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2026

INDIAN CONSTITUTION

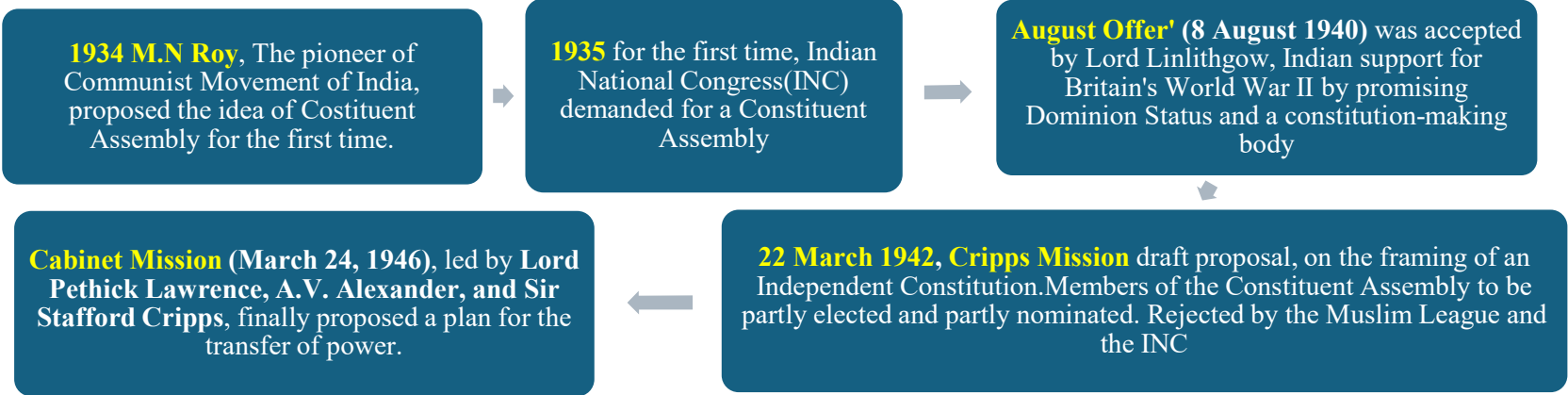
BY: MEER SIR ACADEMY



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INDIAN CONSTITUTION AND GOVERNANCE

MAKING OF THE INDIAN CONSTITUTION



- India has the **longest written constitution** in world
- **Oldest existing constitution** in the world - USA.

Constitution	Originally (1949)	As of January 2026
Preamble	Yes	Yes
Articles	395	448
Parts	22	25
Schedules	8	12

- The **first meeting** of the **Constituent Assembly** was held on **9th December 1946**, with **211 members** present (boycotted by the Muslim League).
- **Sachchidananda Sinha** was the **temporary chairman** of the first session.
- **Dr. Rajendra Prasad** was elected President and **H.C Mukherji** as Vice-President of the Constituent Assembly on **11th December 1946**.
- The Assembly held **11 sessions over 2 years, 11 months, and 18 days**,
- Borrowed from **60+ constitutions (Countries)** and spent **₹64 lakh**.
- It drafted the Constitution for **114 days**.
- The Constituent Assembly met at the Central Hall of Parliament, New Delhi.
- The Constitution was adopted on **26th November 1949** and came into force on **26th January 1950** (celebrated as **Republic Day**).
- The **first General Elections** were held in **1951-52** (Mostly in 1952)
- The Constituent Assembly ratified:
 - ✓ India’s Commonwealth membership (May 1949)
 - ✓ National Flag (22nd July 1947)
 - ✓ National Anthem & Song (24th January 1950)
- **Samvidhan Divas** (Constitution Day) is observed on **26th November** each year.
- Members were elected indirectly by provincial legislatures and nominated by princely states.
- Prominent Female Leaders: **Dakshayani Velayudhan, Vijaya Lakshmi Pandit**.
- Artists of the Handwritten Constitution: **Beohar Rammanohar Sinha & Nandalal Bose**.

Criticism of the Constituent Assembly

- **G. Austin**: Dominated by **Congress** and the **cornerstone of the nation**.
- **Viscount Simon**: Hindu-dominated.
- Lawyer-politician dominated.
- **Time-consuming** (compared to the USA’s 4-month drafting).

Drafting Committee (29th August 1947)

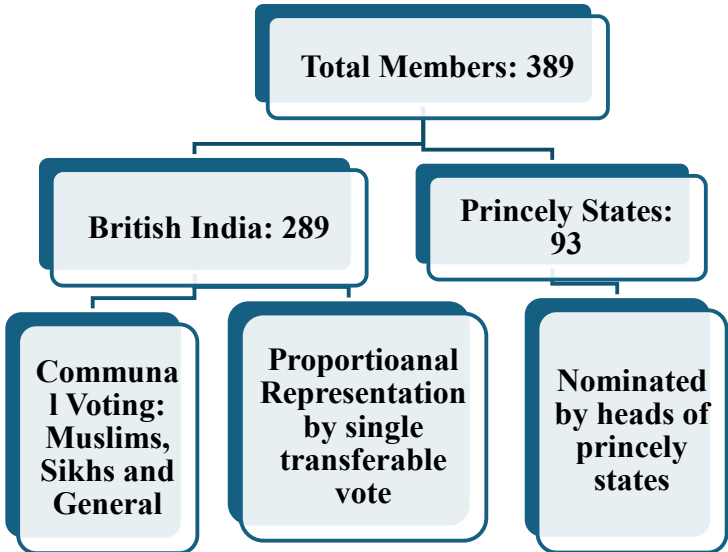
- **Chairman: Dr. B.R. Ambedkar** (Father & Chief Architect of the Constitution, "Modern Manu").
- Draft introduced by **Ambedkar on 4th November 1948**.

The Preamble

- Called the **"Soul of the Constitution"** by **Thakurdas Bhargav**.
- Called the **"Political Horoscope"** by **K.M. Munshi**.
- Introduced by **Jawaharlal Nehru** as the **"Objective Resolution"** (**13th December 1946**) and adopted on **22nd January 1947**.

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 26th day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION**.

- **Supreme Court Rulings**:
 1. **Berubari Union Case (1960)** – Preamble **not a part** of the Constitution.
 2. **Kesavananda Bharati Case (1973)** – Preamble **is an integral part**.



- **Amendment**: The Preamble was **amended once** by the **42nd Amendment Act (1976)** to add **‘Socialist, Secular, and Integrity’** (by Indira Gandhi Govt.)

Features Borrowed from Various Constitutions

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

- **B.R. Ambedkar:** "India's Constitution is a ransacking of all known constitutions."
- **Original Handwritten Constitution:** Preserved in a helium-filled case in Parliament Library.

Comparative Study

- USA – 7 and Australia – 128 Articles in Constitutions
- British Monarch & Indian President have similar ceremonial roles.
- Real Power in India are vested in Council of Ministers led by the PM.

UNION TERRITORIES

- **Part – I (Article 1 – 4)**
- **Article-1:** India is that's Bharat as "Union of States."
- India's federation is an **"indestructible union of destructible states"**, unlike the USA, which has an **"indestructible union of indestructible states."**
- The concept of **Union Territories** was introduced by the **7th Constitutional Amendment Act (1956)** and the **States Reorganisation Act (1956)**.

Important Committees & Commissions

- **Dhar Commission (1948)** – Recommended reorganization based on administrative convenience, **not language**.
- **JVP Committee (1949)** – Jawaharlal Nehru, Vallabhbhai Patel, P.S. Ramayya rejected the idea of linguistic states.
- **Fazal Ali Commission (1953)** – Accepted **language as a basis** for state reorganization but rejected "one language, one state" theory.
- **Reorganization of States (1956)** – Created **14 states and 6 UTs** on **November 1, 1956**.
- **Parliament has legislative power over all three lists** (Union, State, and Concurrent) for UTs.

Special Provisions for Delhi (Article 239):

- **Lieutenant Governor (LG)** as its Administrator.

COMMISSIONS ON REORGANISATION OF STATES (INDIA)

After Independence, India faced strong demands for **reorganisation of states**, mainly on linguistic grounds. The government appointed several commissions to examine this issue.

1 DHAR COMMISSION (1948)

- Chairman: **S.K. Dhar**
- **Key Recommendation**
 - Reorganisation of states should **NOT be based on language**
 - States should be reorganized on the basis of
 - Administrative convenience
 - National unity
 - Economic viability
- Year: 1948
- **Key Recommendation**
 - Rejected the demand for linguistic states at that time
 - Priority should be given to
 - National unity
 - Political stability
 - Economic development

👉 Dhar Commission rejected linguistic basis of state reorganisation.

2 JVP COMMITTEE (1949)

- Members: **Jawaharlal Nehru, Vallabhbhai Patel, P.S. Ramayya**
- **Key Recommendation**
 - Rejected the demand for linguistic states at that time
 - Priority should be given to
 - National unity
 - Political stability
 - Economic development

👉 JVP Committee also opposed linguistic reorganisation.

3 FAZAL ALI COMMISSION (1953)

- Chairman: **Fazal Ali**
- Other Members: **K.M. Panikkar, H.N. Kunzru**
- Also known as the **States Reorganisation Commission (SRC)**
- **Key Recommendations**
 - Accepted language as an important basis for reorganisation
 - Rejected the idea of "one language, one state"
 - Other factors to be considered
 - Administrative efficiency
 - Economic resources
 - National unity

👉 Fazal Ali Commission balanced language with national

COMPARATIVE SUMMARY (VERY USEFUL FOR MCQs)

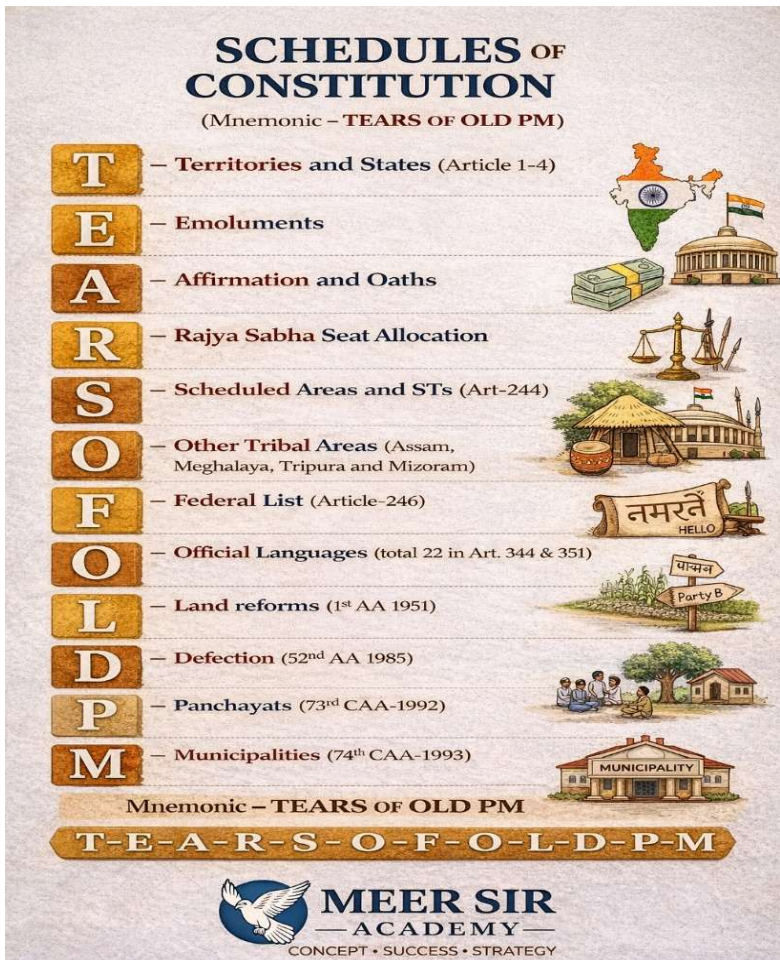
• Dhar Commission (1948):	Language ✗
• JVP Committee (1949):	Language ✗
• Fazal Ali Commission:	Language ✓ But not the only factor
• States Reorganisation Act - 1956	

• **ONE-LINE REVISION (JMI FAVORITE)**

- **Dhar Commission** – Administrative basis
- **JVP Committee** – Rejected linguistic states
- **Fazal Ali Commission** – Accepted language with limits
- **States Reorganisation Act – 1956**

**MEER SIR ACADEMY**
— CONCEPT • SUCCESS • STRATEGY —

- Delhi has a **Legislative Assembly (70 members)** with the power to make laws, **except on Public Order, Police, and Land**.



CITIZENSHIP

- **Part-II (Articles 5-11):** Citizenship grants full membership and allegiance to India.
- **Citizenship Act, 1955:**

Ways to Acquire Citizenship	Loss of Citizenship
1) By Birth	1) Renunciation
2) By Descent	2) Termination
3) By Registration	3) Deprivation.
4) By Naturalization	
5) By Incorporation of Territory	

- **2019 Amendment** to Citizenship Act: Provides fast-track citizenship to Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan. **Muslims are not eligible under this provision.**

FUNDAMENTAL RIGHTS

- **Part-III (Articles 12-35)**
- Fundamental Rights, also known as the *Magna Carta* of India, inspired by the U.S. Bill of Rights.
- **Original 7 Rights:** Right to Property [Article 19(1)(f)] was removed by the 44th Constitutional Amendment Act, 1978, and made a legal right under Article 300A.
- **Nature of Fundamental Rights:**
 - ✓ Not absolute; they are *qualified*.
 - ✓ Fundamental Rights can be classified as
 - a) **Negative rights** (restraining State interference). Example: Article 19
 - b) **Positive rights** (requiring State action). Article 21A.
 - ✓ *Justiciable*, enforceable by courts (mostly self-executory).
 - ✓ Available against State, not private individuals.
- **Article 13: Doctrine of Judicial Review**
 - ✓ Supreme Court (Article 32) and High Courts (Article 226) can declare laws unconstitutional if they violate Fundamental Rights.
 - ✓ **Doctrine of Eclipse:** If a law violates Fundamental Rights. It becomes **inoperative**, not dead. Can revive if Fundamental Right is amended.

1. Right to Equality (Articles 14-18)

- Article 14: Equality before law (British origin) and *Equal Protection of Law* (American origin).
- Equality does NOT mean identical treatment. It means **equal should be treated equally and unequals should be treated unequally**.
- **Rule of Law** (A.V. Dicey):
 - ✓ Absence of arbitrary power
 - ✓ Equality before law
 - ✓ Primacy of individual rights
- **Article 15:** No discrimination based on religion, caste, sex, etc.
 - ✓ It applies vertically (State vs citizen). Does not apply horizontally (private vs private). Reservation is a **facilitating provision**, not a fundamental right.
 - **Article 15(3):** Special provisions for women.
 - **Article 15(4) & 15(5):** Reservation for backward classes.
 - Article 15 does NOT apply to private employment.
 - ✓ **Article 16:** Equal opportunity in public employment.
 - Reservation only in **public employment**.
 - 50% limit (Indra Sawhney case).
 - Creamy layer excluded from OBC reservation.
 - ✓ **Article 17:** Abolition of untouchability.
 - ✓ **Article 18:** Abolition of titles.

2. Right to Freedom (Articles 19-22)

- ✓ **Article 19:** Six freedoms (speech, assembly, association, movement, residence, profession)
- ✓ **Article 20:** Protection against arbitrary punishment.
 - **Ex post facto law**
Law cannot punish acts done before law came into force.
 - **Double jeopardy**
No person punished twice for same offence.
 - **Self-incrimination**
Accused cannot be forced to testify against himself.
- ✓ **Article 21:** Right to life and personal liberty
 - Article 21 = Backbone of Fundamental Rights. Expanded by courts to include
 - Right to privacy
 - Right to livelihood
 - Right to clean environment
 - Right to health
 - Right to human dignity
- ✓ **Article 21A:** Right to Free and compulsory education for children aged 6–14 years. (86th CAA, 2002).
- ✓ **Article 22:** Protection against arbitrary arrest and detention (*Punitive & Preventive detention*)

3. Right Against Exploitation (Articles 23-24)

- ✓ **Article 23:** Prohibits human trafficking and forced labor. *Covers begar (forced unpaid labour)*

- ✓ **Article 24:** Prohibits child labor below 14 years. Does not ban all child labour. Bans only **hazardous employment**.

4. Right to Freedom of Religion (Articles 25-28)

- ✓ **Article 25 (1):** guarantees to **all persons**:
 - Freedom of conscience
 - Freedom to profess religion (declare faith openly)
 - Freedom to practice religion (perform rituals)
 - Freedom to propagate religion (spread religious ideas)
- ✓ Article **25(2)** allows the state to:
 - Regulate or restrict **economic, financial, political, or secular activities** related to religion
 - Enact laws for **social welfare and reform**.
 - Open Hindu religious institutions to **all classes and sections**, including SCs and STs.
- ✓ **Important Supreme Court cases**
 - Shirur Mutt Case (1954)** – Introduced the **Essential Religious Practices Doctrine**. Only essential practices are protected.
 - Rev. Stanislaus v. State of MP (1977)** – Right to propagate does **not include the right to convert by force or fraud**.
 - Sabarimala Case (2018)** – Religious practices violating equality can be challenged.
- 1. This right applies to **citizens and non-citizens**, individuals as well as religious groups.

- ✓ Article 26 – Freedom to Manage Religious Affairs. It grants rights to **religious denominations or sections**.

Every religious denomination has the right:

- To establish and maintain institutions for religious purposes.
- To manage its own religious affairs
- To own and acquire movable and immovable property.
- To administer such property according to law

Limitations: These rights are subject to: Public order, Morality and Health

The state can regulate **property administration**, but **cannot interfere in core religious matters**.

- ✓ **Article 27 – Freedom from Payment of Taxes for Promotion of Any Religion.** This ensures **state neutrality** in religious matters. General taxes used for public welfare do **not violate Article**. It applies only to **taxes**, not voluntary donations or fees.
- ✓ **Article 28 – Freedom from Religious Instruction in Certain Educational Institutions**
 - Article 28(1): No religious instruction in institutions **wholly funded by the state**
 - Article 28(2): This does not apply to institutions administered by the state but established under an **endowment or trust**
 - Article 28(3): No person can be forced to take part in religious instruction or worship without consent
 - Applies mainly to **government schools and colleges**
 - Private institutions are free to provide religious instruction.

✓ Secularism and Articles 25–28

These articles reflect India’s model of **secularism**, which means:

- Equal respect for all religions
- No state religion
- State intervention for reform and equality

The **42nd Constitutional Amendment (1976)** added the word “**Secular**” to the Preamble.

5. Cultural & Educational Rights (Articles 29-30)

- ✓ **Article 29:** Protection of minority interests. It applies to **all citizens**, not just minorities
- ✓ **Article 30:** Right of minorities to establish and administer institutions. applies only to minorities
- ✓ Minority status determined **state-wise**, not nationally
- ✓ Applies to **religious and linguistic minorities**.
- ✓ Minority status depends on State population. Not national population. Article 30 gives Autonomy. Protection from discrimination. But minority institutions must still Follow reasonable regulations.
- ✓ Relationship between Article 29 and Article 30:
 - Article 29 protects **cultural rights of citizens**.
 - Article 30 protects **educational rights of minorities**.

6. Right to Constitutional Remedies (Article 32)

- ✓ Called the “**heart and soul of the Constitution**” by Dr. B.R. Ambedkar. Allows citizens to directly approach the **Supreme Court** for enforcement of Fundamental Rights.

Writs Under Article 32 & 226

Writs Under Article 32 & 226

Constitutional Remedies for Protection of Fundamental Rights



1) Habeas Corpus (to have the body):

➤ Issued against unlawful detention to **secure personal liberty**.



2) Mandamus (we command):

➤ Issued to public authorities to compel **performance of a public duty**.



3) Prohibition (to forbid):

➤ Issued by higher courts to lower courts to prevent them from exceeding jurisdiction.



4) Certiorari (to be certified):

➤ Issued to quash orders of lower courts or tribunals due to **jurisdictional or legal errors**.



5) Quo Warranto (by what authority):

➤ Issued to challenge illegal occupation of a public office.

- ✓ Article 32
 - Supreme Court
 - Only for Fundamental Rights
- ✓ Article 226
 - High Courts

- For Fundamental Rights + other legal rights
- **Article 34:** Restricts Fundamental Rights during Martial Law.
- **Significance of FRs:**
 - ✓ Limits government power
 - ✓ Establishes Rule of Law
 - ✓ Protects individual rights

Suspension of Fundamental Rights

- ✓ During National Emergency, FRs can be suspended.
- ✓ **Articles 20 and 21 cannot be suspended.**
- ✓ Article 19 suspended only during external emergency.
- ✓ President issues order under Article 359.

Amendment & Basic Structure

- ✓ Parliament can amend Fundamental Rights.
- ✓ Cannot destroy their **basic structure**.
- ✓ Kesavananda Bharti case (1973)

Philosophical Basis of Fundamental Rights

- Fundamental Rights are inspired by
 - ✓ American Bill of Rights
 - ✓ British principles of liberty
 - ✓ French ideas of equality
- *Purpose:*
 - ✓ Protect individual liberty
 - ✓ Limit state power
 - ✓ Establish rule of law
- They convert India from a **police state** into a **welfare state governed by law**.

DIRECTIVE PRINCIPLES OF STATE POLICY

- DPSP: (**Part IV-Articles 36-51**)
- **Borrowed from:** Irish Constitution (copied from Spain).
 - ✓ B.R. Ambedkar: "*Novel features of the Constitution*"
 - ✓ Granville Austin: "*DPSPs and FRs are the conscience of the Constitution*"
 - ✓ Non-justiciable (not legally enforceable)
 - ✓ Serve as *guiding principles* for the state
 - ✓ Classified into **Socialistic, Gandhian, and Liberal-Intellectual Principles**.

Article	Directive Principle
36	Definition of the State (same as Article 12)
37	DPSPs are non-justiciable but fundamental in governance
38	State to promote social, economic, and political justice
39	Adequate livelihood, equal pay, prevention of concentration of wealth
39A	Free legal aid and equal justice
40	Organisation of Village Panchayats
41	Right to work, education, and public assistance
42	Humane conditions of work and maternity relief
43	Living wage and decent standard of life for workers
43A	Participation of workers in management
44	Uniform Civil Code
45	Early childhood care and education (below 6 years)

Aspect	Fundamental Rights	Directive Principles of State Policy (DPSP)
Nature	Negative (prohibit state actions)	Positive (require state actions)
Enforceability	Justiciable and legally enforceable	Non-justiciable, not legally enforceable
Focus	Political democracy (individual rights)	Social and economic democracy (community welfare)
Sanctions	Legal sanctions (court-enforceable)	Moral and political sanctions (guidelines for governance)

46	Promotion of interests of SCs, STs, and weaker sections
47	Nutrition, public health, prohibition of intoxicating drinks
48	Organisation of agriculture and animal husbandry
48A	Protection of environment, forests, and wildlife
49	Protection of monuments and places of national importance
50	Separation of judiciary from executive
51	Promotion of international peace and friendly relations

- DPSP aims to establish a **welfare state**, not just political democracy. They guide State policy.
- Though non-justiciable, DPSPs have been implemented through laws:
 - ✓ Minimum Wages Act
 - ✓ MGNREGA – 2005
 - ✓ Right to Education (Article 21A)
 - ✓ Legal Services Authorities Act
- DPSPs become enforceable **through legislation**.

Dpsp & Environmental Protection

- Article 48A → Environment protection
- Article 51A(g) → Fundamental Duty
- Both together strengthen environmental laws.

Dpsp & Panchayati Raj

- Article 40 → Village Panchayats
- Later strengthened by **73rd Amendment (1992)**

SOCIALISTIC DPSPs

It aims Social and economic justice

Articles

- ✓ 38 – Social order for welfare
- ✓ 39 – Equitable distribution of resources
- ✓ 39A – Free legal aid
- ✓ 41 – Right to work, education, assistance
- ✓ 42 – Just conditions of work, maternity relief
- ✓ 43 – Living wage
- ✓ 43A – Workers’ participation in management

GANDHIAN DPSPs

It aims rural development and moral society

Articles

- ✓ 40 – Village Panchayats
- ✓ 43 – Cottage industries
- ✓ 46 – Welfare of SCs, STs, OBCs
- ✓ 47 – Prohibition of intoxicating drinks
- ✓ 48 – Agriculture and animal husbandry

LIBERAL–INTELLECTUAL DPSPs

It aims Modern democratic values

Articles

- ✓ 44 – Uniform Civil Code
- ✓ 45 – Early childhood care and education
- ✓ 48A – Environment protection
- ✓ 49 – Protection of monuments
- ✓ 50 – Separation of judiciary from executive
- ✓ 51 – International peace and cooperation

Welfare	Promotes welfare of the individual (personal and individualistic)	Promotes welfare of the community (societarian and socialistic)
Legislation	Does not require legislation for implementation	Requires legislation for implementation

FUNDAMENTAL DUTIES

- **Part-IVA (Article 51A)**
- Added by: **42nd Amendment Act, 1976** (Swarn Singh Committee recommendation).
- **Inspired by: *USSR Constitution***; only Japan includes Fundamental Duties in a democracy.
- Moral obligations of citizens.
- Not directly enforceable but assist courts in interpreting laws.
- It applies **only to citizens**, not foreigners and Serve as a **moral compass**, not legal commands.
- It helps in **interpreting laws and Fundamental Rights**
- **Verma Committee (1999)**: Identified legal provisions supporting Fundamental Duties (e.g., Prevention of Insults to National Honour Act, 1971).
- Rights without duties lead to disorder.
- Duties without rights lead to authoritarianism
- The Constitution balances both
- Fundamental Duties **support Fundamental Rights** and strengthen democracy.

S.No	Part-IVA	Fundamental Duties
1.		Respect the Constitution, National Flag and National Anthem.
2.		Follow the ideals of the freedom struggle.
3.		Protect India’s sovereignty, unity and integrity.
4.		Defend the nation and render national service when required.
5.		Promote harmony and brotherhood; renounce practices against women’s dignity.
6.		Preserve India’s rich cultural heritage.
7.		Protect the environment and show compassion to living beings.
8.		Develop scientific temper, humanism and spirit of inquiry.
9.		Safeguard public property and to abjure violence.
10.		Strive for excellence in individual and collective life.
11.		rovide education to children aged 6–14 years (86th Amendment Act, 2002)

AMENDMENT OF THE CONSTITUTION

- **Article 368 – Part XX**
- **Indian Constitution**: Neither rigid nor flexible.
- **Procedure**:
 - ✓ Amendment Bill introduced by Minister or Private Member (no President's approval needed).
 - ✓ Requires passage in both Houses by a **Special Majority** (2/3rd of present & voting).
 - ✓ Some amendments require **ratification by states**.
 - ✓ President cannot withhold/return an amendment bill.

Types of Majorities Used in Parliament

Simple Majority	More than 50% of members present and voting.
Absolute Majority	More than 50% of total strength of house.

Special Majority	Generally, 2/3 rd of total strength or 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

Inspired by the German Constitution after the Nazi regime.

- Adopted by the Supreme Court of Bangladesh (1989) in *Anwar Hossain Chowdhary v. Bangladesh*.

Shankari Prasad vs UoI (1951)

- ✓ 1st Amendment challenged (Right to Property).
- ✓ SC: Parliament can amend and curtail Fundamental Rights.

Golaknath vs State of Punjab (1967)

- ✓ 7th Amendment challenged.
- ✓ SC: Fundamental Rights are absolute; Parliament cannot amend them.

Golaknath vs State of Punjab (1967)

- ✓ 7th Amendment challenged.
- ✓ SC: Fundamental Rights are absolute; Parliament cannot amend them.

Kesavananda Bharti vs State of Kerala (1973)

- ✓ Largest bench (13 judges).
- ✓ SC (7:6): Parliament can amend the Constitution but cannot change its Basic Structure.
- ✓ Introduced Basic Structure Doctrine; overruled Golaknath.

Minerva Mills Case vs UoI (1980)

- ✓ SC ruled that Judicial Review is a Basic Structure, and Parliament cannot amend Article 368.

Waman Rao Case vs UoI (1981)

- ✓ Confirmed the Basic Structure Doctrine applies to all constitutional amendments after April 24, 1973.

SYSTEMS OF GOVERNMENT

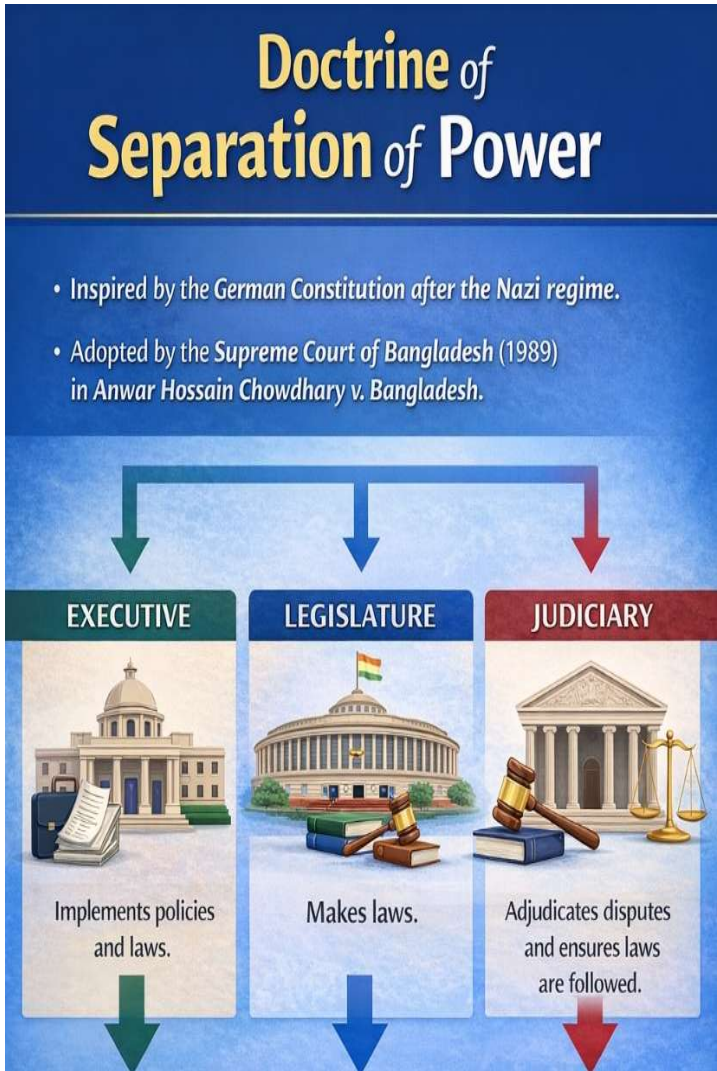
- Provided at both **Centre & States** under:
 - ✓ **Article 74** (Council of Ministers to aid & advise the President).
 - ✓ **Article 75** (Other provisions regarding ministers).
 - ✓ **Articles 163-164** (Similar provisions for State Government).
- **Dr. B.R. Ambedkar** emphasized stability and responsibility in a democracy.
- **Parliamentary System**
 - ✓ Executive is responsible to the Legislature (also called **Cabinet Government** or **Westminster Model**).
 - ✓ Prevalent in Britain, Japan, India, Canada.
 - ✓ **Ivor Jennings** called it the **Cabinet System**.
 - ✓ **Merits**:
 - Harmony between legislature & executive.
 - Responsible government.
 - Prevents despotism. Broad representation.

Presidential System

- Executive is not responsible to the legislature.
- Independent & Fixed Tenure Executive.
- Prevalent in USA, Brazil, Russia, Sri Lanka.
- **President = Head of State + Head of Government.**
- Elected by an **Electoral College** for **4 years**.
- **Impeachment** for unconstitutional acts.
- **Governs through Kitchen Cabinet** (informal advisors).
- President and secretaries **not responsible to Congress**.
- Cannot **dissolve the House of Representatives**.
- Based on **Separation of Powers Doctrine**.

Federal Government

- **Indian Federal System**
 - ✓ The term 'Federal' is not used in the Constitution; instead, Article 1 states "Union of States".
 - ✓ Based on the Canadian model, not the USA.
 - ✓ Canadian influence:
 - Formation by disintegration.
 - Preference for the term 'Union'.
 - Centralizing tendency.
- **Bommai vs UoI (1994): Indian Constitution is Federal.** And Federlism is a Basic Structure of the Constitution. **States are not agents of the Centre**; they are supreme within their domain.



- **Justice Bhagwati (1983):** Introduced **Public Interest Litigation (PIL)**.
- **Keshavananda Bharti vs. State of Kerala (1973)** – Established the **Basic Structure Doctrine**.

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



UNION EXECUTIVE

- The **Prime Minister** is the head of the government.

Union List	State List	Concurrent List
100 subjects	61 Subjects	52 Subjects
originally 97	originally 66	originally 47
Parliament has exclusive power	State Legislature has exclusive power in normal circumstances	Both Parliament and State legislature can make law

President of India

- **Articles 52-78**
- **Head of the Indian State and First Citizen of India.**
- **Election (Article 54):**
 - ✓ **Indirectly elected** by an **Electoral College** comprising:
 - Elected members of **both houses of Parliament**.
 - Elected members of **State Legislative Assemblies**.
- **Qualifications:**
 - ✓ Citizen of India
 - ✓ Minimum age: 35 years
 - ✓ Eligible for Lok Sabha election
 - ✓ Not holding an office of profit

- ✓ Nominated by 50 proposers and 50 seconders
- ✓ Security deposit: ₹15,000 in RBI
- **Tenure & Resignation:**
 - ✓ **Term:** 5 years (can be re-elected).
 - ✓ **Resignation:** Addressed to the **Vice President**.
 - ✓ **Immunity:** Cannot be arrested or prosecuted during tenure.

- **List of President:**

President	Tenure
Dr. Rajendra Prasad	Jan 26, 1950 – May 13, 1962
Dr. Sarvepalli Radhakrishnan	1962 – 1967
Dr. Zakir Hussain	1967 – 1969
Varahagiri Venkata Giri (Acting)	1969 – 1969
Justice Mohammad Hidayatullah (Acting)	1969 – 1969
Varahagiri Venkata Giri	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 Sharma	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 – 2022
Droupadi Murmu	Jul 25, 2022 – Present

- **Impeachment (Article 61):**
 - ✓ **Grounds:** Violation of the Constitution.
 - ✓ **Process:**
 1. **1/4th members** of either house initiate charges.
 2. **14-day notice** to the President.
 3. **2/3rd majority** required in both houses.
- **Veto Powers:**
 - ✓ **Absolute Veto:** Rejects bill completely.
 - ✓ **Suspensive Veto:** Can be overridden by the Parliament.
 - ✓ **Pocket Veto:** No time limit (more powerful than the US President's veto).
- **Ordinance Making Power (Article 123):**
 - President can issue ordinances when **Parliament is not in session**.
 - Ordinances are valid for **6 months + 6 weeks**.
 - Cannot amend the Constitution.
- **Pardoning Powers (Article 72):**
 - 1) **Pardon:** Full forgiveness.
 - 2) **Commutation:** Reduction in punishment type.
 - 3) **Remission:** Shortening of sentence duration.
 - 4) **Respite:** Lesser sentence due to special circumstances.

- 5) **Reprieve:** Temporary stay of sentence.

The Vice President of India

- **Articles 63-71:**
 - ✓ **Second highest office in India.**
 - ✓ **Term:** 5 years (eligible for re-election).
 - ✓ **Acts as President** in case of vacancy.
- **Election (Article 66):**
 - ✓ Indirectly elected by an **Electoral College** (MPs of both houses, elected & nominated).
- **Functions:**
 - ✓ **Ex-officio Chairman of Rajya Sabha (Article 64).**
 - ✓ Does **not** exercise the powers of a Rajya Sabha member.
- **Notable Vice Presidents:**
 - ✓ **Dr. S. Radhakrishnan (1952-62) – First VP**
 - ✓ **Krishna Kant (1997-2002) – First VP to die in office.**

Vice President	Tenure
Dr. Sarvepalli Radhakrishnan	1952 – 1962
Dr. Zakir Hussain	1962 – 1967
Varahagiri Venkata Giri	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
Muppavarapu Venkaiah Naidu	Aug 11, 2017 – 2022
Jagdeep Dhankhar	Aug 11, 2022 – 21 July 2025
C.P Radhakrishnan	Sep 12 2025 - Incumbent

PRIME MINISTER

- PM is **real (de facto)** executive and the head of the govt.
- **Article 75:** PM is appointed by the President (leader of the majority party in Lok Sabha).
- **First use of discretion by President:** In 1979, President Neelam Sanjiva Reddy appointed Charan Singh as PM.
- The President may appoint a PM and ask him to prove the majority in Lok Sabha.
- PM should be an elected member of either house of Parliament.
- In Britain, the PM must be a member of the lower house (House of Commons).

Prime Ministers of India (Tenure Wise)

Prime Minister	Tenure
Jawaharlal Nehru	Aug 15, 1947 - May 27, 1964
Gulzari Lal Nanda (Acting)	May 27, 1964 - Jun 9, 1964
Lal Bahadur Shastri	Jun 9, 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 1, 1989
Vishwanath Pratap Singh	Dec 2, 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 1, 1996
H.D. Deve Gowda	Jun 1, 1996 - Apr 21, 1997
I.K. Gujral	Apr 21, 1997 - Mar 19, 1998
Atal Bihari Vajpayee	Mar 19, 1998 - May 22, 2004
Manmohan Singh	May 22, 2004 - May 26, 2014
Narendra Modi	May 26, 2014 – Present

- Administered oath and secrecy by the President.
- Holds office **during the pleasure of the President**, but cannot be dismissed if he has the majority.
- Allocates and reshuffles portfolios.
- **Crisis Manager-in-Chief** at the political level during emergencies.
- Compared with the **U.S. President** by Dr. B.R. Ambedkar.
- Called the "**Captain of the Ship of the States**" by Munro.

COUNCIL OF MINISTERS (CoM)

- Headed by PM, is the real executive authority.
- **Article 74:** CoM aids and advises the President (binding as per **42nd and 44th Amendments**).
- **91st Amendment (2003):** CoM cannot exceed **15%** of Lok Sabha strength.
- **Article 75:** CoM is collectively responsible to Lok Sabha.
- CoM functions as a team - all ministers must support cabinet decisions.

ATTORNEY GENERAL OF INDIA (AGI)

- **Articles 76-78:** AGI is **appointed by the President** and holds office during his pleasure.
- Must be **qualified** to be a Supreme Court judge.
- **Highest law officer** in India, assists the government in legal matters.
- **16th AGI: R. Venkataramani since Oct. 1st 2022**

PARLIAMENT

- **Legislative organ** of the Union government, based on the **Westminster model**.
- **Article 79:** Parliament consists of **Rajya Sabha, Lok Sabha, and the President**.
- **Article 83:** Defines the duration of Houses of Parliament.
- Minimum age: **25 years for Lok Sabha, 30 years for Rajya Sabha**.
- **10th Schedule:** A member can be disqualified if absent for **more than 60 days** without permission.

Rajya Sabha (RS) - Upper House

- Maximum **250 members** (12 nominated by President).
- Current strength: **245** (229 from states, 4 from UTs, 12 nominated).
- **Duration:** 6 years (not in Constitution, but in Representation of the People Act, 1951).
- **American Senate** has **no nominated members**.

Lok Sabha (LS) - Lower House

- Maximum **552 members** (530 from states, 20 from UTs, 2 Anglo-Indians). But Current strength is 545 members.
- **Delimitation Commission Acts** (1952 & 2002) readjusted seats.



Speaker of Lok Sabha

- **Elected from members of LS.**
- Continues in office till the new LS meets.
- **Removal:** Passed by a majority in LS after **14 days' notice**.
- **Cannot be criticized in LS** except through a **Substantive Motion**.

Deputy Speaker of Lok Sabha

- **Elected** after Speaker's election.
- **Not subordinate** to Speaker, directly responsible to the House.

Leader of Opposition (LoP)

- Leader of the **largest opposition party** with at least **1/10th seats**.
- **Statutory recognition in 1977.**
- **Shadow Cabinet** (UK system) balances ruling cabinet, prepares for future governance.

Money Bill (Article 110)

- Speaker's decision **final** on whether a bill is a **Money Bill**.
- **Introduced only in LS**, on the **President's recommendation**.
- **Rajya Sabha** cannot reject or amend it, only **give recommendations** (must return within 14 days).
- **Article 111:** President **cannot return** a Money Bill for reconsideration.

Joint Sitting (Article 108)

- Resolves **deadlocks** over **ordinary and financial bills**.
- **No joint sitting for Money Bills & Constitutional Amendment Bills.**

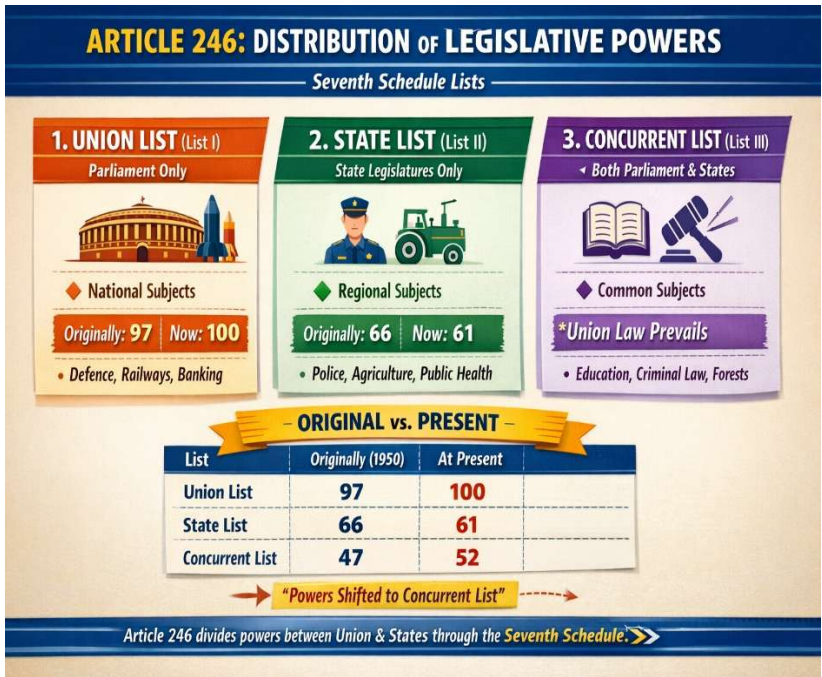
- **Presided over by Lok Sabha Speaker** (not RS Chairman).
- **Used only thrice** since 1950.

COMPTROLLER AND AUDITOR GENERAL OF INDIA

- **Articles 148-151:** CAG is an **independent authority, guardian of public funds**.
- **Appointed by President**, holds office for **6 years or till age 65**.
- Removal process **same as SC judge**.
- CAG submits **three audit reports** to the President:
 1. **Appropriation Accounts**
 2. **Finance Accounts**
 3. **Public Undertakings**.

CENTRE-STATE RELATIONS

- **Power distribution:** Legislative, Executive, and Financial.
- **Article 246:** Distributes legislative powers under **7th Schedule** (Union, State, and Concurrent lists).
- **42nd Amendment (1976)** shifted **five subjects** from State List to Concurrent List: Education, Forests etc.
- **Article 248:** Residuary powers **vested in Parliament** (unlike USA, where states hold them).



Legislative Control

Role of Legislature in Administration

- Supreme organ of government, represents the people.
- Reflects the will and interests of the people.
- Holds administration accountable and responsible.

Parliamentary Control Techniques/Methods

a) Question Hour

- First hour of every parliamentary day.
- Around 30 questions are orally asked and answered.
- Ministers can be cross-examined through supplementary questions.

b) Zero Hour Discussion

- Introduced in **1962**, occurs after Question Hour (12:00 PM).
- Not formally prescribed but serves as an effective tool for executive control.

c) Adjournment Debates

- Allows immediate discussion on urgent public matters.
- Suspends normal business; may lead to voting after debate.

d) No-confidence Motion (Censure Motion)

- Mentioned in the Constitution.
- Brings entire government policy under scrutiny.
- An adverse vote leads to the resignation of the government.

e) Debates on Legislation

- Members critique government bills.
- Government may withdraw or modify bills based on criticism.

f) Parliamentary Committees

- Includes Public Accounts Committee, Estimates Committee, and Committee on Public Undertakings.
- Ensure accountability of administration.

g) Audit by Comptroller and Auditor-General (CAG)

- Audits government accounts to ensure financial accountability.
- Reports to Parliament; described as the "guide, philosopher, and friend" of the Public Accounts Committee.

h) Lame Duck Session

- Conducted after elections but before new members take office.
- Outgoing members participate despite losing elections.

i) Quorum

- Minimum members required for valid proceedings: **1/10th** of total members including the Presiding Officer.

j) Whip

- Written order issued by political parties for voting discipline.
- Originates from British parliamentary practices.

k) Constitutional Status of Whip

- Not mentioned in the Constitution or parliamentary statutes but based on conventions.

l) Non-applicability of Whip

- Not applicable in **Presidential Elections** and certain other cases.

Parliamentary Legislation in the State Field

- Parliament can make laws on State List under five special circumstances:

a) When Rajya Sabha Passes a Resolution (Article 249)

- Requires **2/3rd majority** and remains in force for one year.
- Can be extended for **6 months** after the resolution expires.

b) During National Emergency (Article 250)

- Parliament gains power to legislate on State List matters.
- Lasts **6 months** after the emergency ceases.

c) When States Make a Request (Article 252)

- Parliament can make laws for **two or more states** with their consent.

d) To Implement International Agreements (Article 253)

- Parliament can legislate on State List matters for treaty implementation.

e) During President's Rule (Article 356)

- Parliament makes laws in State List for states under President's Rule.
- Laws remain operative even after President's Rule ends.

Centre's Control Over State Legislature

- **Governor's Role:** Can reserve state bills for the President's consideration.
- **Administrative Relations (Articles 256–263):**
 - ✓ Centre can issue directives to states.
 - ✓ President can impose President's Rule if a state fails to comply (Article 365).
 - ✓ Directions include communication, railway protection, linguistic minority welfare, and ST welfare.
- **Financial Relations (Articles 268–293):**
 - ✓ Allocation of taxes and distribution of revenues.
 - ✓ Finance Commission (Article 280) recommends tax-sharing formulas.

- ✓ Statutory Grants (Article 275) and Discretionary Grants (Article 282).

Goods and Services Tax (GST)

- Introduced by **101st Amendment Act, 2016** (Implemented from **July 1, 2017**).
- Replaced indirect taxes levied by Centre and States.
- **Article 246-A** provides Parliament and State Legislatures concurrent taxing powers.
- **Article 268-A** and **Entry 92-C** in the Union List were deleted.
- **Removes cascading effect of taxes** and aims for a unified market.

Borrowing by Centre and States

- **Article 292:** Centre borrows within and outside India upon the security of the Consolidated Fund of India (CFI).
- **Article 293:** States can borrow only within India upon the security of the Consolidated Fund of State (CFS).
- **States need Centre's permission to raise loans.**

Central-State Relations: Important Commissions & Reports

a) Administrative Reforms Commission (1966)

- Chaired by Morarji Desai and later K. Hanumanthayya.
- Recommended **Inter-State Council (Article 263)** and increased financial resources for states.

b) Sarkaria Commission (1983-87)

- Chaired by R.S. Sarkaria.
- Recommended **Inter-State Council (established in 1990)**.
- Gave **247 recommendations**, 180 implemented.

c) Punchhi Commission (2007-10)

- Chaired by Madan Mohan Punchhi.
- Advocated "**Cooperative Federalism**".

Inter-State Relations

a) Inter-State Water Disputes (Article 262)

- Parliament can adjudicate disputes between states over water resources.

b) Inter-State Council (Article 263)

- Established in **1990** by **V.P. Singh Government**.
- Members: PM (Chairman) + CMs + Governors (in President's rule) + 6 Cabinet Ministers.
- Advisory body, recommendations not binding.

c) Zonal Councils

- **Statutory bodies** under the **States Reorganization Act, 1956**.
- Five zones: **Northern, Central, Eastern, Western, Southern**.
- **North-Eastern Council** created separately under the **1971-72 Act**.
- Chaired by **Union Home Minister**.

Trade, Commerce, and Intercourse (Articles 301-307)

- **Article 301:** Freedom of trade, commerce, and intercourse.
- **Article 302:** Parliament can impose trade restrictions in public interest.
- **Article 307:** Appointment of an authority for interstate trade regulation.

SUPREME COURT (ARTICLES 124-147)

- Established **January 28, 1950**, replacing the **Federal Court of India (1935 Act)**.
- **Integrated Judiciary:** SC → High Courts → Subordinate Courts.

- Current (53rd) Chief Justice of India: **Justice Surya Kant** (Nov. 24 2025 – Incumbent)

a) Structure & Judges

- **Initially 8 judges**, currently **31 judges** (CJI + 30 other judges).
- **Appointments (Article 126):** President appoints judges in consultation with SC/HC judges.
- **Collegium System:** CJI consults **4 senior-most judges** for recommendations.

b) Qualifications

- Indian citizen, **5 years HC judge** or **10 years HC advocate**, or **distinguished jurist**.
- No minimum age for SC judges.
- **Retirement age:** 65 years.

c) Removal (Impeachment Process - Article 124(4))

- Special majority vote required in **both Houses** of Parliament.
- **Judge Enquiry Act (1968)** outlines procedure.
- Motion signed by **100 MPs (LS)** or **50 MPs (RS)** → 3-member committee investigates.

d) Jurisdiction & Powers

- Original Jurisdiction (Article 131).
- Writ Jurisdiction (Article 32, 139).
- Appellate Jurisdiction (Articles 132-134).
- Advisory Jurisdiction (Article 143).
- Judicial Review (Article 137).

Famous Supreme Court Cases & Judges

- **Basic Structure Doctrine (1973)** – Justice H.R. Khanna.
- **Indira Gandhi vs Raj Narain (1975)** – Justice Jagmohanlal Sinha.

HIGH COURT (Articles 214-232 - Part VI)

- Established under the **Indian High Courts Act, 1861** in **Calcutta, Bombay, and Madras (1862)**; **Allahabad HC (1866)** was the 4th.
- 7th Amendment Act (1956): **Allowed** Parliament to **create a common HC** for two or more states/UTs **under** Article 231.
- **Total: 25 High Courts**, with the latest one in **Telangana**.

Appointment & Qualifications

- **Appointed by the President** after consulting **CJI & Governor**.
- **Qualification:**
 - ✓ Citizen of India.
 - ✓ **10 years as an advocate in HC** or held **judicial office**.
- **Tenure:**
 - ✓ No fixed tenure, **retirement age – 62 years**.
 - ✓ Can **resign** by writing to the President.
 - ✓ **Removal:** On grounds of **proven misbehavior or incapacity** (same as SC judges).
- **Jurisdiction of HC**
 - ✓ **Original Jurisdiction:** Directly hears disputes.
 - ✓ **Appellate Jurisdiction:** Hears appeals from lower courts in **civil & criminal cases**.
 - ✓ **Writ Jurisdiction (Article 226):** Concurrent with SC; can issue **5 types of writs**.
 - ✓ **Supervisory Jurisdiction (Article 227):** Supervises all courts and tribunals except military courts.
 - ✓ **Judicial Review (Articles 13 & 226).**
- **HC is a Court of Record.**

Notable High Courts

- **Jammu & Kashmir HC (1928):** Seated in Srinagar & Jammu.
- **Tripura, Manipur & Meghalaya HCs:** Established in 2012 under North-Eastern Areas Reorganization Act.
- **Orissa HC name remains unchanged, even after Odisha's name change.**

Subordinate Courts

- **Controlled by the HC** (Part VI, Articles 233-237).
- **District Judges** appointed by **Governor** in consultation with HC.
 - ✓ Must be an **advocate for 7 years** & recommended by HC.
- **District Court Jurisdiction:**
 - ✓ **Civil cases** → **District Judge.**
 - ✓ **Criminal cases** → **Session Judge.**

TRIBUNALS

- **Quasi-judicial bodies** to reduce court workload & expedite decisions.
- **42nd Amendment Act (1976)** added Tribunals to the Constitution.
- **Article 323-A:** Administrative Tribunals for **public service matters.**
- **Article 323-B:** Tribunals for **taxation, labor, foreign exchange, etc..**

Types of Tribunals

- **Administrative Tribunals** (under **Administrative Tribunals Act, 1985**).
 - ✓ **Central Administrative Tribunal (CAT)** (since **1 Nov 1985**).
 - ✓ **State Administrative Tribunal (SAT).**
 - ✓ **Joint Administrative Tribunal (JAT)** (for multiple states).
- **Appeals against Tribunal decisions** go to **High Court Division Bench.**

Other Tribunals

1. **Income Tax Appellate Tribunal (ITAT)** – Under **Income Tax Act, 1961.**
2. **National Green Tribunal (NGT)** – Formed in **2010** under **NGT Act, 2010.**
 - ✓ Deals with **environmental protection** cases.
 - ✓ Principal Bench: **New Delhi.**
 - ✓ Other locations: Chennai, Pune, Kolkata, Bhopal.
3. **Water Disputes Tribunal** – Resolves inter-state river disputes under **ISRWD Act, 1956.**
4. **Armed Forces Tribunal (AFT)** – Established under **Armed Forces Tribunal Act, 2007.**

COOPERATIVE SOCIETIES

- India has **8 lakh cooperative societies**, governed by **Cooperative Societies Act, 1904.**
- **Montague-Chelmsford Reforms (1919):** Made cooperatives a **provincial subject.**
- **Multi-State Cooperative Societies Act, 1942** established multi-unit cooperatives.
- **National Cooperative Policy (2002)** announced by **GoI.**

Constitutional Provisions

- **Article 43 (DPSP):** State must promote **cooperative-based industries.**

- **7th Schedule, Entry 32:** Cooperatives are a **state subject.**
- **Article 14 & 19(1)(c):** Right to form associations/unions.

97th Constitutional Amendment Act, 2011

- Gave **constitutional status** to cooperative societies.
- **Three Major Changes:**
 1. **Article 19(1)(c):** Right to form cooperative societies made Fundamental Right.
 2. **Article 43-B:** Added a DPSP for promotion of cooperatives.
 3. **New Part IX-B (Articles 243-ZH to 243-ZT):** Governs the functioning of cooperatives.

EMERGENCY PROVISIONS

- **(Part XVIII: Articles 350–360)**
- Converts federal structure into a unitary one without formal amendment.
- Three types of emergencies:
 1. **National Emergency** (Article 352)
 2. **President's Rule (State Emergency)** (Article 356)
 3. **Financial Emergency** (Article 360)

1. National Emergency (Article 352)

- Declared by the President on grounds of:
 - ✓ **War, External Aggression, or Armed Rebellion** (replaced *Internal Disturbance* by 44th Amendment Act, 1978).
 - ✓ **"Imminent Danger"** added by 38th Amendment Act, 1975, allows preemptive declaration.
- **42nd Amendment Act, 1976** allows President to apply National Emergency (NE) to specific parts of India.
- President proclaims NE **only on a written recommendation from the cabinet**, not just PM's advice (after 1975 misuse).

Approval & Duration

- Must be **approved by both Houses of Parliament within one month** (earlier two months).
- Once approved, it lasts **6 months** and can be extended indefinitely with **parliamentary approval every 6 months** (44th AA, 1978).

Effects of National Emergency

- State governments come under **complete control of the Centre** but are not suspended.
- **Parliament can make laws on state subjects.**
- President can issue **ordinances on state subjects** if Parliament is not in session.
- ✓ National Emergency **suspends Article 19 automatically**
- ✓ **44th AA, 1978:** Suspension only during "External Emergency" (War, External Aggression, not Armed Rebellion).
- ✓ **Article 359:** President can **suspend the right to move courts for enforcement of FRs**, except **Articles 20 & 21 (Right to Life & Personal Liberty).**

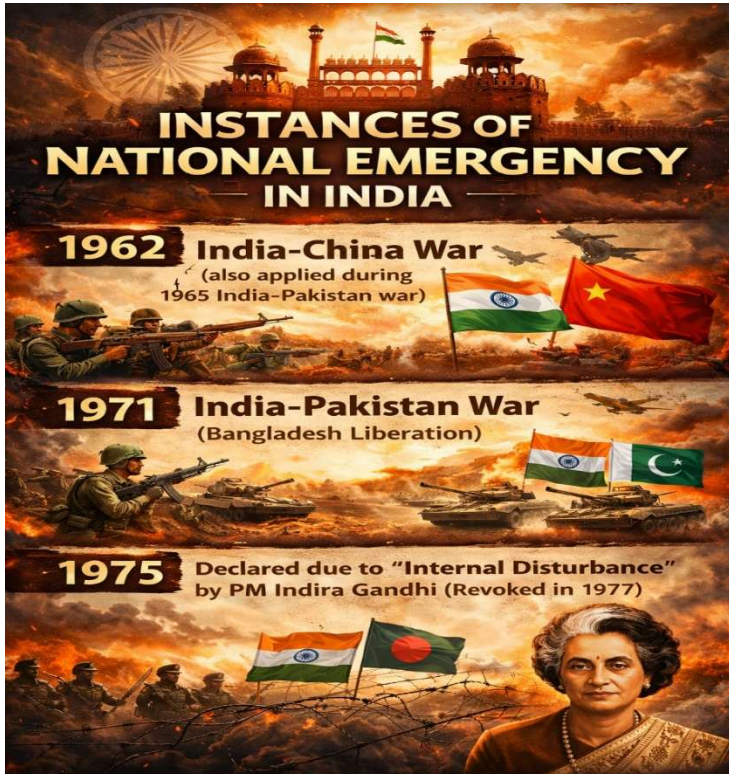
2. President's Rule (State Emergency) - Article 356

- Centre takes over state government if **constitutional machinery fails**. Also known as State Emergency or Constitutional Emergency.

- **President's Proclamation:** Issued on Governor's report or otherwise (even without Governor's report). Can be imposed if a state fails to follow Centre's directions (Article 356).
- Must be **approved by both Houses of Parliament within 2 months** (44th AA, 1978).
- Initially valid for **6 months**, extendable up to **3 years** (5 years in Punjab by 68th AA, 1991).
- **S.R. Bommai Case (1994):**
 - ✓ SC ruled President's Rule is subject to judicial review.
 - ✓ Secularism is part of the Basic Structure of the Constitution.
- First imposed in **Punjab (1951)**.
- **Dr. B.R. Ambedkar:** Thought Article 356 would be a "dead letter" (not frequently used).
- **HV Kamath:** Criticized misuse - "Ambedkar is dead, but Article 356 is very much alive."

3. Financial Emergency (Article 360)

- Declared by President if financial stability or credit of India (or part of it) is threatened.
- Must be **approved by Parliament within 2 months** (if LS is dissolved, RS must approve).
- Once approved, it continues indefinitely until revoked (no repeated approval needed).
- **Parliamentary approval requires only a simple majority.**
- President can:
 - ✓ **Reduce salaries/allowances** of government officials (including SC/HC judges).
 - ✓ **Issue financial directives** to states.
- **No Financial Emergency declared so far** (despite the 1991 economic crisis).



THE STATES & EXECUTIVE

- State Executive Comprises Governor, Chief Minister, State Council of Ministers, and Advocate General.

GOVERNOR: Part VI (Articles 153-167)

- **Chief Executive Head** of the state (nominal/titular).
- Acts in **dual capacity**: Constitutional head and representative of the Union Government.
- **42nd CAA (1976)** made ministerial advice **binding on the President** but **not on Governors**.
- **Discretionary powers (Article 163):** Can act without ministerial advice in certain situations.
- **Ordinance-making power (Article 213):** Governor needs President's approval in certain cases.

- **Money Bills (Article 201):** Governor cannot return money bills for reconsideration. Money bills require Governor's recommendation.
- **Article 161:** Can grant pardons, reprieves, respites, and remissions. Cannot pardon a death sentence.

Qualifications

- Citizen of India.
- At least **35 years old**.
- Not a member of Parliament or State Legislature.
- Not hold any **office of profit**.
- Should be an **outsider** and politically neutral.
- **Article 158:** Cannot be arrested or imprisoned; civil proceedings need **2 months' notice**.

Appointment & Removal:

- **Appointed** by the **President** (in consultation with Chief Minister).
- **7th Amendment Act (1956)** allows **one Governor for two or more states**.
- **Oath (Article 159):** Administered by the Chief Justice of the State High Court.
- **Term:** Normally **5 years**, but serves **at the pleasure of the President (Article 156)**.
- Can be **removed by the President** on the advice of the Council of Ministers.

Nominates:

- ✓ **One-sixth** of State Legislative Council (SLC) members.
- ✓ **One MLA from the Anglo-Indian Community** (if applicable).
- **Bill-related powers:**
 - ✓ **Give assent** to a bill.
 - ✓ **Withhold assent**.
 - ✓ **Return for reconsideration** (except money bills).
 - ✓ **Reserve for President's consideration** (mandatory for High Court-affecting bills).

CHIEF MINISTER (CM)

- **De-facto executive head**, analogous to Prime Minister at the Centre.
- Holds office **at the pleasure of the Governor** (must have majority support).
- **Chairman of State Planning Board & Vice-Chairman of Zonal Council.**

Appointment & Tenure:

- **Article 164:** Appointed by Governor.
- If **no clear majority**, Governor **uses discretion** to appoint a leader to prove majority.
- If **CM dies without a successor**, Governor may **use discretion** to appoint one.
- Must become a **member of the legislature within 6 months** or lose the post.

Powers & Functions:

- **Recommends Ministers' appointments to the Governor.**
- **Allocates and reshuffles portfolios.**
- Can **ask a Minister to resign** or recommend dismissal to Governor.
- Supervises Ministerial activities.
- **Resignation or death of CM dissolves the Council of Ministers.**

State Council of Ministers (CoM):

- **Real executive authority in the state.**
- **No legal responsibility** (unlike the Union government).

Aid & Advice to Governor:

- **Governor not bound to follow their advice** (unlike President).
- **42nd Amendment did not make Governor bound by their advice.**
- **CoM continues in office even after Assembly dissolution** until successors take charge.

Strength & Structure:

- **Maximum size: 15% of Legislative Assembly strength.**
- **Minimum size: 12 Ministers (91st CAA, 2003).**
- **Defection disqualification** applies to Ministers.
- **Non-legislator Ministers** must become MLAs within **6 months** or lose the position.

Collective Responsibility (Article 164):

- Entire CoM is collectively responsible **to the State Legislative Assembly.**
- **No-confidence motion leads to resignation of the entire CoM.**
- No-confidence motion **cannot be against a single Minister**, only against the **entire CoM.**

STATE LEGISLATURE

- Articles **168 – 212** of Part VI of the Constitution deal with the State Legislature.
- Members of the **State Legislative Council (SLC)** do not participate in the Presidential election.
- SLC members have no significant role in constitutional amendments or bill rectifications.

Types of State Legislatures

- **Bicameral & Unicameral States:**
 - ✓ All states have a **Governor** and a **State Legislature (SL).**
 - ✓ Most states have a **Unicameral Legislature** (State Legislative Assembly – SLA).
 - ✓ Some states have a **Bicameral Legislature** (SLA + SLC).

Qualifications for Membership

- **SLC:** Minimum age **30 years.**
- **SLA:** Minimum age **25 years.**
- Additional qualifications as per the **Representation of People Act, 1951:**
 - ✓ Must be an elector in the concerned state.
 - ✓ SC/ST candidates must belong to reserved constituencies.

When SLC is Equal to SLA

- Introduction and passage of ordinary bills.
- Approval of ordinances issued by the Governor.
- Selection of Ministers, including the Chief Minister.
- Consideration of reports of constitutional bodies.
- Enlargement of the jurisdiction of the State Public Service Commission (SPSC).

Legislative Procedure

- The Legislature must meet at least **twice a year** with a **six-month gap** between sessions.
- The **Governor's opening address** outlines state policies.
- **Money Bills:**
 - ✓ Introduced only in SLA.
 - ✓ Governor cannot withhold assent after reconsideration.
 - ✓ **SLC can only delay a Money Bill by 14 days.**
- **No Joint Sitting:**
 - ✓ Unlike Parliament, no provision for a joint sitting of SLA and SLC.
 - ✓ SLA can override SLC, but SLC cannot override SLA.

State Legislative Assembly (Vidhan Sabha)

- **Composition:**
 - ✓ Maximum **500** seats, Minimum **60** (Exception: Arunachal Pradesh, Sikkim, Goa – 30; Mizoram – 40; Nagaland – 46).
- **Delimitation:** Based on **2001 Census (87th Amendment, 2003).**
- **Reservation:** SC/ST seats based on population (extended till **2020** under **95th Amendment, 2009).**
- **Nomination:**
 - ✓ Previously, the Governor could nominate **one Anglo-Indian** (ended by **104th Amendment, 2019).**
- **Tenure:**
 - ✓ **5 years**, but can be **dissolved earlier** by the Governor.
 - ✓ Can be **extended during a National Emergency** (must hold elections within 6 months after emergency ends).

Speaker & Deputy Speaker (SLA)

- **Speaker:**
 - ✓ Elected by SLA members.
 - ✓ Final authority on procedure, conduct of business, and maintaining order.
 - ✓ Votes only in case of a tie (casting vote).
 - ✓ Heads several Assembly Committees.
- **Deputy Speaker:**
 - ✓ Assumes Speaker's role in absence.
 - ✓ Can be removed by a resolution passed by **majority of SLA members** after **14 days' notice.**
 - ✓ Speaker remains in office **until a new Speaker is elected after the next election.**

State Legislative Council (Vidhan Parishad)

- **Creation & Abolition:**
 - ✓ Parliament can **create or abolish** an SLC by a **simple majority**, if SLA **passes a resolution** by a **special majority** (Article 169).
- **Strength:**
 - ✓ Maximum: **1/3rd of SLA** seats.
 - ✓ Minimum: **40** (Exception: J&K had **36** under its own Constitution).
- **Election Process:**
 - ✓ **5/6th members elected** indirectly by **MLAs, Graduates, Teachers, Local Bodies, Legislative Assembly.**
 - ✓ **1/6th nominated** by Governor (experts in literature, science, art, etc.).
 - ✓ **Elected via Proportional Representation (Single Transferable Vote).**
- **Permanent Body:**
 - ✓ **Like Rajya Sabha**, it **never dissolves.**
 - ✓ **1/3rd of members retire every 2 years.**
- **Bicameral States (6 states currently):**
 - ✓ **Andhra Pradesh, Uttar Pradesh, Telangana, Bihar, Maharashtra, Karnataka.**
 - ✓ **Jammu & Kashmir Legislative Council abolished in 2019** (J&K Reorganisation Bill, 2019).

Chairman & Deputy Chairman (SLC)

- **Chairman & Deputy Chairman:**
 - ✓ Elected from SLC members.
 - ✓ Can be **removed by a resolution** (majority of all SLC members, with 14 days' notice).

- **Presiding Role:**
 - ✓ Chairman presides over SLC.
 - ✓ Deputy Chairman acts in his absence.
 - ✓ Salaries from **State Consolidated Fund** (not subject to legislative vote).

PANCHAYATI RAJ INSTITUTION (PRI)

- **Panchayati Raj Institution (PRI)** is a system of *rural local self-government* in India.
- It was constitutionalized through the **73rd Constitutional Amendment Act, 1992** to build democracy at the grassroots level.
- PRIs are elected by local people and are responsible for rural development.
- In its present form, PRI has completed **26 years** of existence.



British Period

- **Village panchayats lost autonomy** and became weak.
- **Mayo's Resolution (1870):** Introduced local governance with elected representatives in urban areas.
- **Reasons for Local Governance Development:**
 - ✓ 1857 Revolt led to financial strain on the British government.
 - ✓ Need for local taxation to finance local services.
- **Lord Rippon's Resolution (1882):**
 - ✓ Introduced **democratic framework** for local governance.
 - ✓ Known as *Magna Carta of local democracy in India*.
- **Royal Commission on Decentralization (1907):** Recognized the importance of village panchayats.
- **Montagu-Chelmsford Reforms (1919):**
 - Transferred local government to provinces.
 - By 1925, eight provinces and six native states passed Panchayat Acts.

Post-Independence Period

- **Article 40 (DPSP):** Encourages the formation of village panchayats.

- **Article 246:** Empowers state legislatures to create laws on local self-government.

73rd & 74th Constitutional Amendments (1992-93)

- **Introduced by:** P.V. Narasimha Rao Government
- **Passed by Parliament:** December 1992
- **Came into force:**
 - ✓ **73rd Amendment:** April 24, 1993 (Panchayati Raj)
 - ✓ **74th Amendment:** June 1, 1993 (Municipalities)

Salient Features

- Added **Part IX (The Panchayats)** and **Part IXA (The Municipalities)** to the Constitution.
- **Three-tier system** of PRIs (village, block, district).
- **Direct elections** for all seats (Article 243C).
- **Reservation:**
 - ✓ SCs/STs in proportion to their population.
 - ✓ **One-third seats reserved for women** (Article 243D).
- **Five-year term** for PRIs; elections before term expiry (Article 243E).
- **State Election Commission** to oversee elections (Article 243K).
- **Eleventh Schedule:** Lists 29 functions of Panchayati Raj institutions.
- **Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA Act):** Extended PRI to tribal areas.
- **India has over 3 million elected local representatives.**
- **Women Representation:** India has **1.4 million women** in PRIs.
- **15th Finance Commission** aims to increase funds for local governance.

MUNICIPALITIES

- Added by **74th Amendment Act, 1992** under **Part IX-A (Articles 243P to 243ZG)**.
- Included in the **12th Schedule** of the Constitution (18 items).
- Municipalities are local self-government bodies for urban areas.

Evolution of Municipalities in India

- **1687:** First Municipal Corporation in **Madras**, followed by **Bombay and Calcutta (1726)**.
- **1870: Lord Mayo's Resolution** emphasized financial decentralization.
- **1882: Lord Ripon's Resolution** – called the "**Magna Carta of local self-government**".
- **1907: Royal Commission on Decentralization** (Report submitted in 1909).
- **1919:** Under **Dyarchy**, local self-government became a transferred subject.
- **1935: Government of India Act** made local self-government a provincial subject.
- **1991: 74th Amendment Bill** introduced by **P.V. Narasimha Rao** and enacted in **1993**.

Types of Municipalities under 74th Amendment Act

1. **Nagar Panchayat** – For areas transitioning from rural to urban.
2. **Municipal Council** – For smaller urban areas.
3. **Municipal Corporation** – For larger urban areas.

Reservation of Seats

- **SCs/STs** – Reserved seats proportional to their population.

- **Women** – 1/3rd of seats (proposal to increase to ½ under 112th Amendment Bill pending).
- **Backward Classes** – State legislatures may provide reservation.
- **Chairpersons** – May be reserved for backward classes by state laws.

Tenure and Elections

- **Term: 5 years.**
- **Elections:** Must be held before tenure ends. If dissolved early, fresh elections must be conducted within **6 months**.

Qualifications (Article 243V)

- Must meet qualifications for **State Legislature membership**.
- **Minimum age: 21 years.**
- Disqualification questions decided by an authority determined by state legislature.

State Election Commission (Article 243K)

- Conducts elections for **Municipalities and Panchayats**.
- Appointed by **Governor** and removed like a **High Court Judge**.
- Subjects in the 12th Schedule (18 Items)

TYPES OF URBAN GOVERNMENTS

UNDER 74TH AMENDMENT ACT



MUNICIPAL CORPORATION (MCS)

- For large cities & Deputy Mayor:
- Mayor (headed Committees)
- Municipal Commissioner (appointed IAS)





MUNICIPALITY

- For smaller cities & towns, governed by:
- Charities/Councils, partly Executive Officer/Municipal Commissioner



NOTIFIED AREA COMMITTEE

- For smaller towns/President (head) & partially or wholly nominated/elected.
- Entirely nominated body
- Chairman appointed by state government



TOWN AREA COMMITTEE

- Governed under Cantonment Act, 2006
- 62 boards in India
- Partly elected & nominated & nominated members



CANTONMENT BOARD

- For housing colonies like Mumbai, Kolkata, Chennai.
- Managed by bureaucratic structure





SPECIAL PURPOSE AGENCY

- Not subordinate for specific functions (water, transport).
- Established its statutory bodies



NITI AAYOG

- National Institution for Transforming India was established on January 1, 2015, replacing the Planning Commission.
- **Approach:** Emphasizes a ‘Bottom-Up’ strategy for governance, aligning with **Cooperative Federalism**.
- **Planning Documents:**
 - ✓ 3-year action agenda
 - ✓ 7-year medium-term strategy paper
 - ✓ 15-year vision document
- **Legal Status:** Extra-constitutional body (not statutory or constitutional).
- **Role:** Acts as a **think tank** for policy planning and implementation.

Composition:

1. **Chairperson:** Prime Minister.
2. **Vice-Chairperson:** Appointed by PM.
3. **Governing Council:** Chief Ministers & Lt. Governors.
4. **Regional Council:** Addresses regional issues (chaired by PM or nominee).

5. **Adhoc Members:** 2 experts from research institutions (rotational basis).
6. **Ex-Officio Members:** Max 4 Union Ministers (nominated by PM).
7. **CEO:** Appointed by PM, in the rank of Secretary to Govt. of India.
8. **Special Invitees:** Domain experts nominated by PM.
9. **Secretariat:** As deemed necessary.

Objectives:

- Foster **cooperative federalism**.
- Develop village-level planning mechanisms.
- Provide policy advice and partnerships with think tanks.
- Encourage **inclusive governance** and participation.

Lokpal and Lokayukta

- **Act:** Lokpal and Lokayukta Act, 2013.
- **Purpose:** Anti-corruption ombudsman at **national (Lokpal)** and **state levels (Lokayukta)**.
- **Status:** **Statutory bodies**, not constitutional.
- **Function:** Investigates corruption cases against public officials.

Background:

- **Global Roots:**
 - ✓ Sweden (1809) – First Ombudsman.
 - ✓ Adopted by **New Zealand (1962)**, **Norway (1962)**, **UK (1967)**.

Lokpal and Lokayukta



Lokpal and Lokayukta: India's Initiation



1960s

Proposed by **Ashok Kumar Sen** under the influence of the **Ashok Kumar Sen** in the 1960s.



1960s

Dr. **L. M. Singhvi** coined the terms "**Lokpal**" & "**Lokayukta**".

1966

First **ARC** recommended independent anti-corruption institutions.





2002

M.N. Venkatachaliah Commission supported Lokpal but excluded PM.



2005

Veerappa Moily's Second ARC urged immediate establishment.

2005

Veerappa Moily's Second ARC urged immediate establishment.



2011

Anna Hazare's India Against Corruption Movement led to its enactment in 2013.






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Lokpal (Structure & Selection):

- **Chairperson:** Former CJI/Supreme Court Judge or expert with 25+ years in anti-corruption.
- **Members:** Maximum **8**, with:
 - ✓ **50% Judicial Members.**
 - ✓ **50% from SC/ST/OBC/Minorities/Women.**
- **Term:** 5 years or till **age 70**.
- Mandates public officials to declare **assets & liabilities**.

Scheduled and Tribal Areas & Special Provisions

- *Scheduled and Tribal Areas (Part X – Articles 244 to 244A)*
- **Scheduled Areas:** Inhabited by socially and educationally backward aboriginals, defined by the President under Article 244(1) in the Fifth Schedule.
- **States with Scheduled Areas:** Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana.

Fifth Schedule

- Governs administration and control of Scheduled Areas in all states **except** Assam, Meghalaya, Tripura, and Mizoram.

Sixth Schedule

- Deals with administration of **Tribal Areas** in Assam, Meghalaya, Tripura, and Mizoram.

Tribal Advisory Council

- Mandatory for states with Scheduled Areas.
- 20 members (¾ must be ST representatives from the Legislative Assembly).
- First commission (1960) was headed by **U.N. Dhebar**.

Criteria for Declaring Scheduled Areas

- Significant tribal population.
- Compact, reasonable size.
- Viable administrative unit (district/block/taluk).
- Economic backwardness compared to neighboring areas.

Tribal Areas (Sixth Schedule)

- Defined as **Autonomous Districts** but remain under state authority.
- **Governor’s Powers:**
 - ✓ Organize/reorganize autonomous districts.
 - ✓ Alter names/boundaries of tribal areas.
- **Autonomous Districts & Regions:**
 - ✓ Governed by **District Councils** (30 members: 4 nominated by Governor, 26 elected for 5 years).
 - ✓ Central & State laws apply **only if accepted**.

Special Provisions for Certain Classes (Articles 330-342)

Scheduled Castes (SCs) & Scheduled Tribes (STs)

- **Article 330:** Reservation of seats for SCs/STs in Lok Sabha.

- **Article 332:** Reservation in State Legislative Assemblies.
- **58th Amendment Act (1987):** ST reservations in Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland.
- **79th Amendment Act (1999):** SC/STs elected by all voters (no separate electorate).
- **Article 335:** SC/ST reservations in government jobs **must not** compromise efficiency.

National Commission for SCs/STs (Article 338)

- **Established by the 65th Amendment Act (1990).**
- Replaced **Special Officer** with a Commission.
- **Structure:** Chairman, Vice Chairman, 5 members (appointed by President).
- ✓ **Functions:**
 - ✓ Monitor safeguards for SCs/STs.
 - ✓ Investigate rights violations.
 - ✓ Submit reports to the President.

Backward Classes (Article 340)

- President can appoint a **Backward Classes Commission** to investigate social and educational conditions.

Official Languages (Articles 343-351)

Language of the Union

- **Article 343:** **Hindi** in Devanagari script is the official language.

Regional Languages

- **Article 345:** States can adopt their own official language(s).

Language of Judiciary & Legislation

- **Article 348:** English is used in **Supreme Court, High Courts**, and for drafting Acts/Bills.

Special Directives

- **Article 351:** Directive to develop Hindi and enrich it by assimilating words from other languages.

Linguistic Minorities

- **Article 350-A:** States must provide **primary education** in children's mother tongue.
- **Article 350-B:** President appoints a **Special Officer** for linguistic minorities to safeguard their interests.

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

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