

General Studies : Polity

Indian Polity: Framing the Constitution (1946-1950)

The Constitution of India was drawn up by a Constituent Assembly. The Assembly met for the first time on December 9, 1946. The Assembly constituted a Drafting Committee, under the chairmanship of **Dr.B.R.Ambedkar**, to frame a constitution for India. Indian Constitution was adopted on November 26, 1949 and it came into effect on January 26, 1950. It is the longest written Constitution in the world containing 395 Articles, 22 Parts and 12 Schedules.

- **Rajendra Prasad** was elected its Permanent Chairman on 11.12.1946.
- The Draft Constitution was published in January, 1948. The people of India were given 8 months to discuss the draft and propose amendments. As many as 7,635 amendments were proposed and 2,473 were actually discussed.
- The Constituent Assembly held 11 sessions.
- The Draft Constitution was considered for 114 days. In all the Constitutional Assembly sat for 2 years, 11 months and 18 days.
- The New Constitution of India was adopted by the Constituent Assembly on 26th November, 1949 and signed by the President, Dr. Rajendra Prasad. 15 Articles (5,6,7,8,9,60,324,366,367,372, 380, 388, 391,392 and 393) came into force at once.
- The remaining provisions of the Constitution came into force on 26th January, 1950 which is the date of the commencement of the Constitution.
- On January 26, 1950, the Indian Government also adopted Sarnath, the Lion Capital of Ashoka with the wheel, bull, and horse as the national emblem of India.
- The design of the National Flag was adopted by the Constituent Assembly of India on 22 July 1947.
- The national calendar based on the Saka Era, with Chaitra as its first month and a normal year of 365 days was adopted from 22 March 1957
- National anthem Jana-gana-mana, composed originally in Bengali by Rabindranath Tagore, was adopted in its Hindi version by the Constituent Assembly as the National Anthem of India on 24 January 1950. It was first sung on 27 December 1911 at the Calcutta Session of the Indian National Congress.

Schedules and Articles

There are 395 articles in Indian Constitution with 22 parts and 12 Schedules.

Schedule 1	Territories and State(Article 1 to Article 4)
Schedule 2	Salaries
Schedule 3	Oath
Schedule 4	Rajya Sabha
Schedule 5	Provisions for the administration of tribal

	areas other than Assam, Meghalaya, Tripura, and Mizoram
Schedule 6	Provisions for the administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram
Schedule 7	Union List(97), State List(66), Concurrent List(47)
Schedule 8	Languages
Schedule 9	Land Reforms
Schedule 10	Anti Defection
Schedule 11	Panchayat Raj (rural local government)
Schedule 12	Municipalities (urban local government).

Preamble of India

The preamble sets out the main objectives of the Constitution; the objective which the Constitution- makers intended to be realised through it. It is the key to open the mind of the Constitution makers.

- The preamble is a legitimate aid in the construction of the provisions of the Constitution.
- WE, THE PEOPLE OF INDIA, have solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:
- JUSTICE, social, economic and political;
- LIBERTY of thought, expression, belief, faith and worship;
- EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

Here:

SOVEREIGN: It is Sovereign because the Constitution does not recognise the legal supremacy of another country over India. Her membership of the Commonwealth of the Nations is not inconsistent with her independent and sovereign status.

SOCIALIST: Indicates the incorporation of the philosophy of 'socialism' in the Constitution which aims at elimination of inequality in income and status and standards of life and may enable the courts to lean more and more in favour of nationalisation and State ownership of an industry.

SECULAR: The word 'secular' simply recognises the concept of secularism as manifested in the guarantee of freedom of religion as a fundamental right in the Constitution

DEMOCRATIC : It is Democratic because the Constitution rests on the people's will, and the institutions set up under it shall seek to give effect to democratic principles

REPUBLIC : It is Republic because the head of the State is not a hereditary monarch.

Amendment: In 42nd amendment, 1976 socialist, secular , and integrity words were added in Preamble.

Time line of formation of New States:

Andhra Pradesh	Created by the State of Andhra Pradesh Act 1953 by carving out some areas from the State of Chennai
Gujarat and Maharashtra	The State of Mumbai was divided into two States i.e. Maharashtra and Gujarat by the Mumbai (Reorganisation) Act 1960
Kerala	Created by the State Reorganisation Act, 1956. It comprised Travancor and Cochin areas
Karnataka	Created from the Princely State of Mysuru by the State Reorganisation Act, 1956. It was renamed Karnataka in 1973
Nagaland	It was carved out from the State of Asom by the State of Nagaland Act, 1952
Haryana	It was carved out from the State of Punjab by the Punjab (Reorganisation) Act, 1966
Himachal Pradesh	The Union Territory of Himachal Pradesh was elevated to the status of State by the State of Himachal Pradesh Act, 1970
Meghalaya	First carved out as a sub-State within the State of Asom by 23 Constitutional Amendment Act, 1969. Later in 1971, it received the status of a full-fledged State by the North-Eastern Areas (Reorganisation) Act 1971
Manipur and Tripura	Both these States were elevated from the status of Union-Territories by the North-Eastern Areas (Reorganisation) Act 1971
Sikkim	Sikkim was first given the Status of Associate State by the 35th Constitutional Amendment Act 1974. It got the status of a full State in 1975 by the 36th Amendment Act, 1975
Mizoram	It was elevated to the status of a full State by the State of Mizoram Act, 1986
Arunachal Pradesh	It received the status of a full state by the State of Arunachal Pradesh Act, 1986
Goa	Goa was separated from the Union-Territory of Goa, Daman and Diu and was made a full-fledged State of Goa, Daman and Diu Reorganisation Act 1987. But Daman and Diu remained as Union Territory
Chhattisgarh	Formed by the Constitutional Amendment Act, 2000 by dividing Madhya Pradesh on November 1, 2000
Uttarakhand	Formed by the Constitutional Amendment Act, 2000 by dividing Uttar Pradesh on November 9, 2000
Jharkhand	Formed by the Constitutional Amendment Act, 2000 by dividing Bihar on November 15, 2000
Telangana	It was formed on 2 June 2014 with the city of Hyderabad as its capital

Indian Polity: Borrowing of Indian Constitution

From U.K.	Cabinet System of Ministers Post of PM Parliamentary Type of Govt. Bicameral Parliament Lower House more powerful Council of Ministers responsible to Lower House Speaker in Lok Sabha
From U.S.	Written Constitution Executive head of state known as President and his being the Supreme Commander of the Armed Forces

	Vice- President as the ex-officio Chairman of Rajya Sabha Fundamental Rights Supreme Court Provision of States Independence of Judiciary and judicial review Preamble Removal of Supreme court and High court Judges
From USSR	Fundamental Duties , Five year Plan
From AUSTRALIA	Concurrent list, Language of the preamble, Provision regarding trade, commerce and intercourse
From JAPAN	Law on which the Supreme Court function
GERMANY	Suspension of Fundamental Rights during the emergency
From CANADA	Distribution of powers between center and the states and placing. Residuary Powers with the center
From IRELAND	Concept of Directive Principles of States Policy(Ireland borrowed it from SPAIN), Method of election of President

PART -1(Territories and State: Article 1 to Article 4):

- India i.e., Bharat shall be union of state. **(Article 1).**
- Formation of New states and alteration of their areas, boundaries or name is done after the recommendation of President to Parliament. **(Article 3)**

PART –II(Citizenship: Article 5 to Article 11):

- The provisions of citizenship are covered by Articles 5 to 11 of Indian Constitution and are Embodied in Part II of the Constitution.

Citizen by Birth:

- 1) who born till 1st July, 1987: Are citizen of India by birth irrespective of their parents nationality.
- 2) Who born between 1st July 1987 and 1st July, 2003: Are Indian Citizen if either of their parents are Indian Citizen.
- 3) Who born after 2003: Are Indian Citizen only if Both of their parents are Indian Citizens.

Citizen by Descent:

- A person born outside India on or after 26th January 1950 but before 10th December 1992 is a citizen of India by descent, if his father was a citizen of India by birth at the time of his birth
- A person born outside India on or after 10th December 1992 but before 3rd December, 2004, is considered as a citizen of India if either of his parents was a citizen of India by birth at the time of his birth. In case either of the parents was a citizen of India by descent, that person shall not be a citizen of India, unless his birth is registered at an Indian Consulate within one year from the date of birth or with the permission of the Central Government, after the expiry of the said period.

- A person born outside India on or after 3rd December, 2004 shall not be a citizen of India, unless the parents declare that the minor does not hold passport of another country and his birth is registered at an Indian consulate within one year of the date of birth or with the permission of the Central Government, after the expiry of the said period.
- **Citizenship by registration:** Indian Citizenship by registration can be acquired by Persons of Indian origin who are ordinarily resident in India for SEVEN YEARS before making application for citizenship.
- **Citizenship by Naturalization:** Where an application is made in the prescribed manner by any person of full age and capacity not being an illegal migrant for the grant of a certificate of naturalization to him, the Central Government may, if satisfied that the applicant is qualified for naturalization under the provisions of the Third Schedule, grant to him a certificate of naturalization. And If in the opinion of the Central Government, the applicant is a person who has rendered distinguished service to the cause of science, philosophy, art, literature, world peace or human progress generally, it may waive all or any of the conditions specified in the Third Schedule.
- All the laws on citizenship are made by Parliament.

The Citizenship Act, 1955:

A comprehensive law dealing with citizens was passed by Parliament in 1955 in accordance with the powers vested in it by Article 11 of the Constitution. The provisions of the Act may be broadly divided into three parts, acquisition of citizenship, termination of citizenship and supplemental provisions

Indian Polity: Part – III (Fundamental Rights: Articles 12 to Article 35)

The Part III of the Constitution of India gives a detailed description on a charter of rights called the '**Fundamental Rights**'. These fundamental rights guarantee civil freedom to all the citizens of India to allow them to live in peace and harmony. These are the basic rights that every Indian citizen has the right to enjoy, irrespective of their caste, creed and religion, place of birth, race, color or gender. These fundamental rights include Right to Equality, Right to Freedom, Right to Freedom of Religion, Cultural and Education Rights, Right against Exploitation, Right to Constitutional Remedies, etc.

Right to Equality :

- Equality Before Law (equality before the law is a somewhat negative concept because it prohibits the state to give any privilege treatment to any person before law) and Equal protection of Laws (Which means equal treatment for all by law, it is considered as positive concept because priority can be given to neglected strata of the society) . (**Article 14**).
- No discrimination on the basis of religion, caste, sex or place of birth in public places. (**Article 15**).

- No discrimination on the basis of religion, caste, sex or place of birth in case of Employment. (**Article 16**).
- Ban on untouchability. (**Article 17**).
- Ban on Titles. The only exception made to the strict rule of non-recognition of titles is that provided in favour of academic or military distinctions (**Article 18**).

Right To Freedom:

- **Article 19:** This article is called by Pt. Jawaharlal Nehru as “Clusters of Freedom”. This article includes Right of speech and expression, Right to form unions and association, Right to roam anywhere in the country, and right to do business anywhere in the country.
- No one can be convicted for the same offence twice and compelled to witness against himself. (**Article 20**).
- Right to Life. (**Article 21**).
- Right to education (**Article 21 A: This article was added by 86th Amendment, 2002**)

Right Against exploitation: It prohibits human trafficking and child labour (Article 23 and Article 24)

Right to Freedom of Religion (Article 25 to Article 28):

- Every religion has the right to propagate and buy property on the name of religion.
- No tax on religion. (Article 27).

Cultural and Education Right:

- No discriminations on the basis of language, script or culture. (**Article 29**).
- Right of minorities (Religious and Cultural) to open educational institutions. (**Article 30**)
- This fundamental right is for the protection of minorities.

Right of Constitutional Rights (Article 32): A declaration of fundamental rights is meaningless unless there is an effective machinery for the enforcement of the rights. Hence the framers of the Constitution were in favour of adopting special provisions guaranteeing the right to constitutional remedies.

- This Fundamental right is called as “**Heart and Soul of the Indian Constitution**” by B.R. Ambedkar.
- Under this article Supreme court can issue **five writs**:
- **Habeas corpus** – ‘You may have the body’ (a person unlawfully detained is sought to be set at liberty)
- **Mandamus**: ‘We order’ (commanding a person or a body to do that which it is his, or its duty)
- **Prohibition**: Issued primarily to prevent an inferior court from exceeding its jurisdiction
- **Certiorari**: Orders the removal of a suit from an inferior court to a superior court
- **Quo warrant**: Restrains a person from acting in an office to which he is not entitled

Indian Polity: Part – IV(Directive Principle Of State Policy: Article 36 to Article 51)

Part IV of the Indian Constitution deals with the Directive Principles of State Policy. Directive Principles are not enforceable in a Court, they are fundamental in the governance of the country and it is the duty of the State to apply these principles in making laws. It shall be the duty of the State to apply these principles in making laws.

Highlights:

- State to secure a social order for the promotion of welfare of the people.(Article 38)
- Citizens, men and women equally, have the right to an adequate means of livelihood(Article 39)
- Equal justice and free legal aid(Article 39A)
- Organization of village panchayats(Article 40).
- Right to work, to education and to public assistance in certain cases: The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want (Article 41)
- Provision for just and humane conditions of work and maternity relief.(Article 42)
- Participation of workers in organization.(Article 43 A)
- Uniform civil code(Article 44).
- Free education for all the children from 0 to 6 years.(Article 45)
- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.(Article 46)
- Duty of the State to raise the level of nutrition and the standard of living and to improve public health(Article 47).
- Organization of animal husbandry(Article 48)
- Protection and Improvement of Environment.(Article 48A)
- Protection of Historical Monuments (Article 49).
- Separation of judiciary from executive(Article 50)
- Promotion of international peace and security(Article 51)

In other way, these directive principles can be divided into three types:

(a) Socialistic Directives : Article 38 , 39, 41 and 42

(b) Gandhian Directives: Article 40, 43,45,46,47,48

(c) Liberal intellectual directives: Article 44, 50

Indian Polity: Part – IV A (Fundamental Duties: Article 51A)

The Fundamental Duties of citizens were added to the Constitution by the **42nd Amendment** in 1976, upon the recommendations of the Swaran Singh.

Originally ten in number, the Fundamental Duties were increased to eleven by the **86th Amendment** in 2002, which added a duty on every parent or guardian to ensure that their child or ward was provided opportunities for education between the ages of six and fourteen years.

There are eleven fundamental duties in India :

- To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- To cherish and follow the noble ideals which inspired our national struggle for freedom;
- To uphold and protect the sovereignty, unity and integrity of India;
- To defend the country and render national service when called upon to do so;
- To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- To value and preserve the rich heritage of our composite culture;
- To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures
- To develop the scientific temper, humanism and the spirit of inquiry and reform;
- To safeguard public property and to abjure violence;
- 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;
- Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years

Panchayat and Municipality

Panchayat:

The Constitution (73rd Amendment) Act, 1992 has added a new Part IX consisting of 16 Articles and the Eleventh Schedule to the Constitution. The 73rd Amendment Act envisages the Gram Sabha as the foundation of the Panchayati Raj System to perform functions and powers entrusted to it by the State legislatures. The amendment provide for a three tier Panchayati Raj System at the village, intermediate and district levels. Small states with population below twenty lakh have been given the option not to constitute the Panchayats at the intermediate level. The Act provides that the Panchayat bodies will have an assured duration of five years, with elections mandatory after this period

Article 243 A to Article 273 P (Panchayati raj in India):

1. Indian panchayati raj system is three tier consist of Village panchayat at the lowest level which is headed by "Sarpanch" , middle level i.e, Block level which is headed by Block development committee and District level which is headed by district development committee.

2. According to Article 243E every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting.
3. Powers to impose taxes by Panchayats if permitted by legislative assembly.
4. Article 243-I provides for the establishment of a Finance Commission for reviewing financial position of the Panchayats.
5. Under Article 243K the superintendence, direction and control of the preparation of electoral rolls and conduct of all elections to the Panchayats shall be vested in a State Election Commission consisting of the State Election Commissioner to be appointed by the Governor.

Municipality:

The Narsimha Rao Government introduced a Constitution Amendment Bill pertaining to urban local bodies in the Lok Sabha on September 16, 1991. The Bill was passed by both the Houses in December 1992. It received the assent of the President on April 20, 1993 and was published in the gazette on the same day as the Constitution 74th Amendment Act, 1992.

Article 243 Q to Article 243ZG (Municipality System in India):

- Municipality system in India consist of Nagar panchayat (which is in transition from rural to urban area), Municipal Council (Small urban area) and Municipal Corporation (Large Urban Area).
- There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakh or more.
- Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.
- Power to impose taxes.

Indian Polity: Parliament (Consist of Lok Sabha, Rajyasabha and President)

Lok Sabha (Article 81):

The Lok Sabha is the popular chamber of the Indian Parliament with a maximum strength of 552 members and this is so from the Thirty-first Amendment onwards when it was increased from 525 members to 552 members body

- But out of 552, 545 seats filled every year. Of the total members, not more than 525 represent states and 20 is the number of seats reserved for Union Territories. Another provision is of two members to be nominated by the President from Anglo-Indian communities, if in the President's opinion, it does not have a fair representation in the Lok Sabha.
- The forty-second Amendment has laid down that 1971 census will serve as the basis of allocation of seats to each State and this will remain so till 2000 A.D. Lately, the Union Cabinet has extended this cap upto 2026 AD.

- The term of Lok Sabha is for five years. However, it can be dissolved earlier. On the other hand, the term of Lok Sabha can be increased in a situation of emergency.
- The convention is of Lok Sabha meeting not less than twice every year and there must not be gap between two meeting exceeding six months.
- The time of meeting is decided by the President, who also has the choice of venue where the meeting can be held. The President also enjoys the power to dissolve or prorogue the House. The quorum of meeting to be held is in tenth of the total strength of the House.
- A person to be able for contesting election for the membership of Lok Sabha must not be less than 25 years of age and should not hold

Rajya Sabha (Article 80):

The Rajya Sabha consists of a maximum of 250 members including members nominated as well as elected. The number of elected members is not to exceed 238 representing the States and the Union Territories. The President nominates 12 members having exceptional qualities and experiences in diverse fields like art, literature, science, and social service.

- The Rajya Sabha is a permanent body with a tenure of each member for six years and it cannot be dissolved. However, one-third of the members retire at the end of every second year.
- A member must have the basic requirement of being an Indian and not less than 30 years of age. The member must also not hold any office of profit, if he is chosen. If a member remains absent from the House for more than 60 days, the seat may be declared vacant.

Bills Passed By Parliament

There are three types of bills passed by Parliament:

1) Ordinary Bill(Article 107):

1. A bill other than money or financial bill is termed as ordinary bill
2. This bill may originate in either house of parliament.
3. this bill is firstly passed by both the houses of parliament and if there is any deadlock , President may call for the Joint Session. Joint session is presided by speaker of Loksabha.
4. President may :
 - a) Pass the bill.
 - b) Hold the Bill(Pocket Veto).
 - c) Returnback the bill(Suspensive Veto
 - d) Cancel the bill(Absolute Veto), Bill which are presented by ministers cannot be cancelled by the president.

2) Money Bill(Article 110):

Bill is money bill if contains: a) the imposition, abolition, remission, alteration or regulation of any

b) borrowing by government, money required from consolidated fund of India or any other money related matter

- Articles 109 and 110 deal with Money Bills.
- A Money Bill can only be introduced in the Lok Sabha. It can not be introduced in Rajya Sabha.
- The Money Bill can be introduced without the recommendation of the President.
- No dead lock occurs.
- No Joint Session of House necessary.
- A Money Bill is passed by Lok Sabha. Thereafter it is sent to Rajya Sabha for recommendations. Rajya Sabha must return it within 14 days, with or without recommendations.
- Lok Sabha may consider or may not consider the recommendations of the Rajya Sabha pertaining to Money Bills.
- Whether it is a Money Bill or not, the Speaker has to give a certificate and shall be endorsed only it. (Art. 110(4)).

Financial Bill(117):

- A financial bill include two or more than two money matters or one money matter and other ordinary matter.
- All Money bills = Financial bills but all Financial bills $\neq$ Money bills.
- This bill always originate in Lok sabha and then passed to Rajya Sabha.
- After passing from Lok Sabha this bill behave like ordinary bill

State Legislature

It Consist of Two houses:

Legislative Assembly (Article 170):

Under the Constitution of India, the Legislative Assembly of a State shall consist of not more than 500 and not less than 60 members chosen by direct election from territorial constituencies(some states have exceptions)

1. The biggest state like Uttar Pradesh has 403 members in its Assembly. Puducherry has 30 members. Mizoram, Goa have only 40 members each. Sikkim has 32 members
2. Governor has the power to nominate 1 Anglo Indian.
3. Minimum Age: 25 years
4. Term: 5 years(except Jammu and Kashmir where it is 6 years)
5. The house or each house of the State Legislature in India is from time to time summoned

by the Governor who may also prorogue the house or either house and dissolve the Legislative Assembly. The period for which the house should meet or the required duration of the sessions is not laid down in the Constitution but the gap between two sessions must be less than six months.

6. The assembly has a Speaker and a Deputy Speaker elected by the House

Legislative council(Article 169):

The Vidhan Parishad (or Legislative Council) is the upper house in those states of India that have a bicameral legislature. As of 2014, Seven (out of twenty-nine) states have a Legislative Council: Andhra Pradesh, Bihar, Jammu and Kashmir, Karnataka, Maharashtra, Telangana and Uttar Pradesh

- Legislative councils are formed when Legislative assembly of that state passes a resolution by supporting 2/3rd After this Parliament approve this resolution by simple majority.
- The Council shall be a continuing House and it is not subject to dissolution but one third of its members shall retire every two years
- The Council has a Chairman and Deputy Chairman elected by the Council.

Members of Legislative Council:

1. One-third are elected by members of local bodies such as corporations, municipalities, and Zila Parishads.
2. One-third are elected by members of Legislative Assembly from among the persons who are not members of the Assembly.
3. One-twelfth are elected by persons who are graduates of three years' standing residing in that state.
4. One-twelfth are elected by persons engaged for at least three years in teaching in educational institutions within the state not lower than secondary schools, including colleges and universities.
5. One-sixth are nominated by the governor from persons having knowledge or practical experience in fields such as literature, science, arts, the co-operative movement and social service

Indian Polity: Constitutional Glossary

Secret ballot: A system of voting in which one's choice of candidate is kept secret.

Rule of law: It is a doctrine that holds that no individual is above the law and every one regardless of their social status is equal before law.

Republic: A state in which power is held by the people and their elected representatives and which has an elected president as head of state rather than a monarch.

Quorum: The minimum number of members of an organization (e.g. Parliament) needed to conduct business.

Oligarchy: A form of government where political power effectively rests with a small elitesegment of society

First-Past-the-Post system: An electoral system in which the one who receives more votes than any other candidate gets elected

Ballot paper: A paper handed to each voter on election day to be marked, showing the names of the candidates (and sometimes the parties) who are standing for election.

Bicameral: Government with two house of legislature. Like in india we have loksabha and Rajya Sabha.

Unicameral: Government with one house of legislature. Like in Punjab there is only legislative assembly .so it is Unicameral.

Crossing the floor: An MP crossing the floor of Parliament to vote with his/her opposition.

Adjournment Sine Die: When House is suspended without fixing any time period.

Prorogation : End of the whole session of the house.

Question Hour: First hour of every sitting of the house. This hour is devoted to ask questions by the members of house.

Adjournment Motion: If House wanted to discuss very important topic then adjournment motion is moved to discuss that topic

Zero Hour: Immediately starts after the Question hour. It is used to raise matters without any prior notice.

Censure Motion: Moved by house to stop any minister for specific policies and actions.

No Confidence Motion: Moved against the entire council of minister in Lok Sabha. This is moved to asked govt to prove their majority.

Amendments & Article 370

Article 368 : There are three types of amendments in India:

- (a) Amendment by Simple Majority like creation of new States.
- (b) Amendment by Special Majority. The bulk of the Constitution can be amended in this way.
- (c) Amendment by Special Majority by Parliament and ratifications by legislature of half of the state

- Seventh Amendment 1956 : Necessitated on account of reorganization of States on a linguistic basis.

- Twenty first Amendment 1967 : Included Sindhi as the Fifteenth Regional language.
- Forty second Amendment 1976 : Provided supremacy of Parliament and gave primacy to Directive Principles over Fundamental Rights. It also added 10 Fundamental Duties. New words – Socialist, Secular and Unity and Integrity of the Nation, were added in the preamble.
- Forty fourth Amendment 1978 : The Right to Property was deleted from Part III. Article 352 was amended to provide 'Armed Rebellion' as one of the circumstances for declaration of emergency.
- Sixty first Amendment 1989 : Reduced the voting age from 21 to 18 years for the LS as well as Assemblies
- Seventy third Amendment 1993 : (Panchayati Raj Bill) Provided among other things Gram Sabha in Villages, constitution of panchayats at the village and other levels, direct elections to all seats in panchayats and reservation of seats for the SC and ST and fixing of tenure of 5 years for panchayats.
- Seventy fourth Amendment 1993 : (Nagarpalika Bill) Provides for, among other things, constitution of three types of municipalities, reservation of seats in every municipality for the SC and ST, women and the backward classes.
- Eighty sixth Amendment 2002 : Makes education a fundamental right for children in the age group of 6 – 14 years
- Ninety first Amendment 2003 : Amended the Anti – Defection Law and also made a provision that the number of ministers in the Central & State Govts, cannot be more than 15% of the strength of Lok Sabha & respected Vidhan Sabha
- Ninety second Amendment 2003 : Bodo, Maithili, Santhali and Dogri added into the VIII Schedule
- 98th Amendment, January 2013 : To insert Article 371J in the Constitution which empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region

Separate Constitution of Jammu and Kashmir:

Article 370:

According to this article, except for defence, foreign affairs, finance and communications, Parliament needs the state government's concurrence for applying all other laws.

- Thus the state's residents live under a separate set of laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to other Indians.

As a result of this provision, Indian citizens from other states cannot purchase land or property in Jammu & Kashmir.

- Under Article 370, the Centre has no power to declare Financial emergency under Article 360 in the state. It can declare emergency in the state only in case of war or external aggression.
- The Union government can therefore not declare emergency on grounds of internal disturbance or imminent danger unless it is made at the request or with the concurrence of the state government.

Important Positions and Bodies In Constitution

Types of Majorities:

There are different types of majority which are required to pass laws, amend the constitution, removal or appointments of constitutional positions. Majorities are:

Simple Majority: This refers to majority of more than 50% of the members present and voting.

Absolute Majority: It refers to a majority of more than 50% of the total membership of the house.

Special Majorities: This is a special kind of majority required in certain cases. The majority votes of 2/3rd members present and voting and also these votes should exceed 50% of the total strength of house. Now let's assume a scenario: The strength of the house is 250 and let's assume 230 are present. Now the absolute majority will be considered if the positive votes will exceed both condition – 2/3rd of present and voting that is 154 and more than 50% of total strength of the house that is 126. So in this condition 154 votes will be required.

Important Positions And Bodies In Constitution:

President(Article 52) :

Elected by :

1. a) Elected Members of both houses of Parliament.
2. b) Elected Members of Legislative assemblies of state and UTs

Eligibility criteria:

- 1) Min age = 35 years.
- 2) should be eligible to be appointed as member of Lok Sabha

Powers :

- 1) He is the Head of state means all the decisions of central govt are taken on the name of President
- 2) He has the power to grant pardon, reprieve, remit or commute the sentence(Article 72).
- 3) Ordinance making power (Article 123).

Removal :

- 1) Removed by All the members of Parliament(Both nominated and elected).
- 2) More than 2/3rd of total member of house should vote in favor of removal (Impeachment , Article 61).

Tenure: 5 years

Vice President(Article 63) :

Elected by : All members of Parliament

Eligibility criteria:

- a) Min age : 35 years.
- b) Should be eligible to appointed as member of RajyaSabha

Powers :

- 1) He is the ex – office chairman of Rajyasabha.

Removal :

- 1) Resolution for removal of Vice President always initiated in RajyaSabha . Rajyasabhapassed it by Absolute Majority.
- 2) After RajyaSabha ,Loksabha will pass it by Simple majority

Tenure: 5 years

Attorney General Of India(Article76) :

Appointed by : President

Eligibility criteria:

5 years' experience as a judge of high court or 10 years' experience as an advocate of high court

Powers :

- 1) Highest law officer of the land.
- 2) He advisegovt on all the legal issues and have the right to sit in parliament

Removal : President

Tenure: no specified time period

Speaker (Article 93) :

Appointed by :

Elected by members of LokSabha by Absolute Majority.

Eligibility criteria:

He should be member of loksabha

Powers :

- 1) Presiding officer of Loksabha and joint session.
- 2) He exercise casting vote in case of equality of votes on any resolution

Removal :

Removed by loksabha by Absolute Majority

Tenure: 5 years

Deputy Speaker(Article 93):

Appointed by :

Elected by members of Lok Sabha by Absolute Majority.

Eligibility criteria:

He should be member of lok sabha

Powers :

He worked in the absence of speaker

Removal :

Removed by lok sabha by Absolute Majority

Tenure: 5 years

Judges of Supreme Court (Article 124) :

Appointed by : President after suggestion given by Judicial collegium.

Eligibility criteria:

- a) Min 5 years experience as judge of supreme court
- b) Min 10 years experience as advocate of high court

Powers :

Supreme court have the original jurisdiction to hear the cases of center- state dispute, state – state dispute

It also act as final arbitrator.

Removal : Special Majority

Tenure: Till attain 65 years of age

Governor (Article 153) :

Appointed by : President

Eligibility criteria:

- 1) Max age: 35.
- 2) He should not hold any office of profit

Powers :

- 1) All the decision of state govt are taken on the name of Governor.
- 2) Ordinance making power (Article 213)

Removal : President

Tenure: 5 years

Comptroller and Auditor General of India (Article 148) :

Appointed by : President

Eligibility criteria: —

Powers :

- 1) He is responsible for auditing of centre and state govt account.
- 2) He also maintain accounts of state govt.

Removal : Special Majority

Tenure: 6 years

High court judge (Article 217) :

Appointed by :

Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State

Eligibility criteria:

- 1) Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State
- 2) At least ten years experience to held a judicial office in the territory of India 1) High Court have the power to issue writ(Article 226.)

Powers :

- 1) High Court have the power to issue writ(Article 226.)

Removal : Special Majority

Tenure: Till attain 62 years of age

Judges of District Court (Article 233) :

Appointed by : Governor

Eligibility criteria: sevenyears experience in judicial service

Powers : ——

Removal : Governor

Tenure: Retirement age of that state

Finance Commissioner(Article 280):

Appointed by : President

Eligibility criteria:

- 1) who is qualified to become Judge of high court.
- 2) Who has specialized knowledge in Finance and Economy

Powers :

Distribution of funds between centre and State.

Removal : President

Tenure: 5 years

Members of UPSC (Article 315, 316) :

Appointed by : President

Eligibility criteria:

Half the members of UPSC should be such persons who have held office for atleast 10 years under GOI.

Powers :

- 1) Conduct Examinations for appointment of All India Services.
- 2) Also deals with suspension, transfer, or extension of services

Removal : President

Tenure: 6 years or till attain 65 years of age

Election commission of India(Article 324) :

Appointed by : President

Eligibility criteria:

Powers :

1) Conduct elections of Parliament, Legislative Assemblies, Vice president and President

Removal : Special Majority(Only chief election commissioner), other two commissioners are removed by President

Tenure: 6 years or till attain 65 years of age.

Emergency

Type of emergency	Articles	Proclaimed by	Ground of declaration	Ratified by Parliament with in	Applicable to whole country	Can extend up to	How many times imposed
National Emergency	352	President	Security of India or a part of it is threatened by war/external aggression or armed rebellion	One month	no	6 months	Three: 1962,1971,1975
President Rule	356	President	Failure of Constitutional machinery of state	Two months	no	6 months(Maximum up to 3 years) . Punjab had five years of emergency	More than 120 times: Highest in Manipur(10 times)
Financial Emergency	360	President	If President thinks that there has arisen certain circumstances by which financial stability of India or a part of it is threatened	Two months	No	One year	never

