

Short Notes of Indian Polity for IAS Prelims 2020

These notes will help the aspirants in a quick revision of Indian Polity for IAS Prelims exam 2020.

Most Important articles of Indian Constitution

1. Article No. 1:- Name and territory of the Union
2. Article No. 3:- Formation of new states and alteration of areas, boundaries or names of existing states
3. Article No. 13:- Laws inconsistent with or in derogation of the Fundamental Rights
4. Article No. 14:- Equality before the law
5. Article No. 16:- Equality of opportunity in matters of public employment
6. Article No. 17:- Abolition of untouchability
7. Article No. 19:- Protection of certain rights regarding freedom of speech, etc.
8. Article No. 21:- Protection of life and personal liberty
9. Article No. 21A:- Right to elementary education
10. Article No. 25:- Freedom of conscience and free profession, practice and propagation of religion
11. Article No. 30:- Right of minorities to establish and administer educational institutions
12. Article No. 31C:- Saving of laws giving effect to certain Directive Principles
13. Article No. 32:- Remedies for enforcement of Fundamental Rights including writs
14. Article No. 38:- State to secure a social order for the promotion of the welfare of the people

15. Article No.40:- Organisation of village panchayats
16. Article No. 44:- Uniform Civil Code for the citizens
17. Article No. 45:- Provision for early childhood care and education to children below the age of 6 years.
18. Article No. 46:- Promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections
19. Article No. 50:- Separation of judiciary from the executive
20. Article No. 51:- Promotion of international peace and security
21. Article No. 51A:- Fundamental Duties
22. Article No. 72:- Powers of President to grant pardons, suspend, remit or commute sentences in certain cases
23. Article No. 74:- Council of Ministers to aid and advise the President
24. Article No. 76:- Attorney-General of India
25. Article No. 78:- Duties of the Prime Minister as respects the furnishing of information to the President, etc.
26. Article No. 110:- Definition of Money Bills
27. Article No. 112:- Annual Financial Statement (Budget)
28. Article No. 123:- Power of President to promulgate ordinances during recess of Parliament
29. Article No. 143:- Power of President to consult Supreme Court
30. Article No. 148:- Comptroller and Auditor-General of India
31. Article No. 149:- Duties and powers of the Comptroller and Auditor-General of India

32. Article No. 155:- Appointment of the Governor

33. Article No. 161:- Power of Governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases

34. Article No. 163:- Council of Ministers to aid and advise the Governor

35. Article No. 165:- Advocate-General of the state

Which British Laws are still used in India

36. Article No. 167:- Duties of Chief Minister with regard to the furnishing of information to the Governor, etc.

37. Article No. 168:- Constitution of Legislatures in the states

38. Article No. 169:- Abolition or creation of Legislative Councils in the states

39. Article No. 170:- Composition of Legislative Assemblies in the states

40. Article No. 171:- Composition of Legislative Councils in the states

41. Article No. 172:- Duration of State Legislatures

42. Article No. 173:- Qualification for membership of the State Legislature

43. Article No. 174:- Sessions of the State Legislature, prorogation and dissolution

44. Article No. 178:- Speakers and Deputy Speaker of the Legislative Assembly

45. Article No. 194:- Powers, privileges, and immunity of Advocate-General

46. Article No. 200:- Assent to bills by the governor (including reservation for President)

47. Article No. 202:- Annual financial statement of the State Legislature

48. Article No. 210:- Language to be used in the State Legislature

49. Article No. 212:- Courts not to inquire into proceedings of the State Legislature
50. Article No. 213:- Power of governor to promulgate ordinances during recess of the State Legislature
51. Article No. 214:- High courts for the states
52. Article No. 217:-Appointment and the conditions of the office of the judge of a High Court
53. Article No. 226:- Power of high courts to issue certain writs
54. Article No. 239AA:- Special provisions with respect to Delhi
55. Article No. 243B:- Constitution of Panchayats
56. Article No. 243C:- Composition of Panchayats
57. Article No. 243G:- Powers, authority and responsibilities of Panchayats
58. Article No. 243K:- Elections to the Panchayats
59. Article No. 249:-Power of Parliament to legislate with respect to a matter in the State List in the national interest
60. Article No. 262:- Adjudication of disputes relating to waters of inter-state rivers or river valleys
61. Article No. 263:- Provisions with respect to an inter-state council
62. Article No. 265:- Taxes not to be imposed save by authority of law
63. Article No. 275:- Grants from the Union to certain states
64. Article No. 280:- Finance Commission
65. Article No. 300:- Suits and proceedings

66. Article No. 300A:- Persons not to be deprived of property save by authority of law (Right to property)

67. Article No. 311:- Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a state.

68. Article No. 312:- All-India Services

69. Article No. 315:- Public Service Commission for the Union and for the states

70. Article No. 320:- Functions of Public Service Commissions

71. Article No. 323-A:- Administrative Tribunals

72. Article No. 324:- Superintendence, direction and control of elections to be vested in an Election Commission

73. Article No. 330:- Reservation of seats for scheduled castes and scheduled tribes in the House of the People

74. Article No. 335:- Claims of Scheduled Castes and Scheduled Tribes to services and posts

75. Article No. 352:- Proclamation of Emergency (National Emergency)

76. Article No. 356:- Provisions in case of failure of constitutional machinery in states (President's Rule)

77. Article No. 360:- Provisions as to Financial Emergency.

78. Article No. 365:- Effect of failure to comply with or to give effect to, directions given by the Union (President's Rule)

79. Article No. 368:- Power of Parliament to amend the Constitution and procedure therefor

Historical Evolution of Indian Constitution

The British administration can broadly be divided into two phases, that is

1. The Company Administration (1773-1857)
2. The Crown Administration (1858-1947)

The Company Administration

Regulating Act - 1773

(1) The post of 'GOVERNOR' was now made 'GOVERNOR-GENERAL' and Bengal was the first province to have Warren Hastings as the first Governor-General. He was assisted by an executive council of four members.

(2) The Supreme Court at Calcutta was established with one chief justice and three other judges. Sir Elijah Impey was the Chief Justice.

Pitt's India Act – 1784

(1) Created another body- 'BOARD OF CONTROL' to manage political affairs in India. COURT OF DIRECTORS kept on managing commercial affairs though.

(2) Thus, companies' possessions were for the first time called 'British possessions in India' and the commercial wing was headed by the court of directors and political wing headed by the board of control.

(3) The Act was introduced by the then British Prime Minister William Pitt.

Charter Act – 1813:

- (1) Ended the monopoly of the trading rights of British East India Company and allowed other companies to participate in trading activities with India.

Charter Act – 1833

(1) Created the post of 'GOVERNOR GENERAL OF INDIA' in place of Governor-General of Bengal. The presidencies of Madras and Bombay were taken away with their respective legislative powers and were made subordinate to the Presidency of Calcutta. William Bentick was the first Governor-General of India.

(2) This act completely ended the commercial activities of the company. The company existed but it became a purely administrative and a political organization.

Charter Act – 1853

(1) Established a separate Governor General's Legislative council.

(2) Introduced an open system of competition for Indians into Civil Services. Macaulay committee was formed (1854) for this purpose. Satyendra Nath Tagore became the first Indian to qualify that service in 1863.

(3) NOTE – Father of Civil Services in India – Lord Charles Cornwallis because of his efforts to modernize civil services in India.

The Crown Administration

Government of India Act of 1858

(1) Also known as Act for Good Government of India.

(2) Abolished the British East India Company. Abolished the Mughal administration as well.

(3) Abolished the Governor General's post and created a new post Viceroy. Lord Canning became the first Viceroy of India.

(4) Also created a new office – Secretary-of-State for India and a 15-member council to assist him. He was a member of British parliament.

Indian Councils Act 1861

(1) Expanded the viceroy's executive council. Made provisions for him to nominate some Indians as non-official members. Lord Canning nominated the Raja of Benaras, the Maharaja of Patiala and Sir Dinkar Rao.

(2) New Legislative councils for Bengal (1862), North Western Frontier Province (1866) and Punjab (1897) were established.

Indian Councils Act 1892

(1) Power of discussing the budget was given to the legislative council in the then India.

(2) Expanded the councils and some members could be nominated to both Central as well as Provincial Legislative Councils.

Indian Councils Act 1909

(1) Also known as Morley-Minto reforms.

(2) The number of members in the Central Legislative council was increased from 16 to 60.

(3) Satyendra Prasad Sinha became the first Indian to be nominated as a law member to the Viceroy's Executive Council.

(4) The communal electorate was introduced. Muslims were given separate representation to elect their representatives. Hence, Minto is also referred to as 'Father of Communal Electorate'.

Government of India Act 1919

- (1) Also called as Montague-Chelmsford reforms and it came into effect in 1921.
- (2) Central and provincial subjects or lists were introduced where they could frame laws in their respective lists. Provincial subjects were further divided into transferred and reserved. Thus, this act introduced *diarchy*.
- (3) Introduced Bicameralism and direct elections.

Government of India Act 1935

- (1) Provided for the establishment of an All-India Federation with provinces and princely states as units. The Federation never came into being as princely states did not join it.
- (2) Abolished diarchy in the provinces and introduced 'provincial autonomy' in its place. But in centre, it introduced diarchy; however that never came into being.
- (3) Introduced bicameralism in provinces as well extended separate electorates to depressed classes as well.
- (4) Established RBI and a federal court at the centre.

Indian Independence Act 1947

- (1) Partition Plan or the Mountbatten Plan (3rd June 1947) was to give effect to partition of the country and Atlee's declaration (20th February 1947) to provide independence to the Nation.
- (2) Created two independent dominions of India and Pakistan, ended British rule and authorised the two independent Nations' constituent assemblies to frame their respective constitutions.

(3) The Indian independence bill got the royal assent on 18th July 1947.

Making of the Indian Constitution

1. It was M.N Roy who proposed the idea of an independent constituent assembly for India in 1934.
2. The constituent assembly was formed as per the guidelines suggested by the Cabinet Mission Plan, 1946. The mission was headed by Pethick Lawrence and included two other members apart from him – Stafford Cripps and A.V Alexander.
3. The total strength of the assembly was 389. However, after partition only 299 remained. It was partly elected and partly nominated body.
4. The elections to form the assembly took place in July-August 1946 and the process was completed by November 1946. The first meeting of the assembly took place on 9th December 1946 and was attended by 211 members.
5. Dr. Sachhidanand Sinha became the temporary President of the assembly following the French practice.
6. On 11th December 1946, Dr. Rajendra Prasad and H.C Mukherji were elected as President and Vice-President respectively.
7. Sir B.N Rau was appointed as the constitutional advisor to the assembly.
8. On 13th December 1946, Pt. Nehru moved the Objectives resolution which later went on to become the Preamble of the constitution in slightly modified form. The resolution was unanimously adopted on 22nd January 1947.
9. The Constituent Assembly ratified India's membership of the commonwealth in May 1949. Also, it adopted National Song and National Anthem on 24th January 1950. Adopted the National Flag on 22nd July 1947.
10. The assembly met for 11 sessions, took 2 years, 11 months and 18 days to frame up the final draft, sat for 141 days in total and the draft constitution was considered for 114 days. Total amount incurred was around rupees 64 lakhs.
11. The assembly had 15 women members which were reduced to 9 after partition.

12. Some important committees of the constituent assembly along with their respective chairpersons are as follows:

- Union Powers Committee - Jawahar Lal Nehru
- Union Constitution Committee - Jawahar Lal Nehru
- Provincial Constitution Committee - Sardar Patel
- Drafting Committee - B.R Ambedkar
- Rules of Procedure Committee - Dr. Rajendra Prasad
- Steering Committee - Dr. Rajendra Prasad
- Flag Committee - J.B. Kripalani

13. The following were the members of the Drafting Committee-

- Dr. B.R Ambedkar (Chairman)
- Alladi Krishnaswamy Ayyar
- Dr. K.M Munshi
- N. Gopaldaswamy Ayyangar
- Syed Mohammad Saadullah
- N Madhava Rau
- TT Krishnamachari

14. The final draft of the constitution was adopted on 26th November 1949 and it contained 8 schedules, 22 parts, and 395 articles.

VARIOUS SOURCES OF THE INDIAN CONSTITUTION

1. Government of India Act of 1935 - Federal Scheme, Office of the 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 the judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
4. Irish Constitution - Directive Principles of State Policy, the nomination of members to Rajya Sabha and method of election of the president.
5. Canadian Constitution - Federation with a strong Centre, vesting of residuary powers in the Centre, the appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
6. Australian Constitution - Concurrent List, freedom of trade, commerce and intercourse, and the joint sitting of the two Houses of Parliament.
7. Weimar Constitution of Germany - Suspension of Fundamental Rights during Emergency.
8. Soviet Constitution (USSR, now Russia) - Fundamental duties and the idea of justice (social, economic and political) in the Preamble.
9. French Constitution - Republic and the ideals of liberty, equality, and fraternity in the Preamble.
10. South African Constitution - Procedure for amendment of the Constitution and election of members of Rajya Sabha.
11. Japanese Constitution - Procedure established by Law.

THE PREAMBLE

1. The term 'preamble' refers to the introduction or preface to the Constitution. It's a kind of summary or essence of the Constitution.
2. The American Constitution was the first, to begin with, a preamble.
3. N.A Palkiwala has termed preamble as 'the identity card of the constitution'.
4. The Preamble is somewhat based on the 'Objectives Resolution' moved by Nehru in the Constituent Assembly.

5. The Preamble has been amended only once so far, that is by 42nd Amendment Act of 1976. Three words were added by that amendment – SOCIALIST, SECULAR, INTEGRITY.
6. The Preamble reveals four ingredients or components:
7. Source of the authority of the Constitution: The Preamble states that the Constitution derives its authority from the people of India.
8. Nature of Indian State: It declares India as a sovereign, socialist, secular democratic and republican polity.
9. Objectives of the Constitution: To provide justice, liberty, equality and fraternity to the citizens of India.
10. Date of adoption of the Constitution: 26th November 1949.
11. In *Berubari Union* case (1960) - the Supreme Court said that the Preamble isn't a part of the Constitution.
12. In *Kesavananda Bharati* case (1973) - the Supreme Court rejected the earlier opinion and held that Preamble *is* a part of the Constitution.
13. The Preamble is neither a source of power to legislature nor a prohibition upon the powers of the legislature. Provisions in the preamble are non-enforceable in the court of law, that is, it's non-justiciable.

THE UNION & ITS TERRITORY

1. Articles 1 to 4 under Part-I of the Constitution deal with the Union and its territory.
2. Article 1 declares India, that is, Bharat as a 'Union of States'.
3. Article 2 empowers the Parliament to 'admit into the Union of India, or establish, new states on such terms and conditions as it thinks fit'. Thus, Article 2 grants two powers to the Parliament: (a) the power to admit into the Union of India new states; and (b) the power to establish new states.
4. Article 3 relates to the formation of or changes in the existing states of the Union of India. In other words, Article 3 deals with the internal re-adjustment *inter se* of the territories of the constituent states of the Union of India.

5. Some committees that were important in the reorganization of states in the Indian Union – Dhar Commission, JVP Committee, Fazl Ali Commission and States Reorganization Commission (1st one was in 1956).
6. New states that were created after 1956 with year - Maharashtra and Gujarat In 1960, Goa, Daman and Diu India acquired these three territories from the Portuguese by means of a police action in 1961. They were constituted as a union territory by the 12th Constitutional Amendment Act, 1962. Later, in 1987, Goa was conferred a statehood, Nagaland In 1963, Haryana, Chandigarh and Himachal Pradesh In 1966, Manipur, Tripura and Meghalaya In 1972, Sikkim in 1974-75, Mizoram, Arunachal Pradesh and Goa In 1987, Chhattisgarh, Uttarakhand and Jharkhand In 2000, and now most recently Telangana on 2nd June, 2014.

THE CITIZENSHIP

1. Part 2nd covers articles 5-11.
2. The Constitution confers the following rights and privileges on the citizens of India (and denies the same to aliens):
 - Rights conferred under Articles 15, 16, 19, 29 & 30.
 - Right to vote in elections to the Lok Sabha and state legislative assembly.
 - Right to contest for the membership of the Parliament and the state legislature.
 - Eligibility to hold certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts, governor of states, attorney general of India and advocate general of states.
3. Articles 5-8 only deal with the citizenship of individuals who became citizens of India at the commencement of the Constitution. Also, these articles take into account migration issues.
4. No person shall be a citizen of India or be deemed to be a citizen of India if he has voluntarily acquired the citizenship of any foreign state (Article 9).

5. Every person who is or is deemed to be a citizen of India shall continue to be such citizen, subject to the provisions of any law made by Parliament (Article 10).
6. Parliament shall have the power to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship (Article 11).
7. Hence, the Parliament enacted the Citizenship Act, 1955, which has been amended in 1986, 1992, 2003, and 2005 and most recently in 2015. The amendment bill 2016 is still pending though.
8. The five modes of acquisition of citizenship as per the citizenship act are
 - (a) By Birth
 - (b) By Descent
 - (c) By Registration
 - (d) By Naturalization
 - (e) By acquisition of any other territory into the Indian Union.
9. Loss of Citizenship is by – Termination, Renunciation and Deprivation.
10. India provides for single citizenship.
11. PIO- A person registered as PIO card holder under the Ministry of Home Affairs' scheme dated 19-08-2002.
12. OCI- A person registered as Overseas Citizen of India (OCI) under the Citizenship Act, 1955. The OCI scheme is operational from 02-12-2005.
13. Now both the schemes have been merged with effect from 9th January 2015.

Fundamental Rights (FR) & Fundamental Duties (FD)

These rights are fundamental in the sense that any law passed by the legislature in the country would be declared as null and void if it is in contravention to the rights guaranteed by the constitution. If any of these rights are violated, the individual affected is entitled to move the Supreme Court or High Court for the protection and enforcement

of his rights. However, The rights are not absolute and can be curtailed during the emergency.

Part–3 Fundamental Rights (Article-12-35)

- Fundamental Rights have been described as the Magna Carta of India.
- The concept has been taken from the US' bill of rights. Earliest known evidence of rights was also present in ancient India, Iran etc.
- The Fundamental Rights are named so because they are guaranteed and protected by the Constitution, which is the fundamental law of the land. They are 'fundamental' also in the sense that they are the most essential for the all-round development (material, intellectual, moral and spiritual) of the individuals.
- The original constitution contained seven fundamental rights, however, after the 44th constitutional amendment act, 1978, right to property was repealed and now only six fundamental rights remain.
- Following are the articles related to the fundamental rights-
 - A. 12- Definition of the State
 - B. 13- Laws inconsistent with part-3 or Fundamental Rights
- Following is the segregation of the Fundamental Rights
 - C. Right to equality (Articles 14–18)
 - (a) Equality before the law and equal protection of laws (Article 14).
 - (b) Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).
 - (c) Equality of opportunity in matters of public employment (Article 16).
 - (d) Abolition of untouchability and prohibition of its practice (Article 17).
 - (e) Abolition of titles except military and academic (Article 18).
 - D. Right to freedom (Articles 19–22)
 - (a) Protection of six rights regarding freedom of (Article 19):
 - i. Speech and Expression
 - ii. Assembly
 - iii. Association
 - iv. Movement,

v. Residence, and

vi. Profession

(b) Protection in respect of conviction for offences (Article 20).

(c) Protection of life and personal liberty (Article 21).

(d) Right to elementary education (Article 21A).

(e) Protection against arrest and detention in certain cases (Article 22).

- Right against exploitation (Articles 23–24)
 - (a) Prohibition of traffic in human beings and forced labour (Article 23).
 - (b) Prohibition of employment of children in factories, etc. (Article 24).
- Right to freedom of religion (Article 25–28)
 - (a) Freedom of conscience and free profession, practice and propagation of religion (Article 25).
 - (b) Freedom to manage religious affairs (Article 26).
 - (c) Freedom from payment of taxes for promotion of any religion (Article 27).
 - (d) Freedom from attending religious instruction or worship in certain educational institutions (Article 28).
- Cultural and educational rights (Articles 29–30)
 - (a) Protection of language, script and culture of minorities (Article 29).
 - (b) Right of minorities to establish and administer educational institutions (Article 30).
- Right to constitutional remedies (Article 32)- Heart and Soul of the Constitution.
Right to move the Supreme Court for the enforcement of fundamental rights including the writs of
 - (i) *habeas corpus*, (ii) *mandamus*, (iii) prohibition, (iv) *certiorari*, and (v) *quo warranto* (Article 32).
- Article 33 deals with the power of Parliament to modify the fundamental rights.
- Article 34 deals with Martial Law
- Article 35 deals with legislation required to deal with fundamental rights
- Fundamental Rights which are available to only citizens - 15, 16, 19, 29 and 30.
- Fundamental Rights those are available to both citizens as well as non-citizens – 14, 20, 21, 21A, 22, 23, 24, 25, 26, 27 and 28.

Pat-4 Fundamental Duties (Article-51A)

- They are a set of 11 guidelines to the citizens.
- The original constitution did not mention about the FDs.
- The idea has been taken from the former Soviet Constitution and now even Russia does not have them. Probably only Japan is one such major country which has an exclusive chapter on fundamental duties.
- In 1976, the fundamental duties of citizens were added in the Constitution. In 2002, one more Fundamental Duty was added.
- They were added on the recommendations of the Swaran Singh Committee which was constituted by Indira Gandhi in 1975. It recommended only 8 fundamental duties than with pecuniary punishments as well. However, the government did not welcome the punishments part.
- A new part – 4A, A NEW ARTICLE 51A was added by virtue of 42nd constitutional amendment act, 1976. Ten duties were added to 51A. Presently there are eleven duties.
- The 11th Fundamental Duty was added by 86th amendment act, 2002.
- Following is the list of FDs:
 - (a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
 - (b) To cherish and follow the noble ideals that inspired the national struggle for freedom;
 - (c) To uphold and protect the sovereignty, unity and integrity of India;
 - (d) To defend the country and render national service when called upon to do so;
 - (e) To 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;
 - (f) To value and preserve the rich heritage of the country's composite culture;
 - (g) To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;
 - (h) To develop scientific temper, humanism and the spirit of inquiry and reform;

- (i) To safeguard public property and to abjure violence;
- (j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; and
- (k) To provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002.

Directive Principles of the State Policy

1. They have been mentioned in Part-4 and cover articles from 36-51 of the Constitution of India.
2. Called as Novel Features of the Constitution.
3. Inspired by the Irish constitution.
4. Similar to the Instruments of Instructions mentioned in the Government of India Act, 1935.
5. Together with fundamental rights, they are termed as the conscience of the constitution.
6. 'Directive Principles of State Policy' denotes the ideals that the State should keep in mind while formulating policies and enacting laws. These are the constitutional instructions or recommendations to the State in legislative, executive and administrative matters.
7. The DPSPs constitute a very comprehensive economic, social and political programme for a modern democratic State. They aim at realizing the high ideals of

justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution. They embody the concept of a 'welfare state'.

8. The Directive Principles are non-justiciable in nature, that is, they are not legally enforceable by the courts for their violation. Therefore, the government (Central, state and local) cannot be compelled to implement them. Nevertheless, the Constitution (Article 37) itself says that these principles are fundamental to the governance of the country and it shall be the duty of the State to apply these principles in making laws.

9. The provisions of the Directive Principles are broadly classified into-

(a) Socialist principles

(b) Gandhian principles

(c) Liberal intellectual principles

10. Some Important Articles in DPSPs are :

- a. To promote the welfare of the people by securing a social order permeated by justice— social, economic and political—and to minimise inequalities in income, status, facilities and opportunities (Article 38).
- b. To secure (a) the right to adequate means of livelihood for all citizens; (b) the equitable distribution of material resources of the community for the common good; (c) prevention of concentration of wealth and means of production; (d) equal pay for equal work for men and women; (e) preservation of the health and strength of workers and children against forcible abuse; and (f) opportunities for healthy development of children (Article 39).
- c. To promote equal justice and to provide free legal aid to the poor (Article 39 A). This was added by 42nd constitutional amendment act, 1976.
- d. To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement (Article 41).

- e. To make provision for just and humane conditions for work and maternity relief (Article 42).
- f. To take steps to secure the participation of workers in the management of industries (Article 43 A). Also added by 42nd constitutional amendment act, 1976.
- g. To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).
- h. To promote cottage industries on an individual or co-operation basis in rural areas (Article 43).
- i. To prohibit the consumption of intoxicating drinks and drugs which are injurious to health (Article 47).
- j. To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds (Article 48).
- k. To secure for all citizens a uniform civil code throughout the country (Article 44).
- l. To provide early childhood care and education for all children until they complete the age of six years (Article 45). Also, amended by the 86th constitutional amendment act, 2002.
- m. To separate the judiciary from the executive in the public services of the State (Article 50).
- n. To promote international peace and security and maintain just and honourable relations between nations; to foster respect for international law and treaty obligations, and to encourage settlement of international disputes by arbitration (Article 51).

10. The 86th Amendment Act of 2002 changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21A. The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.

11. The 97th Amendment Act of 2011 added a new Directive Principle relating to co-operative societies. It requires the state to promote voluntary formation, autonomous

functioning, democratic control and professional management of co-operative societies (Article 43B).

12. The DPSPs are instructions to the State.

President of India

(1) Article 52 – There shall be a President of India

(2) Article 53 – the Executive power of the Union: The executive power shall be vested in the President and shall be exercised by him either directly or through officers' subordinate to him.

(3) He is the supreme commander of the defense forces in India.

(4) Though he's only the constitutional head, or titular head, *de jure head* or nominal executive or just a symbolic head.

Election of the President

1. The President shall be elected by the members of an ELECTORAL COLLEGE consisting of:

(a) The Elected MPs

(b) The Elected MLAs of the states

(c) The Elected MLAs of National Capital Territory of Delhi (added by 70th Amendment Act, 1992 and with effect from 1-06-1995) and Union territory of Puducherry.

2. Thus, nominated members of parliament and legislative assemblies and members of legislative councils do not participate in the presidential election.
3. Article-55 provides for the manner of election and there should be uniformity and representation throughout the Nation as per the constitution. Hence, MPs and MLAs have been assigned votes as per their representation.
4. The election is held in accordance with the system of proportional representation by means of single transferable vote and voting is done by secret ballot.
5. All doubts and disputes arising out of the Presidential elections are decided into and enquired by the Supreme Court whose decision is final.
6. The elections are monitored and conducted by the Election Commission of India.
7. Only one President, that is, Neelam Sanjiva Reddy has been elected unopposed so far.
8. Dr. Rajendra Prasad is the only President to have been elected twice.
9. Two Presidents – Dr. Zakir Hussain and Fakhruddin Ali Ahmed have died in the office.

Term of office (Article 56) and Re-election (Article 57)

1. Term – 5 years.
2. Resignation is addressed to the Vice-President.
3. The President is eligible for re-election for any number of terms.

Qualification (Article 58), Conditions (Article 59) & Oath (Article 60)

1. Eligibility -
 - (a) Citizen of India

(b) 35 years

(c) Is eligible for election as an MP of the House of the People.

2. Shouldn't hold any office of profit.
3. The President shall not be a member of either House of Parliament of any Legislature. Even if such a member is elected, he is deemed to have vacated that seat.
4. The nomination of a candidate for election must be subscribed by at least 50 electors as proposers and 50 electors as seconders.
5. Oath administered by the Chief Justice of India or in his absence the senior-most judge of the Supreme Court available.
6. Emoluments, allowances and privileges etc. as may be determined by the parliament and which can't be diminished during his term.
7. He is immune from any criminal proceeding during his term. He can't be arrested or imprisoned. However, after two-month' notice civil proceedings can be initiated against him during his term in respect of his personal acts.

Impeachment of the President (Article 61)

1. A formal removal of the President from his post by constitutional means.
2. He is impeached for the 'Violation of the Constitution'. However, the term is defined nowhere in the constitution.
3. The charges can be preferred by either house of the parliament. However, a 14-days' notice shall be served to the President before the acceptance of such a resolution.
4. Also, that notice must be signed by at least one-fourth members of the total members of that house which initiated the charges.
5. After the acceptance of that bill in that house, that impeachment bill must be passed by the majority of $2/3^{\text{rd}}$ of the total membership of that house.
6. Then that bill goes in another house which should investigate the charges and the President shall have the right to appear and to be represented at such an investigation.

7. If another house sustains the charges and finds the President of violation, and passes that resolution by 2/3rd of the total membership of that house, the President stands removed from the date the resolution is so passed.
8. Hence, impeachment is a quasi-judicial process. And though, the nominated members of Parliament do not participate in his election, they take part in the impeachment process. Also, states' legislatures do not have a role in the impeachment process.

Powers of the President

Executive Powers

1. All executive actions are taken in his name. He is the formal, constitutional, titular head or *de jure* head of the Government.
2. Appoints the P.M and other ministers on P.M's advice.
3. Appoints the Attorney General of India, CAG, Chief Election Commissioner and other Commissioners, the chairman and members of UPSC, Governors of states, Chairman and members of Finance Commission etc.
4. He appoints Inter-State Council and he is the one who can declare any area as scheduled area and decides on the matter of the declaration of any tribe as the scheduled tribe.

Legislative Powers

1. Summons and Prorogues the Parliament and dissolves the Lok Sabha.
2. Summons the joint sitting of the two houses of Parliament (which is presided over by the Speaker of Lok Sabha).
3. Nominates 12 members to Rajya Sabha from amongst people having achievements in art, literature, science and social service and may nominate 2 members to Lok Sabha from the Anglo-Indian Community.
4. His prior recommendation is required in case of presentation of certain types of bills such as money bills, bills seeking expenditure from the consolidated fund of India etc.

5. He can withhold his assent to bills, return the bills to the legislatures, apply pocket veto to bills etc.
6. He can promulgate ordinances when the parliament is not in session.
7. He presents the reports of Finance Commission, CAG, and UPSC etc. before the Parliament.
8. No demand for the grant can be made except on his recommendation. Also, he constitutes a Finance Commission every five years for distribution of revenues between center and states.

Judicial Powers

1. Appoints the Chief Justice and other judges of the Supreme Court and High courts.
2. Seeks advice from the Supreme Court on any question of law.
3. He can grant pardon etc.

Emergency Powers

1. National Emergency (Article 352)
2. President's Rule (Article 356)
3. Financial Emergency (Article 360)

Veto Powers

The President of India has three types of Veto powers, namely

1. **Absolute Veto**- Withholding the assent to the bill. The bill then ends and does not become an Act. Example- in 1954, Dr. Rajendra Prasad withheld his assent to the PEPSU Appropriation Bill. Also, in 1991 R. Venkataram withheld his assent to the MPs Salaries, allowances bill.
2. **Suspensive Veto**- Returning the bill for reconsideration. In 2006, President APJ Abdul Kalam used the suspensive veto in the office of profit bill. However, the

President can return the bill for reconsideration to the legislature only once, after which he has to give his consent.

3. **Pocket Veto**- Taking no action on the bill sent to the President. There's no time limit provided in the constitution within which the President has to give his assent or sign the bill. Hence, he has a 'bigger pocket' than the American President. In 1986, President Zail Singh applied Pocket Veto to Indian Post Office Amendment bill.

NOTE: The President has no veto power in case of a constitutional amendment bill. He is bound to give his assent to such bills.

Ordinance Making Powers (Article 123)

1. An ordinance can be issued by the President only when both houses of Parliament are not in session or when only one house is in session.
2. The ordinance must be approved by the Parliament within six weeks of its reassembly.
3. Hence, the maximum life of an ordinance is – six months + six weeks.
4. He can issue an ordinance only on the advice of the council of ministers headed by the P.M

Pardoning power of the President (Article 72)

1. The President has the power to grant pardon, reprieve, commutation, remission, respite to any persons convicted in any Union Law, or by a court-martial or in cases of death penalty.
2. It is an executive power. And the Governor also has those powers under Article 161, however, the Governor can't pardon a death sentence nor can he interfere in court-martial cases.
3. The President exercises this power on the advice of the Union Cabinet.

Discretionary Powers of the President

1. Appointment of the P.M when no party has a clear majority in the Lok Sabha or when the P.M in office dies suddenly and there's no obvious successor.
2. Dismissal of the council of ministers when it can't prove the confidence of the Lok Sabha.
3. Dissolution of the Lok Sabha if the council of ministers has lost its majority.
4. Use of Suspensive Veto in case of bills.

Vice-President of India

Vice-President

Part V of the Constitution of India under Chapter I (Executive) also discusses the office of the Vice-President of India. The Vice-President of India is the second highest constitutional office in the country.

The Vice-President is to be an ex-officio Chairman of the Council of States.

- The Vice-President shall be ex-officio Chairman of the Council of States and shall not hold any other office of profit:
- The first Chairperson of the Rajya Sabha - Dr. Sarvepalli Radhakrishnan
- Provided that during any period when the Vice-President acts as President or discharges the functions of the President under article 65, he shall not perform the duties of the office of Chairman of the Council of States and shall not be entitled to any salary or allowance payable to the Chairman of the Council of States under article 97.
- This is the second most important function of the V.P. He can act as the President in case of the death, impeachment, resignation or otherwise of the President of India. However, he can act as the president only for a maximum period of six months (question asked) within which a new president has to be elected.
- The V.P gets the salary, allowance etc. of the President when he acts as the president, not as the chairperson of the Rajya Sabha.

- The salary, emoluments etc. of the chairperson of the Rajya Sabha is mentioned in the second schedule of the Constitution of India.

Article 66: Election of Vice-President

- The Vice-President of India is elected by an electoral college consisting of:
Elected and nominated members of both house (Lok Sabha and Rajya Sabha) of parliament.
- Vice-President of India is elected by proportional representation system by means of the single transferable vote.
- Voting in Vice-President election is done by secret ballot.
- A candidate to be elected to the office of Vice-President, He/she must secure a fixed quota of Votes.
- Each member of the electoral college is given one ballot paper and He/she is required to indicate his preference by marking against the names of candidates.
- In first counting, if a candidate secures required quota, he is declared elected. Otherwise, the transfer of votes in motion (In this Ballots of candidates who secures least number of votes are canceled for next counting and his second preference votes transferred to the first preference votes of the other candidates.) and the process continues till a candidate secures the required quota.
- All disputes related to the election of Vice-President are inquired into and decided by the supreme court whose decision is final.

Eligibility Criteria for Vice-President

- He/She should be the citizen of India
- He/She has completed the age of 35 years.
- He/She should be qualified for the member of Rajya Sabha
- Does not hold any office of profit under union, state or local authority.
- However, for this purpose, the President, Vice-President, Governor of a State and a Minister of the Union or a State, are not held to be holding an office of

profit. (An office of profit is an office that would give its occupant the opportunity to gain a financial advantage or benefit).

Important Points

- The Election Commission of India conducts the election to the office of the Vice-President.
- The election of the next Vice-President is to be held within 60 days of the expiry of the term of office of the outgoing Vice-President.
- Any person qualified to be elected and intending to stand for election as Vice-President is required to be nominated by at least 20 MPs as proposers and at least 20 MPs as seconders.
- A candidate seeking election as Vice-President is required to make a security deposit of Rs.15,000/-.
- All doubts and disputes arising in connection with the election of the Vice-President are enquired into and decided by the Supreme Court of India whose decision is final.(Art.71)

Parliament of India (Articles 79-122)

Organization of the Parliament

1. The Parliament consists of the President, the Lok Sabha and the Rajya Sabha.
2. Lok Sabha is the Lower House (First Chamber or Popular House) and Rajya Sabha is the Upper House (Second Chamber or House of Elders).

Composition of Rajya Sabha

1. The maximum strength of the Rajya Sabha is fixed at 250, out of which, 238 are to be the representatives of the states and union territories (elected indirectly) and 12 are nominated by the president.

2. At present, the Rajya Sabha has 245 members. Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president.
3. The Fourth Schedule of the Constitution deals with the allocation of seats in the Rajya Sabha to the states and union territories.
4. The representatives of states in the Rajya Sabha are elected by the elected members of state legislative assemblies. The seats are allotted to the states in the Rajya Sabha on the basis of population.

NOTE – Population as ascertained on the basis of 2001 census as per 87th Amendment Act, 2003.

Composition of Lok Sabha

1. The maximum strength of the Lok Sabha is fixed at 552. Out of this, 530 members are to be the representatives of the states, 20 members are to be the representatives of the union territories and 2 members may be nominated by the president from the Anglo-Indian community.
2. At present, the Lok Sabha has 545 members.
3. The representatives of states in the Lok Sabha are directly elected by the people from their respective constituencies.
4. The voting age was reduced from 21 to 18 years by the 61st Constitutional Amendment Act, 1988.

Duration of the two Houses of Parliament

1. The Rajya Sabha is a permanent body and not subject to dissolution. However, one-third of its members retire every second year. The retiring members are eligible for re-election and re-nomination any number of times.
2. Unlike the Rajya Sabha, the Lok Sabha is not a continuing chamber. Its normal term is five years from the date of its first meeting after the general elections, after which it automatically dissolves.

Qualification, disqualifications etc. to be an MP

1. Eligibility

(a) Citizen of India.

(b) Minimum age – 30 years in Rajya Sabha and 25 years in Lok Sabha.

(c) He must possess other qualifications prescribed by Parliament. (Hence, the Representation of People Act, 1951).

2. Criteria for disqualifying an MP:

(a) If he holds any office of profit under the Union or state government

(b) If he is of unsound mind and stands so declared by a court.

(c) If he is an undischarged insolvent.

(d) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance to a foreign state; and

(e) If he is so disqualified under any law made by Parliament (RPA, 1951).

3. The Constitution also lays down that a person shall be disqualified from being a member of Parliament if he is so disqualified on the ground of defection under the provisions of the Tenth Schedule.

4. Double Membership - A person cannot be a member of both Houses of Parliament at the same time.

5. A House can declare the seat of a member vacant if he is absent from all its meetings for a period of sixty days without its permission.

Speaker of the Lok Sabha

1. The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting). The date of election of the Speaker is fixed by the President.
2. The Speaker offers his resignation to the Deputy Speaker and he can be removed by a resolution passed by a majority of members of Lok Sabha, however, only after giving him a 14-day notice.
3. He presides over a joint sitting of the two Houses of Parliament. Such a sitting is summoned by the President to settle a deadlock between the two Houses on a bill.
4. He decides whether a bill is a money bill or not and his decision on this question is final.
5. He can't vote in the first instance, though can vote in the event of a tie. When his removal motion is under consideration, he can take part and speak in the proceedings and can vote as well but not in the case of a tie. He can't preside in that case. However, his motion can be passed by an absolute majority only and can be considered only if it has the support of at least 50 members.
6. G.V Mavalankar was the first Speaker of Lok Sabha.
7. The longest serving Speaker of Lok Sabha so far has been Balram Jakhar.
8. NOTE – There's also a post known as *Speaker Pro Tem*, appointed by the President himself. He is usually the oldest member of the last Lok Sabha and he presides over the first session of the incoming Lok Sabha. President administers him the oath.

Deputy Speaker of the Lok Sabha

1. Like the Speaker, the Deputy Speaker is also elected by the Lok Sabha itself from amongst its members.
2. The date of election of the Deputy Speaker is fixed by the Speaker. The removal process is the same as that of the speaker and he offers his resignation to the Speaker of the Lok Sabha.
3. Madabhushi Ananthasayanam Ayyangar was the first Deputy Speaker of Lok Sabha.

4. He presides over the joint sitting in case of absence of the Speaker.

Sessions of Parliament

A 'session' of Parliament is the period spanning between the first sitting of a House and its prorogation (or dissolution in the case of the Lok Sabha). The time period between the prorogation of a House and its reassembly in a new session is called 'Recess'.

There are usually three sessions. The budget session is the longest and winter is the shortest.

1. The Budget Session (February to May);
2. The Monsoon Session (July to September); and
3. The Winter Session (November to December).

The maximum gap between two sessions of Parliament cannot be more than six months

The President summons and prorogues the two houses of parliament.

Indian Judiciary

Supreme Court

1. The present-day Supreme Court of India started functioning on January 28, 1950. Its predecessor was the Federal Court of India, which was created as per the Government of India Act of 1935.
2. Articles 124 to 147 mentioned in Part V of the Constitution deal with the organisation, independence, jurisdiction, powers, and procedures and so on of the Supreme Court.

3. At present, the strength of the Supreme Court's judges stands at thirty-one judges (one chief justice and thirty other judges).
4. Originally, the strength of the Supreme Court was fixed at eight (one chief justice and seven other judges).
5. Appointment- The judges of the Supreme Court are appointed by the president. The appointment of the Chief Justice is made by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary. The other judges are appointed by the president after consultation with the chief justice and such other judges of the Supreme Court and the high courts as he deems necessary. The consultation with the chief justice is obligatory in the case of appointment of a judge other than Chief justice.
6. In 2015 the National Judicial Appointments Commission was declared Ultra Vires by the Supreme Court and hence the collegium system still holds the ground mentioned above.
7. Qualification- A person to be appointed as a judge of the Supreme Court should have the following qualifications:
 - (i) He should be a citizen of India.
 - (ii) (a) He should have been a judge of a High Court (or high courts in succession) for five years, or (b) He should have been an advocate of a High Court (or High Courts in succession) for ten years; or (c) He should be a distinguished jurist in the opinion of the president.
8. Oath- The oath to the judges and CJI is administered by the President or any other person appointed by him for this purpose.
9. Tenure of Judges - A. He holds office until he attains the age of 65 years. B. He can resign his office by writing to the president. C. He can be removed from his office by the President on the recommendation of the Parliament.
10. Removal of Judges A judge of the Supreme Court can be removed from his Office by an order of the President. However, he can do so only after an address by Parliament has been presented to him in the same session for such removal. The address must be supported by a *special majority* of each House of Parliament - a majority of the total membership of that House and a majority of

not less than two-thirds of the members of that House present and voting. The grounds of removal are —proved misbehaviour or incapacity.

11. The removal process of both the Supreme Court and High courts are same.
12. The jurisdiction and powers of the Supreme Court can be classified into- Original Jurisdiction, Writ Jurisdiction, Appellate Jurisdiction, Advisory Jurisdiction, A court of Record and so on.
13. Original Jurisdiction - when the case is involved between centre and states or two or more states or centre and two or more states being anti. The first such instance came in 1961 in West Bengal VS the centre.
14. The Constitution has constituted the Supreme Court as the guarantor and defender of the fundamental rights of the citizens. The Supreme Court is empowered to issue writs including *habeas corpus*, *mandamus*, prohibition, *quo-warranto* and *certiorari* for the enforcement of the fundamental rights of an aggrieved citizen. The difference between the supreme court's and high court's writ jurisdiction is that the supreme court can issue writs in cases involving only fundamental rights and the high courts can issue writs otherwise as well.

High Court

1. The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras. The fourth one was established at Allahabad in 1866 and subsequently in other provinces in British India and then as they were called states after independence.
2. As per the Seventh Amendment Act of 1956, the Parliament can establish a common high court for two or more states or for two or more states and a union territory.
3. At present, there are 24 high courts in the country. Out of them, three are common high courts. Delhi is the only union territory that has a high court of its own (since 1966). The other union territories fall under the jurisdiction of different state high courts.
4. Appointment of Judges The judges of a high court are appointed by the President. The chief justice of the High Court is appointed by the President after

consultation with the chief justice of India and the governor of the state concerned. For appointment of other judges, the chief justice of the concerned high court is also consulted. In case of a common high court for two or more states, the governors of all the states concerned are consulted by the president.

5. Qualifications of Judges A person to be appointed as a judge of a high court should have the following qualifications: A. He should be a citizen of India. B. (a) He should have held a judicial office in the territory of India for ten years, or (b) He should have been an advocate of a high court (or high courts in succession) for ten years.
6. Oath or Affirmation Oath to the judge is administered by the governor of the state or some person appointed by him for this purpose.
7. Tenure of Judges - A. He holds office until he attains the age of 62 years. B. He can resign his office by writing to the president. C. He can be removed from his office by the President on the recommendation of the Parliament. D. He vacates his office when he is appointed as a judge of the Supreme Court or when he is transferred to another high court.

Constitutional Bodies

ELECTION COMMISSION

1. Article 324 of the Constitution mentions about the election commission mentioned in part XV.
2. The institution of Election Commission presently consists of the chief election commissioner and two other election commissioners, appointed by the President.
3. They hold office for a term of six years. The age of retirement is 65 years, whichever comes earlier.
4. The first election commissioner of India was Sukumar Sen.

UNION PUBLIC SERVICE COMMISSION

1. Mentioned under articles 315 to 323 in Part XIV of the Constitution (Article 315 mentions about the public service commission for the union and the states).
2. The UPSC consists of a chairman and other members appointed by the president of India.
3. The term is of six years or the retirement age is 65 years, whichever is earlier.
4. The chairman of UPSC (on ceasing to hold office) is not eligible for further employment in the Government of India or a state.

STATE PUBLIC SERVICE COMMISSION

1. A State Public Service Commission consists of a chairman and other members appointed by the governor of the state.
2. The term of office is 6 years or retirement age is 62 years, whichever is attained earlier. They offer their respective resignations to the governor.
3. The chairman and members can be removed only by the President, though they're appointed by the Governor. The ground for removal is same as that of a chairman or a member of the UPSC.
4. NOTE – There is a provision for the establishment of a Joint Public Service Commission (JPSC) for two or more states under the constitution.
5. A JPSC is/can be created by an act of parliament on the request of the respective states, unlike UPSC and SPSC which are constitutional bodies. Hence, a JPSC is a statutory body not a constitutional one.
6. The chairman and members of a JSPSC are appointed by the president. The term of office is again six years or the age of retirement is 62 years, whichever comes earlier.

FINANCE COMMISSION

1. Article 280 of the Constitution of India provides for a Finance Commission. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.

2. The Finance Commission consists of a chairman and four other members to be appointed by the president. They hold office for such period as specified by the president in his order. They are eligible for reappointment.
3. It is majorly an advisory body though and it advises on the distribution of net proceeds of taxes to be shared between the centre and the states and the allocation between the states the respective shares of such proceeds.
4. The Chairman of the first finance commission was K.C Neogi and presently it is the 15th F.C whose chairman is N.K Singh.

NATIONAL COMMISSION FOR SCs

- Mentioned in Article 338 of the Constitution of India.

NATIONAL COMMISSION FOR STs

- Mentioned in Article 338-A of the Constitution of India.

SPECIAL OFFICER FOR LINGUISTIC MINORITIES

- It is mentioned in 350-B in Part XVII of the Constitution.

COMPTROLLER and AUDITOR GENERAL of INDIA

1. The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG).
2. He is the head of the Indian Audit and Accounts Department.
3. He is the guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state.
4. This is the reason why Dr. B R Ambedkar said that the CAG shall be the most important Officer under the Constitution of India.
5. The CAG is appointed by the president of India by a warrant under his hand and seal.

6. He holds office for a period of six years or up to the age of 65 years, whichever is earlier.
7. He can be removed by the President either on the grounds of proven misbehavior or incapacity. The method of removal is the same as that of a judge of the Supreme Court.
8. He is not entitled to hold any further employment after he retires or is removed, either at the center or at the state government level.
9. The administrative expenses of the office of the CAG, including all salaries, allowances, and pensions of persons serving in that office are charged upon the Consolidated Fund of India. Thus, they are not subject to the vote of Parliament.
10. He audits the accounts related to all expenditure from the Consolidated Fund of India, consolidated fund of each state and consolidated fund of each union territory having a Legislative Assembly.
11. He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the contingency fund of each state and the public account of each state.
12. He submits his audit reports relating to the accounts of the Centre to President, who shall, in turn, place them before both the Houses of Parliament (Article 151).
13. He submits his audit reports relating to the accounts of a state to the governor, who shall, in turn, place them before the state legislature (Article 151).
14. The President lays the reports submitted by CAG before both the Houses of Parliament. The Public Accounts Committee then scrutinizes them and reports the findings to the Parliament.

ATTORNEY GENERAL OF INDIA

1. Mentioned in Article 76 of the Constitution of India.
2. Titled as the highest law officer in the country.
3. Appointed by the President.
4. An AGI is one who is qualified to be appointed a judge of the Supreme Court.
5. The term is not fixed and he holds office during the pleasure of the President.

6. In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India. Further, he has the right to speak and to take part in the proceedings of both the Houses of Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a Member of Parliament.
7. NOTE- In addition to the AG, there are other law officers of the Government of India. They are the solicitor general of India and additional solicitor general of India. They assist the AG in the fulfillment of his official responsibilities. It should be noted here that only the office of the AG is created by the Constitution. In other words, Article 76 does not mention about the solicitor general and additional solicitor general.
8. The first and the longest serving AGI of India was Motilal Chimanlal Setalvad.

ADVOCATE GENERAL OF THE STATE

1. The Constitution (Article 165) has provided for the office of the advocate general for the states. He is the highest law officer in the state. Thus he corresponds to the Attorney General of India.
2. The advocate general is appointed by the governor. He must be a person who is qualified to be appointed a judge of a high court.

Non-Constitutional Bodies

PLANNING COMMISSION

1. Established in March 1950 by an executive resolution of the Government of India, (i.e., union cabinet) on the recommendation of the Advisory Planning Board constituted in 1946, under the chairmanship of K C Neogi. Thus, the Planning Commission is neither a statutory institution nor a constitutional one. In

other words, it is a non-constitutional or extra-constitutional body (i.e., not created by the Constitution) and a non-statutory body (not created by an act of Parliament). In India, it is the supreme organ of planning for social and economic development. Now, it has been replaced by another body named NITI Aayog from 1st January 2015.

2. The P.M of India is the *ex-officio* chairman of the commission. He presides over the meetings of the commission.
3. The commission has a deputy chairman. He is the *de facto* executive head (i.e., full-time functional head) of the commission. He is responsible for the formulation and submission of the draft Five-Year Plan to the Central cabinet. He is appointed by the Central cabinet for a fixed tenure and enjoys the rank of a cabinet minister. Though he is not a member of the cabinet, he is invited to attend all its meeting (without a right to vote).
4. It is discontinued in 2015 and replaced by NITI Aayog.

NITI (National Institution for Transforming India) Aayog

1. It is established in 2015 by the government to replace the Planning commission (was based on top-down model).
2. It is based on the bottom-up model.
3. It is the policy-making body for whole India.
4. The Ex-officio chairman of aayog is prime minister.
5. Current Vice President of aayog is Rajiv Kumar.
6. Permanent members of the governing council-
 - (a) All state Chief Ministers
 - (b) Chief ministers of Delhi and Puducherry
 - (c) Lieutenant Governor of Andaman and Nicobar
 - (d) Vice chairman nominated by the Prime Minister.

NATIONAL DEVELOPMENT COUNCIL

1. The National Development Council (NDC) was established in August 1952 by an executive resolution of the Government of India on the recommendation of the first five year plan (draft outline). Like the Planning Commission, it is neither a constitutional body nor a statutory body.
2. The NDC is composed of the following members.
 - A. P.M of India (as its chairman/head).
 - B. All Union cabinet ministers (since 1967).
 - C. Chief Ministers of all the states.
 - D. Chief Ministers/administrators of all the union territories.
 - E. Members of the Planning Commission.

NATIONAL HUMAN RIGHTS COMMISSION

1. The NHRC is a statutory (and not a constitutional) body. It was established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993. This Act was amended in 2006.
2. The commission is a multi-member body consisting of a chairman and four members. The chairman should be retired chief justice of India.
3. The chairman and members are appointed by the president on the recommendations of a six-member committee consisting of the prime minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Central home minister. Further, a sitting judge of the Supreme Court or sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.
4. The chairman and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier. They are not eligible for further employment under the Central or a state government.

CENTRAL INFORMATION COMMISSION

1. The CIC was established by the Central Government in 2005. It was constituted through an Official Gazette Notification under the provisions of the Right to Information Act (2005). Hence, it is not a constitutional body.
2. The Commission consists of a Chief Information Commissioner and not-more-than ten Information Commissioners.
3. They are appointed by the President on the recommendation of a committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.
4. They should be persons of eminence in public life with wide knowledge and experience in social service, science, and technology, mass media, management, journalism, law, or administration and governance.
5. They should not be [M.Ps](#) or MLAs of any State or Union Territory. They should not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
6. The term of office is 5 years and/or retirement age is 65 years, whichever comes earlier. They are ineligible for reappointment.
7. They can be removed by the President only as per the conditions as mentioned in the case of NHRC.

CENTRAL VIGILANCE COMMISSION

1. The CVC is the main agency for preventing corruption in the Central government. It was established in 1964 by an executive resolution of the Central government. Its establishment was recommended by the Santhanam Committee on Prevention of Corruption (1962–64).
2. Thus, originally the CVC was neither a constitutional body nor a statutory body. In September 2003, the Parliament enacted a law conferring statutory status on the CVC.
3. The CVC is a multi-member body consisting of a Central Vigilance Commissioner (chairperson) and not more than two vigilance commissioners.
4. They are appointed by the president by warrant under his hand and seal on the recommendation of a three-member committee consisting of the prime minister

as its head, the Union minister of home affairs and the Leader of the Opposition in the Lok Sabha.

5. They hold office for a term of four years or until they attain the age of 65 years, whichever is earlier. After their tenure, they are not eligible for further employment under the Central or a state government.

The Governor

- The Governor is the De Jure executive head at the state level. His position is analogous to that of the President at the center.
- The Governor is appointed by the president.
- To be appointed as the Governor of any state or two or more states as a person

(a) Should be a citizen of India.

(b) And should have attained 35 years of age.

(c) He should not hold any office of profit as well.

- Like the President, the governor is also entitled to a number of immunities and privileges. During his term of office, he is immune from any criminal proceedings, even in respect of his personal acts.
- The oath - is administered by the chief justice of the corresponding state high court and in case he's absent, the senior-most judge of that particular court.
- A governor holds office for a term of five years from the date on which he enters upon his office. He holds office until the pleasure of the President and he offers his resignation to the President.
- All executive actions of the government of a state are formally taken in his name. He appoints the chief minister and other ministers. They also hold office during his pleasure.

- He appoints the advocate general of a state and determines his remuneration. The advocate general holds office during the pleasure of the governor.
- He appoints the state election commissioner. However, the state election commissioner can be removed only in the like manner and on the like grounds as a judge of a high court.
- He appoints the chairman and members of the state public service commission. However, they can be removed only by the president and not by a governor.
- A governor is an integral part of the state legislature. He can summon or prorogue the state legislature and dissolve the state legislative assembly.
- He nominates one-sixth of the members of the state legislative council.
- He can nominate one member to the state legislative assembly from the Anglo-Indian Community.
- The Governor can withhold the assent to bills, return the bills for reconsideration (if they're not money bills), and even reserve the bills for consideration by the President. (He can even reserve a money bill for consideration by the President).
- He can promulgate ordinances when the state legislature is not in session. The ordinances must be approved by the state legislature within six weeks from its reassembly. He can also withdraw an ordinance anytime (Article 213).
- Money bills can be introduced in the state legislature only with his prior recommendation.
- He can grant pardons, reprieves, respites, and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offense against any law relating to a matter to which the executive power of the state extends (Article 161).
- He is consulted by the president while appointing the judges of the concerned state high court.

Chief Minister and State Council of Ministers

- Chief Minister is the real executive authority (de facto executive). He is the head of the government.
- The total strength of the number of ministers, including the C.M, in the state's CoM should not exceed 15 percent of the total strength of the legislative assembly of that state. However, the number of ministers, including the C.M, in a state should also not be less than 12. This provision was added by the 91st Amendment Act of 2003.
- A member of either House of state legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. The provision was also added by the 91st Amendment Act of 2003.

The State Legislature

Organization of the State Legislature

- Most of the states in India have a Unicameral Legislature. Seven States have Bicameral Legislature, that is-Telangana, Andhra Pradesh, Maharashtra, Bihar, U.P, J&K and Karnataka.
- The Legislative Council (Vidhan Parishad) is the upper house (second chamber or house of elders), while the Legislative Assembly (Vidhan Sabha) is the lower house (first chamber or popular house). Delhi and Puducherry are the only two UTs that have a Legislative Assembly.

Composition of the State Legislature

- The legislative assembly consists of representatives directly elected by the people on the basis of universal adult franchise. Its maximum strength is fixed at 500 and minimum strength at 60 depending on the population size of the state. However, in the case of Sikkim it is 32; and Goa and Mizoram it's 40.

- The members of the legislative council are indirectly elected. The maximum strength of the legislative council is fixed at 1/3rd of the total strength of the corresponding assembly and the minimum strength is fixed at 40. But an exception being Jammu and Kashmir having 36 members.
- Manner of Election Of the total number of members of a legislative council:

(a) 1/3 are elected by the members of local bodies in the state such as municipalities etc.,

(b) 1/12 are elected by graduates of three years standing and residing within the state,

(c) 1/12 are elected by teachers of three years standing in the state, not lower in standard than secondary school,

(d) 1/3 are elected by the members of the legislative assembly of the state from amongst persons who are not members of the assembly, and

(e) The remainder are nominated by the governor from amongst the persons who have special knowledge or practical experience of literature, science, art, cooperative movement, and social service.

- Thus, 5/6 of the total number of members of a legislative council is indirectly elected and 1/6 are nominated by the governor. The members are elected in accordance with the system of proportional representation by means of a single transferable vote.

Duration of the two Houses

- Analogous to the Lok Sabha, the legislative assembly is also not a permanent chamber. The term of the assembly is five years from the date of its first meeting after the general elections.

- Analogous to the Rajya Sabha, the legislative council is a continuing chamber, that is, it is a permanent body and is not subject to dissolution. But, one-third of its members retire on the expiration of every second year.

Membership of the State Legislature

The Constitution lays down the following qualifications for a person to be chosen as a member of the State legislature.

(a) Citizen of India.

(b) He must be not less than 30 years of age in the case of the legislative council and not less than 25 years of age in the case of the legislative assembly.

He should not have been found guilty as per the provisions of RPA, 1951. In defection case also a member is liable to be disqualified as per the Anti-Defection Act (10th Schedule).

Also, he should not be of unsound mind, he should not hold any office of profit; he isn't declared an un-discharged insolvent etc.

Presiding Officers of State Legislature

- Each House of the state legislature has its own presiding officer. There is a Speaker and a Deputy Speaker for the legislative assembly and Chairman and a Deputy Chairman for the legislative council. A panel of chairmen for the assembly and a panel of vice-chairmen for the council are also appointed.
- The Speaker is elected by the assembly itself from amongst its members.
- Like the Speaker, the Deputy Speaker is also elected by the assembly itself from amongst its members. He is elected after the election of the Speaker has taken place.
- The Chairman is elected by the council itself from amongst its members.

- The Speaker decides whether a bill is a Money Bill or not and his decision on this question is final.

Lokpal and Lokayukta Act

Important Facts

- The Lokpal and Lokayukta is an anti-corruption ombudsman established by the Lokpal and Lokayukta Act, 2013.
- It has the provision of appointing 'Lokpal' at the centre and 'Lokayukta' on every state.
- These are statutory bodies established without any constitutional status.
- The former Supreme Court Judge Justice Pinaki Chandra Ghose is the first Lokpal of India.

Evolution of Lokpal and Lokayukta in India

- For the first time, an office ombudsman was established in Sweden in 1809.
- The concept of ombudsman developed significantly after the Second World War.
- The United Kingdom adopted it in 1967.
- In India, this concept was first proposed by the then law minister Ashok Kumar Sen in the early 1960s.
- In 1966 the recommendations of the First Administrative Reforms Commission suggested the setting up of independent authority for looking after the complaint against public functionaries.
- In 2005 the 2nd ARC the chaired by Veerappa Moily also recommended for provision of Lokpal.
- In India for the first time, the Lokpal bill was introduced in the Lok Sabha in 1968 but could be not passed, and till 2011 a total of eight failed attempts were made to pass the Bill.

- Finally, massive pressure from civil societies and demand from the social groups resulted in the passing of the Lokpal and Lokayuktas Bill, 2013.

Composition of the Lokpal

- The office of Lokpal consists of a chairperson and a maximum of 8 members.
- The Chairman and half of the members should be from legal backgrounds.
- The 50% of the seats are reserved for SC, ST, OBC, minorities or women.

Criteria for selection of Chairperson

- She/he should be either former Chief Justice of India or Judge of the Supreme Court.
- She/he should be an eminent person with impeccable integrity and outstanding ability with at least 25 years experience in matters related to anti-corruption policy, law, management etc.

Appointment of Chairperson and Members

- The President appoints the chairperson and members on the recommendation of a select committee consisting of the following:-
 - The Prime Minister
 - The Speaker of Lok Sabha
 - The Leader of Opposition in Lok Sabha
 - The Chief Justice of India
 - One eminent jurist appointed by the President

Term of Office

- The Chairman and members of Lokpal hold office for five years or upto the age of 70 yrs.
- The salary, allowances and other condition of service of the chairperson shall be equivalent to the Chief Justice of India, and members are comparable to the Judge of the Supreme Court.

- All expenses are charged from the consolidated fund of India.

Jurisdiction and powers of the Lokpal

- Lokpal has the Jurisdiction over all Groups A, B, C and D officers and officials of Central Government, PSUs, members of parliament, minister and it also includes Prime Minister.
- The Prime Minister comes under the ambit of Lokpal except on the matters of corruption relating to international relations, security, the public order, atomic energy and
- Any other person involved in the Act of abetting, bribe giving, or bribe-taking comes under the ambit of Lokpal.
- It mandates the furnishing of the assets and liabilities of themselves as well as their dependents to all public officials.
- It has the powers to give directions to all agencies like CBI, CVC etc. It can assign a task. On assignment of any task by Lokpal, the concerned officer can't be transferred without the permission of the Lokpal.
- The Inquiry Wing of the Lokpal has the powers of a civil court.
- Lokpal has the powers of confiscation of property earned through corrupt means even during the prosecution.
- It has the power of suspension or transfer of public servants connected with the allegation of corruption.
- It can recommend the central government for the establishment of special courts to hear and decide any case.

Representation of People's Act (RPA): Introduction; Salient Features

The Indian Constitution, under its article 324 to 329 empowers the government to make provisions for the conduct of free and fair elections in the country. Based on this power, the government of India has devised some acts like the Representation of People Act 1950 and Representation of People Act 1951.

Representation of People Act 1950

In an attempt to regulate elections in the country for the first time, the government came up with the Representation of People Act, 1950. The act provides for:

- Allocation of seats in Lok Sabha and Vidhan Sabha.
- Delimitation of constituencies for elections in Lok Sabha and Vidhan Sabha
- Qualification of voters for such elections
- Preparation of electoral roll

Salient features of the Act

- The act provides for direct elections for filling seats in every constituency.
- The Delimitation Commission will determine the extent of the constituency of each state and Union Territory (except Sikkim and Arunachal Pradesh).
- The Election Commission shall identify constituencies reserved for Scheduled Tribes in the states of Meghalaya, Mizoram, Tripura, and Nagaland.
- The President of India has the power to alter constituencies after consulting the Election Commission of India.
- The Election Commission, after consulting the Governor of the state will nominate a Chief Electoral officer and a district-level Election Commissioner after consulting the state government.
- An electoral roll will be prepared for every constituency. No person shall be enrolled for more than one constituency and may be disqualified if he/she is not a citizen of India or maybe of unsound mind and is debarred from voting.

- Only the Union government after consulting the Election Commission of India amend the rules under the act and any such amendment will not be available for judicial scrutiny under any Civil Court.

Representation of People Act, 1951

- The Representation of People Act, 1951 is enacted by the provincial government of India to scrutinize the election process before the first general elections. The act provides for:
 - The actual conduct of elections
 - Qualification and grounds for disqualification of the members of both the houses of parliament and the state legislature
 - The corrupt practices and other offences related to elections
 - Dispute redressal regarding elections

Salient Features of the Act

- Only a qualified voter can contest elections of Lok Sabha and Rajya Sabha.
- On the seats reserved for SCs and STs, only candidate belonging to that category can contest the election.
- The elector can contest election in any constituency irrespective of the state/Union Territory where the electorate is present for which he/she is eligible to vote.
- If a person is found guilty for promoting enmity, hatred between classes, bribery, influencing elections, rape or other heinous crimes against women, or spread religious disharmony, practice untouchability, import-export prohibited goods, sell or consume illegal drugs and other chemicals or terrorism in any form or may have been imprisoned for at least 2 years shall be disqualified for six years after his/her release from the jail to contest elections.
- The person shall also be disqualified if he/she is found engaged in corrupt practices or excluded for related government contracts.
- Declaration of electoral expenses is a must, failing which will lead to disqualification of the candidate.

- Every political party must be registered with the Election Commission of India whose decision regarding this will be final.
- In case of any changes in the name or address of the political party, the party must intimate the Election Commission as soon as it does so.
- A political party may take donations from any of the person or company within India except the government-owned companies. Foreign contributions are not allowed.
- Every political party must report the donation of more than ₹20,000 received from any person or company.
- National Party: If a party gets minimum 6 per cent of valid votes for assembly elections in more than four states or wins at least 2 per cent seats in Lok Sabha from at least three states is recognized as a National Party.
- State Party: If a political party gets a minimum 6 per cent of the votes in the state assembly elections or wins at least 3 per cent of total seats in the state assembly will be a state political party.
- The candidate must declare his/her assets and liabilities within 90 days from his/her oath-taking day.
- Petitions related to elections shall be filled in High Court and can be appealed in Supreme Court. The High Court must conclude the petition within six months of its filling. The decision in such case should be intimated to the Election Commission. It can be appealed in the Supreme Court within 30 days.
- The Election Commission has powers similar to the Civil Court to summon and enforce any person or any evidence. It can regulate its procedure.
- For elections-related works, people from local authorities, universities, government companies, and other institutions under state or center governments shall be provided to the Election Commission.
- The candidate should deposit ₹25000 as security for Lok Sabha elections, and all other polls ₹12500 should be deposited. SC/St candidates get 50 percent concession in security deposition.

Representation of the People (Amendment) Act, 1966

- It abolished the election tribunals and transferred the election petitions to the high court's whose orders can be appealed to Supreme Court.
- However, election disputes regarding the election of President and Vice-President are directly heard by the Supreme Court.

Representation of the People (Amendment) Act, 1988

- It provided for adjournment of poll due to booth capturing and Election Voting Machines.

Representation of the People (Amendment) Act, 2002

- New section 33A related to Right to Information was inserted in the 1951 act.

Representation of People (Amendment) Bill, 2017

- The bill seeks to amend the Representation of People Act, 1950 and the Representation of People Act, 1951 to allow proxy voting by NRIs by inserting a sub-section in section 60 of Representation of People Act, 1951 and to make provisions of the acts gender-neutral, like, replacing the term 'wife' in section 20A of the Representation of People Act, 1950 with 'spouse'.
- The amendment will satisfy the demand for voting rights by NRIs.

Basic Structure of Constitution

Following are the components of the Constitution:

- The supremacy of the Constitution
- Rule of law
- The Sovereign, Democratic and Republican nature of Indian polity
- The principle of Separation of Powers between the executive, legislative and judiciary
- Federal Character of the Constitution
- Unity and integrity of the Nation

- Independence of the Judiciary
- Judicial Review
- Freedom and dignity of the individual
- The Parliamentary system of government
- The balance between Fundamental Rights and DPSP.
- The principle of equality
- Secular character of the Constitution
- Restriction on amending the power of Parliament.
- Effective access to justice
- Principle of reasonableness
- Free and fair elections
- The Powers of the Supreme Court under Articles 32, 136, 141, 142
- The concept of Welfare State consisting of social and economic justice.

Genesis of Doctrine of the Basic Structure of the Constitution

- In Shankari Prasad case, 1951 Supreme Court ordered that constitutional amendments done by the Parliament are not subjected to Article 13(2) and such amendment includes the amendment of the fundamental rights as well.
- The Constitution (Seventeenth Amendment) Act, 1964, brought a major change. It put a number of laws in the Ninth Schedule, so as to avoid the scrutiny of judicial review. This was challenged in the Sajjan Singh Case, where it confirmed the earlier decision that Parliament can amend any provision of the Constitution under Article 368 which includes the Fundamental Rights as well.
- The I. C. Golakhnath Case, Constitutional validity of First, Fourth and Seventeenth Constitutional Amendments were reconsidered. In this judgment, it ruled out decision made in Shankari Prasad Case and the Sajjan Singh case. It held that Parliament can not amend the fundamental rights. As legislative power of the Parliament was subject to the provisions of this Constitution, Article 13(2) comprise a restriction on an amendment that abridges or take away fundamental rights.

- Parliament passed The Constitution (Twenty-fourth Amendment) Act that nullified the Golaknath judgment. It introduced a new provision Article 31C in the Constitution. It says the law which gives effect to the Directive Principles of the State Policy mentioned under Part IV of the Constitution was to be deemed valid automatically and cannot be challenged on the grounds of violating the fundamental rights guaranteed under Articles 14, 19 and 31. This was challenged in the Keshavananda Bharati case, 1973.
- In Keshavananda Bharati case, Supreme Court distinguished between the term 'Constitutional Law' and 'law' mentioned under Article 13 of the Constitution. The court said that the term 'Constitutional law' does fall under the ambit of 'law' in Article 13. It also held that the amending power of the legislature shall be subject to a doctrine called the 'Doctrine of Basic structure' and therefore the parliament cannot use its constituent power under Article 368 so as to 'damage', 'emasculate', 'destroy', 'abrogate', 'change' or 'alter' the 'basic structure' or framework of the Constitution. This judgment was a watershed moment in Constitutional history.

Anti-Defection Law

- Anti-Defection Law was inserted in the Indian Constitution in 1985 by the 52nd Amendment Act of 1985. Rajiv Gandhi government was the main initiator for the introduction of this law.
- The 52nd amendment of the Constitution inserted the Tenth Schedule in which provisions were made by which legislators can be disqualified on the grounds of defection to any other political party.
- The issue of disqualification on the ground of defection may be raised by any member of the house and is referred to the Chairman or the Speaker of House. The decision of the Chairman/Speaker of the concerned house is final and binding.

- However, the decision of the Speaker or the Chairman of the house is open for judicial review.
- The Anti-Defection law is applicable to both the houses of Parliament and also to the state assemblies.
- Anti-Defection law is in practice not only in India, but it is practised in various other countries of Asia and Africa like Bangladesh, South Africa, Kenya etc.

Salient Features Anti-Defection Law

- For Members belonging to any political party – A legislator who is a member of any political party may be disqualified if:–
- If any legislator voluntarily gives up his membership from such political party.
- If any legislator belonging to any political party votes or abstains from voting in the House contrary to the directions already issued by that political party.
- For nominated members of a House – A nominated member of a house may be disqualified if a nominated member of a house declares to joins any other political party after six months of taking her/ his seat in that house after complying with the provision of Article 99 or Article 188.
- For Member elected otherwise than as a candidate set up by any political party – A member of the house who is elected as an independent candidate may be disqualified on the ground of defection if he joins any political party after the election.

Exceptions under the Anti-Defection Law:-

- A legislator shall not be disqualified if his original/ initial political party merges with any other political party, and:
- She/ He and other members of her/ his old political party takes the membership of the new political party, or
- She/ He and other members of her/ his old political party do not accept the merger and decide to function as a separate group.

- This exception under the Anti-Defection Law shall be applicable only if not less than two-thirds of the members of a political party is in agreement with the merger or to function as a separate group.

Right to Information Act 2005 and Recent Amendments

- The Right to Information Act, 2005 with right of information was passed by the parliament on Jun 2005, and it came in force in Oct 2005.
- The RTI Act 2005, replaced the freedom of information act 2002, with an aim to provide for setting up of a practical regime of right to information for every citizen.
- RTI is a mechanism to develop and ensure accountability and transparency, in line with Art 19 (1) (a) of the constitution.
- It is a legal right of every Indian citizen.

Salient Features of RTI Act 2005

- Under its provision, any citizen of India may request information from a public authority. The required information needs to be replied within 30 days.
- The request for the information on any issue from the public authority is required to be submitted to the Public Information officer at the centre or in the State.
- The RTI Act promotes every government body to make their offices transparent by computerizing their records for the wide dissemination of the information for the public.
- The Jammu and Kashmir will not come under this RTI Act 2005. However, it has a separate Right to Information Act 2009.
- The restrictions imposed by the Official Secrets Act 1923 was relaxed by the RTI Act.

- The Act has established a three-tier structure for enforcing the right to information guaranteed under the Act. The three Levels are – Public Information Officer, First Appellate Authority and Central Information Commission (CIC).
- The information to be submitted within 30 days from the date of receipt of application.
- In case of non-receipt of information within 30 days, the individual requiring information may file an appeal. The Appellate Authority must reply within 30 days or in exceptional cases 45 days.
- The individual may file 2nd appeal within 90 days in case of non-supply of information.
- The public authorities applicable under RTI are all Constitutional bodies at centre and state (Legislature, Executive, Judiciary), bodies/NGOs owned/financed by government, privatized public utility companies.
- The public authorities excluded under RTI are Central Intelligence and Security Agencies, agencies of state specified through notification. The exclusion is not absolute.
- The Central Information Commission shall consist of one Chief Information Commissioner and up to 10 Central Information Commissioners.
- The Chief Information Commissioner will have a term of five years from the date of entering his office. She/ He shall not be entitled to reappointment to that post.
- There are 31 sections and 6 chapters enumerated in the act.
- Section 8 deals with public authorities which have been granted an exemption under this Act.

Recent amendments of RTI Act

- The bill gives the powers to change the terms and condition of service of Central Information Commissioner and the Information Commissioners in the hands of the central government.
- It clearly states that from now onward the term of office and the pay and allowances the Chief Information Commissioner and Information Commissioners in the Centre and the State shall be prescribed by the Central Government.

- The Chief Information Commissioner (CIC) and the other Information Commissioners will be appointed for a period and on the condition set by the central government.

Public Interest Litigation (PIL)

- Public Interest Litigation(PIL) is a legal measure that can be initiated in a court of law in the interest of nebulous entity or case in which the public or class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected. It is the power given through judicial activism.
- Any citizen can approach the court by filing litigation under Article 32 of the Constitution to the Supreme Court, under article 226 of the Constitution to the High Court and under Section 133 of CRPC to the Court of Magistrate.
- The efforts of Justice P.N.Bhagwati and Justice V.R.Krishna Iyer played key role in bringing this juristic revolution.
- The principles enshrined in Article 39A (Equal justice and free legal aid) of the Constitution are in consonance with the concept of PIL.
- PIL can be filed against the state or central government, municipal authorities, and not any private party. Definition of the state is as given in Article 12 of the Constitution.

Local Government system in India

Evolution of Panchayati Raj System

- The first Panchayati raj system in India was established by the state of Rajasthan in 1959, in Nagaur district followed by Andhra Pradesh. Thereafter the system was adopted by most of the status. The major concern regarding the local self-government was its architecture, amount of power to be devolved, finances

etc. Several committees were constituted by respective union governments to devise a method for the same.

Some of the important committees are:

- Balwant Rai Mehta Committee
- Ashok Mehta Committee
- G V K Rao Committee
- L M Singhvi Committee
- Thungon Committee
- Gadgil Committee

73rd Constitutional Amendment Act of 1992

- The act added Part-IX to the constitution of India named as “The Panchayats”. It contains provisions from Article 243 to 243 O. Also a new schedule, the eleventh schedule was added which deals with 243 G. It has 29 functional items of the panchayats.
- The act gave practical shape to a DPSP, Article 40 of the constitution.
- The act consists of some mandatory and few voluntary provisions to be adopted by states.
- Gram Sabha acts as the foundation of the Panchayati raj system. The body consists of all persons who are registered as electorates in the corresponding villages. It also provides for a mandatory three-tier structure (village, intermediate and district levels) bringing uniformity throughout the country. But a state with a population less than 2 Million are exempted from constituting at an intermediate level.
- The Act provides that all members at all the three levels shall be elected directly by the people. Chairman at the upper two levels shall be elected indirectly and it is voluntary on the state legislature to have provisions regarding panchayats.
- Seats are reserved for SC and ST in every panchayat in proportion to their population. It is on the state to make voluntary provisions regarding reservations

of offices of chairperson at all three levels. Also, not less than 1/3rd of the seats and office of the chairperson shall be reserved for women.

- The panchayats shall be of 5 years' duration and the elections shall be constituted before the expiry of the tenure of existing.
- The act creates a post of state finance commission and state election commission for the devolution of finances and conduct of elections respectively. It would upon the state to decide the ways of auditing and mechanisms for accounts of panchayats.
- The Act gives power to the state legislative assembly to formulate laws regarding finances of panchayat and how and on what terms they can levy, collect and appropriate taxes.
- Several states and areas are exempted from the law. Also in the scheduled areas under schedule fifth, PESA Act of 1996 shall be applied. The president may direct, how the provisions of the act should apply to union territories.
- Although given constitutional status, it is said that the act only provides skeleton leaving much on the state to decide. Several states have not taken adequate mechanisms to strengthen grass-root democracy.