

Indian Polity and Constitution



By: Meer Sir



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— ACADEMY —

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and
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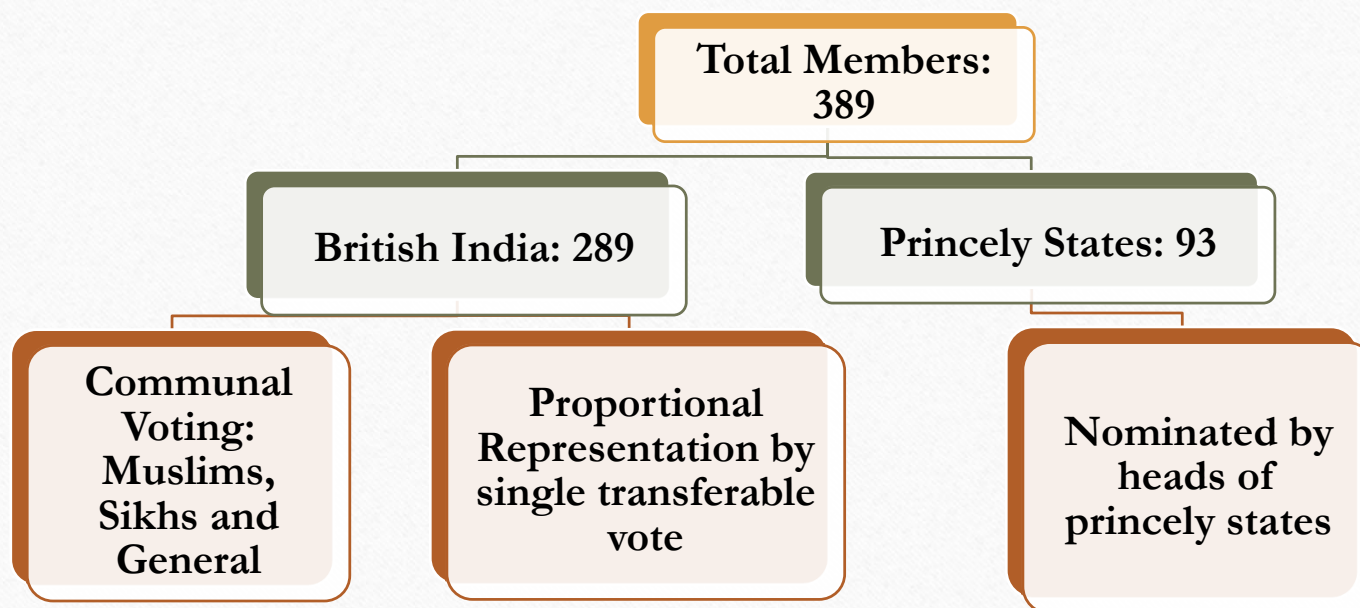
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Making of the Constitution

- **India Constitution:** World's **longest written** constitution adopted by the Constituent assembly on **26th November, 1949** and came into force on **26th January, 1950** (celebrated as Republic Day since 1930).
- **USA Constitution:** **oldest** in world
- **Constituent Assembly (CA):** Idea given by **M.N. Roy** in **1934**.
- Indian National Congress (INC) in 1935 officially demanded Constituent Assembly to frame constituent.
- “Constitution without outside interference” J.H Nehru said in 1938
- **August Offer 1940:** demand finally accepted.
- **Cripps Proposal (1942):** 2nd World War was conditioned. Rejected by Muslim League.

- **Cabinet Mission;** arrived India on 24th March 1946 consisting of three members **Lord Pethic Lawrance, A.V Alexander** and **St. Cripps** published plan on 16th May, 1946, aimed to discuss the transfer of power from the British government to the Indian leadership and granting it independence.
- CA had total **11 sessions over 2 years, 11 months and 18 days.**
- Borrowed from **60** constitutions, draft constitution for **114 days** and spent **64 lakhs total expenditure.**
- **1st meeting** of CA: on 9th December 1946 but boycotted by Muslim League and attended only by 211 members.
- **President: Rajendra Prasad** selected on 11 December 1946 and **H.C Mukherjee as Vice-President.**
- Constituent assembly became a full Sovereign Body on 14th August 1947. CA was set up in 1946 and Framed the Constitution of India. It took decision on the basis of **Consensus.**
- **Sachchidananda Sinha:** was the Temporary Chairman of the first meeting of the Constituent Assembly which was held on 9 December 1946.
- **First General Election was held in 1951-52.**

- Originally (1949): A preamble, 395 Article (divided into 22 parts) and 8 Schedules.
- Presently (January 2026): **448 Articles in 25 Parts, 12 Schedules and more than 104 Amendments.**
- Constituent Assembly ratified India's membership of commonwealth in May 1949, adopted National Flag on July 1947, National Anthem, and National Song on 24th January 1950.
- Its final session was held to append signature on **24 January 1950** and New Parliament came into being.



- “**Samvidhan Divas**” or constitution day is observed every year in India on **26 November**.
- Constitution of India: Signed by 284 members out of 299 only they were present adopted on **26th Nov. 1949**.

National Flag of India

- The design of the flag of India that was **first** presented in **1921** to **Mahatma Gandhi**, leader of the All-India Congress, was created by **Pingali Venkayya**.
- In **1906** the **first national flag of India** was hoisted on **7th August 1906, in Kolkata** at the Parsee Bagan Square (Green Park).
- It comprised **three horizontal strips of red, yellow and green, with Vande Mataram** written in the middle.



- In 1907 **Madame Cama** and her group of exiled revolutionaries was **first Indian flag to be hoisted in a foreign land in Germany.**
- In 1917, Dr Annie Besant and Lokmanya Tilak adopted a new flag as part of the **Home Rule Movement.**
- In 1931, the **Congress Committee met in Karachi** and adopted the tricolour (that of **Pingali Venkayya**) as India's national flag.
- **Red was replaced with saffron** and the order of the colours was changed. The flag was to have **no religious interpretation.**
 - ✓ Saffron on top symbolises “**strength and courage**”,
 - ✓ White in the middle represents “**peace and truth**” and
 - ✓ Green at the bottom stands for “**fertility, growth and auspiciousness of the land**”.

- The **Ashok Chakra with 24 spokes** replaced the earlier spinning wheel. It represents life in motion.
- The flag must be rectangular with a **3:2 length–width ratio**.
- The Constituent Assembly approved the national flag on **22 July 1947**.
- The motion proposed that “the National Flag of India shall be horizontal tricolour of **deep saffron (kesari)** on top, **White (middle)** and **Dark Green** (bottom) in equal proportion.”
- The white band carries a **navy-blue Ashok Chakra**, inspired from the Sarnath Lion Capital.
- The **Ad-hoc Committee on the National Flag** was led by **Dr. Rajendra Prasad**.
- **Article 51-A (Part IV-A)** states that it is the duty of every citizen to respect the Constitution, National Flag, and National Anthem.
- Under the **Prevention of Insults to National Honour Act, 1971**, anyone convicted is disqualified from contesting Parliamentary or State elections for **6 years**.

Criticism of Constituent Assembly

- **“Dominated by Congress”** and “India Constitution as the cornerstone of Nation” (G. Austin).
- Viscount Simon argued it was **“dominated by Hindus.”**
- **Not being a fully representative or sovereign body** and for being controlled by lawyer-politicians.
- The drafting process was seen as **slow**, especially when compared to the American Constitution, which took only 44 months.
- In June 1948, British PM **Clement Attlee** announced the final decision to transfer power to India.
- The Assembly met in the **Constitution Hall**, now known as the **Central Hall of Parliament**, starting on **9 December 1946**.
- Dr. Ambedkar faced criticism for **“ransacking all the known constitutions of the world”** while drafting India’s Constitution.
- Two female leaders in drafting the constitution were **Dakshayani Velayudhan** and **Vijaya Lakshmi Pandit**.

- “**The Rough Draft (Prepared by B.N Rau)** was referred to the **Drafting Committee** headed by B.R Ambedkar on 29 August 1947.
- It took less than 6 months sat only for 141 days.
- **Ambedkar (Father and Chief Architect of Indian Constitution known as “Modern Manu”)** introduced the final draft on **4th November 1948**

1. Dr. B.R Ambedkar (Chairman).
2. Alladi Krishnaswamy Ayyar
3. N. Gopalaswamy Ayyangar.
4. Mohd. Saadullah
5. N. Madhava Rao (replaced B.L. Mitter).
6. T.T. Krishnamachari (replaced Dr. D.P. Khaitan after his Death).
7. K.M. Munshi.

PREAMBLE

- The **preface** which highlights the entire Constitution.
- Preamble is a *brief introductory statement that sets out the guiding purpose and principles of the document*
- **Proposed by Jawaharlal Nehru** before the Drafting Committee of the Constitution on **13 December 1946** known as **“Objective Resolution”** and was unanimously adopted on **22 January 1947**.
- **Adopted on 26 November 1949** by the Constituent Assembly and came into effect on **26 January 1950**, celebrated as the Republic day in India.
- Amended only once on **18 December 1976**, during the Emergency, by Indira Gandhi government in the **42nd Amendment Act 1976**.

THE CONSTITUTION OF INDIA

PREAMBLE

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

JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

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

- The words "**socialist**" and "**secular**" were added between the words "Sovereign" and "democratic" and the words "unity of the Nation" were changed to "**unity and integrity of the Nation**".
 - The preamble-page, along with other pages of the original Constitution of India, was **designed and decorated** by the renowned painter **Beohar Rammanohar Sinha of Jabalpur** endorsed by **Acharya Nandalal Bose** at Shantiniketan.
 - The calligraphy was done by **Prem Behari Narain Raizada**.
 - Preamble was called the *Soul of the Indian Constitution* by **Thakurdas Bhargav**.
 - Preamble, the Political Horoscope of the Indian Constitution (K M Munshi).
- ❑ The Indian Constitution has been best described as the "**Lawyer's Paradise**" by the British Lawyer" Ivor Jennings".
- ❑ **Dr. B.R Ambedkar** said "*Indian Constitution is the ransacking of all the known constitutions of the world*".
- ❑ The **Original copy of the book of Constitution** of India is preserved in a **Helium Filled Case** of the Library of the Parliament of India.

- Preamble as a part of the constitution:

1. ***Berubari vs UOI case (1960)*** - Supreme Court specifically opined the ***preamble is not a part of the constitution.***
2. ***Kesavananda Bharati vs State of Kerala (1973)*** - Supreme Court rejected the earlier opinion and held that A” ***preamble is an integral part of the constitution.***
3. ***LIC of India vs CERC (1995)*** - Supreme Court again held that the “ ***Preamble is an integral part of the constitution.***

❖ However, two things should be noted;

1. The preamble is neither source of power nor prohibition to legislature, nor,
2. Its non-justiciable.

- **Sovereign** India has full power to make its own laws without any external control.
- **Socialist**: Added by the **42nd Amendment (1976)**. India follows **democratic socialism**, shaped by both **Gandhian** and **Marxian** ideas called **Gandhian Socialism**
- **Democratic**: Government chosen through **universal adult franchise** (one person, one vote).
Covers political, social and economic democracy.
- Abraham Lincoln “***Democracy is a government of the people, for the people, and by the people.***”
- **Gandhian Swaraj**: Real democracy means power rests with individuals who govern themselves.
- **Karachi resolution (1931)**: the resolution at the Karachi session **reflected the vision of democracy**.

Indian Secularism

- Equal respect for all religions.
- State maintains *principled distance* can intervene to ensure equality.
- Religion visible in public life; personal laws differ by community.
- Focus on protecting minorities.

Western Secularism

- Strict separation of religion and state.
- State avoids involvement in religious matters.
- Religion mostly kept private; common civil laws for all.
- Focus on individual freedom.

❖ **Secular** means that the relationship between the government and religious groups are determined according to constitution and law .

- By the **42nd Amendment in 1976**, the term "Secular" was also incorporated in the Preamble.
- In Hindi it is known as *panthnirapekṣata*. It separates the power of the state and religion.

❖ **Republic** *where the head of state is elected and not a hereditary monarch.*

❖ **Elephantine size of Constitution:**

There are four factors responsible for this:

1. Geographical (diversity and vastness of the country)
2. Historical Factors (70% weightage carried on Act of 1935)
3. Single Constitution
4. Dominance of legal luminaries in Constituent Assembly.

Justice: Justice stands for *rule of law, absence of arbitrariness and a system of equal rights, freedom and opportunities for all in a society.*

1. Social Justice	2. Economic Justice	3. Political Justice
• No privileged classes. • No discrimination based on caste, creed, religion, gender or birthplace. • Aim: remove social inequality and exploitation.	• No discrimination based on wealth or income. • Fair distribution of resources. • End to monopolies and equal chances to earn a livelihood.	• Equal political rights for everyone. • Free and fair participation in politics. • Guaranteed by India's democratic system.

Liberty

- Freedom of thought, expression and action.
- No unreasonable restrictions on citizens.
- Must be exercised **within constitutional limits**, not absolute freedom.

Fraternity

- Sense of brotherhood and national unity.
- Promotes emotional and territorial integration.
- Rejects **regionalism, communalism and casteism.**

1934 M.N Roy, The pioneer of Communist Movement of India, proposed the idea of Constituent Assembly for the first time.

1935 for the first time, Indian National Congress(INC) demanded for a Constituent Assembly

1940, In principle, the acceptance was given by the British Government in the "**August Offer**"

1946, Cabinet mission, rejected the idea of two Constituent Assembly for India and Pakistan

1942, Cripps Mission draft proposal, on the framing of an Independent Constitution. Members of the Constituent Assembly to be partly elected and partly nominated. Rejected by the Muslim League and the INC

Comparative Study

- No country has many Articles and schedules as India has.
- **American Constitution originally only 7 Articles, Australian-128, Chinese-138 and Canada-147.**
- The British Monarch and president of India have the same constitutional authority.
- The Real Powers of the state in a Parliamentary form of Government lies with the Council of Ministers headed by the Prime Minister of the Country.

S. No	Sources	Features Borrowed
1	Government of India Act-1935	Federal Scheme, Office of Governor, Judiciary, Public Service Commissions, Emergency Provisions and Administrative details.
2	British Constitution	Parliamentary Government, Rule of Law, Legislative Procedure, Single Citizenship, Cabinet System, Prerogative writs, Parliamentary Privileges and Bicameralism
3	US Constitution	Fundamental Rights, Independence of Judiciary, Judicial Review, Impeachment of the President, Removal of Supreme Court and H.C Judges and Post of Vice-President
4	Irish Constitution	DPSP, Nomination of members to Rajya Sabha and Method of Election of President.
5	Canadian Constitution	Federation with strong Centre, Vesting Residuary Powers in the Centre, Appointment of State Governors by the Centre, and Advisory Jurisdiction of the S.C.
6	Australian Constitution	Concurrent List, Freedom of Trade, Commerce and Intercourse, Joint Sitting of Two Houses of Parliament.
7	Weimar (Germany) Co.	Suspension of Fundamental Rights during Emergency
8	Soviet Constitution	Fundamental Duties, Ideals of Justice (Social, Economic and Political) in Preamble
9	French Constitution	Republic and ideals of Liberty, Equality and Fraternity in the Preamble.
10	South African Const.	Procedure for Amendment of the Constitution and Election of Members of Rajya Sabha.
11	Japanese Constitution	Procedure established by Law

Name of the committees	Chairman
1. Drafting Committee	Dr. B.R Ambedkar
1. Union Powers Committee	J.H Nehru
2. Union Constitution Committee	
3. States Committes (Negotiation)	
1. Provincial Constitution Committee	Sardar Vallabhai Patel
2. Advisory Committee on F.Rs, Minorities, Tribals & Excluded Areas	
1. Rules of Procedure Committee	Dr. Rajenda Prasad
2. Finance and Staff Committee	
3. Steering Committee	
4. Adhoc Committee on National Flag	
11. Fundamental Rights Sub-Committee	J.B. Kriplani
12. Minorities Sub-Committee	H.C Mookherjee
13. Order of Bussiness Committee	K.M Munshi

UNION TERRITORIES

- ❖ **States:** Under Article 1 India that is Bharat shall be “union of states”.
- ❖ At present, there are **eight union territories** and **no acquired territories**.
- ❖ The union territories are under the direct control and administration of the Central government. They are also known as ‘centrally administered territories’.
- ❖ India Federation is an “**Indestructible union of destructible states**,
- ❖ USA Federation is “**an indestructible union of indestructible states**.”
- ❖ **Creation of Union Territories:** In 1956 ‘union territories’ were constituted by the **7th Constitutional Amendment Act (1956)** and the **States Re-organisation Act (1956)**.
- ❖ Some of these union territories have been elevated to statehood like Himachal Pradesh, Manipur, Tripura, Mizoram, Arunachal Pradesh and Goa. The union territories have been created for a variety of reasons like
 1. Political and administrative consideration—Delhi and Chandigarh.
 2. Cultural distinctiveness—Pondicherry, Dadra and Nagar Haveli, and Daman and Diu.
 3. Strategic importance—Andaman and Nicobar Islands and Lakshadweep.
 4. Special treatment and care of the backward and tribal people—Mizoram, Manipur, Tripura and Arunachal Pradesh which later became states.

PART I: THE UNION AND ITS TERRITORY

Articles	Matter
1	Name and territory of the Union.
2	Admission or establishment of new States
2A	[Repealed.]
3	Formation of new States and alteration of areas, boundaries or names of existing States.
4	Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

UNION TERRITORY

States

States refer to the administrative division, which has their own elected government.

States have a federal relationship with the central Govt. wherein the sovereign legislative and executive powers are distributed between states and union, concerning the state.

The constitutional head of state is the governor of the state.

States are administered by Chief Minister, elected by the people.

The area of the state is comparatively large

States possess autonomy

UTs

Union Territory is an administrative unit that is controlled and regulated by the Union Government.

Union Territory has a unitary relationship with the central government, i.e. all the powers rest in the hands of the union.

The president is executive head of the union territory.

Union Territory is administered by Administrator, who is appointed by President.

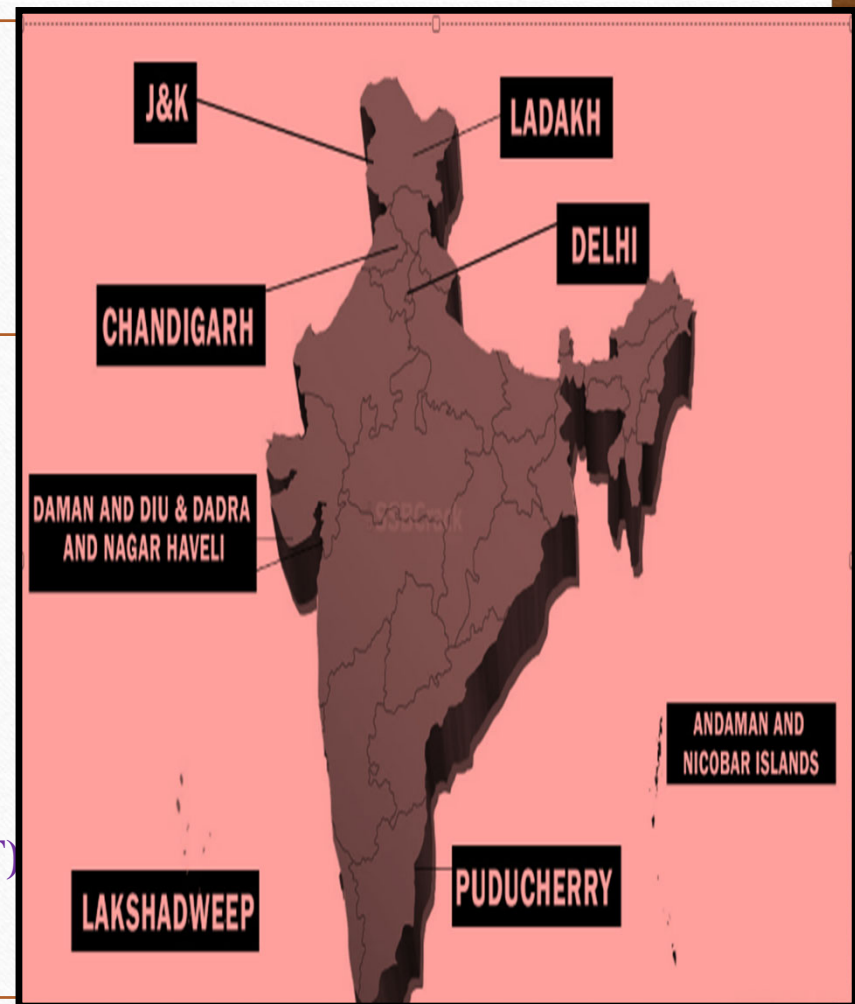
Union Territory is smaller in area.

Union Territory doesn't possess autonomy.

- **Dhar Commission (1948) - (Linguistic Province Commission)** submitted its report under the chairmanship of SK Dhar recommended the reorganization on the basis of administrative convenience rather than linguistic factor.
- **JVP Committee (1948)**, J. Nehru, V. Patel and P.S Ramaya submitted report in 1949, formally rejected the language as the basis for reorganization of states.
- In 1953 oct. **1st linguistic states Andhra was separated from Madras.**
- **Demand:** intensified (Patti Siramula a congress person died after 56 days of hunger strike).
- **Fazal Ali Commission (1953)** a three member state reorganization commission – (Fazal Ali (Chairman), KM Pannikar and H.N Kunzru) submitted its **report 1955**. Broadly accepted language as the basis of reorganization of states but rejected the theory of “one language one state”.
- **14 states and 6 UTs were created by Nov. 1, 1956.**
- **Administration of union territories: Articles 239 to 241 in Part VIII**
- Every union territory is administered by the President through an **administrator** appointed by him. He is an *agent of the Central government* and is not the head of state like a governor.

Special Provisions for Delhi (NCT)

- Delhi has a **Legislative Assembly** with **70 elected members**.
- Elections: conducted by **Election Commission of India**.
- Assembly can make laws on **State List subjects**, except:
 - Public order
 - Police
 - Land
- If a conflict arises, **Parliament's law prevails**.
- Council of Ministers is limited to **10% of Assembly strength**.
- **Chief Minister** is appointed by the **President**; ministers serve at the President's pleasure.
- Delhi: officially called **National Capital Territory (NCT)**
- Its Administrator (under Article 239) is known as the **Lieutenant Governor**.



SCHEDULES OF CONSTITUTION

(Mnemonic - TEARS OF OLD PM)

- 1; T – Territories and States (Article 1-4)
- 2; E – Emoluments
- 3; A – Affirmation and Oaths
- 4; R – Rajya Sabha Seat Allocation
- 5; S – Scheduled Areas and STs (Art-244)
- 6; O – Other Tribal Areas (Assam, Meghalaya, Tripura and Mizoram).
- 7; F – Federal List (Article-246)
- 8; O – Official Languages (total 22 in Art. 344 & 351)
- 9; L – Land reforms (1st AA 1951)
- 10; D – Defection (52nd AA 1985)
- 11; P – Panchayats (73rd CAA-1992)
- 12; M – Municipalities (74th CAA-1993)

CITIZENSHIP

- **Articles 5 to 11 under part-II**
 - Citizenship means a full membership, owe allegiance to it.
-
- The citizenship can be acquired by 5 ways under the Citizenship Act of 1955 and these are by
- 1. Birth**
 - 2. Descent**
 - 3. Registration**
 - 4. Naturalization**
 - 5. Incorporation of Territory.**

- The *loss of citizenship can be done by;*

1. Renunciation

2. Termination

3. Deprivation.

- The citizenship was amended four times in **1986, 1992, 2003, and 2005.**
- Citizenship was recently amended in **5th time in 2019**, it makes illegal migrants who are **Hindus, Sikhs, Buddhists, Jains, Parsis and Christian** from Afganistan, Bangladesh and Pakistan eligible for citizenship. Muslims will not be granted citizenship.

PART II: CITIZENSHIP

Articles	Matter
5	Citizenship at the commencement of the Constitution.
6	Rights of citizenship of certain persons who have migrated to India from Pakistan.
7	Rights of citizenship of certain migrants to Pakistan
8	Rights of citizenship of certain persons of Indian origin residing outside India.
9	Persons voluntarily acquiring citizenship of a foreign State not to be citizens.
10	Continuance of the rights of citizenship.
11	Parliament to regulate the right of citizenship by law.

FUNDAMENTAL RIGHTS

- **Part-III from Article 12 to 35**
- Fundamental Rights also known as *magna-carta* of India, derived inspiration from **USA-Bill of Rights**.
- Originally there were 7 Fundamental Rights.
- **Article 19(1) (f), Right to Property was deleted by 44th Constitutional Amendment Act 1978. It was made a legal right under Article 300A, Part-XII.**
- Fundamental Rights are **not absolute or sacrosanct but qualified**.
- Some rights are negative which limits the state, some are positive. They are justiciable, defend and guaranteed by Supreme Court. Most rights are directly enforceable (self-executory).
- **Doctrine of Judicial Review: Article-13** contains Doctrine of Judicial Review “The power has been conferred on the **Supreme Court (Article-32)** and **High Court (Article-226)** that can declare a law unconstitutional and invalid on the ground of violation of any of the Fundamental Rights”.

1. Equality (Article 14-18)

- **Article-14** contains **Equality before law** (Negative concept) has a British origin and **Equal protection of law** (Positive concept) has an American origin.
- Supreme Court held that **‘where Article 31-C comes in Article-14 goes out’**. Where equals and unequal are treated differently Article-14 does not apply.
- **Article 15** provides **prohibition of discrimination** on grounds of religion, race, caste, sex or place of birth. Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or SCs, STs, women and children.
- **Article 16** provides **equality of opportunity in matters of public employment**.
- **Article 17** states **abolition of untouchability**. Its practice in any form is forbidden. The enforcement of any disability arising out of “untouchability” shall be an offence punishable in accordance with law.
- **Article 18** provides **abolition of titles**. No title, not being a military or academic distinction, shall be conferred by the state. No citizen of india shall accept any title from any foreign state.
- **Rule of Law** given by a British jurist **A.V Dicey** is a basic structure of the Indian constitution. it has three elements; **Absence of arbitrary power, equality before law (no man is above the law) and the primacy of the rights of the individual**.

2. Right to Freedom (Article 19-22):

- Article 19 : protection of certain rights regarding freedom of speech, etc.
 - a) to freedom of speech and expression;
 - b) to assemble peaceably and without arms;
 - c) to form associations or unions;
 - d) to move freely throughout the territory of India;
 - e) to reside and settle in any part of the territory of India; and
 - f) to practice any profession, or to carry on any occupation, trade or business.
- **Protection against arbitrary and excessive punishment (Article 20)** to an accused person, foreigner, company or legal person in respect of conviction for offence. It has three provisions;
 - a. No-expost-facto law
 - b. No double jeopardy and
 - c. No self-incrimination (only to criminal not civil proceedings).

- Protection against double jeopardy is not available in proceedings before department or administrative authorities as they are not judicial in nature.
- **Article 21** provides **protection of life and personal liberty**.
- No person shall be deprived of his life or personal liberty except according to **procedure established by law**.
- **Article 21A** states that the State shall provide **free and compulsory education** to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
- **Article 22** provides **Protection against arrest and detention** has two parts **punitive (punish after trial and conviction)** and **preventive (detention without trial)**.
- **Preventive detention** is a precautionary measure based on suspicion where the purpose is to not punish but to prevent, no other democracy made it an integral part of constitution, it is unknown in USA and used in Britain only during 1st and 2nd world war.
- **Due Process of Law:** It is a *Procedure Established by Law plus the procedure should be fair and just and not arbitrary*.

- **In Maneka Gandhi vs Union of India case (1978)** SC held that – ‘procedure established by law’ within the meaning of Article 21 must be ‘right and just and fair’ and ‘not arbitrary, fanciful or oppressive’ otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied.
- Thus, the ‘procedure established by law’ has acquired the same significance in India as the ‘due process of law’ clause in America.
- In India, a liberal interpretation is made by the judiciary after 1978 and it has tried to make the term ‘Procedure established by law’ as synonymous with ‘Due process’ when it comes to protecting individual rights.
- **Procedure Established by Law is Indian constitutional doctrine. Due Process of Law is American doctrine.**

3. Right against Exploitation (Article 23-24)

- **Article 23** provides prohibition of **traffic in human beings and forced labour**.
- **Article 24** states **prohibition of employment of children in factories, etc.**

- No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

4. Freedom of Religion (Article 25-28)

- Article 25 provides **freedom of conscience and profession, practice and propagation of religion.**
- The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.
- The reference to Hindus includes Sikh, Jaina or Buddhist religion.
- **Article 26** provides **freedom to manage religious affairs.** Every religious denomination or any section thereof shall have the right –
 - a) to establish and maintain institutions for religious and charitable purposes;
 - b) to manage its own affairs in matters of religion;
 - c) to own and acquire movable and immovable property; and
 - d) to administer such property in accordance with the law.

- Article 25 guarantees rights of individuals, while Article 26 guarantees rights of religious denominations or their sections.
- **Article 27** states that no person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination. Article 28 provides freedom as to attendance at religious instruction or religious worship in certain educational institutions.

5. Cultural and Educational Rights (Article 29-30)

- **Article 29** provides **protection of interests of minorities** any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
- No citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them. A
- rticle 29 grants protection to both religious minorities as well as linguistic minorities.
- **Article 30** provides right of minorities **to establish and administer educational institutions.**

All minorities, whether based on **religion or language**, shall have the right to establish and administer educational institutions of their choice.

*The term '**minority**' has not been defined anywhere in the constitution.*

The right under Article 30 also includes the right of a minority to impart education to its children in its own language.

Martial Law

- **Article 34** provides for the restrictions on fundamental rights while *marital law* is in force in any area within the territory of India.
- It empowers the Parliament to indemnify any government servant or any other person for any act done by him in connection with the maintenance or restoration of order in any area where martial law was in force.
- Martial law was **borrowed from English common law**.
- However, **the expression 'martial law' has not been defined anywhere in the constitution**. Literally, it means '**military rule**'. It refers to the situation where civil administration is run by the military authorities according to their own rules and regulations framed outside the ordinary law.
- The martial law is imposed under the extraordinary circumstances like war, invasion, insurrection, rebellion etc. Its justification is to repel force by force for maintaining or restoring order in the society.

- It affects only Fundamental Rights, suspends the govt. and ordinary law courts and imposed to restore the breakdown of law and order. Supreme Court held that the declaration of martial law **does not *ipso facto*** result in the suspension of the writ of *habeas corpus*.
- **Article 33** states that the power of parliament to modify the rights conferred by this part in their application to forces, etc.
- Parliament may, by law, determine to what extent any of the rights conferred by this part shall, in their application to, the members of the armed forces, bureau or other organization established by the state for purposes of intelligence or counter intelligence.
- **Article 35** lays down that the power to make laws, to give effect to certain specified FRs shall vest only in the Parliament and not in the state legislatures. It empowers Parliament to make a law on the matters specified above, even though some of those matters may fall within the sphere of the state list.

6. Constitutional Remedies

- Before 1950, only High Courts of Calcutta, Bombay and Madras had power to issue writs now all High Courts can issue writs.
- **Writs** are borrowed from English “**Perogative Writs**”. A remedy under **Article 32** is itself a FR.

- **SC under Article 32** issues writs and can not refuse while **HC under Article 226** has discretionary to refuse. Now an aggrieved person can move to HC first and then SC

❖ **There are five types of writs;**

1. **Habeas Corpus;** (to have the body of) issued against public and private authority.
2. **Mandamus;** (we command) issued against public body, inferior court tribunal and not against president or CJI private individual or body.
3. **Prohibition;** (to forbid) issued by higher court to lower court or tribunal,
4. **Ceritorari;** (to be certified) issued by higher court to a lower court on grounds of excess or lack of jurisdiction or error of law. Unlike Prohibition which is preventive, certiorari is both preventive and curative, both are not available against legislative bodies, and
5. **Quo-Warranto;** (by what authority or warrant) issued only in case of a substantive public office of a permanent charter created by a constitution.

❖ **Significance:** The Fundamental Rights check the absoluteness of the Authority of Govt., facilitate the establishment of rule of law, and serve as formidable bulwark of individual rights. It is *criticized* for no clarity and permanency, expensive remedy and excessive limitations.

PART III**FUNDAMENTAL RIGHTS (FR)**

Fundamental Rights	Article and Subject Matter
General	Article 12 – definition Article 13 – laws inconsistent with or in derogation of the fundamental rights
1. Right to Equality (Article 14-18)	Article 14 - Right to Equality Article 15 – Prohibition of discrimination of religion, race, caste, sex or place of birth Article 16 – Equality of opportunity in matters of public employment Article 17 - Abolition of untouchability Article 18 – Abolition of titles
2. Right to Freedom (Article 19-22)	Article 19 - Deals with six freedoms of Indian citizens namely, a) Right to freedom of speech and expression b) Right to assemble peacefully and without arms c) Right to form associations or unions d) Right to move freely throughout the territory of India e) Right to reside and settle in any part of the territory of India f) Right to practice any profession or to carry on any occupation, trade, and business Article 20 – protection in respect of conviction for offences Article 21 - Provides protection to life and liberty to all persons Article 21A - Right to elementary education (added by 86 th CAA-2002). Article 22 - Affords protection against arbitrary arrest & detention

3. Right against Exploitation (Article 23-24)	Article 23 - Prohibits the traffic in human beings and beggars Article 24 - Prohibits the employment of children below 14 years
4. Right to Freedom of Religion (Article 25-28)	Articles 25 – Freedom of conscience and free profession, practice and propagation of religion Article 26 – Freedom to manage religious affairs Article 27 – Freedom as to payment of taxes for promotion of any particular religion Article 28 – Freedom as to attendance at religious worship in certain educational institutions
5. Cultural and Educational Rights (Article 29-30)	Article 29 – Protection of interests of minorities Article 30 – Right of minorities to establish and administer educational institutions
Saving of Certain Laws	31 [Repealed.] 31A Saving of Laws providing for the acquisition of estates, etc. 31B Validation of certain Acts and Regulations 31C Saving of laws giving effect to certain directive principles. 31D [Repealed.]
6. Constitutional Remedies	Article 32 – Constitutional remedies
	32A [Repealed.] 33 Power of Parliament to modify the rights conferred by this Part in their application to Forces, etc. 34 Restriction on rights conferred by this Part while martial law is in force in any area. 35 Legislation to give effect to the provisions of this Part.

DIRECTIVE PRINCIPLES OF STATE POLICY

- **Article 36 to 51 of Part IV**
- DPSP are borrowed from Irish Constitution of 1937 (copied it from Spain).
- It is defined by Dr. B.R. Ambedkar “**Novel features**” of Indian Constitution.
- **G. Austin “DPSP and FRs as the conscience of the constitution”.**
- DPSPs resemble the “**instrument of instruction**” enumerated in the GOI Act-1935 (B.R Ambedkar).
- DP are *non-justiciable in nature and not legally enforceable* because of insufficient financial resources, vast diversity and backwardness, and newly born independent Indian states.
- DP’s served as useful beacon-lights to courts and helps to exercise Judicial Review.
- These are divided into three principles; **Socialistic, Gandhian and Liberal-Intellectual.**
- **Keshavnanda Bharati vs the State of Kerala (1973):** The Apex Court placed DPSPs on the higher pedestal than Fundamental Rights.
- **Minerva Mills vs Union of India (1980):** The SC examined whether DPSPs (Part IV) could be given priority over FR (Part III) after the 42nd CA tried to expand Parliament’s power. The Court said **neither Part III nor Part IV is superior**. Both must exist **in balance**, since they are **complementary** and together form the **Basic Structure** of the Constitution. The Court applied the **Doctrine of Harmonious Construction** to maintain this balance.

Directive Principles of State Policy

Article	Matter
36	Definition
37	Application of the principles contained in this Part.
38	State to secure a social order for the promotion of the welfare of the people
39	Certain principles of policy to be followed by the State. a) that the citizens, men and women equally, have the right to an adequate means to livelihood; b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; d) that there is equal pay for equal work for both men and women; e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment
39A	Equal justice and free legal aid

40	The organisation of village panchayats.
41	Right to work, to education and to public assistance in certain cases.
42	Provision for just and humane conditions of work and maternity relief
43	Living wage, etc., for workers.
43A	Participation of workers in the management of industries.
43B	Promotion of co-operative societies.
44	Uniform civil code for the citizens.
45	Provision for free and compulsory education for children.
46	Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.
47	Duty of the State to raise the level of nutrition and the standard of living and to improve public health.
48	The organisation of agriculture and animal husbandry.
48A	Protection and improvement of environment and safeguarding of forests and wildlife.
49	Protection of monuments and places and objects of national importance.
50	Separation of judiciary from the executive
51	Promotion of international peace and security.

DISTINCTION BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

Fundamental Rights	Directive Principles
✓ Negative in nature as they prohibit the state from doing certain things.	✓ Positive in nature as they require the state to do certain things.
✓ These are justiciable and legally enforceable.	✓ These are non-justiciable and not legally enforceable.
✓ They establish political democracy.	✓ They establish social and economic democracy.
✓ These have legal sanctions.	✓ These have moral and political sanctions.
✓ They promote the welfare of the individual. Hence, they are personal and individualistic.	✓ They promote the welfare of the community. Hence, they are sociitarian and socialistic.
✓ They do not require any legislation for their impletation. They are automatically forced.	✓ They require legislation for their implementation. They are not automatically enforced.
✓ The courts are bound to declare a law violative of any of the Fundamental Rights as unconstitutional and invalid	✓ The courts cannot declare a law violative of any of the Directive Principles as unconstitutional and invalid. However, they can uphold the validity of a law on the ground that it was enacted to give effect to a directive.

FUNDAMENTAL DUTIES

- **Article 51(A) under Part-IVA-** was added by **42nd Constitutional Amendment Act in 1976.**
- Recommended by **Swaran Singh Committee.**
- The original Constitution had **Fundamental Rights**, but **no Fundamental Duties.**
- Duties are inspired by the **USSR Constitution.**
- **Japanese Constitution** is the only democratic constitution that includes Fundamental Duties.
- Fundamental Duties are **moral obligations** meant to promote **patriotism, unity, discipline, and national responsibility** among citizens.
- Like the **Directive Principles**, they are **not enforceable by courts**, unless made enforceable by **law passed by Parliament.**
- **11 Fundamental Duties** were added in 1976.
- The **11th (extra) duty**—to provide education to children aged 6–14—was added by **86th Amendment, 2002.**
- Courts may use FDs to **interpret laws** and test their **constitutional validity.**

Swaran Singh Committee (1976):

- Recommended 8 duties.
- Proposed penalties for non-compliance (not accepted)
- Suggested duty to pay taxes (not accepted).

Verma Committee (1999):

- Identified laws that help enforce some duties.
- Examples:
 - *Prevention of Insults to National Honour Act, 1971*
 - *Wildlife Protection Act, 1972*

S.No	Part-IVA Fundamental Duties
1.	Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
2.	Cherish and follow the noble ideals that inspired the national struggle for freedom.
3.	Uphold and protect the sovereignty, unity and integrity of India.
4.	Defend the country and render national service when called upon to do so.
5.	Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women.
6.	Value and preserve the rich heritage of the country's composite culture.
7.	Protect and improve the natural environment including forests, rivers and wildlife and to have compassion for living creatures.
8.	Develop scientific temper, humanism and the spirit of inquiry and reform.
9.	Safeguard public property and to abjure violence.
10.	Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.
11.	Provide opportunities for education to his child or ward between the age of six and fourteen years. (86 AA 2002).

AMENDMENT OF THE CONSTITUTION

- Indian Constitution is neither flexible nor rigid but a synthesis of both. Article-368 in part XX deals with power of parliament to amend the constitution and its procedure. Its procedure is neither easy as in Britain and nor as difficult as in USA.
- Amendment bill is either introduced either by a minister or private member and does not require prior permission of president, introduced either in house of parliament not in state legislatures. Bill must be passed in each house by special majority and each house must pass it separately (no joint sitting can be summoned). After duly passed by both houses and ratified by the state legislatures . President must give his assent, he cannot withhold/return the bill for reconsideration (made it obligatory for president to give his assent to the bill). After President's Assent, the bill becomes an Act.

Simple Majority	More than 50% of members present and voting.
Absolute Majority	More than 50% of total strength of house.
Special Majority	Generally, $\frac{2}{3}$ rd of total strength or $\frac{2}{3}$ rd of present and voting.
Effective Majority	50% of strength. Strength is calculated by subtracting vacant seats from total strength.

BASIC STRUCTURE OF THE CONSTITUTION

1. Shankari Prasad vs UOI (1951)

- Validated the **1st Amendment (1951)**.
- Held: Parliament **can amend Fundamental Rights** using Article 368.

2. Golaknath vs State of Punjab (1967)

- Overruled Shankari Prasad.
- Held: Parliament **cannot amend or take away Fundamental Rights**; FRs are “**immutable**.”

3. Kesavananda Bharati vs State of Kerala (1973)

- Largest bench: **13 judges**; verdict **7:6**.
- Held: Parliament **can amend the Constitution**, but **cannot alter the Basic Structure**.
- Upheld the **24th Amendment**; struck down part of the **25th Amendment** (Article 31C) for violating judicial review.
- Introduced the **Basic Structure Doctrine**, now the foundation of judicial review.
- After the judgment, Justice A.N. Ray (a dissenter) was made CJI, superseding 3 senior judges.

Origin & Influence

- Idea inspired by post-Nazi **German Constitution**.
- Adopted by **Bangladesh Supreme Court (1989)** in Anwar Hossain case.

Later Clarifications

4. Minerva Mills vs UOI (1980)

- Held **Judicial Review** is part of the **Basic Structure**.
- Parliament **cannot amend Article 368** to destroy it.

5. Waman Rao vs UOI (1981)

- Confirmed the **Basic Structure Doctrine**.
- Said it applies to all constitutional amendments **after 24 April 1973** (Kesavananda date)

SYSTEMS OF GOVERNMENT

- India follows **Parliamentary form of government** at Centre (Art. 74–75) & in States (Art. 163–164).
- Dr. B.R. Ambedkar: A democratic executive must ensure **stability** and **responsibility**.
- Executive is **responsible to the legislature** (Called **Cabinet Government / Westminster Model**.)
- Practised in UK, India, Canada, Japan etc. Ivor Jennings called it the “**Cabinet System**.”

Features

- **President** → Nominal / de jure head.

Prime Minister → Real / de facto executive.

President is **bound by the advice** of the Council of Ministers (42nd & 44th Amendments).

Council of Ministers is **collectively responsible** to Lok Sabha (Art. 75).

Ministers must become MPs within **6 months**, otherwise they lose office.

- Lok Sabha can remove the government through a **No-Confidence Motion**.

Merits of Parliamentary System

- Harmony between legislature and executive.
- Responsible and answerable government.
- Prevents autocratic tendencies.
- Broad representation.

Demerits of Parliamentary System

- Frequent instability.
- Lack of continuity in policies.
- Violates strict separation of powers.
- Sometimes governed by “amateurs.”

Presidential System

- Executive is **independent** of the legislature and not responsible to it.
- Features a **fixed executive tenure**.
- Followed in **USA, Brazil, Russia, Sri Lanka**.
- US President is **both Head of State and Head of Government**.
- Elected by an **Electoral College**; serves **4 years**; removable only by **impeachment**.
- Works with a small advisory group called the **Kitchen Cabinet**.
- President and secretaries are **not responsible to Congress**.
- President **cannot dissolve** the House of Representatives.
- Based on the **Doctrine of Separation of Powers**.

Indian	British Model
Republic headed by a President .	Monarchy headed by a King/Queen .
PM may be from either House.	Monarchy headed by a King/Queen .
A non-MP may be minister for 6 months .	Only MPs can become ministers.
No system of legal responsibility.	Ministers have legal responsibility .
Article 105: Powers and privileges of Parliament and its members.	Shadow Cabinet exists only in Britain (created by the opposition).

Demerits:

- Possible conflict between legislature and executive.
- No collective responsibility.
- May lead to authoritarianism.
- Narrower representation.

Merits:

- Stable executive.
- Clear and steady policies.
- Based on separation of powers.
- Governance by specialists.

Federal Government	Unitary Government
Dual Govt.	Single Govt.
Written Constitution	Constitution may be written (France) or unwritten (Britain)
Division of power	No division of power
Supremacy of the constitution	May be supreme (Japan) or may not be supreme (Britain)
Rigid Constitution	Rigid (France) or not rigid (Britain)
Independent Judiciary	Judiciary may or may not be independent
Bicameral legislature	Bicameral (Britain) or Unicameral (China)
Example; Brazil, USA, Canada, Russia etc.	Example; Britain, France, Japan, China, Italy or Sweden etc.

Parliamentary System	Presidential System
Dual Executive	Single Executive
Majority party rule	President and legislators elected separately for a fixed term
Collective responsibility	Non-responsibility
Political homogeneity	Political homogeneity may not exist
Double membership	Single membership
Leadership of Prime Minister	Domination of President
Dissolution of Lower House	No dissolution of Lower House
Fusion of Power	Separation of Power

FEDERAL SYSTEM

- A **federation** is formed by a treaty or agreement among units (called **states** in the USA, **cantons** in Switzerland, **provinces** in Canada, **republics** in Russia).
- **USA** is the world's oldest federation (1787). It began with **13 states**; today it has **50**.
- **Canada** became a federation in **1867** with **10 provinces**.
- India has a **federal structure**, but the Constitution **does not use the word 'federation'**.
- **Article 1** calls India a "**Union of States.**"
- India follows the **Canadian model**, not the American model:
 - Formed through **disintegration** (like Canada).
 - Prefers the term **Union**.
 - Shows a **centralizing tendency** similar to Canada.

Bommai vs Union of India (1994)

- Supreme Court held that **federalism is part of the Basic Structure** of the Constitution.
- States are **not satellites or agents** of the Centre.
- Within their allotted sphere, **states are supreme**.

DOCTRINE OF SEPARATION OF POWER

Separation of Powers

- Executive makes policies and implements laws, Legislature makes laws and Judiciary adjudicates disputes.
- Each organ checks the others but **cannot cross into their domain**.
- Judiciary exercises **judicial review**; Legislature reviews executive functioning.
- Separation of powers in India is **not strictly codified**, so boundaries can blur.
- A healthy democracy requires each organ to **respect the domain of the others**.

Public Interest Litigation (PIL)

- Courts sometimes issue policy-related directions through judgments.
- Examples:
 - **Vishakha Guidelines** on sexual harassment.
 - Order to distribute **food grains** (2010).
 - Creation of **SIT** for black money investigation.
- Justice Bhagwati introduced PIL (1983); Justice Pathak warned against courts entering legislative or executive territory.
- **Justice Katju (2007)**: Courts **cannot create rights**, pass unenforceable orders or violate settled principles.

THE UNION

- Defined under **Articles 52–78**.
Includes:
 - **President** (Art. 52–62)
 - **Prime Minister & Council of Ministers** (Art. 74–75, 78)
 - **Attorney-General of India** (Art. 76)

Types of Executive Systems

- **Parliamentary Monarchy** – Monarch as Head of State (UK).
- **Parliamentary Republic** – President as Head of State, PM as Head of Government (India).
- **Semi-Presidential** – President + PM sharing power (France).
- **Presidential** – President is both Head of State and Government (USA).

LEGISLATIVE

Parliament enacts laws and Approve Bills.

Rules and regulations framed by executive tabled in Parliament.

EXECUTIVE

Government implements laws and presents Bills.

Ex. President, PM, CoMs etc.

JUDICIARY

The Judiciary is responsible for adjudicating disputes.

Judiciary exercises judicial review over executive and legislative actions.

THE PRESIDENT

- Article 52 to 78 in Part-V of the Indian Constitution deals with the union executive.
- President is the head of Indian State and First Citizen. Article 52 provides the President of India.

Election

- Indirectly elected by an **Electoral College** (elected MPs + elected MLAs + elected MLAs of Delhi & Puducherry). If a State Assembly is dissolved, its MLAs **cannot vote**.

- **MLA Vote Value**

Population of State $\div$ (No. of elected MLAs $\times$ 1000)

- **MP Vote Value**

Total value of MLA votes $\div$ Total elected MPs

Election Method

- **Proportional Representation** – Single Transferable Vote
- **Secret ballot**
- Election disputes decided by **Supreme Court**
- Acts done by a President whose election is later void remain valid.

Qualifications

- Citizen of India
- Minimum **35 years**
- Qualified for Lok Sabha
- Not holding office of profit
- Nomination: **50 proposers + 50 seconders**
- Security deposit: ₹15,000
- Oath by **Chief Justice of India**
- Term: **5 years**
- Immune from criminal proceedings; cannot be arrested

- **President has the Executive, Legislative, Financial, Judicial, Diplomatic, Military and Emergency powers**

Impeachment (Article 61)

- Ground: **Violation of the Constitution** (not defined)
- Initiated by either House; requires:
- Motion signed by **1/4 members**
- **14 days' notice** must be given, **2/3 of total membership** to pass, Nominated members can participate while State legislatures do not participate and No President removed so far

Vacancy

- Vice-President acts as President
- If VP office also vacant → **Chief Justice of India**
- If CJI not available → **Senior-most SC judge**
- Election must be held **within 6 months**

Ordinance Power (Article 123)

- President can issue ordinances when Parliament is not in session
- Not a discretionary power – must act on **Council of Ministers' advice**
- Maximum life: **6 months + 6 weeks** but Cannot amend the Constitution.
- Can be challenged on grounds of **mala fide** (Cooper vs Union of India, 1970)
- Definition of "law" (Art. 13) includes ordinance. SC struck down misuse (D.C. Wadhwa vs State of Bihar, 1987)

Veto Powers

- **Absolute Veto** – Rejects a bill
- **Suspensive Veto** – Lok Sabha can override
- **Pocket Veto** – Keeps bill pending indefinitely (stronger than US)
- **No veto** on constitutional amendments (24th Amendment made assent compulsory)
- US President has **Qualified Veto**; India does not

Pardoning Power (Article 72)

- **Pardon** – Complete absolution
- **Commutation** – Converts punishment to a lighter form
- **Remission** – Reduces sentence duration
- **Respite** – Lesser sentence for special situations (e.g., pregnancy)
- **Reprieve** – Temporary stay of execution
- Governor also has pardoning power (Art. 161) **except** for death sentence

President & Council of Ministers

- **42nd Amendment (1976)**: President **must** act on CoM advice
- **44th Amendment (1978)**: Can ask CoM to reconsider once

Situational Discretion (Not Constitutional Discretion)

- President may act without CoM advice in cases of:
- Appointment of PM when no party has majority
- When PM dies and no clear successor
- Dismissal of CoM after losing majority
- Dissolution of Lok Sabha when government has lost confidence

Name	Tenure
Dr Sarvepalli Radhakrishnan	1952-1962
Dr Zakir Hussain	1962-1967
Varahagiri Venkatagiri	1967-1969
Gopal Swarup Pathak	1969-1974
B.D. Jatti	1974-1979
Justice M. Hidayatullah	1979-1984
R. Venkataraman	1984-1987
Dr Shankar Dayal Sharma	1987-1992
K.R. Narayanan	1992-1997
Krishan Kant	1997-2002
Bhairon Singh Shekhawat	2002-2007
Mohammad Hamid Ansari	2007-2017
<u>Muppavarapu Venkaiah Naidu</u>	Aug 11, 2017 till date

VICE PRESIDENT

- **Second-highest Constitutional office** (next to the President).
- Article **63**: Office of the Vice President.
- Term: **5 years**, continues until successor takes office; eligible for **unlimited re-election**.
- Article **64**: Ex-officio **Chairman of Rajya Sabha**.
- Acts as **President** when a vacancy occurs.
- Oath administered by the **President**.

Qualifications

- Citizen of India
- Minimum **35 years**
- Eligible for **Rajya Sabha** membership
- Not holding office of profit
- Nomination: **20 proposers + 20 seconders**

Election (Article 66)

- Elected **indirectly** by an Electoral College:
 - **Elected + nominated members** of both Houses of Parliament
- Election method same as President: **Proportional Representation & Single Transferable Vote**.
- Supreme Court decides election disputes.

Facts

- First VP: **Dr. S. Radhakrishnan** (1952–62).
- Dr. Zakir Hussain succeeded him.
- **Krishan Kant** (1997–2002) was the first Vice President to **die in office**.
- American VP succeeds directly to Presidency for the remaining term.

Name	Tenure
Dr Rajendra Prasad	Jan 26, 1950 - May 13, 1962
Dr Sarvepalli Radhakrishnan	1962 – 1967
Dr Zakir Hussain	1967 – 1969
Varahagiri Venkatagiri (Acting)	1969 – 1969
Justice Mohd Hidayatullah (Acting)	1969 – 1969
Varahagiri Venkatagiri	1969 – 1974
Fakhruddin Ali Ahmed	1974 – 1977
B.D. Jatti (Acting)	1977 – 1977
Neelam Sanjiva Reddy	1977 – 1982
Giani Zail Singh	1982 – 1987
R. Venkataraman	1987 – 1992
Dr Shankar Dayal Sharm	1992 – 1997
K.R. Narayanan	1997 – 2002
Dr. A.P.J. Abdul Kalam	2002 – 2007
Smt. Pratibha Devisingh Patil	2007 – 2012
Shri Pranab Mukherjee	2012 – 2017
Shri Ram Nath Kovind	Jul 25, 2017 – till date

Name	Tenure
Jawaharlal Nehru	Aug15, 1947 - May 27, 1964
Gulzari Lal Nanda (Acting)	May 27, 1964 - June 9, 1964
Lal Bahadur Shastri	Jun. 09, 1964 – Jan. 11, 1966
Gulzari Lal Nanda (Acting)	Jan. 11, 1966 – Jan. 24, 1966
Indira Gandhi	Jan. 24, 1966 – Mar. 24, 1977
Morarji Desai	Mar. 24, 1977 – Jul. 28, 1979
Charan Singh	Jul. 28, 1979 – Jan.14 , 1980
Indira Gandhi	Jan. 14, 1980 – Oct. 31 , 1984
Rajiv Gandhi	Oct. 31, 1984 – Dec. 01, 1989
Vishwanath Pratap Singh	Dec. 02, 1989 – Nov. 10, 1990
Chandra Shekhar	Nov. 10, 1990 – Jun. 21, 1991
P.V. Narasimha Rao	Jun. 21, 1991 - May 16, 1996
Atal Bihari Vajpayee	May 16, 1996 – Jun. 01, 1996
H.D. Deve Gowda	Jun. 01, 1996 – Apr. 21, 1997
I.K. Gujral	Apr. 21, 1997 – Mar. 18, 1998
Atal Bihari Vajpayee	Mar. 19, 1998 – Oct. 13, 1999
Atal Bihari Vajpayee	Oct. 13, 1999 - May 22, 2004
Dr. Manmohan Singh	May 22, 2004 - May 26, 2014
Narendra Modi	May 26, 2014 – Till date.

PRIME MINISTER

- **Real (de facto) executive** and head of the government.
- Article **75**: President appoints the PM – normally the **leader of the majority party** in Lok Sabha.
- President can use discretion when no clear majority (e.g., **Charan Singh in 1979**).
- PM must prove majority in Lok Sabha and must become a member of **either House of Parliament**.

Oath, Tenure & Removal

- Oath of office and secrecy administered by the **President**.
- No fixed term; holds office **as long as he enjoys majority support**.
- Cannot be dismissed unless he loses the confidence of Lok Sabha.
- Resigns if defeated or if confidence is lost.

Powers & Functions

Allocates and reshuffles **portfolios of ministers**.
Leader and chief spokesperson of the government.
Acts as **crisis manager** during national emergencies.
Salary and perks decided by **Parliament**.

Important Descriptions

Ambedkar: PM compared to the **U.S. President** in influence.
Munro: PM is the “**Captain of the ship of the state.**”

COUNCIL OF MINISTERS

- Headed by the **Prime Minister**; real executive authority.
- **Article 74**: CoM aids and advises the President.
- Advice is **binding** (42nd & 44th Amendments); courts cannot question it.
- **91st Amendment (2003)**: Total number of ministers cannot exceed **15% of Lok Sabha strength**.
- Ministers hold office **during the pleasure of the President** (in reality, PM's control).
- **Article 75**: CoM is **collectively responsible** to Lok Sabha.
- They act as a team — "*swim or sink together*."
- No legal responsibility of ministers.
- Cabinet decisions bind all ministers; disagreement requires resignation (e.g., **B.R. Ambedkar** resigned over Hindu Code Bill, 1953).

Cabinet

- **Smaller, more powerful** inner body (15–20 ministers).
- Not mentioned originally in the Constitution (only referred in Art. 352 after 44th Amendment).
- Meets regularly and **takes major decisions**.
- Directs CoM and supervises implementation.
- Real Centre of power in Parliamentary system.

Attorney General of India (AGI)

Articles 76–78

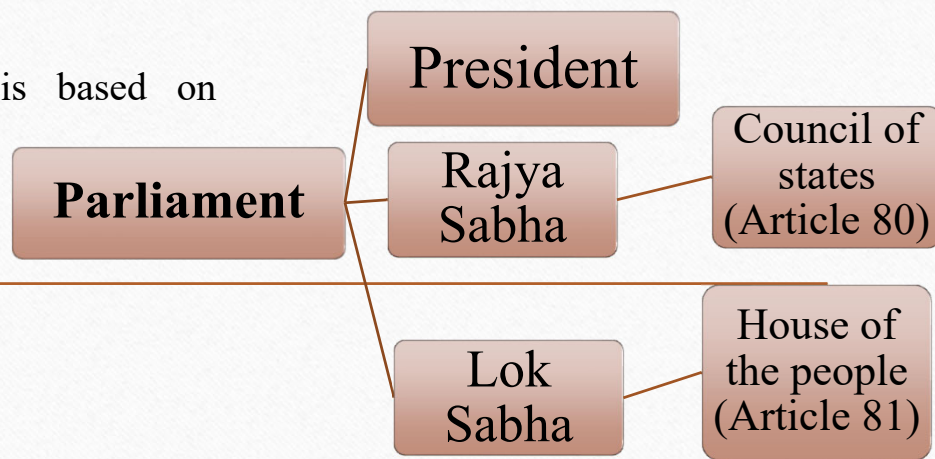
- Appointed by the **President** and holds office during the President's pleasure.
- Must be **qualified to be a Supreme Court Judge**.
- Acts as the **highest law officer of India**.
- Advises and represents the Government of India in legal matters.
- Can take part in Parliament proceedings but **cannot vote**.
- **K.K. Venugopal** served as the 15th Attorney General.

Council of Ministers

Larger constitutional body (Articles 74–75).
Around **60–70 ministers**.
Does **not** meet as a full body.
Implements cabinet decisions.
Mostly theoretical authority.

PARLIAMENT

- A legislative organ of the union Govt. which is based on **Westminster model**.
- **Article 79-122 from Part-V**
- **Article 83** provides duration of Houses of Parliament.
- Qualification of Member of Parliament (MP):
 - ✓ **25 years in LS and 30 years in RS.**



Rajya Sabha

- Rajya Sabha (RS) is the **Upper House** and known as *second chamber of house of elders*.
- **Maximum strength:** Originally 250 (12 nominated) but at present RS has **245 members** from states, **4 from UTs** and **12 are nominated by President**).
- American senate has *no nominated members*.
- Duration of RS: **6 years (1/3rd)** (not mentioned in constitution but in Parliament RPA-1951).

LOK SABHA (LS)

- **Lower house** and *first chamber of popular house*.
- Originally the maximum strength was 552 (20 members from UTs and 2 members from Anglo Indian nominated and 530 from states).
- But at Present it has **545 members** (530 from states+ 13 from UTs + **2 Anglo Indians**).
- Parliament enacted the **Delimitation Commission Acts** first in 1952 and recently in 2002 to readjust seats.
- **Tenure: 5 years.**
- Article 93 – the Speaker and Deputy Speaker of the House of the People

Speaker (Lok Sabha)

- Elected from LS members; President fixes election date.
- Continues in office until the new LS meets.
- Removed by a resolution passed by an absolute majority (14-day notice required).
- Work and conduct cannot be discussed except through a **substantive motion**.
- Holds **7th position** in order of precedence.

Deputy Speaker (Lok Sabha)

- Elected after the Speaker; date decided by the Speaker.
- Not subordinate to the Speaker; responsible to the House.
- No separate oath for Speaker or Deputy Speaker.

Historical points:

- Office originated in 1921 (Govt. of India Act 1919).
- **Frederick Whyte** – first Speaker (1921).
- **Sachidanand Sinha** – first Deputy Speaker.
- **Vithalbhai Patel** – first Indian elected Speaker (1925).
- **G.V. Mavalankar** – first Speaker after Independence.
- **A. Ayyangar** – first Deputy Speaker after Independence.

Speaker Pro Tem

- Appointed by the President (usually senior-most member).
- President administers oath.
- Conducts first LS sitting and administers oath to members.
- Vacates after the new Speaker is elected.

Leader of Opposition (LoP)

- Leader of largest opposition party with at least **10% of LS/RS seats**.
- Statutory recognition since 1977.
- Inspired by the British **Shadow Cabinet** model.

Chairman of Rajya Sabha (Vice President)

- Not a member of the House.
- No first vote; only a casting vote.
- Salary charged on the Consolidated Fund of India.
- **Deputy Chairman (Rajya Sabha)**
- Elected from RS members; not subordinate to Chairman.

Money Bill (Article 110)

- Certified **only by the Speaker**; decision is final.
- Can be introduced only in LS by a Minister with President's recommendation.
- RS cannot amend or reject; can only recommend (LS may accept or reject).
- Must be returned by RS within **14 days**.
- President cannot return a Money Bill for reconsideration.

Other Bills:

- **Joint sitting** allowed for ordinary & financial bills (not for money or constitutional amendment bills).
- Presided by Speaker (not RS Chairman).

CAG (Articles 148–151)

- Independent constitutional office; appointed by the President.
- Tenure: **6 years or till 65 years**, whichever earlier.
- Removed like a Supreme Court judge.
- Guardian of public purse; audits Union and State finances.
- Submits 3 reports: Appropriation, Finance Accounts, Public Undertakings.

CENTRE-STATE RELATIONS

Division of Powers

- Power is divided **horizontally** (Centre–State–Local) and **vertically** (Executive–Legislative–Judiciary).
- No separate judicial division because courts enforce both Central and State laws.
- Legislative relations covered under **Article 245–255 (Part XI)**.

Legislative Relations

- **Article 246**: Division of subjects into Union List, State List, Concurrent List (7th Schedule).
- **42nd Amendment (1976)** shifted five subjects from State List to Concurrent List such as Education, Forests etc.
- **Residuary powers** (Art. 248): Parliament only. (USA → States, Canada → Centre, India follows Canada)

Administrative Relations (Articles 256–263)

- Centre can direct states to ensure compliance with laws.
- **Article 365**: Non-compliance → President's Rule.
- Includes directions on minority language, railways, welfare of STs etc.

Financial Relations (Articles 268–293)

- Covers tax distribution, grants, borrowing powers.
- **Finance Commission (Art. 280)** recommends devolution.
- **Statutory Grants (Art. 275)**: For needy states.
- **Discretionary Grants (Art. 282)**: For any public purpose.
- **Borrowing**:
 - Centre: Art. 292
 - States: Art. 293 (need Centre's consent)

Legislative Parliamentary Control Tools

- **Question Hour:** First hour; strongest tool for exposing govt actions.
- **Zero Hour:** Indian innovation; raised after Question Hour for urgent matters.
- **Adjournment Motion:** For urgent public matters; allows debate suspending normal business.
- **No-Confidence Motion:** If passed, govt must resign.
- **Debates on Bills:** MPs can question overall policy.
- **Committees:** PAC, Estimates, Public Undertakings etc.
- **Audit by CAG:** Ensures money is spent as approved by Parliament.

Goods & Services Tax (GST)

- Introduced by **101st Amendment (2016)**.
- **Article 246A** gives concurrent power to Centre & States to levy GST.
- Removed Service Tax provisions (Art. 268A & Entry 92C).

Union List

100 subjects

originally 97

Parliament
has
exclusive
power

State List

61 Subjects

originally 66

State
Legislature
has exclusive
power in
normal
circumstances

Concurrent List

52 Subjects

originally 47

Both Parliament
and State
legislature can
make law

Inter-State Council

- Promote coordination & smooth Centre–State relations.
- **Articles 301–307 (Part XIII)** – Freedom of inter-state trade and commerce.

Inter-State Council (Article 263)

- Recommended by **Sarkaria Commission (1983–87)**.
- Set up on **28 May 1990** by **V. P. Singh Government**.
- Also called the **Inter-Governmental Council**.

Composition

- **Prime Minister** – Chairperson
- **Chief Ministers** of all states
- **Chief Ministers of Union Territories** with legislatures
- **Administrators/LG** of UTs
- **6 Union Cabinet Ministers** including Home Minister (nominated by PM)
- **5 Ministers (Cabinet/Independent charge)** as permanent invitees

Standing Committee (1996)

Works continuously between full meetings.

ISC is assisted by **Inter-State Council Secretariat (1991)** headed by a Secretary to Government of India.

Zonal Councils

- **Statutory bodies** (not constitutional).
- Created under **States Reorganisation Act, 1956**.
- Aim: Promote cooperation, coordination, and regional development.
- **Five Zonal Councils**
- **Separate body** created under **North-Eastern Council Act, 1971–72**.
- **Composition of Each Zonal Council**
- **Union Home Minister** – Chairman (common for all 5 zones)
- **Chief Ministers** of all states in the zone
- **Two other ministers** from each state
- **Administrators/LG of UTs** in the zone
- **Advisors may attend** (no voting rights)

SUPREME COURT

- **Part V (Articles 124–147)** deals with the Supreme Court. India follows a **single integrated judiciary** with the SC at the top, followed by High Courts and subordinate courts.
- The SC started working on **28 January 1950**, replacing the Federal Court (1937–1950) and the Privy Council.
- Originally 8 judges; now **34 judges** (CJI + 33), as per the latest amendment.
- Judges are appointed by the **President**. While as CJI is appointed by convention: **senior-most judge** of the SC.
- For other judges, the President must consult the CJI.
- **Third Judges Case (1998)**: CJI must consult a **collegium of 4 senior-most judges**. If 2 judges disagree, the recommendation should not be sent.
- **Qualifications**: Citizen of India, 5 years as HC judge **or** 10 years as HC advocate **or** a distinguished jurist.
- No minimum age prescribed while the retirement age is of **65 years**.
- Judges are removed only through **impeachment** on grounds of proven misbehavior or incapacity. It requires **special majority** in both Houses.
- **Judges Inquiry Act, 1968**: 100 LS members or 50 RS members can move a motion; a 3-member committee investigates.

- **Ad hoc judges** under Article 127.
- **Retired judges** can be requested to sit (Article 128).
- Seat of SC: **New Delhi** (Article 130).
- Article 136: Special Leave Petition (SLP).
- Article 141: SC's decisions are binding on all courts.
- Article 137: Power of review.
- **First CJI**: Harilal J. Kania (1950–1951).
- **Hans Raj Khanna**: Gave the landmark **Basic Structure Doctrine** (Kesavananda Bharati, 1973) and lone dissent in ADM Jabalpur (1976).
- **Justice Jagmohanlal Sinha**: Invalidated Indira Gandhi's election (1975).

Jurisdiction

- **Original jurisdiction** (Article 131).
- **Writ jurisdiction** (Article 139).
- **Appellate jurisdiction** (Articles 132–134).
- **Advisory jurisdiction** (Article 143).
- **Court of Record** (Article 129).
- **Judicial Review** (implicit + Art. 137).

Number of Judges in India (as on june 2016)

S. No	Name of the court	Sanctioned strength	Working strength	Vacancies
1	Supreme Court	31	25	6
2	High Courts	1079	687	392
3	District/Subordinate Court	21,320	16,383	4,937

HIGH COURT

- High Courts were first set up in **1862** at Calcutta, Bombay, and Madras under the **Indian High Courts Act, 1861**.
- Allahabad High Court was added in **1866**.
- The **7th Constitutional Amendment (1956)** empowered Parliament to establish a **common High Court** for two or more states/UTs (Article 231).
- Today, India has **25 High Courts**, with **Telangana** being the newest.
- High Courts are covered under **Part VI (Articles 214–232)**.

Appointment & Qualifications

- HC judges are appointed by the **President**.
- The **Chief Justice** is appointed after consulting the **CJI** and the **Governor** of the concerned state.
- Must be:
 - A **citizen of India**, and
 - Either a **judicial officer** of 10 years, or an **advocate of a High Court** for 10 years.

Tenure & Removal

- No fixed tenure; judges retire at **62 years**.
- Resignation addressed to the **President**.
- Removal follows the **same grounds** as Supreme Court judges: **proved misbehaviour or incapacity**.

Transfer of Judges

- President can transfer HC judges under **Article 222** after consulting the **CJI**.
- SC has ruled transfers must be in **public interest**, not punishment (1994).
- Judicial review is allowed, but only by the **transferred judge**.

Salaries & Expenses

- HC expenses are charged on the **Consolidated Fund of the State** (non-votable).
- **Pension of HC judges** is charged on the **Consolidated Fund of India**.
- **42nd Amendment (1976)** curtailed judicial review;
43rd Amendment (1977) restored it.

Powers & Jurisdiction

- **Original Jurisdiction:** Certain cases can start directly in the HC.
- **Appellate Jurisdiction:** Appeals in civil and criminal matters from subordinate courts.
- **Writ Jurisdiction (Article 226):** Concurrent with SC; can issue **5 writs**. It has wider scope than Article 32.
- **Supervisory Jurisdiction (Article 227):** Superintendence over all courts and tribunals (except military). It can act *suo motu*.
- **Administrative Control:** Control over subordinate judiciary.
- **Court of Record:** Its judgments hold evidentiary value.
- **Judicial Review:** Power to strike down unconstitutional laws.

Additional Notes

- J&K High Court (est. 1928) has benches in **Srinagar** and **Jammu**.
- High Courts of **Tripura, Manipur, and Meghalaya** were created under the **North-Eastern Areas (Reorganisation) Act, 2012**.
- Though the state's name changed, **Orissa High Court** has not yet been renamed to "Odisha High Court".

SUBORDINATE COURT

- Subordinate courts function under the **High Court** and are covered in **Part VI (Articles 233–237)**.
- **Article 233 – Appointment of District Judges**
- District Judges are appointed by the **Governor** in consultation with the **High Court**.
- Must have **7 years of advocacy experience** and be **recommended by the High Court**.
- High Court handles their **posting, promotion, and transfers**.
- High Court has **administrative and disciplinary control** over subordinate courts (**Article 235**).

District Courts

- They have **original** as well as **appellate** jurisdiction in both civil and criminal matters.
- When handling **civil cases**, the officer is called the **District Judge**.
- When handling **criminal cases**, the same officer functions as the **Sessions Judge**.

TRIBUNALS

- A tribunal is a *quasi-judicial body* created to handle specific types of disputes such as administrative cases, tax matters, and service issues.
It can decide disputes, determine rights, review administrative actions and modify or affirm government decisions.
- The word “Tribunal” originates from *Tribunes* of Ancient Rome, the magistrates who protected citizens’ rights.
- Tribunals reduce the burden on regular courts and provide faster decisions by involving legal and subject-matter experts.
- Tribunals were not part of the original Constitution. They were introduced by the **42nd CAA 1976**.
- **Article 262:** Allows the Union Government to constitute tribunals for **Inter-State River Water Disputes**.
- **Administrative Tribunals Act, 1985** are established under **Article 323-A**. Handles recruitment and service condition disputes of persons employed in Central, State Government, Local authorities and Public institutions etc.
- **Article 323-B** – Tribunals for Taxation, Industrial and labour matters, Land reforms, Elections and Foodstuff etc.

Types of Administrative Tribunals

1. Central Administrative Tribunal (CAT)

- Established: **1 November 1985**
- Benches: **17** (15 at High Court locations + Jaipur + Lucknow)
- Members: Judicial + Administrative
- Appeals go to the **Division Bench of the concerned High Court** (as per Chandra Kumar case).
- **Water Disputes Tribunal** are created Under **Inter-State River Water Disputes Act, 1956** for inter-State rivers.
- **National Green Tribunal (NGT)** Created due to environmental cases increasing. under **NGT Act, 2010**. It Inspired by **Article 21 – Right to life (clean environment)** to dispose cases within **6 months**. Bench: **New Delhi**
- **Income Tax Appellate Tribunal (ITAT)** is created under **Section 252 of Income Tax Act, 1961**. The **Finance Act 2017** merged several tribunals based on functional similarity.

Courts

- Independent of Executive
- Bound by Evidence Act & Civil Procedure
- Established by Constitution / Law
- Headed by Judges

Tribunals

- Controlled by Executive
- Not bound by strict procedures
- Mostly statutory bodies
- Headed by Judicial + Technical experts

CO-OPERATIVE SOCIETIES

- India has nearly **8 lakh co-operative societies**, one of the largest networks in the world.
- **Cooperative Societies Act (1904)**: which laid the foundation for credit-based cooperatives.
- **Montagu–Chelmsford Reforms of 1919**: Cooperation became a **provincial subject**, (provinces make laws).
- **Cooperative Societies Act, 1942** provided a framework for multi-unit societies.
- The Government of India announced a **National Policy on Cooperatives in 2002** to strengthen the sector.

Constitutional Support Before the 97th Amendment

- **Article 43 (DPSP)**: State to promote cottage industries on an *individual or cooperative basis* in rural areas.
- Cooperatives fall under the **State List – Entry 32** of the 7th Schedule.
- The **right to form associations/unions** under **Article 19(1)(c)** indirectly protected cooperative formation.

97th Constitutional Amendment Act, 2011

- **Fundamental Right: Right to form co-operative societies** was made a **FR** by amending **Article 19(1)(c)**.
- **New DPSP**: A new directive, **Article 43-B**, was added to promote voluntary formation, autonomous functioning, democratic control, and professional management of cooperatives.
- **New Part IX-B – “The Co-operative Societies”** (Articles 243-ZH to 243-ZT):
- **Legislative Powers: Parliament** can legislate for **multi-State co-operative societies**. **State legislatures** can make laws for co-operatives operating **within the state**.

EMERGENCY PROVISIONS

- **Part XVIII – Articles 350 to 360** deal with Emergency provisions. A National Emergency temporarily turns India's federal system into a unitary system, without any constitutional amendment.

1. National Emergency

- **Grounds for National Emergency (Article 352) by President:** War, External Aggression and Armed Rebellion.
- “*Internal Disturbance*” was replaced by “*Armed Rebellion*” through the 44th Amendment Act, 1978.
- The 38th Amendment (1975) allows the President to act on **imminent danger**, meaning an emergency can be declared *even before* an actual attack if the danger is close.
- The 42nd Amendment (1976) permitted declaring Emergency for **only a part of India**.
- **Procedure for Proclamation:** The President can issue a proclamation **only after receiving a written recommendation from the Union Cabinet**. (*added after misuse in 1975*.)
- **Minerva Mills v. Union of India (1980):** SC held that the proclamation can be **challenged in court** if it is mala fide or based on irrelevant grounds.
- **Parliamentary Approval:** Both Houses of Parliament must approve the proclamation **within 1 month** (earlier 2 months). If the Lok Sabha is dissolved, the Rajya Sabha's approval is enough for **30 days**, after which the newly formed Lok Sabha must approve it. Once approved, Emergency remains for **6 months**, and can be extended indefinitely with fresh approval every 6 months (*44th Amendment Act, 1978*).
- **Revocation:** Emergency can end in two ways: **By the President** at any time through a new proclamation—no Parliamentary approval needed. Or **Mandatory Revocation** if the Lok Sabha passes a resolution disapproving it. 1/10th of Lok Sabha members can demand a special session for this (44th AA).

Effects of National Emergency

- 1. Centre–State Relations:** States remain, but come under **complete control of the Centre**. Parliament can make laws on **State List** subjects. President can issue ordinances on state subjects if Parliament is not in session. Centre may **reduce or cancel** financial transfers to states.
- 2. Tenure of Legislatures:** The term of the Lok Sabha and State Assemblies can be **extended by 1 year at a time**, until Emergency ends. After Emergency ends, extension continues only for **6 more months**. Example: The **5th Lok Sabha (1971–77)** was extended twice.
- 3. Effect on Fundamental Rights: Article 358** – Suspends **Article 19** automatically, but **only during External Emergency** (not Armed Rebellion). After the 44th Amendment, only emergency-related laws gain protection.

Article 359 – President can suspend the right to move courts for enforcement of Fundamental Rights, *except Articles 20 and 21*, which cannot be suspended.

National Emergencies Declared in India: India has seen **three** National Emergencies:

- **1962 – Chinese aggression:** Continued during 1965 war with Pakistan (no new proclamation needed).
- **1971 – Indo–Pakistan War**
- **1975 – Internal Emergency**
 - Declared by Indira Gandhi on grounds of “internal disturbance”
 - Considered controversial; Shah Commission later reviewed its misuse
- Both the 1971 and 1975 Emergencies were revoked in **March 1977**.

PRESIDENT RULE

- President's Rule means the **Centre takes over the administration of a State** when the **constitutional machinery fails**. It also called **State Emergency** or **Constitutional Emergency**.
- Based on **Article 356** and supported by **Article 355**, which makes it the duty of the Union to ensure state governments work according to the Constitution.

Grounds for Proclamation

- The President can impose President's Rule when:
- The **State government cannot be run as per the Constitution**.
- The State **fails to follow directions** of the Union (Articles 256–257).
- The President is satisfied based on:
 - **Governor's report**, or
 - **Any other information** (even without Governor's report).
- **Internal disturbance is NOT needed**—failure of constitutional machinery is the key.

Parliamentary Approval

- Must be approved by **both Houses within 2 months** by **simple majority**.
- Once approved, it lasts for **6 months**.
- Can continue up to **3 years** (extraordinary extension to 5 years only for Punjab in 1987).
- Every **6-month extension after 1 year** requires:
 - **National Emergency** in force (full India or part of State).
 - **Election Commission certificate** stating elections cannot be held.

Effects of President's Rule

- President may **suspend or dissolve the State Legislative Assembly (SLA)**.
- **Parliament** makes state laws and passes the state budget.
- **Governor + Centre** run the administration.
- **Ordinances** can be issued by the President when Parliament is not in session.

Judicial Review

- 38th Amendment (1975) made President's satisfaction "final and non-justiciable".
- **44th Amendment (1978)** deleted this → PR is now **subject to judicial review**.

High Court powers remain unchanged.

- When PR ends, laws passed by Parliament remain valid unless changed by the new State Legislature.
- **Revocation**
- President can revoke PR **any time** without Parliamentary approval.
- Must revoke if Lok Sabha passes a **disapproval resolution** (added by 44th Amendment).

Judicial Safeguards: S.R. Bommai Case (1994)

- A landmark judgment that limited misuse of Article 356.
- President's satisfaction **not immune**; court can examine **relevant material**.
- **Burden on the Centre** to prove breakdown of constitutional machinery.
- Court **cannot check correctness**, but can check **relevance and mala fide**.
- If PR is unconstitutional, **Supreme Court can restore the dismissed State Government**.
- **Assembly should be tested on the floor**, not inside Raj Bhavan.
- **Secularism** declared part of **basic structure**; violation may justify Article 356.
- A new party in power at Centre **cannot dismiss state governments of other parties**.
- **Bommai + Sarkaria interpretation**:
- Breakdown of constitutional machinery includes:
- **Political crisis** (losing majority).
- **Internal subversion** (acting against the Constitution).
- **Physical breakdown** (administration collapses).
- **Non-compliance with Union directions** (Articles 256–257).

Judicial Review

- 38th Amendment (1975) made President's satisfaction "final and non-justiciable".
- **44th Amendment (1978)** deleted this → PR is now **subject to judicial review**.

Other Important Judgments

- **Nabam Rebia Case (2016)**
- Governor's discretion under Art. 163 is **limited**.
- Decisions must be **reasonable, in good faith, and not arbitrary**.
- Governor cannot destabilize an elected government.

Financial Emergency

- Under **Article 360**, the President can declare a **Financial Emergency (FE)** if he is satisfied that: The **financial stability** or The **credit of India** (or any part of its territory) is **threatened**.

Parliamentary Approval

- Must be approved by **both Houses within 2 months**.
- If Lok Sabha is dissolved:
 - FE continues for **30 days**, if **Rajya Sabha approves** in the meantime.
 - Lok Sabha must approve it **within 30 days of reassembly**.

Duration

- Once approved, FE continues **indefinitely** until revoked by the President.
- **No maximum time limit** and **no repeated approval** needed.
- Passed by **simple majority**.

Effects of Financial Emergency

- After FE is declared, the President can issue directions to:
 - **State governments** to follow financial discipline.
 - **Reduce salaries and allowances of:**
 - Central government employees
 - State government employees
 - **Judges of the Supreme and High Courts**
 - **Control financial matters** of states to restore stability.

Important Points

- **No Financial Emergency has ever been declared** in India.
- Even during the 1991 balance-of-payment crisis, FE was **not declared**.
- Considered the **most drastic emergency provision** affecting the entire economic administration

THE STATES

The state executive consists of the governor, chief minister, the state council of ministers and the advocate general of the state.

Governor

- **Part-VI (Articles 153–167)** → State Executive
- Governor = **dual capacity** + **nominal head**.
- **Governor = Nominal Executive Head** of the state (like President at Union level).
- **Dual Role** → Constitutional head of state + Central government's representative.
- Appointed by **President** (consults CM informally).
- Term: **5 years**, but holds office at **President's pleasure** (Art. 156).
- Can be removed earlier (but not arbitrarily—SC has restricted this).
- Can resign to President.
- **Oath (Art. 159)**: Administered by Chief Justice of State HC (or senior-most HC judge).
- **Constitutional Position**: Governor has **more discretionary space than President**. **Article 163**: Governor has discretionary powers in specific situations.
- President *must* act on ministerial advice (after 42nd AA); Governor **may** act on discretion in some cases.
- Reservation of bills for President → Governor's decision is **final**.

Qualifications (Art. 157–158)

- Citizen of India.
- Minimum age **35**.
- Not a member of Parliament or State Legislature.
- Cannot hold an office of profit.
- Immune from arrest; civil cases allowed only with **2-month notice**.

Discretionary Powers (Very High Yield)

- Inviting the party/coalition to form government when no clear majority.
- Dismissing a government that loses majority (only after floor test).
- Reserving a bill for President.
- Recommending **President's Rule (Art. 356)**.
- Refusing dissolution of Assembly when CM advises (in situations).

Issues & Criticisms

- Sometimes acts as an *agent of Centre* → political bias allegations.
- Accused of delaying bills, misusing discretionary powers.
- Arbitrary removal of Governors (not mentioned in Constitution).
- Works on **aid and advice** of CM & council except in discretionary matters.
- Ordinance (Art. 213), Money Bill (Art. 201), Pardon powers (Art. 161) = key areas.
- Governor cannot be removed arbitrarily though Constitution is silent.

Legislative Powers

- Integral part of State Legislature.
- Can **summon, prorogue, dissolve** the State Legislative Assembly.
- First session address (Art. 175).
- Can send messages to Legislature.

Governor's Options on a Bill

- Give assent
- Withhold assent
- Return for reconsideration (not money bill)
- Reserve for President (mandatory if bill affects HC powers under Art. 31 or ultra vires)

Executive Powers

- All state executive actions taken in Governor's name.
- Appoints:
 - Chief Minister
 - Other Ministers
 - Advocate General
 - State Election Commissioner
 - Chairman and members of **SPSC** (removed only by President)
 - District Judges (in consultation with HC)
- Chancellor of state universities; appoints Vice-Chancellors.
- Can recommend **President's Rule**.

Ordinance Power (Art. 213):

- When House not in session.
- Needs President's instructions in 3 cases (e.g., conflicting with Union matters).

Financial Powers

- State Budget is laid before Assembly **only with Governor's approval.**
- Money Bill introduced **only with his recommendation.**
- No demand for grants without his recommendation.
- Can draw from **Contingency Fund.**
- Sets up **State Finance Commission every 5 years.**

Judicial Powers

- Article 161: Can grant **pardon, reprieve, respite, remission, commute** sentences under state laws.
- **Cannot pardon death sentence** (President can, but Governor cannot).
- No power in military court matters.
- Consulted for appointment/transfer of HC judges.

Main Court Judgements

S.R. Bommai Case (1994)

- President's Rule subject to **judicial review.**
- Floor test mandatory to prove majority.
- Governor must act on **relevant material.**
- Secularism = basic structure.
- Central govt cannot dismiss state govt arbitrarily.

Nabam Rebia Case (2016)

- Governor's discretion is **limited**, must be based on reason and good faith.
- Governor cannot interfere in legislative procedures.

Committees on Governor

- **Administrative Reforms Commission (1968):**
Governor's report on President's Rule must be objective.
- **Rajamannar Committee (1971):**
Proposed deleting Articles 356 & 357 to stop misuse.
- **Sarkaria Commission (1988):**
Use Art. 356 **rarely**; issue prior warning to state.
Valid cases: hung assembly, internal subversion, physical breakdown.
- **Punchhi Commission:**
Amend Articles 355 & 356; protect state interests.

CHIEF MINISTER

- CM is the **real executive head of the state** (like PM at the Centre).
- Oath: Same as the Prime Minister.
- No fixed tenure; holds office **during the pleasure of the Governor** (as long as he enjoys majority).
- Must become a member of either House of State Legislature **within 6 months**.
- Salary decided by State Legislature.
- CM is also **Chairman of the State Planning Board** and **Vice-Chairman of Zonal Council (one at a time)**.

Appointment of CM

- Article **164**: CM is appointed by the Governor.
- If clear majority: Governor must appoint leader of majority party.
- If no majority: Governor uses **situational discretion**;
asks the chosen leader to prove majority on the floor.
- If CM dies: Governor may appoint interim CM,
but must choose party's nominee when available.

Executive Powers

- Head of Council of Ministers (CoM).
- Recommends names for appointment as ministers.
- Allocates and reshuffles portfolios.
- Can ask a minister to resign or recommend dismissal.
- CM's resignation = collapse of entire CoM.

Communication Channel

- Communicates all administrative matters to Governor.
- Provides information sought by Governor.
- Places before CoM any matter decided by an individual minister.

Legislative Powers

- Advises Governor to summon, prorogue or dissolve the Assembly.
- Announces government policies on the floor of the House.
- Advises Governor on appointments to key bodies.

Council of Ministers (CoM)

- Real executive authority of the state.
 - Headed by CM.
 - No legal responsibility; only political responsibility.
-

Aid & Advice

- CoM aids and advises Governor.
- **Advice is NOT binding on the Governor** (unlike the President after 42nd Amendment).
- Governor has limited discretionary powers.
- Even if Assembly dissolves or CoM resigns, they continue till new ministers take charge (SC, 1971).

Strength

- Total ministers (including CM) = **Not more than 15%** of Legislative Assembly strength & **not less than 12** (91st Amendment 2003).
- A minister disqualified for defection cannot be appointed as minister again.
- A minister who is not a member of either House for **6 months** ceases to be minister.

STATE LEGISLATURE

- Every state has **Governor** and **State Legislature (SL)**.
- **Most states are unicameral** → Only State Legislative Assembly (SLA / Vidhan Sabha)
- **Some states are bicameral** → SLA + State Legislative Council (SLC / Vidhan Parishad)
- **SLC members do NOT participate** in election of President and have **no role in constitutional amendments**.

Qualifications

- **For SLA (MLA):** Citizen of India, at least **25 years** of age, must be an elector in the state and additional qualifications under **Representation of People Act 1951**
- **For SLC (MLC):** Citizen of India, at least **30 years** of age, must be an elector in the state and certain seats reserved for **teachers, graduates, local bodies**, etc.
- **Disqualifications (Constitution + RPA 1951):** Office of profit, unsound mind (court declared), undischarged insolvent, Not a citizen of India. Convicted for offences with **2+ years imprisonment** or corruption, election offences, or failure to file election expenses, or holding govt contract interest, or dismissed for corruption/disloyalty, or social crimes (dowry, sati, untouchability)
- **Decision of disqualification:** Governor decides **after consulting Election Commission**. Defection cases decided by **Speaker (SLA) / Chairman (SLC)** → *Subject to judicial review (Kihota Hollohon case 1992)*.

Powers of the State Legislature

- Ordinary Bills can be introduced in either House (except Money Bills).
- If SLC rejects an ordinary bill:
 - SLA can pass it again → SLC can delay only:
 - **3 months (first time)**
 - **1 month (second time)**
 - After this, **bill is deemed passed.**
- This clearly shows **SLA is superior** to SLC.

Limitations on State Legislature

- Certain bills need **President's prior sanction.**
- Certain passed bills become operative *only* after **President's assent** (reserved bills).
- Parliament can legislate on **State List** if **Rajya Sabha** declares national emergency.
- During **National Emergency**, Parliament can legislate on any State List subject.
- During **President's Rule (Article 356)**, Parliament gets full legislative power.

Vacation of Seats

- Double membership
- Disqualification
- Resignation
- Absence
- Court voids election
- Expulsion from House
- Elected as President / VP / Governor

Council Equal with Assembly in:

1. Introduction and passage of ordinary bills
2. Approving Governor's ordinances
3. Participating in CM and minister selection
4. Discussing constitutional body reports (e.g., State Finance Commission)
5. Enlarging jurisdiction of SPSC

Legislative Procedure (Assembly + Council)

- SL must meet **at least twice a year** (gap ≤ 6 months).
- Governor gives **opening address** of each new session.
- **Money Bill: Introduced only in SLA.** SLC can delay it **only for 14 days.**
- Governor may return it once, but after reconsideration must give assent. Assembly has **complete control.**
- **Non-Money Bills:** SLC can delay: **3 months** first time *and* **1 month** second time
- **No Joint Sitting in State Legislatures:** Unlike Parliament, **no provision** for joint session.

Feature	SLA	SLC
Stronger House	✓	✗ Weak, advisory
Money Bill	Full control	Only 14-day delay
Ordinary Bill	Final say	Delay only
Can be dissolved	✓	✗ Permanent

Lapsing of Bills

- **Bills that lapse:**
 - Pending in Assembly at its dissolution
 - Passed by Assembly but pending in SLC at dissolution
- **Bills that DO NOT lapse:**
 - Bills passed by Assembly but awaiting:
 - **Governor's assent**
 - **President's assent**
- Bills returned by Governor/President and pending reconsideration can be passed by the **newly constituted Assembly**, even if the original house dissolved.

STATE LEGISLATIVE ASSEMBLY (VIDHAN SABHA)

- **Lower House of the State Legislature:** Popularly elected and the real centre of power at the state level.
- **Strength:** Maximum: **500**, Minimum: **60**
 - ✓ Exceptions: **Arunachal Pradesh, Sikkim, Goa** – 30 seats, **Mizoram** – 40 and **Nagaland** – 46
- **Territorial Constituencies:** State is divided into single-member constituencies.
 - ✓ Population–seat ratio must remain uniform across constituencies.
- **87th Constitutional Amendment (2003):** Delimitation based on **2001 Census**.
- **Reservation:** Seats reserved for **SC/ST** based on population. Extended up to **2020** by **95th Amendment (2009)**.
- **Nomination:** Earlier Governor could nominate **1 Anglo-Indian** member if under-represented. **Abolished by the 104th Amendment (2020)**.
- **Duration:** Normal term: **5 years**. Assembly may be dissolved earlier by the Governor.
 - ✓ During National Emergency, term can be extended but must be re-elected **within 6 months** of emergency ending.
- **Speaker:** Elected by the Assembly from its members. Presiding officer; ensures order, adjourns meetings, maintains quorum. Continues in office even after dissolution until the new Assembly meets.
- **Deputy Speaker:** Elected after Speaker. Acts as Speaker when the post is vacant or Speaker is absent.
- **Vacancy/Removal of Speaker:** Speaker vacates office if: He ceases to be a member, Resigns, Removed by a resolution with majority of the total membership (14 days' notice).

STATE LEGISLATIVE COUNCIL (Vidhan Parishad)

- **Upper House of the State Legislature:** (Second Chamber / House of Elders).

Creation or Abolition – Article 169

- Parliament can **create or abolish** a Legislative Council by **simple majority**.
- The State Legislative Assembly must first pass a **special majority resolution** (majority of total membership + 2/3rd of members present and voting).

Composition & Election

- **5/6 members = Indirect Election**
1/6 members = Nominated by Governor
- Break-up of 5/6 elected seats:
 - **1/3** elected by **Local Bodies** (municipalities, district boards).
 - **1/3** elected by **MLAs** (members of Legislative Assembly).
 - **1/12** elected by **Graduates' Constituency**.
 - **1/12** elected by **Teachers' Constituency**.
- **Nominated Category (1/6):**
Persons having special knowledge in literature, art, science, social service, etc.
(Governor's nomination cannot be challenged in court.)

Strength:

- **Maximum:** 1/3rd of total strength of the Legislative Assembly.
- **Minimum:** 40 members.
- J&K (before 2019) had 36 members (as per its own Constitution).

Chairman & Deputy Chairman

- Elected by the Council from among its members.
- Removed by majority of all the then members after **14 days' notice**.
- No **casting vote** in case of a tie (unlike LS Speaker).

Powers vis-à-vis Rajya Sabha

- **Legislative Council is much weaker than Rajya Sabha:**
- Cannot make or amend laws effectively; Assembly can override it.
- Cannot vote in **President or Vice-President elections**.
- Vice-President is Chairperson of RS; SLC has its own Chairperson.

Powers & Functions

- (A) Legislative Powers (Limited):** Can **delay** ordinary bills: **3 months** (first time) and **1 month** (second time). Can delay a **Money Bill only for 14 days**. Cannot reject a Money Bill.
- (B) Advisory Role:** Reviews legislation passed by the Assembly. Gives expert input but decisions of SLA prevail.
- (C) Non-Financial Role:** Discusses state matters, administration, policies. Allows representation for teachers, graduates, and nominated experts.

Bicameral States (Currently 6)

- 1) Andhra Pradesh
- 2) Telangana
- 3) Uttar Pradesh
- 4) Bihar
- 5) Maharashtra
- 6) Karnataka

Note: The **J&K Legislative Council** was **abolished** in 2019 after the J&K Reorganisation Act.

Tenure:

- It is a **permanent House** (not subject to dissolution).
- Members have **6-year term**.
- **1/3rd retire every 2 years**, like Rajya Sabha.

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PANCHAYATI RAJ INSTITUTION (PRI)

- Panchayati Raj is India's rural local self-government system. It became constitutional through **73rd CAA, 1992**.

British Period

- Village panchayats lost autonomy.
- **Mayo's Resolution (1870)**: First push for local bodies.
- **Ripon's Resolution (1882)**: Father of local self-government in India.
- Provincial Panchayat Acts were passed, but institutions remained weak.

Post-Independence

- **Article 40 (DPSP)**: State to organize village panchayats.
- **Community Development Programme, 1952** and **NES, 1953**.

Important Committees

- **Balwant Rai Mehta (1957)**: 3-tier PRI (Village–Block–District).
- **Ashok Mehta (1977)**: 2-tier system; district as key unit.
- **G.V.K. Rao (1985)**: District as planning unit.
- **L.M. Singhvi (1986)**: Constitutional status recommended.
- These led to the **73rd Amendment, 1992**.

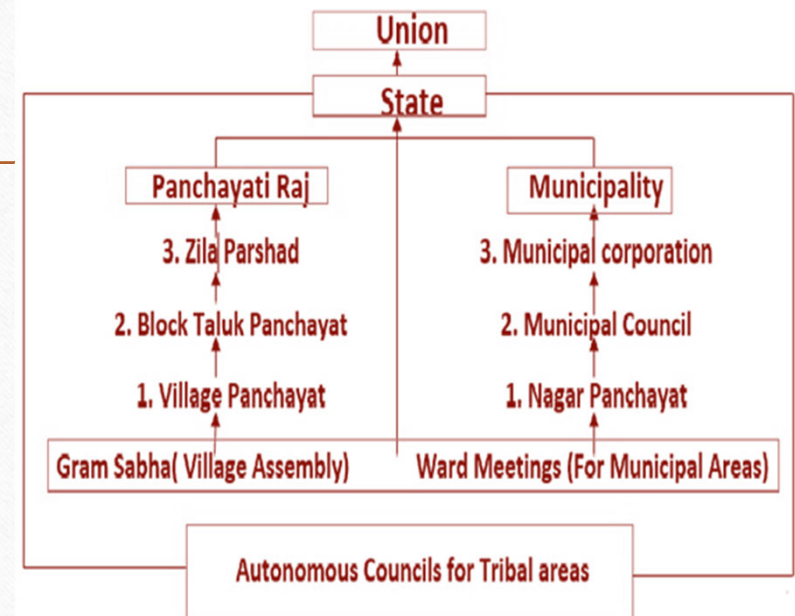
Ancient & Early India

- **Vedic Era**: Sabha, Samiti, Vidatha – early local bodies; Panchayatan (5 elders).
- **Epic Era**: Mahabharata & Ramayana mention village self-rule; village groups of 10, 20, 100, 1000.
- **Ancient Period**: Kautilya's Arthashastra mentions village panchayats and headmen.
- **Medieval Period**: Mughal era weakened village autonomy; caste and feudal systems dominated.

- **73rd Constitutional Amendment – Key Features**
- Adds **Part IX** titled *The Panchayats* (Articles 243–243O).
- Creates **Gram Sabha** as the foundation.
- **Three-tier PRI:**
 - Gram Panchayat
 - Panchayat Samiti (Block)
 - Zila Parishad (District)
- Applies to all states except those with population under 20 lakh.
- **Direct elections** to all seats (Art. 243C).
- **Reservation:**
 - SC/ST proportional to population
 - **1/3 seats reserved for women** (including chairpersons)
- **Term:** 5 years; elections within 6 months if dissolved.
- **State Election Commission** for PRIs (Art. 243K).
- PRIs to prepare **plans for development and social justice** (Art. 243G).
- **Finance Commission** in each state for PRI funding (Art. 243I).
- **Eleventh Schedule** lists **29 subjects** devolved to PRIs.

Implication of Panchayati Raj/ Municipalities as the

Third Tier of Governance on
India's Federal structure



- **74th Amendment (Urban Local Bodies) – Linked Points**
 - District Planning Committee to merge rural + urban plans (Art. 243ZD).
-

Issues & Failures of PRI

- States did not adequately devolve **powers, funds, and functions** → PRIs remain weak.
- **Poor taxation powers** without state approval.
- **Adhoc functioning:** weak gram sabhas, irregular meetings.
- **Proxy representation:**
 - *Panch-Pati phenomenon* (husbands acting for elected women).
 - Backdoor control over SC/ST representatives.
- Weak accountability even after 26 years.

Exempted Areas

- 73rd Amendment does *not* apply to:
- Fifth Schedule areas (tribal areas in AP, Bihar, Gujarat, MP, Maharashtra etc.)
- States: Nagaland, Meghalaya, Mizoram
- Darjeeling Gorkha Hill area (West Bengal)

MUNICIPALITIES

- Municipalities are urban local government bodies. They were given constitutional status through the **74th Constitutional Amendment Act, 1992**, added under **Part IX-A** (Articles **243P–243ZG**).
- The functions of Municipalities are listed in the **12th Schedule**, which contains **18 subjects**.
- **1687**: First Municipal Corporation set up in Madras; later in Bombay and Calcutta (1726).

British Period

- **Lord Mayo's Resolution (1870)**: First effort toward financial decentralization.
- **Lord Rippon's Resolution (1882)**: Laid the real foundation of local self-government; Rippon is called the “**Father of Local Self-Government in India.**”
- **Royal Commission on Decentralisation (1907–09)**: Emphasised the importance of local bodies.
- **Government of India Act 1919**: Local self-government made a **transferred subject**.
- **Government of India Act 1935**: Local government became a **provincial subject**.
- **Post-Independence Efforts**: Rajiv Gandhi first attempted to give constitutional status to municipalities through the **65th Amendment Bill (1989)**—passed in Lok Sabha but rejected in Rajya Sabha. P.V. Narasimha Rao reintroduced the bill as the **74th Amendment**, passed in **1992** and enforced on **1 June 1993**.

Salient Features of the 74th Amendment

Three Types of Municipalities

- **Nagar Panchayat** – for transitioning rural to urban areas.
- **Municipal Council** – for smaller urban areas.
- **Municipal Corporation** – for large urban areas.

Composition

- Under **Article 243Q**, every state must constitute municipalities.
- Municipal areas are divided into **wards**.
- Members (ward councillors) are **directly elected**.
- States may include **experts** and ex-officio members:
 - Members of Lok Sabha, Rajya Sabha, State Assembly, and Legislative Council related to that area.
 - Chairpersons of committees (except ward committees).
- **Reservation:** Seats reserved for **SCs and STs** proportional to their population. Minimum **1/3rd seats reserved for women**, including SC/ST women. (112th Amendment Bill proposes increasing it to **50%**, pending.) States may also reserve seats and chairperson posts for **OBCs**.

Term and Elections

- **5-year term** for all municipalities.
- Fresh elections must be held **before the term ends**.
- If dissolved early, elections must occur **within 6 months**.
- If less than 6 months of term remain, election is **not mandatory**.

Qualifications (Article 243V)

- Anyone eligible to become an MLA can be a municipal member.
- Minimum age: **21 years**.
- Disqualification matters handled by an authority decided by the SL.

State Election Commission (Article 243K)

- Conducts elections to **both** Municipalities and Panchayats.
- S.E. Commissioner is appointed by **Governor** and removed like a **HC Judge**.

Powers and Responsibilities (Article 243W)

- State legislatures may assign powers enabling municipalities to function as self-governing bodies. These include:
- Preparing economic development and social justice plans.
- Implementing schemes assigned by state or central government.
- Performing functions listed in the **12th Schedule**.

Financial Powers

- Municipalities may be empowered to:
- Levy taxes, duties, tolls, fees.
- Receive funds from state-assigned taxes.
- Get **grants-in-aid** from the state.

State Finance Commission (Article 243I)

Reviews financial position of Panchayats and Municipalities.

Recommends:

Distribution of state taxes.

Grants-in-aid.

Steps to strengthen financial capacity of local bodies.

Types of Urban Governments (8 Types)

1. Municipal Corporation

- For big cities.
- Three authorities:
 - **Council** (headed by Mayor)
 - **Standing Committees**
 - **Municipal Commissioner** (IAS officer)

2. Municipal Council

- For towns and smaller cities.
- Authorities:
 - **Council** (headed by Chairman/President)
 - **Standing Committees**
 - **CEO/Municipal Commissioner**

3. Notified Area Committee

- For rapidly developing towns or towns that don't meet full municipality criteria.
- Fully **nominated** body (not elected).

4. Town Area Committee

- For small towns; semi-municipal.
- May be fully elected, nominated, or mixed.

5. Cantonment Board

- For civilian areas near military stations.
- Works under **Ministry of Defence**.
- 62 boards in India; partially elected, partially nominated.

6. Township

- Managed by large public enterprises for employees.
- Fully bureaucratic; no elected members.

7. Port Trust

- For major port cities (Mumbai, Kolkata, Chennai, etc.).
- Created by Parliament Act.
- Mixed membership (elected + nominated).

8. Special Purpose Agencies

- Created for specific tasks (e.g., transport, water supply).
- Not subordinate to municipalities.

NITI AAYOG

- **NITI Aayog** stands for **National Institution for Transforming India**.
- It was created on **1 January 2015**, replacing the **Planning Commission**.
- It promotes a **bottom-up approach** and supports the vision of **Minimum Government, Maximum Governance**.
- The focus is on **cooperative federalism**, where the Centre and States work together.

Nature of NITI Aayog

- Formed by an **executive resolution** of the Government of India.
- **Not** a constitutional body and **Not** a statutory body.
- It is an **extra-constitutional advisory body**.

Planning Framework of NITI Aayog

- The Aayog replaced the old system of Five-Year Plans with three new planning documents:
- **3-year** (Action Agenda), **7-year** (Medium-Term Strategy Paper) and **15-year** (Long-Term Vision Document).
- These documents guide India's development priorities.

Why NITI Aayog Replaced the Planning Commission

- Indian planning originally drew inspiration from the socialist model of the **USSR**.
- The Planning Commission followed a **centralized, control-and-command** approach for over **65 years**.
- NITI Aayog was created to introduce **flexibility, innovation, and state participation** in planning.

Composition:

1. **Chairperson:** Prime Minister.
2. **Vice-Chairperson:** To be appointed by PM.
3. **Governing Council:** Chief Ministers of all states and Lt. Governors of Union Territories.
4. **Regional Council:** To address specific regional issues, Comprising CMs and Lt. Governors Chaired by PM or his nominee.
5. **Adhoc Membership:** 2 members in ex-officio capacity from leading Research institutions on rotational basis.
6. **Ex-Officio membership:** Maximum four from Union council
7. of ministers to be nominated by Prime Minister.
8. **Chief Executive Officer:** Appointed by Prime-minister for a fixed tenure, in rank of Secretary to Government of India.
9. **Special Invitees:** Experts, Specialists with domain knowledge nominated by PM.
10. **Secretariat:** as deemed necessary.

NITI Aayog	Planning Commission
It serves as an advisory Think Tank.	It served as extra-constitutional body.
It draws membership from a wider expertise.	It had limited expertise.
It serves in spirit of Cooperative Federalism as states are equal partners.	States participated as spectators in annual plan meetings.
Secretaries to be known as CEO appointed by Prime- Minister.	Secretaries were appointed through usual process.
It focuses upon 'Bottom-Up' approach of Planning.	It followed a 'Top-Down' approach.
It does not possess mandate to impose policies.	Imposed policies on states and tied allocation of funds with projects it approved.
It does not have powers to allocate funds, which are vested in Finance Minister.	It had powers to allocate funds to ministries and state governments.

LOKPAL AND LOKAYUKTA

- Lokpal (Centre) and Lokayukta (States) are **statutory bodies** under the *Lokpal and Lokayukta Act, 2013*.
- They work as **ombudsman institutions** to investigate corruption complaints against public officials.
- Created because corruption weakens administration and existing agencies (like CBI) lacked independence.
- Supreme Court once described CBI as a “**caged parrot**”, showing the need for an independent watchdog.

Background

- *Ombudsman* first began in **Sweden (1809)**; adopted later by New Zealand & Norway (1962).
- Britain introduced it in **1967** on recommendation of the *Whyatt Report (1961)*.
- In India:
 - Idea first proposed by **Ashok Kumar Sen (1960s)**.
 - Term *Lokpal* coined by **L. M. Singhvi**.
 - **ARC (1966)** recommended Lokpal/Lokayukta.
 - 1968–2011: Several Bills introduced but failed.
 - **Venkatachaliah Commission (2002)** supported the idea.
 - **Second ARC (2005)** recommended immediate creation.
 - Anna Hazare’s **India Against Corruption movement (2011)** pushed government to pass the Act.
- Act passed in **2013**, came into force **January 2014**.

2016 Amendment

- Allows **leader of the largest opposition party** to join the selection committee (if no official LoP).
- Relaxed deadlines for **asset declaration** by public servants and trustees receiving government/foreign funds.

Structure of Lokpal

- Multi-member body: **1 Chairperson + up to 8 Members.**
- Chairperson: Former CJI / former SC Judge / eminent expert (25+ years experience).
- **50% members must be from SC/ST/OBC/Minorities/Women.**
- **Tenure:** 5 years or age 70, whichever is earlier.
- **Appointed by the President** on recommendation of the **Selection Committee.**

Selection Committee

- Prime Minister (Chairperson)
- Speaker of Lok Sabha
- Leader of Opposition in Lok Sabha
- Chief Justice of India or his nominee
- One eminent jurist
- A **Search Committee** (at least 8 members) prepares the list of candidates.

Jurisdiction & Powers

- **Prime Minister** (with restrictions on national security, foreign affairs, atomic energy, space)
 - Union Ministers
 - MPs (except conduct inside Parliament)
 - All Central Government employees (Group A–D)
 - Directors/managers of bodies funded or controlled by the Central Government
 - Anyone involved in giving or taking bribes
-

Powers

- Can direct and supervise **CBI**; CBI cannot transfer an investigating officer without Lokpal's approval.
- Inquiry Wing has **civil court powers** (summons, documents, etc.)
- Can **confiscate assets** obtained through corruption.
- Can recommend **suspension/transfer** of officials under investigation.
- Can order protection of records to prevent destruction during inquiry.
- Mandates **asset disclosure** by public officials and dependents.

Lokayukta in States

- Act requires every state to establish a Lokayukta **within one year**, but only **16 states** have done so.

Scheduled & Tribal Areas (Articles 244–244A)

- **Part X (Part 10)** of the Constitution deals with the administration of *Scheduled Areas* and *Tribal Areas*.
- **Scheduled Areas (Article 244(1) + Fifth Schedule)**
- Scheduled Areas are regions inhabited by socially and educationally backward tribal communities (Aboriginals).
- **Defined by the President** and listed in the **Fifth Schedule**.
- Applies to all states **except Assam, Meghalaya, Tripura, and Mizoram** (these come under Sixth Schedule).
- **10 States** currently have Scheduled Areas:
Andhra Pradesh, Telangana, Chhattisgarh, Odisha, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Himachal Pradesh, Rajasthan.

Powers

- **Governor** controls administration of Scheduled Areas.
 - Can modify any state/central law for these areas **with President's assent**.
 - Sends **annual reports** to the President.
- **President** can **alter boundaries** of Scheduled Areas.

Important Commission

- First commission on Scheduled Areas: **UN Dhebar Commission (1960)**.

- **Criteria for Declaring a Scheduled Area**
- High tribal population
- Compact and reasonable area
- Viable administrative unit (district/block/taluk)
- Economic backwardness compared to nearby areas
- **Tribal Advisory Council (TAC)**
- Mandatory for each state with Scheduled Areas.
- **20 members**, of which **3/4th are ST MLAs**.
- Advises on welfare and administration of STs.



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Autonomous Districts

- Each tribal area is called an **Autonomous District**.
- Governor can:
 - Create or alter districts
 - Change boundaries or names
 - Divide a district into **Autonomous Regions**

Tribal Areas (Sixth Schedule)

- Applies specifically to **Assam, Meghalaya, Tripura, Mizoram**.
These areas are more autonomous than Fifth Schedule areas.

District Council

- Each Autonomous District has a **District Council** with:
 - **30 members (26 elected (5-year term) and 4 nominated by Governor** (serve at Governor's pleasure)
- Councils can:
 - Make laws on land, forests, village administration, inheritance, social customs, etc.
 - Administer **village councils, local courts** for tribal disputes
 - (High Court can take up cases only if specified by Governor)
- **Autonomy**
- **Acts of Parliament and State Legislature DO NOT automatically apply** in these areas.
- They apply **only if the District Council accepts them** or if the Governor modifies them.

Feature	Fifth Schedule	Sixth Schedule
Applies to	10 states	4 NE states
Area name	Scheduled Areas	Tribal (Autonomous) Districts
Body	Tribal Advisory Council	District & Regional Councils
Power	Governor + President	Governor + Autonomous Councils
Autonomy	Limited	High autonomy

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

- **Reservation of Seats** (Articles 330–342): **Article 330** (SCs & STs in Lok Sabha) and **Article 332** (SCs & STs in SLA).
- **58th Amendment (1987)**: Ensured ST reservation in **Arunachal Pradesh, Meghalaya, Mizoram, Nagaland**.
- **79th Amendment (1999)**: Continued reservation of seats for SCs/STs; **no separate electorate** (Art. 325 ensures **one general electoral roll**). **Article 335**: Claims of SC/ST considered in public employment.
- **National Commission for SCs & STs: 65th Amendment (1990)** replaced “Special Officer” under **Article 338**. Composition: **Chairperson, Vice-Chairperson, and 5 members** (appointed by President).
- Functions: investigate constitutional safeguards. Inquire into complaints and Submit annual reports to President.
- *(Later, the 89th Amendment split the Commission into separate bodies for SCs and STs — but your text focuses on the earlier version.)*
- **Special Officer (Earlier Provision – Art. 338)**: Before the 65th Amendment, a **Special Officer** investigated matters related to SC/ST safeguards. President could appoint a commission every 10 years to review Scheduled Areas & STs.
- **Anglo-Indians (Art. 366(2))**: Defined as persons of **European paternal ancestry**, but **domiciled in India**. Historically had nominated seats in Lok Sabha & State Assemblies (now discontinued after the 104th Amendment in 2020).
- **Backward Classes (Art. 340)**: The **President can appoint a commission** to investigate the conditions of **socially and educationally backward classes (SEBC)**. Most famous outcome: **Mandal Commission (1979)** → recommended OBC reservation.

OFFICIAL LANGUAGES

- **Language of the Union (Article 343):** Official language of the Union is **Hindi in Devanagari script**. **English** continues for official purposes as Parliament may decide.
- **Regional (State) Languages (Article 345):** States are free to adopt **any language(s)** as their official language.
- **Language of Courts & Bills (Article 348):** Proceedings in ~~Supreme Court & High Courts~~ must be in **English**. ~~Bills, Acts, Orders, Rules, and Regulations~~ of Parliament and State Legislatures are in **English**, unless Parliament provides otherwise.
- **Development of Hindi (Article 351):** Union must promote the spread of **Hindi** and develop it as a language expressing India's composite culture. Encourages enrichment of Hindi by drawing vocabulary mainly from **Sanskrit**.
- **Education in Mother Tongue (Article 350-A):** States must provide **adequate facilities** for primary education **in the mother tongue** of linguistic minority children.
- **Use of Minority Language in Administration (Article 347):** President may direct a State to **recognize and use a language** spoken by a substantial population for administrative purposes.
- **Right to Represent in Any Language (Article 350):** Any person may submit complaints or representations in **any language used in the Union or State**.
- **Special Officer for Linguistic Minorities (Article 350-B):** Appointed by the **President**. Investigates safeguards for linguistic minorities and reports to the President. Reports are laid before **Parliament**.

Some of the important articles are given below:

PART I: THE UNION AND ITS TERRITORY

- Article 1-4 mention above in union list

PART II: CITIZENSHIP

- Article 5 to 11 mentioned above in citizenship section

PART III : FUNDAMENTAL RIGHTS

- Article 12 to 35 mentioned in FR list.

PART IV: DIRECTIVE PRINCIPLES OF STATE POLICY

- Article 36 to 51 already mentioned in DPSP

PART IVA: FUNDAMENTAL DUTIES

- 51A Fundamental duties.

PART V: THE UNION

CHAPTER I: THE EXECUTIVE

Parts	Subject Matter	Articles
Part I	Union & Its Territory	Article 1-4
Part II	Citizenship	Article 5-11
Part III	Fundamental Rights	Article 12-35
Part IV	Directive Principles	Article 36-51
Part IV A	Fundamental Duties	Article 51A
Part V	The Union	Article 52-151
Part VI	The States	Article 152-237
Part VII	Note: 7th Amendment Act, 1956 repealed Part 7	—
Part VIII	The Union Territories	Article 239-242
Part IX	The Panchayats	Article 243-243O
Part IX A	The Municipalities	Article 243P-243ZG
Part IX B	Co-operative Societies	Article 242ZH-243ZT
Part X	Scheduled and Tribal Areas	Article 244-244A
Part XI	Relation between Union & States	Article 245-263
Part XII	Finance, Property, Contracts and Suits	Article 264-300A
Part XIII	Trade, Commerce and Intercourse within the territory of India	Article 301-307
Part XIV	Services under the Union and States	Article 308-323
Part XIV A	Tribunals	Article 323A-323B
Part XV	Elections	Article 324-329A
Part XVI	Special Provisions relating to certain classes	Article 330-342
Part XVII	Official Languages	Article 343-351
Part XVIII	Emergency Provisions	Article 352-360
Part XIX	Miscellaneous	Article 361-367
Part XX	Amendment of the Constitution	Article 368
Part XXI	Temporary, Transitional and Special Provisions	Article 369-392
Part XXII	Short title, Commencement, Authoritative Text in Hindi and Repeals	Article 393-395

- **The President and Vice-President**
- 52 The President of India.
- 53 The executive power of the Union.
- 54 Election of President.
- 55 Manner of election of President.
- 56 Term of office of President.
- 57 Eligibility for re-election.
- 58 Qualifications for election as President.
- 59 Conditions of the President's office.
- 60 Oath or affirmation by the President.
- 61 Procedure for impeachment of the President.
- 62 Time of holding the election to fill the vacancy in the office of President and the term of office of person elected to fill the casual vacancy.
- **63 The Vice-President of India.**
- 64 The Vice-President to be ex officio Chairman of the Council of States.
- 65 The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or during the absence, of President.
- 66 Election of Vice-President.
- 67 Term of office of Vice-President.
- 68 Time of holding the election to fill the vacancy in the office of Vice-President and the term of office of person elected to fill the casual vacancy.
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- 76 Attorney-General for India.

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- 93 The Speaker and Deputy Speaker of the House of the People .
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- 95 Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker.
- 96 The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.
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- 100 Voting in Houses, power of Houses to act notwithstanding vacancies and quorum.

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- 183 Vacation and resignation of, and removal from, the offices of Chairman and Deputy Chairman.
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- 185 The Chairman or the Deputy Chairman not to preside while a resolution for his removal from office is under consideration.
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- 189 Voting in Houses, power of Houses to act notwithstanding vacancies and quorum.

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- 338 National Commission for Scheduled Castes.
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- 356 Provisions in case of failure of constitutional machinery in States.
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- 361B Disqualification for appointment on remunerative political post.
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- 363 Bar to interference by courts in disputes arising out of certain treaties, agreements, etc.
- 363A Recognition granted to Rulers of Indian States to cease and privy purses to be abolished.
- 364 Special provisions as to major ports and aerodromes.
- 365 Effect of failure to comply with, or to give effect to, directions given by the Union.
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- **PART XX: AMENDMENT OF THE CONSTITUTION**

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- **PART XXI: TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS**

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- 370 Temporary provisions with respect to the State of Jammu and Kashmir (abrogated in 2019).
- 371 Special provision with respect to the States of Maharashtra and Gujarat.
- 371A Special provision with respect to the State of Nagaland.
- 371B Special provision with respect to the State of Assam.
- 371C Special provision with respect to the State of Manipur.
- 371D Special provisions with respect to the State of Andhra Pradesh.
- 371E Establishment of Central University in Andhra Pradesh.
- 371F Special provisions with respect to the State of Sikkim.
- 371G Special provision with respect to the State of Mizoram.
- 371H Special provision with respect to the State of Arunachal Pradesh.
- 371-I Special provision with respect to the State of Goa.
- 371J Special provision with respect to the State of Karnataka.

- 372 Continuance in force of existing laws and their adaptation.
- 372A Power of the President to adapt laws.
- 373 Power of President to make order in respect of persons under preventive detention in certain cases.
- 374 Provisions as to Judges of the Federal Court and proceedings pending in the Federal Court or before His Majesty in Council.
- 375 Courts, authorities and officers to continue to function subject to the provisions of the Constitution.
- ~~376 Provisions as to Judges of High Courts.~~
- 377 Provisions as to Comptroller and Auditor-General of India.
- 378 Provisions as to Public Service Commissions.
- 378A Special provision as to the duration of Andhra Pradesh Legislative Assembly.
- 379-391 [Repealed.]
- 392 Power of the President to remove difficulties.

● **PART XXII: SHORT TITLE, COMMENCEMENT, AUTHORITATIVE TEXT IN HINDI AND REPEALS**

- 393 Short title.
- 394 Commencement.
- 394A Authoritative text in the Hindi language.
- 395 Repeals.



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INDIAN GOVERNANCE

ELECTIONS COMMISSION

- **Articles 324–329 (Part XV)** deal with elections.
- **Article 324:** Superintendence, direction and control of elections rests with the **Election Commission of India (ECI)**.

Structure of the Election Commission

- Established **25 January 1950**.
- Became a **multi-member body in 1989** (before that only one CEC).

Composition:

- **Chief Election Commissioner (CEC)**
- **Two Election Commissioners**
- Appointed by the **President** of India.
- **Tenure:** 6 years or until age 65.
- Status, salary, perks = **Supreme Court Judge**.
- Secretariat is in **New Delhi**.
- At state level, election work is supervised by the **Chief Electoral Officer (IAS officer)**.

Functions of the Election Commission

- **Conducts elections to:**
 - Lok Sabha
 - Rajya Sabha
 - State Legislative Assemblies
 - President & Vice President
- **Prepares and updates electoral rolls; issues EPIC (Voter ID).**
- **Decides:**
 - Polling dates
 - Polling booths
 - Counting centres
 - Voter assignments
- **Registers political parties and allots election symbols.**
- **Settles disputes** related to party recognition and symbols.
- Has advisory powers on **disqualification** of MPs/MLAs.
- Issues **Model Code of Conduct (MCC)**.
- Sets **campaign expenditure limits** and monitors spending.

Removal

CEC can be removed like a Supreme Court Judge:

Only by Parliament.

On grounds of *proven misbehaviour or incapacity*.

Requires **special majority**:

2/3rd members present & voting **AND**
More than 50% of total strength of the house.

Other Election Commissioners can be removed **only on the recommendation of the CEC**.

Recommended Reforms (2nd ARC)

- Suggested a **collegium system** for appointment:
 - PM (Chair)
 - Speaker of Lok Sabha
 - Leader of Opposition
 - Law Minister
 - Deputy Chairman Rajya Sabha

CIVIL SERVICE

Origin & Evolution

- Started under **East India Company** in the **17th century**.
- **Lord Warren Hastings** laid early foundations.
- **Lord Cornwallis** is known as “**Father of Indian Civil Services.**”
- Two categories under the British:
 - **Covenanted Services** (higher posts)
 - **Uncovenanted Services** (lower posts)
- **1800:** Fort William College (training centre) → later replaced by **Haileybury College (1806)** in England.
- **Charter Act 1853:** Ended patronage; introduced **open competition**.
- **First competitive exam (1855)** held in London.
- **ICS Act 1861:** Some posts reserved for covenanted service.
- **Lord Lytton (1879):** Implemented Indianisation.
- **First exam in India (1922)** at Allahabad.
- **Govt of India Act 1919:** Services divided into **All India Services & Central Services**.
- Term “**All India Services**” first used by Gaunlett Committee.
- Modern Civil Services shaped after **1947**, guided by **Sardar Patel**.
- IAS, IPS, IFS created under **Article 312**.

Macaulay Committee (1854):

Open competitive exam

Age: 18–23

Exam to be held in **London**

High academic standards

UNION PUBLIC SERVICE COMMISSION (UPSC)

- Constitutional body under **Articles 315–323**.
- Conducts exams for **All India Services**, Group A & B Central Services.
- First PSC set up in **1926** (Chairman: Sir Ross Barker).
- Highest civil servant: **Cabinet Secretary**.

Composition

- **Chairman + 10 Members**, appointed by the **President**.
- Tenure: **6 years or up to 65 years**.
- At least half must be civil servants.
- **Removal (Art. 317)**
- Only the **President** can remove them, *after Supreme Court inquiry*.
- Ensures independence.\

TATE PUBLIC SERVICE COMMISSIONS (SPSC)

- Constitutional bodies under **Articles 315–323** (same as UPSC).
- Members appointed by **Governor**.
- Governor receives their **annual report** and places it before State Legislature.
- Consultation with SPSC is **directory, not mandatory** (as per SC).

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SUPER IMPORTANT QUICK RECALL

- **Cornwallis = Father of Indian Civil Services.**
- **Macaulay Committee (1854)** → Open competition
- **First exam in India** → 1922, Allahabad
- **Article 312** → Creation of All India Services
- **Articles 315–323** → UPSC/SPSC
- **Article 317** → Removal of UPSC members
- **Civil Services Day** → 21 April
- **UPSC report submitted to** → President

**Aitchison Commission
(Public Service Commission)-
1886**

- Appointed by **Lord Dufferin** and it submitted its report in 1887:
- The two-tier classification of civil services into covenanted and uncovenanted should be replaced by a three-tier classification-Imperial, provincial and subordinate civil services.

**Islington Commission (Royal
Commission on Public
Services)-1912**

- Submitted report in 1915
- Recommended 25% of superior posts should go to Indians, partly by direct Recruitment and partly by Promotion.
- Published only in 1917. Outdated due to 2nd World War and August Declaration of 1917.

**Montford Report (Indian
Constitutional Reforms)-
1918**

- 33% superior posts recruited in India and should be increased by 1,5% annually. ICS should be given fair salary etc.
- The Competitive exams should be held simultaneously in England and India.
- These Proposals were accepted and became the basis of appointment for 10 years

**Lee Commission (Royal
Commission on Superior
Services) - 1923**

- Chairman:- Lord Viscount Lee. Report submitted in 1924 and recommendations were accepted.
- Central Public Service Commission was set up in 1926.
- Sir Ross Barker was a first chairman and a senior British Home Civil Servant.

**Government of India Act -
1935**

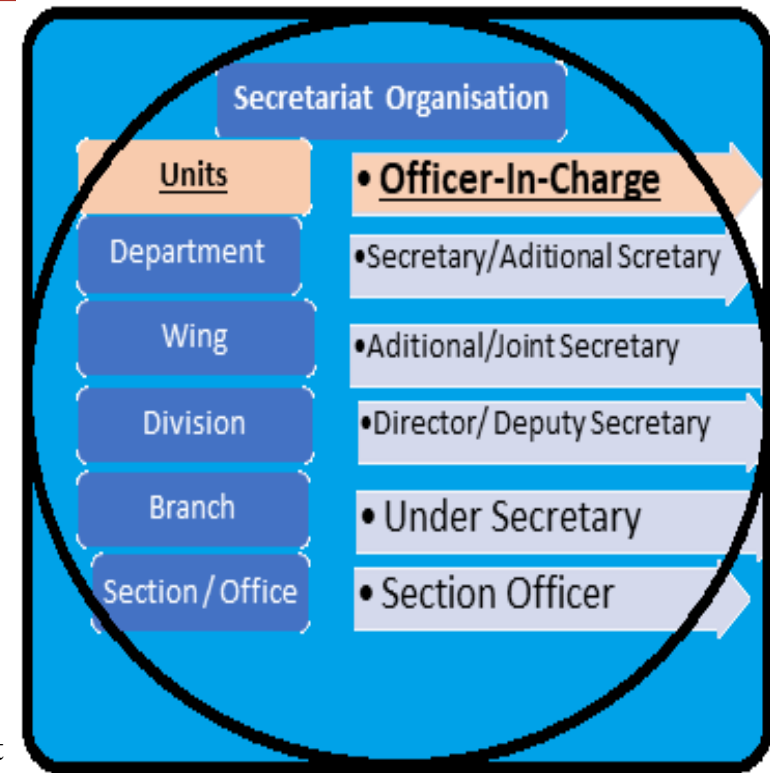
- It provided rights and privileges of the members of Civil Services.
- Established Federal Public Service Commission (FPSC), Provincial Public Service Commission (PPSC) and Joint Public Service Commission (JPSC)

CENTRAL SECRETARIAT (CS)

- **1843:** Governor General separated the Government of India Secretariat from Bengal; four departments created — Home, Finance, Military, Foreign.
- **1859: Portfolio System** introduced by Lord Canning.
- **1905: Tenure System** introduced by Lord Curzon (called the *Father of Tenure System*).
- **1947:** Departments renamed **Ministries**.

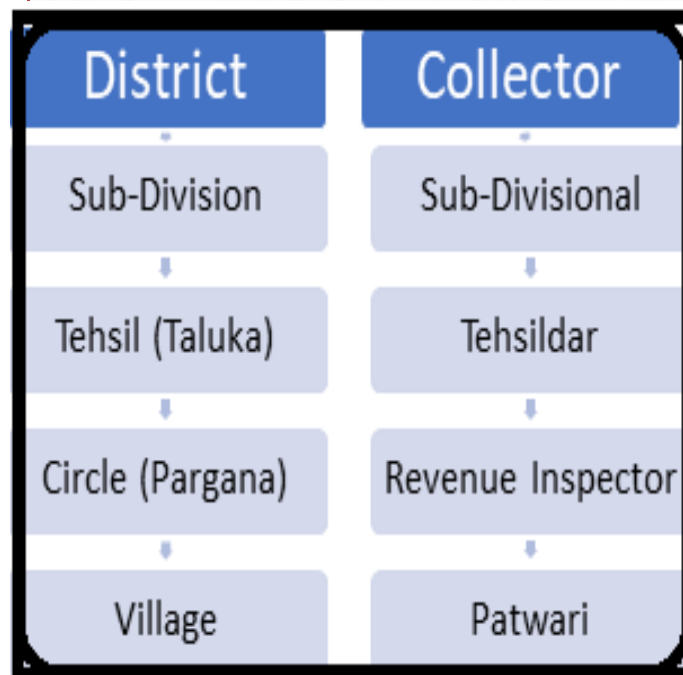
Split System vs British Model

- **Split System:** Policy-making is separate from policy execution.
- **British Whitehall Model:** Ministries handle both policy-making and execution.
- India follows the **Indian Secretariat Model**, not the British one.
- **District Administration**
- The term **District** does not appear in the Constitution except in **Article 233** (District Judge).
- **District Collector office** created in **1772 by Warren Hastings**.
- Simon Commission (1930): District Collector is “in the eyes of most inhabitants, the Govt.”
- Ramsay MacDonald: Compared him to “a tortoise on whose back stands the elephant of the Government of India.”
- **73rd Constitutional Amendment (1992):** Panchayati Raj reduced Collector’s role.
- **Mughal era**, district was called **Sarkar**, headed by *Karori-i-Faujdar* under a *Subedar*.



Tenure System (1905)

- Introduced by **Lord Curzon**.
- His view: *"India may be governed from Shimla or Calcutta, but is administered from the plains."*
- **Companies Act**
- **Indian Companies Act 1956** recognizes two forms:
 - **Private Limited Company** (owned by individuals)
 - **Public Limited Company** (51%+ government share).



Reserve Bank of India (1935)

Damodar Valley Corporation (1948)

Industrial Finance Corporation (1948)

Indian Airlines Corporation (1953)

State Bank of India (1955)

Life Insurance Corporation of India (1956)

Oil and Natural Gas Commission (1959)

Food Corporation of India (1964)

HUMAN RIGHTS

- Human Rights belong to every person by **virtue of being human**.
- They are **universal, inalienable and inviolable**.
- The **Universal Declaration of Human Rights (UDHR), 1948** is known as the **International Magna Carta** of human rights.

National Human Rights Commission (NHRC)

- **Established:** 12 October 1993 under the *Protection of Human Rights Act, 1993* (amended in 2006).
Nature: Statutory & watchdog body for Human Rights in India.
- **Appointment**
- Appointed by the **President** on recommendation of a 6-member committee:
PM (Chair), Speaker LS, Deputy Chair RS, Home Minister, LoP in LS & RS.
- **Composition**
- **Chairperson:** Retired Chief Justice of India.
- **Members:** 4 Ex-officio members (Chairpersons of National Commissions for SC, ST, Minorities, Women).
- Commission has its **own investigation staff**.

- **Magna Carta Libertatum:** It is a charter of rights agreed to by King John of England at Runnymede, near Windsor, on 15 June 1215.

Tenure

- 5 years or up to 70 years, whichever earlier.
- Not eligible for further govt employment after tenure.
- **Powers & Functions**
- Investigates complaints of human rights violations.
- **Cannot inquire into cases older than one year.**
- Can **visit jails** without prior intimation (after 2006 amendment).
- Can **recommend** compensation or action *but recommendations are NOT binding.*

State Human Rights Commission (SHRC)

- **Established:** Under Protection of Human Rights Act, 1993.
- **Present Status:** 23 states have SHRCs.

Jurisdiction

- Deals with HR violations related to **State List + Concurrent List** subjects.
- **Composition** (*after 2006 amendment – reduced from 5 to 3 members*):
- **Chairperson:** Retired Chief Justice of High Court
- **Member:** Serving/retired High Court judge or District Judge with 7 years' experience
- **Member:** A person with knowledge/experience in human rights

Appointment & Removal

- **Appointed by the Governor** on committee recommendation.
- **Removal by the President.**

Tenure

- **5 years or up to 70 years.**
- Members are **eligible for re-appointment.**
- Not eligible for further govt employment after tenure

RIGHT TO EDUCATION

1. Article 21-A (Fundamental Right)

- Added by **86th Constitutional Amendment Act, 2002**.
- Guarantees **free & compulsory education** for **children aged 6–14 years**.
- State decides the manner of implementation.
- Only **elementary education** is a fundamental right, *not* higher/professional education.

2. Article 45 (Directive Principle – Part IV)

- State shall provide **early childhood care & education** to **children below 6 years**.
- Focus on preschool education and childcare.

3. Article 51-A (Fundamental Duty)

- Parents/guardians must **provide educational opportunities** to children aged **6–14 years**.

4. Supreme Court Interpretation

- **1993 SC ruling:** Right to education is fundamental **only up to elementary level**, overturning the 1992 judgment that extended it to all levels.
-

- **5. Sarva Shiksha Abhiyan (SSA)**

- Launched to universalize **primary education** in a **time-bound manner**.
- Major government program supporting RTE implementation.

- **6. Right to Education (RTE) Act, 2009**

- Came into force on **1 April 2010**.
- Makes education **free & compulsory** for 6–14 age group.
- Defines duties of **Centre & State** for sharing financial and operational responsibilities.
- Ensures norms for school infrastructure, teacher quality, admission policies (no screening tests, no capitation fee), and **25% reservation in private schools** for disadvantaged children.



MEER SIR
— A C A D E M Y —

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