86th Amendment, 2002).
- **Art. 22:** Protection against arbitrary arrest; preventive detention (max 3 months without Advisory Board; Parliament may extend to 1 yr).

3. Right against Exploitation (Arts. 23–24)

- **Art. 23:** Prohibits human trafficking, forced labour.
- **Art. 24:** Prohibits child labour (<14 yrs in hazardous jobs).

4. Right to Freedom of Religion (Arts. 25–28)

- **Art. 25:** Freedom of conscience & free profession/practice of religion.
- **Art. 26:** Freedom to manage religious affairs.
- **Art. 27:** No tax for promoting religion.
- **Art. 28:** No religious instruction in State-funded institutions.

5. Cultural & Educational Rights (Arts. 29–30)

- **Art. 29:** Protection of interests of minorities.
- **Art. 30:** Right of minorities to establish & administer educational institutions.

6. Right to Constitutional Remedies (Art. 32)

- Writs: Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto.
- Dr. Ambedkar: "Heart & soul of Constitution."

Amendments

- **44th Amendment (1978):** Right to Property removed from FRs → now Art. 300A (legal right).
- **86th Amendment (2002):** Inserted Art. 21A (Right to Education).

Landmark Judgments

- **Kesavananda Bharati (1973):** Basic structure doctrine; FRs amendable but not abrogated.
- **Maneka Gandhi (1978):** Expanded Art. 21 (due process).
- **Puttaswamy (2017):** Right to privacy part of Art. 21.



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Wrts in Indian Constitution

- **Origin:** Borrowed from British law.
- **Articles:**
 - **Art. 32:** Supreme Court can issue writs for enforcement of FRs.
 - **Art. 226:** High Courts can issue writs for FRs **and** other legal rights.

Types of Writs

1. **Habeas Corpus** (“produce the body”)
 - Purpose: Release of a person unlawfully detained.
 - Issued against: Public authorities, sometimes private persons.
 - Cannot be issued if: Detention is lawful, court jurisdiction barred, contempt.
2. **Mandamus** (“we command”)
 - Purpose: Directs public authority to perform duty.
 - Issued against: Public official, corporation, inferior court, govt.
 - Not issued against: President, Governors, private individuals, discretionary duties.
3. **Prohibition** (“to forbid”)
 - Purpose: Higher court stops lower court/tribunal from exceeding jurisdiction.
 - Issued **before** judgment.
4. **Certiorari** (“to be certified”)
 - Purpose: Higher court quashes order of lower court/tribunal for lack of jurisdiction or error of law.
 - Issued **after** judgment.
 - Only against judicial/quasi-judicial bodies (not purely administrative).
5. **Quo Warranto** (“by what authority”)
 - Purpose: Prevents illegal usurpation of public office.
 - Eg: Disqualification of public officials.
 - Issued against: Any person occupying a public office without authority.

Notes:

- Only **SC** can issue writs under Art. 32; **HCs wider power** under Art. 226.
- Writ jurisdiction = part of **basic structure** (Kesavananda Bharati, 1973).
- FRs suspended during Emergency → except Arts. 20 & 21.

Directive Principles of State Policy (Part IV, 36–51)

- **Inspired by:** Irish Constitution.
- **Nature:** Non-justiciable (not enforceable in courts).
- **Aim:** Establish social & economic democracy.
- **Binding duty of State** (Art. 37).

Classification of DPSPs

1. Socialistic Principles

- **Art. 38:** Social justice, reduce inequalities.
- **Art. 39:** Distribution of wealth, prevent concentration, equal pay, protect children.
- **Art. 39A:** Free legal aid (42nd Amendment).
- **Art. 41:** Right to work, education, public assistance.
- **Art. 42:** Just & humane work conditions, maternity relief.
- **Art. 43:** Living wage for workers.
- **Art. 43A:** Worker participation in management (42nd Amendment).
- **Art. 47:** Raise nutrition, public health, prohibition of intoxicants.

2. Gandhian Principles

- **Art. 40:** Village panchayats.
- **Art. 43:** Cottage industries.
- **Art. 46:** Promote educational & economic interests of SCs, STs, weaker sections.
- **Art. 47:** Prohibition (also socialistic).
- **Art. 48:** Organisation of animal husbandry; ban on cow slaughter.

3. Liberal-Intellectual Principles

- **Art. 44:** Uniform Civil Code.
- **Art. 45:** Early childhood care, education for <6 yrs (86th Amendment shifted free education 6–14 yrs to FR).
- **Art. 48:** Scientific agriculture, environment protection.
- **Art. 48A:** Protect forests & wildlife (42nd Amendment).
- **Art. 49:** Protect monuments & heritage.
- **Art. 50:** Separation of judiciary from executive.
- **Art. 51:** Promote international peace & security.

Amendments

- **42nd Amendment (1976):** Added Art. 39A, 43A, 48A.
- **86th Amendment (2002):** Shifted free education (6–14 yrs) to FRs (Art. 21A); replaced Art. 45 with ECCE for <6 yrs.

Relation with Fundamental Rights

- DPSPs vs FRs → Courts balance (FRs enforceable, DPSPs guiding).
- **Kesavananda Bharati (1973):** Harmony needed.
- **Minerva Mills (1980):** FRs & DPSPs are complementary; can't override each other.

Conflict between FRs & DPSPs

Nature of Conflict

- **FRs (Part III)** = Justiciable, enforceable in courts.
- **DPSPs (Part IV)** = Non-justiciable, guiding principles.
- When laws implementing DPSPs violate FRs, conflict arises.

Major Cases

1. Champakam Dorairajan Case (1951)

- Issue: Communal reservations in education (DPSP) vs Right to Equality (FR).
- SC: **FRs > DPSPs** (Art. 37 non-justiciable).
- Result: **1st Amendment (1951)** – Art. 15(4) enabling reservations for socially/educationally backward classes.

2. Golaknath Case (1967)

- SC: Parliament **cannot amend FRs** even to implement DPSPs.
- FRs held supreme.

3. Kesavananda Bharati Case (1973)

- SC: Parliament can amend FRs but not destroy **basic structure**.
- FRs & DPSPs are complementary.

4. Minerva Mills Case (1980)

- Struck down part of 42nd Amendment giving primacy to DPSPs over FRs.
- SC: **FRs & DPSPs are complementary & balanced**; both essential for Constitution.

Present Position

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- Neither FRs nor DPSPs are absolute.
- Courts strive for **harmony**:
 - DPSPs used to **interpret scope of FRs** (Right to Life → health, environment, education).
 - FRs protect individual liberty; DPSPs promote social welfare.

Fundamental Duties (Part IVA, Art. 51A)

- **Added by:** 42nd Amendment, 1976 (10 Duties).
- **Inspired by:** USSR Constitution.
- **11th Duty added:** 86th Amendment, 2002 (re: education).
- **Nature:** Non-justiciable (like DPSPs), but promote sense of discipline & responsibility.

List of Duties (Art. 51A)

Every citizen shall:

1. Abide by Constitution, respect its ideals, institutions, National Flag & Anthem.
2. Cherish & follow noble ideals of freedom struggle.
3. Uphold sovereignty, unity & integrity of India.
4. Defend country, render national service when called.
5. Promote harmony, spirit of common brotherhood transcending religion, language, region; renounce practices derogatory to women.
6. Value & preserve rich heritage of composite culture.
7. Protect & improve natural environment (forests, lakes, rivers, wildlife); have compassion for living creatures.
8. Develop scientific temper, humanism & spirit of inquiry.
9. Safeguard public property, abjure violence.
10. Strive towards excellence in all spheres to raise national glory.
11. (2002) Duty of parents/guardians to provide opportunities for education to children 6–14 yrs.

Notes:

- **Verma Committee (1999):** Suggested measures for effective implementation.
- **Enforceability:** Not legally enforceable, but some backed by laws (eg. Prevention of Insults to National Honour Act, 1971).
- Help courts interpret scope of FRs/DPSPs.

Amendment of the Constitution

- **Article 368:** Procedure of amendment.
- **Types of Amendments:**
 1. **By Simple Majority of Parliament** (like ordinary law):
 - Admission/establishment of new states, creation/abolition of Legislative Councils, Schedules (2nd, 3rd, 4th, etc.).
 2. **By Special Majority of Parliament** (2/3 members present & voting + majority of total membership of each House):
 - Most provisions (Fundamental Rights, DPSPs, Union powers, President powers, etc.).
 3. **By Special Majority + Ratification by half of States:**
 - Federal provisions (election of President, SC/HC jurisdiction, distribution of legislative powers, representation of states in Parliament, amendment procedure).

Landmark Cases

- **Shankari Prasad (1951):** Parliament can amend FRs.
- **Golaknath (1967):** Parliament **cannot** amend FRs.
- **Kesavananda Bharati (1973):** Parliament can amend any part, but **cannot alter Basic Structure** (Judicial review, FRs, federalism, secularism, etc.).
- **Minerva Mills (1980):** Limited amending power itself is part of Basic Structure.

Important Amendments

- **1st (1951):** Added 9th Schedule, restrictions on FRs (Art. 19).
- **7th (1956):** States Reorganisation.
- **24th (1971):** Parliament's power to amend FRs upheld.
- **42nd (1976):** "Mini Constitution" – added Socialist, Secular, Integrity; Fundamental Duties; DPSPs strengthened.
- **44th (1978):** Restored balance – Right to Property removed from FRs (now legal right, Art. 300A).
- **52nd (1985):** Anti-defection law (10th Schedule).
- **61st (1988):** Voting age 21 → 18 yrs.
- **73rd (1992):** Panchayati Raj (11th Schedule).
- **74th (1992):** Municipalities (12th Schedule).
- **86th (2002):** Right to Education (Art. 21A, 51A[k]).
- **91st (2003):** Cap on size of ministries.
- **101st (2016):** GST.
- **103rd (2019):** 10% EWS reservation.

Procedure of Amendment (Art. 368)

- **Initiation:**
 - Only in **Parliament** (either House).
 - **No state legislature** can initiate.
 - Introduced as a **Constitution Amendment Bill** (CAB).
 - **No prior President's permission** required.
- **Passage in Parliament:**
 - **By Special Majority** → Majority of total membership of each House + 2/3 of members present & voting.
 - **Separate majority required in both Houses** (no joint sitting if deadlock).
- **President's Role:**
 - After passage, bill sent to President.
 - **Must give assent** (no veto power).
- **Types of Amendments:**
 - **Simple Majority of Parliament (like ordinary law):**
 - Formation of new states, creation/abolition of Legislative Councils, Schedules 2, 3, 4, etc.
 - **Special Majority of Parliament:**
 - Fundamental Rights, DPSPs, Union powers, President's powers, etc.
 - **Special Majority + Ratification by Half of States:**
 - Federal features – election of President, SC/HC jurisdiction, representation of states in Parliament, distribution of legislative powers, amendment procedure.

Amendability:

- Parliament's power **not unlimited**.
- **Basic Structure Doctrine (Kesavananda Bharati, 1973):** Parliament can amend, but cannot alter basic structure (Judicial Review, Rule of Law, FRs essence, Secularism, Federalism, etc.).

Basic Structure of the Constitution

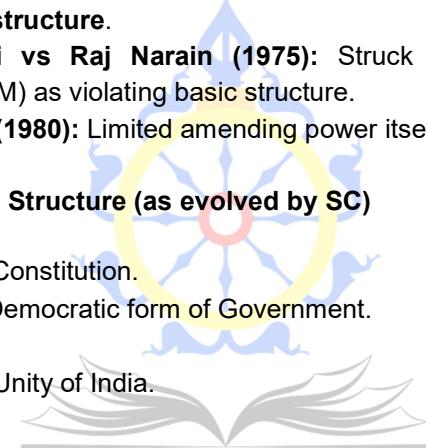
- Certain fundamental features of the Constitution that cannot be altered or destroyed even by Parliament through amendment.
- **Origin: Kesavananda Bharati Case (1973)** – SC: Parliament can amend but not alter “Basic Structure.”

Judicial Evolution

- **Shankari Prasad (1951)**: FRs can be amended.
- **Golaknath (1967)**: Parliament cannot amend FRs.
- **Kesavananda Bharati (1973)**: Parliament can amend any part but not destroy **basic structure**.
- **Indira Gandhi vs Raj Narain (1975)**: Struck down 39th Amendment (privileges to PM) as violating basic structure.
- **Minerva Mills (1980)**: Limited amending power itself = basic structure.

Elements of Basic Structure (as evolved by SC)

- Supremacy of Constitution.
- Republican & Democratic form of Government.
- Secularism.
- Sovereignty & Unity of India.
- Federalism.
- Separation of powers.
- Judicial review.
- Parliamentary system.
- Rule of Law.
- Independence of Judiciary.
- Harmony between FRs & DPSPs.
- Free & fair elections.
- Limited amending power of Parliament.
- Effective access to justice.
- Welfare state.



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Federal System in India

- Dual polity → division of powers between Centre & States.
- **Origin:** Borrowed from **Canada**; but Indian model = “*Federal with Unitary Bias*”.

Federal Features

- **Dual Polity:** Union & States.
- **Division of Powers:** Union, State & Concurrent Lists (7th Schedule).
- **Written Constitution:** Clear allocation of powers.
- **Supremacy of Constitution:** Constitution = supreme law.
- **Rigid Constitution:** Some provisions amendable only with state ratification.
- **Independent Judiciary:** SC as guardian & final interpreter.
- **Bicameral Legislature:** Lok Sabha + Rajya Sabha (States represented).

Unitary / Non-Federal Features

- **Strong Centre:** Residuary powers with Union (unlike US).
- **Single Constitution & Single Citizenship** (no dual like US).
- **Emergency Provisions:** Centre assumes overriding powers (Arts. 352, 356, 360).
- **Integrated Judiciary:** SC on top, no separate federal courts.
- **Governor:** Appointed by Centre, acts as its agent.
- **All-India Services:** IAS, IPS, etc. controlled by Union.
- **Parliament Power:** Can alter states' boundaries/names (Art. 3).

Judicial Stand

- **Kesavananda Bharati (1973):** Federalism = part of **Basic Structure**.
- **SR Bommai (1994):** States are not mere appendages; misuse of Art. 356 subject to judicial review.

Nature of Indian Federation

- Described as “**Union of States**” (Art. 1) → States have no right to secede.
- **Quasi-federal system** (K.C. Wheare).
- Balanced approach: Strong Centre + autonomy to states.

Emergency Provisions

- Borrowed from: **Germany (Weimar Constitution)**.

Types of Emergencies

1. National Emergency (Art. 352)

- Grounds: **War, External Aggression, Armed Rebellion**.
- Proclaimed by President → on **Cabinet recommendation in writing** (44th Amendment, 1978).
- Duration: 1 month initially → Parliamentary approval; renewable every 6 months.
- Max: Indefinite (subject to approval).
- Effects:
 - Centre assumes greater legislative/executive powers.
 - FRs under Art. 19 suspended automatically.
 - Other FRs (except Arts. 20 & 21) can be suspended by President (Art. 359).
- History: 1962 (China war), 1971 (Pakistan war), 1975 (Internal Emergency).

2. State Emergency / President's Rule (Art. 356)

- Grounds: Failure of constitutional machinery in state.
- Duration: 6 months → Max 3 years (with conditions & Parliament approval every 6 months).
- Effects:
 - State Legislature dissolved/suspended.
 - President (through Governor) administers state.
- Case: **SR Bommai (1994)**: Judicial review of Art. 356; misuse curtailed.

3. Financial Emergency (Art. 360)

- Grounds: Threat to financial stability/credit of India.
- Duration: Indefinite (approval every 2 months by Parliament).
- Effects:
 - Centre directs states on financial matters.
 - Salaries of govt servants, judges can be reduced.
 - Never declared till now.

Safeguards (44th Amendment, 1978)

- Cabinet recommendation in writing for National Emergency.
- Continuation of National Emergency → approval every 6 months.
- Art. 20 & 21 cannot be suspended even during Emergency.

Centre-State Relations

1. Executive Relations (Arts. 256–263)

- **Normal Situation:**
 - States must comply with Union laws (Art. 256).
 - Union can give directions to states (Art. 257).
 - Governor = Agent of Centre.
 - All-India Services → common to both.
- **Emergency Situation:**
 - National Emergency → Centre controls State executive.
 - President's Rule (Art. 356) → Centre directly administers state.
- **Inter-State Council (Art. 263):** For coordination & dispute resolution.

2. Legislative Relations (Arts. 245–255)

- **7th Schedule – 3 Lists:**
 - Union List (97 subjects), State List (66), Concurrent List (47).
 - **Residuary Powers → Union (Art. 248).**
- **Parliament's power over State List:**
 - National Interest (Art. 249, Rajya Sabha resolution).
 - During Emergency (Art. 250).
 - By consent of 2+ states (Art. 252).
 - To implement International treaties (Art. 253).
- **Conflict in Concurrent List:** Union law prevails (Art. 254).

3. Financial Relations (Arts. 268–293)

- **Division of Taxes:**
 - Union: Customs, Income tax (corporates, non-agri), Excise.
 - States: Land revenue, Excise on liquor, Stamp duty.
- **Distribution (Art. 268–272):**
 - Some Union taxes collected → assigned to States (e.g., Stamp duty, Excise on medical goods).
 - GST introduced (101st Amendment, 2016).
- **Grants-in-Aid:**
 - Statutory (Art. 275) & Discretionary (Art. 282).
- **Finance Commission (Art. 280):** Recommends distribution of taxes, grants.
- **Borrowing powers:** Union (Art. 292), States (Art. 293).

Judicial Stand

- **Kesavananda Bharati (1973):** Federalism = Basic Structure.
- **SR Bommai (1994):** Centre cannot misuse Art. 356; federalism = essence of Constitution.

Inter-State Relations

1. Inter-State Water Disputes (Art. 262)

- Parliament may provide for adjudication of water disputes.
- **Inter-State Water Disputes Act, 1956** → tribunals set up.
- SC jurisdiction barred when Parliament provides tribunal.
- Eg: Cauvery Water Disputes Tribunal.

2. Inter-State Councils (Art. 263)

- Established for cooperation & coordination between States & Centre.
- **Constituted in 1990 (Sarkaria Commission recommendation)**.
- Headed by PM; includes CMs & Union Ministers.
- Functions: Inquiry, discussion, recommendations, coordination.

3. Mutual Recognition of Acts (Art. 261)

- Full faith & credit: Records, judgments of one state → valid in others.
- Civil & criminal proceedings recognised across states.

4. Freedom of Trade, Commerce & Intercourse (Arts. 301–307)

- Free trade within India.
- Restrictions possible:
 - Parliament in public interest.
 - States with President's sanction.
- **Art. 307:** Parliament may appoint authority to ensure freedom of trade.

5. Inter-State Migration & Residence

- Citizens free to move & settle anywhere (Art. 19).
- Certain restrictions for protection of tribal areas (5th & 6th Schedule).

6. Zonal Councils

- Set up under **States Reorganisation Act, 1956**.
- 5 Zones → Northern, Central, Eastern, Western, Southern (+ North-Eastern Council by separate Act, 1971).
- Aim: Cooperation in social & economic planning, inter-state disputes.

Judicial Stand

- **SR Bommai (1994):** Federalism = Basic Structure.
- **Cauvery Case (2018):** SC upheld tribunal award; water sharing part of right to life (Art. 21).

Union Executive = President + VP + Council of Ministers (CoM) + Attorney General

1. President of India (Arts. 52–62)

- **Head of State**, Supreme Commander of Defence Forces.
- **Election**: Indirect → Electoral College (Elected MPs + MLAs of States & Delhi + Puducherry).
- **Voting**: Proportional Representation, STV system, Secret ballot.
- **Qualifications**: Citizen, ≥ 35 yrs, eligible for LS.
- **Tenure**: 5 yrs; eligible for re-election.
- **Vacancy**: By expiry, death, resignation, removal. VP acts as President in vacancy.
- **Impeachment**: For violation of Constitution, by Parliament (2/3 majority of total membership).
- **Powers**:
 - Executive (appoints PM, Ministers, Governors, Judges, etc.).
 - Legislative (summons, prorogues, dissolves LS, joint sitting, ordinance).
 - Financial (Money Bill only with President's recommendation, Contingency Fund).
 - Judicial (pardonning power – Art. 72).
 - Emergency (352, 356, 360).

2. Vice-President (Arts. 63–71)

- **Ex-officio Chairman of Rajya Sabha**.
- **Election**: MPs only (LS + RS).
- **Tenure**: 5 yrs; can be removed by RS (effective majority) + LS consent.
- Acts as **President** during vacancy (till election of new).

3. Prime Minister & Council of Ministers (Arts. 74–75)

- **PM = Head of Government**, real executive authority.
- **Appointment**: By President; must command majority in LS.
- **Council of Ministers**: Collective responsibility to LS.
- **Types of Ministers**: Cabinet, Ministers of State, Deputy.
- **Tenure**: Pleasure of President, but actually depends on LS confidence.
- **Principle: Aid & advice** of CoM to President binding (44th Amendment, 1978).

4. Attorney General of India (Art. 76)

- Chief legal adviser to Govt of India.
- Appointed by President; must be qualified for SC judge.
- Term: Pleasure of President.

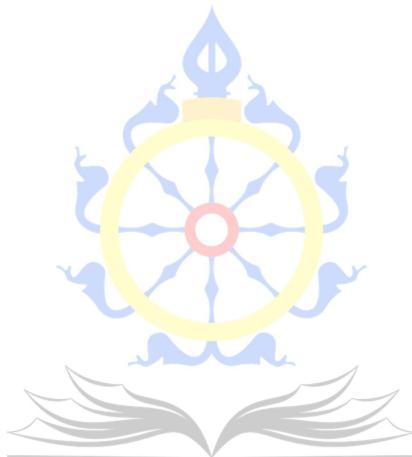
- Rights of audience in all courts; can participate in Parliament debates (no vote).

5. Duties of PM (Art. 78)

- Communicate decisions of CoM to President.
- Submit information as President calls for.
- If President so requires, place matter for CoM consideration.

Notes

- **Real Executive = PM & Council of Ministers.**
- **Nominal Executive = President** (like UK model).
- **Dual executive system** but effective power lies with CoM.



Study OAS

State Executive = Governor + CM + Council of Ministers + Advocate General

1. Governor (Arts. 153–162)

- **Constitutional Head of State** (like President at Union).
- **Appointment:** By President; holds office during **pleasure of President**.
- **Qualifications:** Citizen, ≥35 yrs, not MP/MLA.
- **Tenure:** 5 yrs (can be removed anytime).
- **Dual Role:**
 - Constitutional head of State.
 - Agent of Centre.
- **Powers:**
 - Executive: Appoints CM, Ministers, AG of State.
 - Legislative: Summons, prorogues, dissolves Assembly; nominates 1 Anglo-Indian (abolished by 104th Amendment, 2020).
 - Ordinance power (Art. 213).
 - Financial: Money Bill only with Governor's recommendation.
 - Judicial: Pardoning power for state laws (lesser than President).

2. Chief Minister (Arts. 163–167)

- **Real Executive head** of State.
- Appointed by Governor; must enjoy majority in Assembly.
- **Tenure:** Pleasure of Governor but depends on Assembly confidence.
- **Powers:**
 - Head of Council of Ministers.
 - Link between Governor & State Cabinet.
 - Advises Governor on appointment of Ministers, AG, etc.

3. Council of Ministers (Arts. 163–164)

- **Collective responsibility** to Legislative Assembly.
- Ministers hold office during pleasure of Governor (on CM's advice).
- Governor must act on aid & advice of CoM (except discretionary powers).

4. Advocate General of State (Art. 165)

- **Highest Law Officer** of State.
- Appointed by Governor.
- Must be qualified to be HC judge.
- **Tenure:** Pleasure of Governor.
- **Rights:** Attend & speak in State Legislature proceedings (no vote).

5. Duties of CM (Art. 167)

- Communicate decisions of CoM to Governor.
- Furnish information as Governor requires.
- If Governor so requires, place matter before CoM.

Special Provisions in Constitution

1. Jammu & Kashmir (Art. 370)

- **Special status** (temporary provision).
- Separate Constitution, Flag, Autonomy except Defence, Foreign Affairs, Communications.
- **Abrogated in 2019** (Art. 370 removed; J&K reorganised into 2 UTs: J&K + Ladakh).

2. Nagaland (Art. 371A)

- Parliament's Acts on religious/social practices of Nagas, customary law, land & resources → valid **only if State Assembly approves**.

3. Assam (Art. 371B)

- Special Committee in Assembly for tribal areas.

4. Manipur (Art. 371C)

- Special Committee in Assembly for hill areas.

5. Andhra Pradesh & Telangana (Art. 371D & 371E)

- President ensures equitable opportunities in public employment & education.
- Establishment of Central University.

6. Sikkim (Art. 371F)

- Safeguards for Sikkimese people; Legislative Assembly structure guaranteed.

7. Mizoram (Art. 371G)

- Similar to Nagaland → Parliament laws on customs/religion/land need Assembly consent.

8. Arunachal Pradesh (Art. 371H)

- Governor has special responsibility for law & order.

9. Goa (Art. 371I)

- Minimum 30-member Assembly.

10. Karnataka (Art. 371J)

- Special status to **Hyderabad-Karnataka region** → equitable opportunities in jobs & education.

Rajya Sabha (Upper House of Parliament)

Composition (Art. 80)

- **Maximum Strength:** 250
 - 238 – States & UT representatives.
 - 12 – Nominated by President (literature, science, art, social service).
- **Current Strength:** 245.
- **State Representation:** By population (Proportional Representation, STV system).
- **UTs:** Delhi, Puducherry, J&K.

Tenure

- **Permanent House** → not subject to dissolution.
- 1/3rd members retire every **2 years** (term = 6 years).
- Vice-President = **Ex-officio Chairman**.
- **Deputy Chairman** elected from members.

Powers

- **Legislative:** Equal with LS except Money Bills.
- **Financial:** Cannot initiate or amend Money Bill (only recommend).
- **Exclusive Power (Art. 249):** RS can allow Parliament to legislate on State List (2/3 majority).
- **Exclusive Power (Art. 312):** Can create new All-India Services.
- **Judicial:** Participates in impeachment of President, removal of Judges, VP.
- **Electoral:** Part of Electoral College for President.

Special Position vs Lok Sabha

- **Weaker:** In Money Bills, confidence of House not needed.
- **Stronger:** State List power transfer, AIS creation.
- **Equal:** Ordinary bills, Constitutional amendments, impeachment.

Disqualification (Arts. 102, Tenth Schedule)

- **Grounds:** Office of profit, unsound mind, insolvency, loss of citizenship, anti-defection.

Quick Facts

- **First sitting:** 1952.
- Known as "**House of Elders / Upper House**".
- Minimum age: **30 years** (vs 25 for LS).

Lok Sabha (Lower House of Parliament)

Composition (Art. 81)

- **Maximum Strength:** 552
 - 530 – States,
 - 20 – UTs,
 - 2 – Anglo-Indian (nominated by President) → **abolished by 104th Amendment (2020).**
- **Current Strength (2025):** 543 (530 + 13 UTs).
- **Elections:** Direct → Universal Adult Franchise (18 yrs+).
- **Representation:** Territorial constituencies, based on population.

Tenure

- Normal term = **5 years** (can be dissolved earlier).
- Extended during **National Emergency** (by 1 yr at a time).
- **Speaker & Deputy Speaker** elected from members.

Powers

- **Legislative:** Equal with RS in ordinary & constitutional amendment bills.
- **Financial:**
 - Money Bill → Only LS can introduce (Art. 110).
 - Budget presented in LS only.
 - RS can only recommend, LS decides.
- **Executive Control:**
 - Govt responsible to LS (collective responsibility).
 - Confidence/No-confidence motions only in LS.
- **Judicial:**
 - Impeachment of President (with RS).
 - Removal of Judges, VP.
- **Electoral:**
 - Part of Electoral College for President.

Disqualification (Art. 102, 10th Schedule)

- Office of profit, unsound mind, insolvency, foreign citizenship, defection.

Notes:

- **First sitting:** 1952.
- **Minimum age:** 25 years (vs 30 yrs for RS).
- **Presiding Officer:** Speaker (real authority in House).
- Known as "**House of People / Popular Chamber**".

Special Powers

Special Powers of Rajya Sabha (Upper House)

1. State List Legislation (Art. 249):

- RS can pass resolution (2/3 majority) → Parliament empowered to legislate on a State subject in national interest.

2. All-India Services (Art. 312):

- RS can authorize Parliament to create new All-India Service (like IAS, IPS, IFS).

3. Permanent Body:

- Cannot be dissolved; only 1/3rd members retire every 2 yrs.

4. Special Role in Removal of VP (Art. 67):

- Motion for removal of Vice-President initiated only in RS.

5. Equal Powers:

- In constitutional amendments, impeachment of President, removal of Judges.

Special Powers of Lok Sabha (Lower House)

1. Money Bills (Art. 110):

- Can be introduced **only in LS**.
- RS can only recommend changes; LS can accept/reject.
- Speaker's decision final on Money Bill.

2. Budget:

- Annual Budget & Demands for Grants → only in LS.
- RS cannot vote on demands; only discuss.

3. Confidence/No-Confidence Motions:

- Council of Ministers is **collectively responsible only to LS**.
- Govt falls if loses LS majority.

4. Control over Executive:

- Adjournment motions, cut motions, censure motions effective only in LS.

5. Stronger Role in President's Election (Art. 54):

- Elected MPs of LS + RS form Electoral College, but LS has more numbers → bigger weight.

Common Powers of Both Houses

- Constitutional amendments (Art. 368).
- Ordinary bills (except Money).
- Impeachment of President, Removal of Judges/VP.
- Approving Emergency Proclamations.

Leader of the House & Leader of the Opposition

Leader of the House

- Heads the ruling side in each house. The **Prime Minister typically serves** in Lok Sabha; in Rajya Sabha, another senior minister may be appointed.
- **Role:**
 - Manages government business and legislative agenda. Coordinates between government and the house; ensures smooth proceedings.

Leader of the Opposition

- Head of the largest non-government party, recognized by the Speaker/Chairman. Statutorily recognized in 1977.
- **Status:** Equated to a Cabinet Minister in rank and allowances. **Functions:**
 - Voices opposition perspectives and provides alternative policies.
 - Participates in key appointments (e.g., CBI, CIC).

Presiding Officers: Speaker & Chairman

Lok Sabha – Speaker

- **Presiding Officer**, elected by members. Maintains decorum, moderates debates, and interprets rules.
- **Powers:**
 - Decides whether a bill is a Money Bill.
 - Ensures procedural order, decides quorum, and oversees question hour.
 - Heads the Lok Sabha Secretariat.

Rajya Sabha – Chairman

- The **Vice President of India** acts as the ex-officio Chairman; assisted by Deputy Chairman and panel members.
- **Powers:**
 - Regulates debates, maintains house decorum, and handles procedural issues. Rulings are final.

Parliamentary Sessions

- **Constitutional Mandate:** Parliament must meet **at least twice a year**, with no more than 6 months between sessions.
- **Common Practice:** Three sessions annually:
 - **Budget Session:** Feb–May (longest; recessed for committees).
 - **Monsoon Session:** Jul–Aug.
 - **Winter Session:** Nov–Dec.

Motions in Parliament

A motion = formal proposal moved in House to elicit decision.

1. Substantive Motion

- Independent proposal, self-contained.
- Eg: Motion of Thanks, No-Confidence Motion.

2. Substitute Motion

- Replaces the original motion.

3. Subsidiary Motion

- Depends on an existing motion.
- **Adjournment Motion:**
 - To discuss urgent matter of public importance.
 - Needs support of 50 members (LS only).
 - Involves element of censure of govt.
- **Dilatory Motion:** To delay/block discussion (eg. postpone consideration).
- **Closure Motion:** To cut short debate & proceed to vote.
 - Types: Simple, Closure by compartments, Kangaroo closure, Guillotine.

4. Privilege Motion

- Moved when a member believes a breach of parliamentary privilege has occurred.

5. No-Confidence Motion (Art. 75)

- Moved in LS only → If passed, Council of Ministers must resign.
- Requires support of **50 members** to be admitted.

6. Confidence Motion

- Moved by Govt itself to prove majority.

7. Censure Motion

- Expresses strong disapproval of government policy/action.

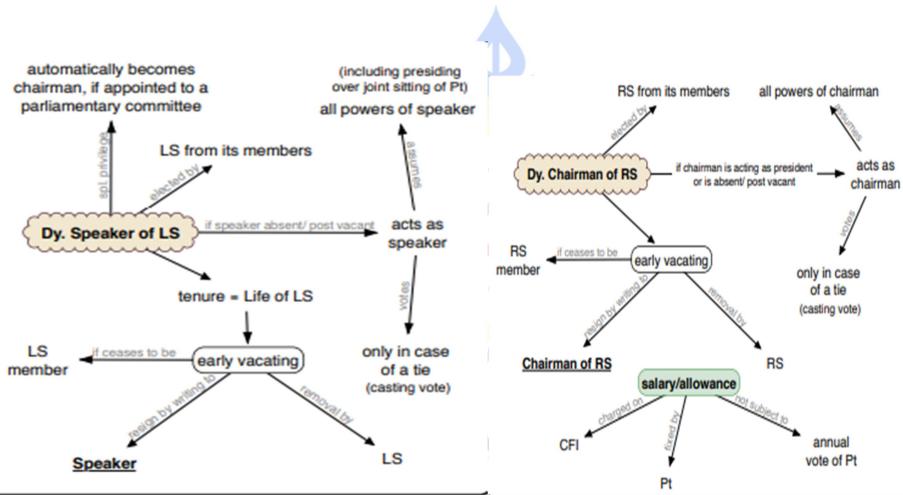
- Does not require resignation if passed.

8. Cut Motions (related to Demands for Grants in Budget)

- **Policy Cut:** Symbolic disapproval (₹1 reduction).
- **Economy Cut:** Reduction by specific amount.
- **Token Cut:** Reduction by ₹100 to highlight a grievance.

Other Important Motions

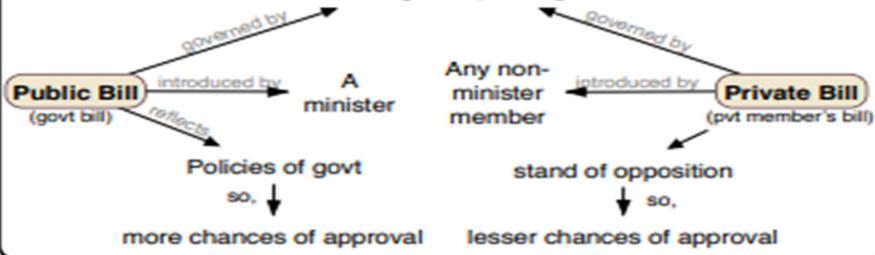
- **Motion of Thanks:** Moved on President's Address; must be passed.
- **Calling Attention Motion:** (LS only) → To call attention of a Minister to urgent matter; Minister makes statement.
- **Half-an-Hour Discussion:** On matters of public importance with factual basis.



Classification of Bills

(based on who introduces them)

same general procedure
and stages of passing



Types of Bills in Parliament

1. Ordinary Bill (Arts. 107–111)

- **Scope:** Any matter except Money Bill/Financial Bill.
- **Introduction:** Either House.
- **Procedure:**
 - Pass by **both Houses** → Simple majority.
 - In case of deadlock → **Joint Sitting (Art. 108)**.
- **President:** Can give assent / withhold / return (once).

2. Money Bill (Art. 110)

- Deals only with taxation, borrowing of money, Consolidated Fund, Contingency Fund, etc.
- **Introduction:** Only in **Lok Sabha** → with President's recommendation.
- **Procedure:**
 - Sent to Rajya Sabha → can **recommend amendments** within 14 days (not binding).
 - Final say = **Lok Sabha Speaker's decision** (whether Bill is Money Bill).
- **President:** Only assent (no return/veto).

3. Finance Bill (Art. 110 + 117)

- Broader than Money Bill; covers financial matters **in addition** to Money Bill items.
- **Types:**
 - **Finance Bill (Category I):** Contains only Art. 110 matters → treated as Money Bill.
 - **Finance Bill (Category II):** Contains both Art. 110 & non-Money matters → treated as **Ordinary Bill**, requires approval of both Houses.
- **Introduced:** Only in **Lok Sabha**, with President's recommendation.

4. Appropriation Bill (Art. 114)

- To withdraw money from **Consolidated Fund of India** for expenditure voted by Parliament + charged expenditure.
- **Nature:** Money Bill.
- **Introduction:** Lok Sabha, after Demands for Grants are voted.
- **Procedure:**
 - Cannot be rejected/amended by Rajya Sabha.
 - President's assent required.
- **Effect:** Govt can withdraw funds for the financial year.

Parliamentary Privileges

- Special rights & immunities enjoyed by MPs individually & Parliament collectively to ensure free functioning.
- **Constitutional Basis:** Arts. 105 (Parliament) & 194 (State Legislatures).

Privileges of Members (Individual)

1. **Freedom of Speech in Parliament** (cannot be questioned in court; subject to rules & Constitution).
2. **Freedom from Arrest** in civil cases during session + 40 days before/after (not in criminal cases).
3. **Exemption from jury service** (no obligation to attend courts as juror/witness without House consent).

Privileges of Houses (Collective)

1. **Right to Publish Debates & Proceedings** (but SC in *Searchlight* case, 1959 upheld freedom of press subject to privileges).
2. **Right to Exclude Strangers** & hold secret sittings.
3. **Right to Make Rules** for its procedure & conduct of business.
4. **Right to Punish for Breach of Privilege / Contempt** (includes MPs & outsiders).
5. **Right to Regulate Internal Affairs** of the House without external interference.

Breach of Privilege

- Any act/omission obstructing House or member in discharge of duties.
- Punishments: Admonition, reprimand, suspension, imprisonment (rarely used).

Important Cases

- **Searchlight Case (1959):** Freedom of press subject to Parliament's privilege.
- **Raja Ram Pal Case (2007):** SC upheld Parliament's power to expel members but subject to judicial review.

Parliamentary Committees

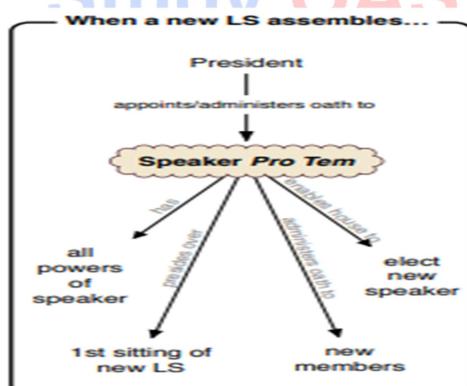
- Small groups of MPs to examine matters in detail, report back to House.
- **Basis:** Art. 105 (privileges), Art. 118 (Parliament can make rules).
- **Types:**
 1. **Standing Committees** (permanent, regular).
 2. **Ad Hoc Committees** (temporary, specific purpose).

Standing Committees (Permanent)

1. **Financial Committees**
 - **Public Accounts Committee (PAC):** Examines CAG reports.
 - **Estimates Committee:** Suggests economy in public spending.
 - **Committee on Public Undertakings (COPU):** Examines working of PSUs.
2. **Departmentally Related Standing Committees (DRSCs)**
 - Introduced in **1993 (10th LS).**
 - **Number:** 24 Committees (2025).
 - **Composition:** 31 MPs (21 LS + 10 RS).
 - **Tenure:** 1 year.
 - **Work:** Scrutinize Demands for Grants, bills, long-term policies of Ministries/Departments.
 - **Restrictions:** Cannot consider day-to-day administration or matters pending in courts.
3. **Other Standing Committees**
 - Business Advisory, Rules, Privileges, Ethics, etc.

Ad Hoc Committees (Temporary)

- Set up for specific purpose; dissolved after task done.
- Eg: Select Committee, Joint Committee on a Bill, Inquiry Committees.



State Legislature

Structure

- **Unicameral:** Most states (only Legislative Assembly).
- **Bicameral:** 6 states – UP, Bihar, Maharashtra, Karnataka, Telangana, Andhra Pradesh.
- **Articles:** 168–212.

1. Legislative Assembly (Vidhan Sabha)

- **Lower House / Popular House.**
- **Strength:** Max 500, Min 60 (exceptions: Sikkim 32, Goa 40, Mizoram 40, Arunachal 30).
- **Tenure:** 5 yrs (can be dissolved earlier).
- **Presiding Officer:** Speaker & Deputy Speaker.
- **Powers:**
 - Money Bills introduced only here.
 - Confidence/No-confidence motions.
 - Equal with Council (in Ordinary Bills, except Money).

2. Legislative Council (Vidhan Parishad)

- **Upper House / Permanent Body** (1/3rd members retire every 2 yrs).
- **Strength:** 40–1/3rd of Assembly (max 1/3, min 40).
- **Composition:**
 - 1/3rd elected by MLAs.
 - 1/3rd by local bodies.
 - 1/12th by teachers.
 - 1/12th by graduates.
 - 1/6th nominated by Governor.
- **Powers:**
 - Cannot reject Money Bill (only delay 14 days).
 - Can delay Ordinary Bill for 3 months + 1 month (second time).
- **Presiding Officer:** Chairman & Deputy Chairman.

3. Legislative Procedure

- **Ordinary Bills:** Both Houses (if bicameral). No joint sitting at state level → Assembly prevails.
- **Money Bills:** Only in Assembly, with Governor's recommendation; Council can only suggest.
- **Budget & Appropriation Bills:** Introduced only in Assembly.

4. Governor's Role

- Summons, prorogues, dissolves Assembly.
- Assent to bills (can reserve for President).
- Ordinance power (Art. 213).

Supreme Court of India

Composition

- **Chief Justice of India (CJI) + Judges** (fixed at 34 including CJI).
- **Seat:** Delhi; can sit elsewhere by CJI with President's approval.

Appointment of Judges (Art. 124)

- Appointed by **President** after consultation with judges of SC & HCs.
- **Collegium System** (Judicial evolution):
 - **1st Judges Case (1981):** Consultation ≠ concurrence.
 - **2nd Judges Case (1993):** Collegium system (CJI + 2 senior judges).
 - **3rd Judges Case (1998):** CJI + 4 senior judges.
 - **NJAC (2014) struck down in 2015** → Collegium continues.

Qualifications

- Citizen of India.
- Judge of HC for 5 yrs OR Advocate of HC for 10 yrs OR distinguished jurist (in President's opinion).

Tenure & Removal

- Till **65 years** of age.
- Removal by **President** on grounds of proved misbehavior/incapacity → by Special Majority in Parliament (Art. 124(4)).

Ad hoc Judges (Art. 127)

- CJI may appoint HC judges as ad hoc judges of SC with President's approval.
- Used when quorum of SC judges is not available.

Jurisdiction of SC

1. Original Jurisdiction (Art. 131):

- Centre-State, State-State disputes.
- Exclusive; not for private disputes.

2. Writ Jurisdiction (Art. 32):

- Guardian of Fundamental Rights.
- Writs: Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto.

3. Appellate Jurisdiction (Arts. 132-134):

- Appeals in constitutional, civil, criminal matters.
- Special leave petitions (Art. 136).

4. Advisory Jurisdiction (Art. 143):

- President may refer matters of public importance/constitutional issues.
- Opinion not binding.

5. Miscellaneous Powers:

- Judicial Review (basic structure upheld in *Kesavananda Bharati*, 1973).
- Court of Record (Art. 129).
- Contempt of Court.

High Court

Composition

- **Chief Justice + other judges** (no fixed strength; Parliament decides).
- Every state has a HC; one HC may serve multiple states/UTs (eg. Punjab & Haryana).

Appointment of Judges (Art. 217)

- **By President** after consultation with:
 - CJI of India,
 - Governor of State,
 - Chief Justice of concerned HC (if judge ≠ CJ).
- **Collegium System** applies (CJI + 2 senior SC judges + CJ of HC).

Qualifications (Art. 217)

- Citizen of India.
- At least **10 years** as advocate of HC **OR**
- At least **10 years** as judicial officer in Indian territory.

Tenure & Removal

- Hold office till **62 years** (SC judges till 65).
- Removal by President → same procedure as SC judge (Parliament's special majority).

Ad hoc / Additional Judges (Art. 224)

- **Additional Judges:** Appointed by President for **max 2 yrs** to handle arrears.
- **Acting CJ:** Appointed by President when CJ absent.

Jurisdiction & Powers

1. **Original Jurisdiction:**
 - Election disputes (MLAs/MPs).
 - Enforcement of Fundamental Rights (writs under **Art. 226** – broader than SC's Art. 32, covers legal rights too).
2. **Appellate Jurisdiction:**
 - Civil & criminal appeals from subordinate courts.
3. **Supervisory Jurisdiction (Art. 227):**
 - Control over all subordinate courts & tribunals in state.
4. **Advisory Role:**
 - Can advise Governor in certain matters (not binding).
5. **Other Powers:**
 - Court of Record (Art. 215) – contempt powers.
 - Control over state judiciary appointments, postings, promotions.

Subordinate Courts (Arts. 233–237)

Structure

- **District Judge (Art. 233):** Highest judicial authority in district.
- **Subordinate Judges, Munsifs, Magistrates** under him.
- **Appointment:**
 - District Judges → By Governor in consultation with HC.
 - Others → By Governor, in consultation with HC.
- **Control:** Entire district judiciary under **High Court's supervision (Art. 235).**

Jurisdiction of Subordinate Courts

- **Civil Courts:** Property, contracts, family matters.
- **Criminal Courts:** Sessions Judge, Magistrates (as per CrPC).
- **Special Courts:** Family Courts, Consumer Courts, Fast-track Courts.

Lok Adalat (Legal Services Authorities Act, 1987)

- **Purpose:** Provide cheap & speedy justice, reduce pendency.
- **Types:**
 - Permanent Lok Adalat (for public utility services).
 - National, State, District, and Taluk-level Lok Adalats.
- **Powers:**
 - Civil + compoundable criminal cases.
 - Award is binding, final, no appeal.
 - Proceedings = informal, no strict procedural law.
- **Chair:** Judicial officer (serving/retired) + 2 other members.

NALSA (National Legal Services Authority, 1995)

- Established under **Legal Services Authorities Act, 1987.**
- **Aim:** Provide free legal aid to poor, women, children, SC/ST, victims of trafficking, disaster, etc.
- **Chairman:** Chief Justice of India (Patron-in-Chief); Second senior-most SC judge = Executive Chairman.
- **Functions:**
 - Organise Lok Adalats.
 - Legal awareness camps.
 - Implement legal aid schemes.
 - Ensure access to justice under **Art. 39A (DPSP).**

Panchayat Raj (73rd Amendment, 1992 – Part IX, Arts. 243–243O, 11th Schedule)

Structure (3-Tier System)

1. **Gram Panchayat** – Village level.
2. **Panchayat Samiti** – Block level.
3. **Zilla Parishad** – District level.

Elections

- **State Election Commission** (SEC, Art. 243K) conducts elections.
- **Term:** 5 yrs (can be dissolved earlier).
- **Reservation:** SCs, STs, OBCs & 1/3rd seats for women.

Functions (11th Schedule – 29 subjects)

- Rural development, agriculture, irrigation, animal husbandry, education, health, poverty alleviation, roads, electrification, drinking water, etc.

State Finance Commission (Art. 243I)

- Every 5 yrs → recommends distribution of state finances to Panchayats.

District Planning Committee (Art. 243ZD)

- Prepares district development plan integrating Panchayats & Municipalities.

Similarities (73rd & 74th Amendments)

- **Constitutional status** to local bodies.
- **State Finance Commission & State Election Commission** mandatory.
- **Reservation of seats** (including women).
- **Term 5 yrs** (re-election within 6 months if dissolved).

Municipalities (74th Amendment, 1992 – Part IXA, Arts. 243P–243ZG, 12th Schedule)

Types (Art. 243Q)

1. **Nagar Panchayat:** Transitional area (rural → urban).
2. **Municipal Council:** Smaller urban areas.
3. **Municipal Corporation:** Larger urban areas.

Composition

- Directly elected members + nominated (eg. MPs/MLAs in area).
- **Mayor/Chairperson** heads.

Functions (12th Schedule – 18 subjects)

- Urban planning, regulation of land use, water supply, slum improvement, sanitation, solid waste management, roads, fire services, urban forestry, poverty alleviation, public health, etc.

Finance & Planning

- **State Finance Commission (Art. 243Y)** → recommends financial sharing.
- **Metropolitan Planning Committee (Art. 243ZE):** Prepares plans for metropolitan areas.

Elections

- Conducted by **State Election Commission**.
- Reservation for SCs, STs, OBCs & women (1/3rd).
- **Term:** 5 yrs.



Study OAS

Fifth Schedule – Scheduled Areas & Scheduled Tribes

- Applies to all states **except** Assam, Meghalaya, Tripura, Mizoram (they fall under **6th Schedule**).
- Covers administration & control of **Scheduled Areas & STs**.

Scheduled Areas

- Declared by **President**.
- Criteria: Preponderance of tribal population, compactness, backwardness, economic distress.
- President can **increase, decrease, alter boundaries** of Scheduled Areas.
- **Governor** reports annually to President on administration.

Tribes Advisory Council (TAC)

- Established in each state having **Scheduled Areas**.
- Composition: Up to 20 members (3/4th from ST MLAs).
- Advises on welfare & advancement of STs.

Governor's Powers

- Can make regulations for peace & good governance of Scheduled Areas.
- Special powers to:
 - Prohibit/Restrict transfer of land by STs.
 - Regulate allotment of land to STs.
 - Regulate moneylending to STs.
- Governor submits **annual report to President** on Scheduled Area administration.

President's Powers

- Can declare/alter Scheduled Areas (Art. 244(1)).

PESA Act, 1996 (Extension to Panchayats in Scheduled Areas)

- Extends 73rd Amendment to Scheduled Areas.
- **Gram Sabha = Core institution.**
- Empowers Gram Sabhas for:
 - Approval of development plans,
 - Control over minor forest produce,
 - Prevention of land alienation,
 - Management of village markets.

Sixth Schedule – Tribal Areas in North-East (Arts. 244(2), 275(1))

- Applies to **Assam, Meghalaya, Tripura, Mizoram**.
- Provides for **Autonomous District Councils (ADCs)** with legislative, executive, judicial powers for tribal self-governance.

Autonomous District Councils (ADCs)

- **Composition:** Up to 30 members (26 elected, 4 nominated by Governor).
- **Tenure:** 5 years.
- **Powers:**
 - Make laws on land, forest management, shifting cultivation, village administration, marriage & divorce, social customs.
 - Power to levy & collect certain taxes.
 - Control over primary schools, dispensaries, markets, roads, fisheries.
- **Governor's Role:**
 - Can create new autonomous districts.
 - Modify boundaries of districts.
 - Overrule laws of ADCs.

Autonomous Regions

- Within a district, Governor may create autonomous regions for different tribes.

District & Regional Councils' Courts

- Councils can set up courts for trial of cases involving tribal customary laws.
- Jurisdiction subject to High Court supervision.

Features

- **Distinct from 5th Schedule:**
 - More autonomy → legislative, executive, financial powers.
 - Direct democracy at tribal level.
- **Protection of tribal land & culture** through local self-rule.

Election Commission of India (ECI)

Constitutional Basis

- **Art. 324:** Superintendence, direction & control of elections to **Parliament, State Legislatures, President & Vice-President**.
- Part XV of Constitution (Arts. 324–329).

Composition

- **Originally (1950):** Single-member body (CEC only).
- **Since 1989:** Multi-member (CEC + 2 Election Commissioners).
- **Current:** 1 Chief Election Commissioner (CEC) + other ECs (usually 2).
- **Appointed by:** President of India.
- **Tenure:** 6 years or till 65 years (whichever earlier).
- **Removal:**
 - **CEC:** Same as SC judge (Parliamentary impeachment).
 - **Other ECs:** By President on CEC's recommendation.

Functions & Powers

1. **Administrative Control:**
 - Conduct elections for LS, RS, State Assemblies, President & VP.
 - Prepare & revise electoral rolls.
 - Allot symbols to political parties.
 - Model Code of Conduct enforcement.
2. **Quasi-Judicial Powers:**
 - Decide on recognition & de-recognition of political parties.
 - Settle disputes over election symbols.
 - Supervise candidate disqualification (office of profit, corrupt practices, etc.).
3. **Advisory Role:**
 - Advises President/Governor on disqualification of MPs/MLAs (under Tenth Schedule, anti-defection cases handled by Speaker/Chairman, not ECI).
 - Suggests measures to improve electoral system.

Role

- Ensures **free & fair elections** (basic feature of Constitution).
- Guardian of democracy through **universal adult franchise (18 yrs)**.

Facts

- **Art. 324–329:** Entire framework of elections.
- **SC in S.S. Dhanoa case (1991):** EC is not a govt dept; it is independent constitutional authority.
- **SC in T.N. Seshan case (1995):** CEC & ECs enjoy equal powers; decisions taken by majority.
- **2023 Law:** Appointment committee = PM, Leader of Opposition, CJI (to ensure independence).

Union Public Service Commission (UPSC) – Arts. 315–323

Constitutional Basis

- Part XIV → Services under Union & States.
- **Art. 315:** UPSC for Union; SPSC for each state.

Composition

- **Chairman + other members** (decided by President).
- At least **half the members must have held govt office for 10 yrs.**
- **Appointment:** By President.
- **Tenure:** 6 years or till 65 years (whichever earlier).
- **Removal:** By President on grounds of misbehavior after **SC inquiry.**

Functions

- Conducts exams for All-India Services, Central Services.
- Recruitment by interviews, promotions, transfers.
- Advises on:
 - Recruitment rules, promotions, disciplinary matters.
 - Claims for costs incurred in defending legal cases by civil servants.
- Submits **annual report** to President → laid before Parliament.

Role

- Ensures **merit-based, impartial recruitment.**
- Upholds neutrality & efficiency of civil services.
- Advisory body → Govt not bound by its advice.

State Public Service Commission (SPSC)

Constitutional Basis

- **Art. 315:** Each state has its own PSC (Joint PSC possible for 2+ states).

Composition

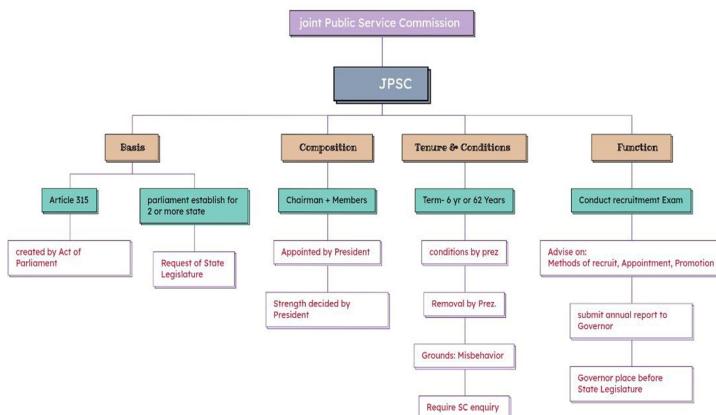
- **Chairman + members** (appointed by Governor).
- **Tenure:** 6 years or till 62 years.
- **Removal:** By President (not Governor).

Functions

- Conducts exams for State Services & posts.
- Advises Governor on recruitment, promotions, disciplinary matters.
- Annual report → submitted to Governor → laid before State Legislature.

Role

- State-level counterpart of UPSC.
- Maintains fairness & efficiency in state recruitment.



Attorney General of India (AGI)

- Art. 76 (Part V – Union Executive).
- Highest law officer of India.

Appointment & Tenure

- Appointed by **President**.
- Must be qualified to be a **Judge of Supreme Court**:
 - Citizen of India,
 - 5 yrs as HC judge OR 10 yrs as HC advocate OR eminent jurist.
- Tenure: Not fixed by Constitution → holds office during **President's pleasure**.
- Remuneration: Decided by President.

Functions

1. Advise Union Govt on legal matters.
2. Appear on behalf of Union Govt in **SC & HCs**.
3. Represent Union in references under **Art. 143 (Advisory Jurisdiction)**.
4. Perform other legal duties assigned by President.

Rights & Limitations

- **Rights:**
 - Can take part in **Parliament debates & proceedings** (both Houses & Committees).
 - Enjoys parliamentary privileges.
 - Cannot vote in House.
- **Limitations:**
 - Should not advise/hold briefs against Govt of India.
 - Cannot defend accused in criminal cases without permission.
 - Must resign if asked by President.

Significance

- Chief legal adviser & lawyer of Govt of India.
- Part of **Union Executive**, though not a member of Cabinet.

Notes:

- **Solicitor General & Additional Solicitors General** assist AGI (not constitutional, statutory posts).

Comptroller and Auditor General of India (CAG)

- Art. 148–151 (Part V, Chapter V).
- Independent authority to audit govt accounts → “Guardian of Public Purse.”

Appointment & Tenure

- Appointed by **President**.
- Tenure: **6 years or till 65 years** (whichever earlier).
- Removal: Same as SC judge (by President after Parliament's special majority on grounds of misbehavior/incapacity).
- Salary & conditions: Determined by Parliament, charged on **Consolidated Fund of India** (not subject to vote).

Duties & Functions (Art. 149)

- Audits:
 - Accounts of Union & State govts.
 - Accounts of govt companies, PSUs, corporations.
 - Accounts relating to expenditure from Consolidated Fund of India, States & UTs.
- Submits audit reports to:
 - **President** → laid before **Parliament**.
 - **Governor** → laid before **State Legislature**.
- Ensures **Parliament's control over public finances**.

Powers

- Authority to audit all receipts & expenditure of Union/States.
- Can audit any authority substantially financed by govt funds.
- Discretionary power to decide audit scope.

Significance

- Described by B.R. Ambedkar as the “**most important officer under the Constitution**.”
- Ensures **accountability of executive to legislature**.
- Independent → service conditions cannot be varied to his disadvantage.

Finance Commission of India

Constitutional Basis

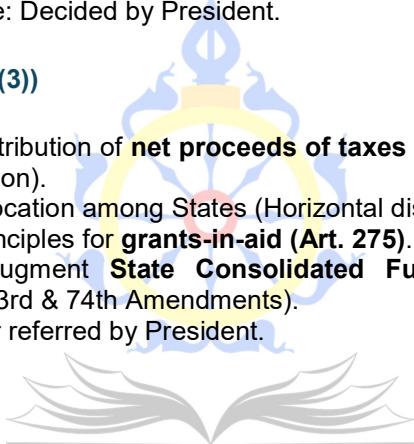
- **Art. 280 (Part XII – Finance, Property, Contracts, Suits).**
- Advisory body for Centre–State financial relations.

Composition

- **Chairman + 4 members** (appointed by President).
- **Qualifications (as per FC Act, 1951):**
 - Judge of HC / expert in finance, accounts, administration, economics.
- Tenure & service: Decided by President.

Functions (Art. 280(3))

1. Recommend distribution of **net proceeds of taxes** between Centre & States (Vertical devolution).
2. Recommend allocation among States (Horizontal distribution).
3. Recommend principles for **grants-in-aid (Art. 275)**.
4. Measures to augment **State Consolidated Funds** for panchayats & municipalities (73rd & 74th Amendments).
5. Any other matter referred by President.



Study OAS

National Commission for SCs (NCSC – Art. 338)

- Originally: **Special Officer for SCs/STs (Art. 338, 1950).**
- **65th Amendment, 1990:** Replaced with multi-member NCSC for SCs & STs.
- **89th Amendment, 2003:** Bifurcated → Separate **NCSC (Art. 338) & NCST (Art. 338A).**

Composition

- **Chairperson + Vice-Chairperson + 3 members.**
- Appointed by President.
- Tenure & service conditions: Decided by President.

Functions

1. Investigate & monitor safeguards for SCs (constitutional & legal).
2. Inquire into complaints of rights deprivation.
3. Participate in planning process for SC welfare.
4. Report to President annually/periodically.
5. Recommend socio-economic developmental measures.

National Commission for STs (NCST – Art. 338A)

- Established by **89th Amendment, 2003** (separated from NCSC).

Composition

- **Chairperson + Vice-Chairperson + 3 members** (appointed by President).

Functions

- Same as NCSC, but specific to STs:
 - Safeguards for STs.
 - Investigate complaints of rights deprivation.
 - Advise on development plans for STs.
 - Report to President annually.
- Special duty: Protect rights of STs in **5th & 6th Schedule areas.**

Common Features (NCSC & NCST)

- Constitutional bodies → independent.
- Submit **annual reports** → President → laid before Parliament.
- President may assign additional functions.
- Powers = **Civil Court** (summon, examine, receive evidence, etc.).

Special Officer for Linguistic Minorities

- **Art. 350B (Part XVII – Official Language).**
- Inserted by **7th Constitutional Amendment Act, 1956.**
- Ensures safeguards for linguistic minorities in India.

Appointment

- Appointed by **President of India**.
- Office under **Ministry of Minority Affairs**.

Functions (Art. 350B(2))

1. Investigate matters relating to **safeguards for linguistic minorities** under Constitution.
2. Submit **periodical reports** to President.
3. President places reports before **Parliament & concerned State Legislatures**.

Role

- Protects rights of linguistic minorities in education, administration & cultural matters.
- Ensures compliance with:
 - **Art. 29 & 30** – Rights of minorities to conserve language, culture & establish institutions.
 - **Art. 350A** – Facilities for instruction in mother tongue at primary stage.
 - **Art. 347** – Recognition of a language spoken by a section of population.

Organisation

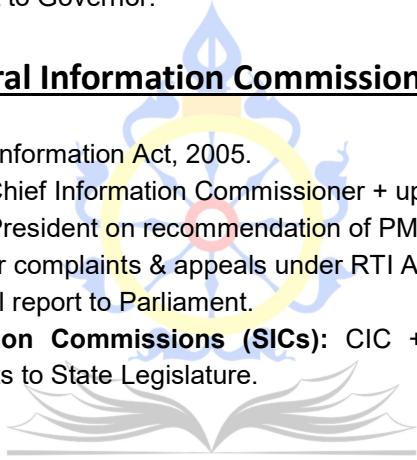
- Headquarters: **Allahabad (UP)**.
- 4 Regional Offices: Belagavi (Karnataka), Chennai (TN), Kolkata (WB), Delhi.

National Human Rights Commission (NHRC)

- **Based on** Protection of Human Rights Act, 1993 (statutory body).
- **Composition:** Chairperson (ex-CJI or SC judge) + members (judges, experts).
- **Appointment:** President, on recommendation of committee (PM, Speaker, HM, LoP, Dy. Chairman, LoP RS).
- **Functions:** Inquire into HR violations by public servants, intervene in court cases, visit jails, promote HR awareness.
- **Reports:** Submitted to President, laid before Parliament.
- **State Human Rights Commissions (SHRCs):** Chairperson (ex-HC CJ) + members; report to Governor.

Central Information Commission (CIC)

- **Basis:** Right to Information Act, 2005.
- **Composition:** Chief Information Commissioner + up to 10 ICs.
- **Appointment:** President on recommendation of PM, LoP, Cabinet Minister.
- **Functions:** Hear complaints & appeals under RTI Act; ensure transparency.
- **Reports:** Annual report to Parliament.
- **State Information Commissions (SICs):** CIC + 10 ICs, appointed by Governor; reports to State Legislature.



Study OAS

Central Vigilance Commission (CVC)

- Statutory body (CVC Act, 2003).
- **Composition:** Central Vigilance Commissioner + up to 2 Vigilance Commissioners.
- **Appointment:** President, on committee recommendation (PM, HM, LoP).
- **Functions:**
 - Supervises vigilance administration.
 - Advises & monitors CBI in corruption cases.
 - Inquiries into corruption in Union govt employees.
- **Reports:** To President → laid before Parliament.

NITI Aayog (National Institution for Transforming India)

- **Set up by** Executive resolution (2015), replaced Planning Commission. → *Extra-constitutional, non-statutory.*
- **Composition:**
 - PM = Chairperson.
 - Governing Council = CMs + LGs of UTs.
 - Vice-Chairperson (appointed by PM).
 - Full-time members, part-time members, ex-officio members (Union Ministers).
- **Functions:**
 - Policy think tank of Govt.
 - Cooperative federalism (Team India Hub).
 - Planning at national & state level → 15-year vision, 7-year strategy, 3-year action agenda.
 - Monitoring SDGs.
- **Difference from Planning Commission:** No power to allocate funds (finance via Finance Commission).

Co-operative Societies

- Added by **97th Amendment Act, 2011**.
- Inserted **Part IXB (Arts. 243ZH–243ZT)** → gave constitutional status.
- **SC in 2021 (Union of India vs Rajendra Shah)**: Struck down provisions related to State Co-operatives (violated federalism) → but retained for **Multi-State Co-operatives & Union Territories**.

Provisions (Part IXB)

- **Art. 243ZH**: Definitions.
- **Art. 243ZI**: States to legislate on incorporation, regulation, winding up of co-operatives (subject to Constitution).
- **Art. 243ZJ**: Board of Directors – max 21 members; tenure 5 years.
- **Art. 243ZK**: Elections to board within 6 months of expiry.
- **Art. 243ZL**: Supersession of board → max 6 months.
- **Art. 243ZM**: Audit by professional auditors.
- **Art. 243ZN**: Annual general body meeting within 6 months of accounts.
- **Art. 243ZO–243ZQ**: Rights of members, returns, offenses & penalties.

97th Amendment Key Points

- **Part III**: Added **Art. 19(1)(c)** – Right to form co-operative societies (Fundamental Right).
- **Part IV**: Added **Art. 43B (DPSP)** – Promotion of co-operative societies.

Study OAS

GST Council (Art. 279A)

- **Introduced by** 101st Constitutional Amendment Act, 2016.
- **Composition:**
 - Union Finance Minister – Chairperson.
 - Union MoS (Finance/Revenue).
 - Finance/Taxation Ministers of all States.
- **Voting:**
 - Centre = 1/3rd weight; States = 2/3rd.
 - Decision = 3/4th majority of weighted votes.
- **Functions:**
 - Recommend on taxes to be subsumed in GST.
 - Fix GST rates, exemptions, model laws.
 - Decide apportionment of IGST.
- **Significance:** Promotes cooperative federalism.

National Commission for Backward Classes (NCBC, Art. 338B)

- **Established by** 102nd Amendment Act, 2018.
- **Status:** Constitutional body (earlier statutory).
- **Composition:** Chairperson + Vice-Chairperson + 3 Members.
- **Functions:**
 - Investigate & monitor safeguards for **Socially & Educationally Backward Classes (SEBCs)**.
 - Inquire into complaints.
 - Advise on socio-economic development of SEBCs.
- **Reports:** Submitted to President → laid before Parliament.
- *Indra Sawhney (1992)* → upheld OBC reservation, directed creation of permanent body.

Tribunals (Arts. 323A, 323B)

- **Basis:** 42nd Amendment Act, 1976.
- **Art. 323A:** Administrative Tribunals → for disputes in public service recruitment/conditions. (Eg: CAT – Central Administrative Tribunal).
- **Art. 323B:** Other matters → taxation, labour, land reforms, elections, production, etc.
- **Purpose:** Speedy, specialized justice; reduce burden on regular courts.
- **Powers:**
 - Function like civil courts.
 - Decisions appealable to SC.
- **Judgement:** *L. Chandra Kumar (1997)* → SC held judicial review = basic structure; HC/Supreme Court review of tribunal decisions mandatory.

Anti-Defection Law (10th Schedule, 52nd Amendment 1985, amended 91st in 2003)

- **Aim:** Prevent political defections to ensure stability.
- **Grounds of Disqualification:**
 1. Voluntarily giving up membership of party.
 2. Voting/abstaining against party whip without prior permission.
- **Exceptions:**
 - Speaker/Chairman if elected as Presiding Officer, can resign from party.
 - *Merger provision:* If 2/3rd members of a legislature party merge → not disqualified.
- **Authority:** Presiding Officer (Speaker/Chairman) decides → subject to judicial review (SC, 1993 *Kihoto Hollohan* case).
- **91st Amendment (2003):** Disallowed split (earlier 1/3rd exemption); capped size of Council of Ministers (15% of House strength).



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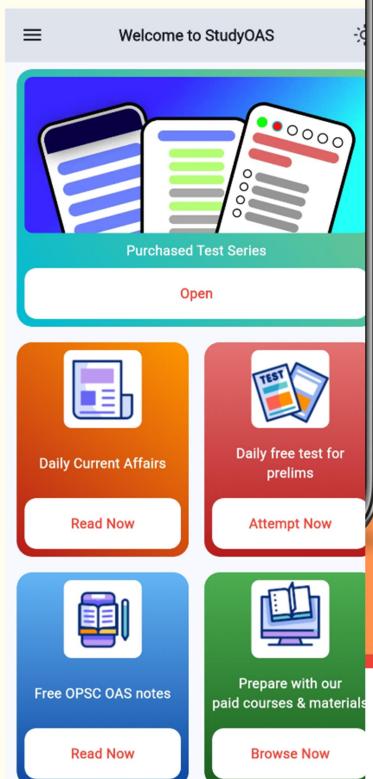
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