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Salient Features of Indian Constitution

- **Longthiest 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).





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)

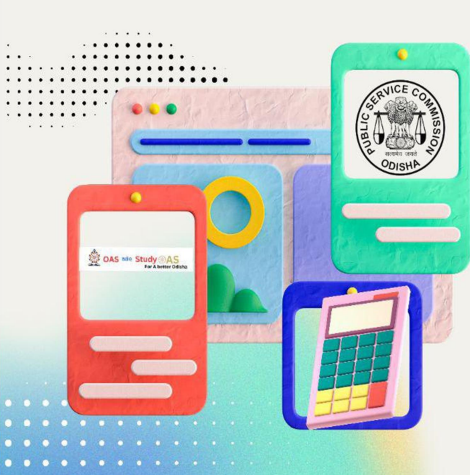
- Writs: Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto.
- Dr. Ambedkar: "Heart & soul of Constitution."

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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Writs 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

- 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.



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 (pardoning 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.



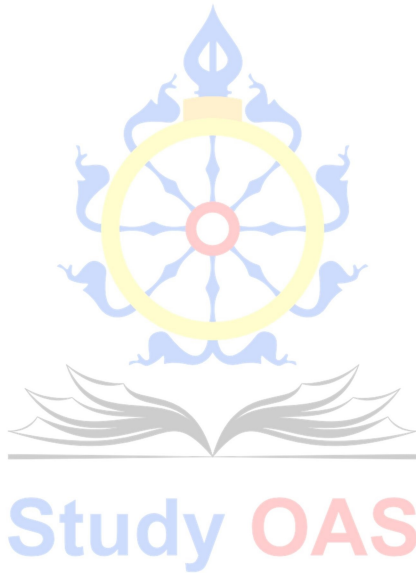
- Rights of audience in all courts; can participate in Parliament debates (no vote).

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.





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.



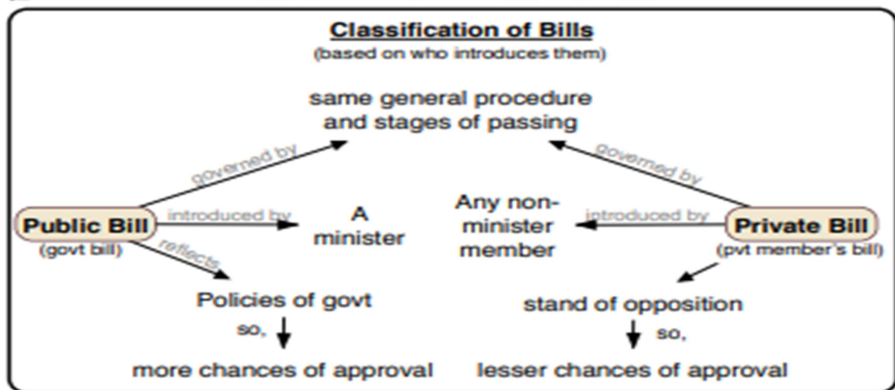
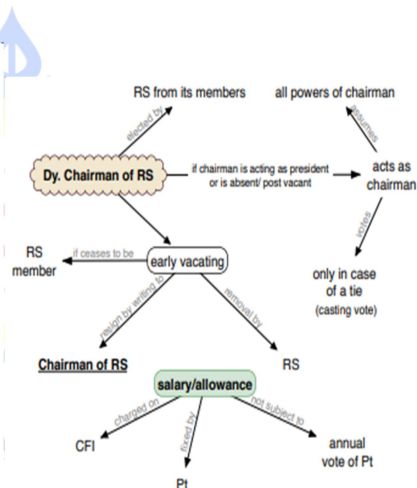
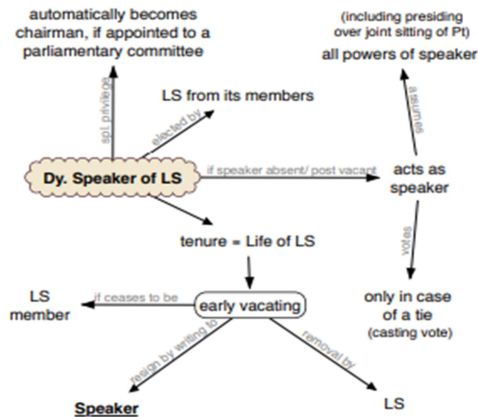
- Does **not** require resignation if passed.

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.





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)

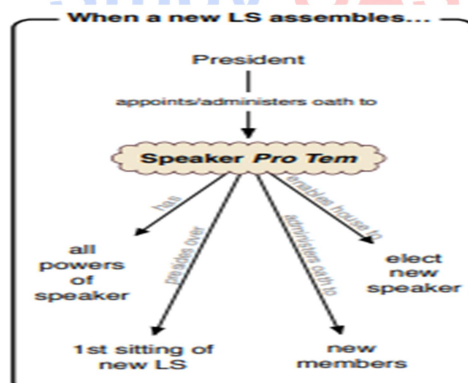
- Introduced in **1993 (10th LS)**.
- **Number:** 24 Committees (2025).
- **Composition:** 31 MPs (21 LS + 10 RS).
- **Tenure:** 1 year.
- **Work:** Scrutinize Demands for Grants, bills, long-term policies of Ministries/Departments.
- **Restrictions:** Cannot consider day-to-day administration or matters 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

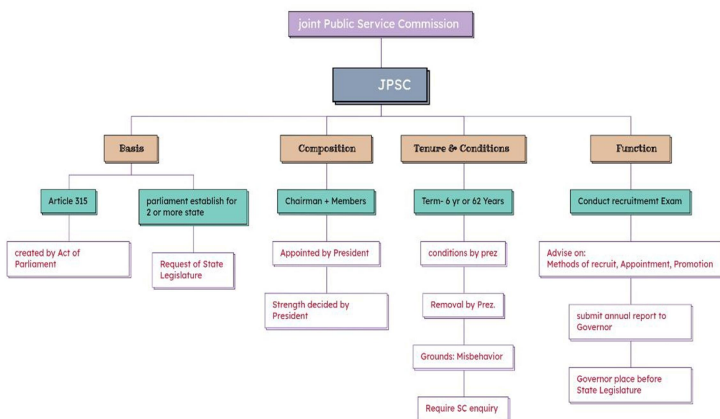
- **Chairman + members** (appointed by Governor).
- **Tenure:** 6 years or till 62 years.
- **Removal:** By President (not Governor).

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

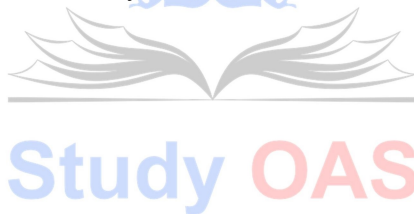
- **Art. 280 (Part XII – Finance, Property, Contracts, Suits).**
- Advisory body for Centre–State financial relations.

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.





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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