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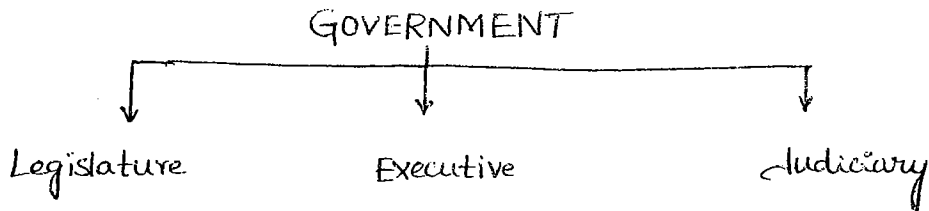
CIVIL ENGINEERING STUDENTS AND GRADUATES



INDIAN POLITY

Constitution of India:—

Constitution is a set of rules and regulations (or) LAWS/ACTS/LEGISLATIONS.



Federation means division of powers b/w the Central Government and the state government.

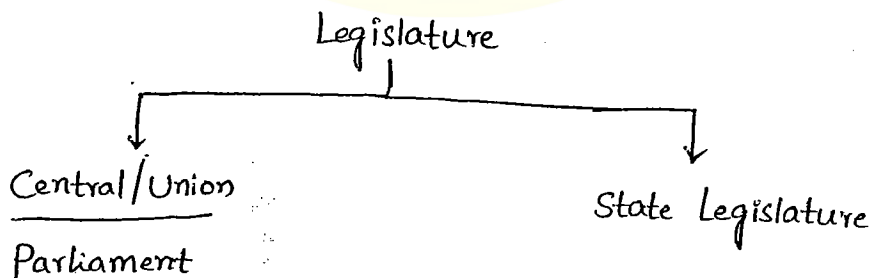
"The word Federation is not where mentioned in the Constitution.

President is the nominal executive/ constitutional head / Dejure head.

The prime Minister is the real executive (or) Defacto head.



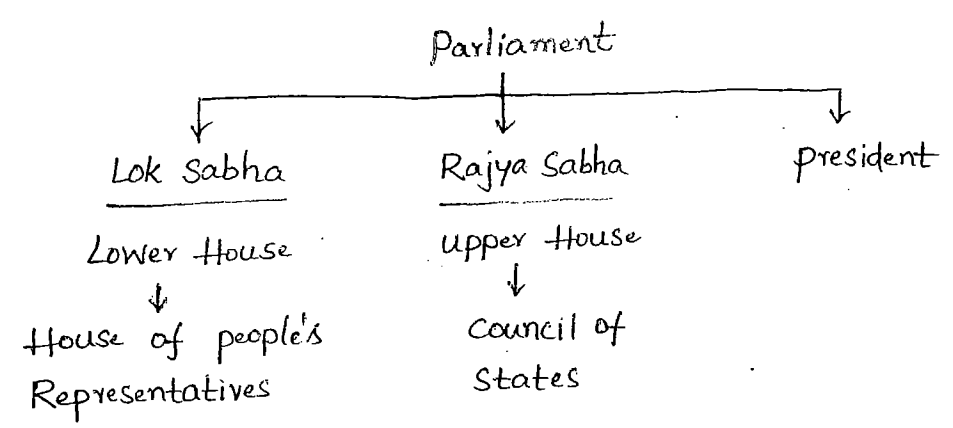
LEGISLATURE:—



Assembly is a part of state legislative.

* Rajendra prasad → First president.

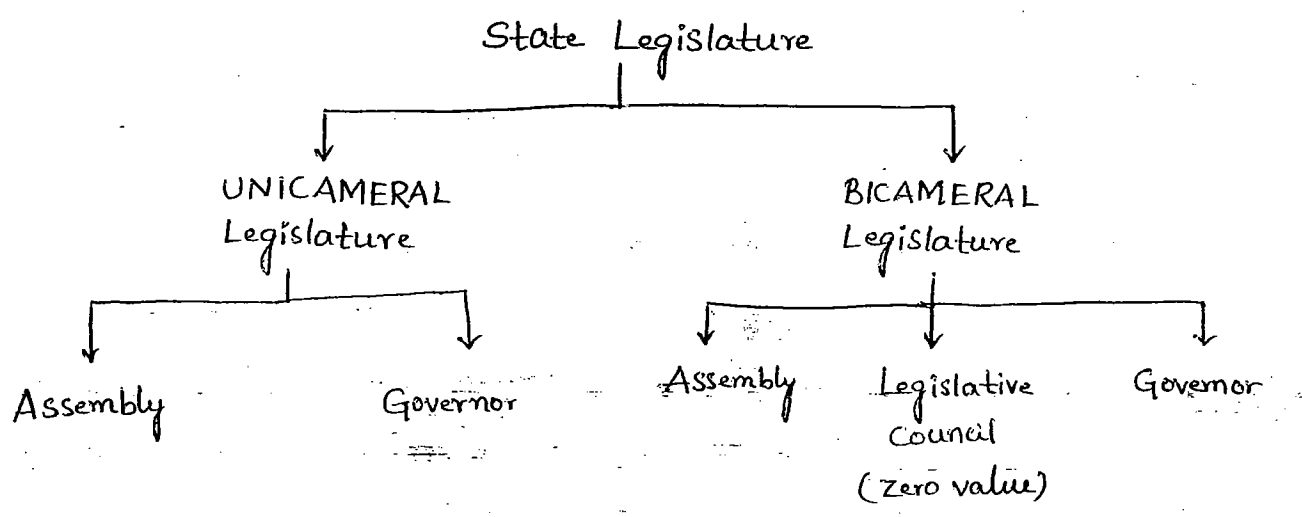
Parliament:-



- * Legislature is a Law making body.
- * Executive is the implementing body.
- * Judiciary is Law interpreting authority (or) Reviewing authority.
- * Supreme Court is the final interpreter of the Constitution.

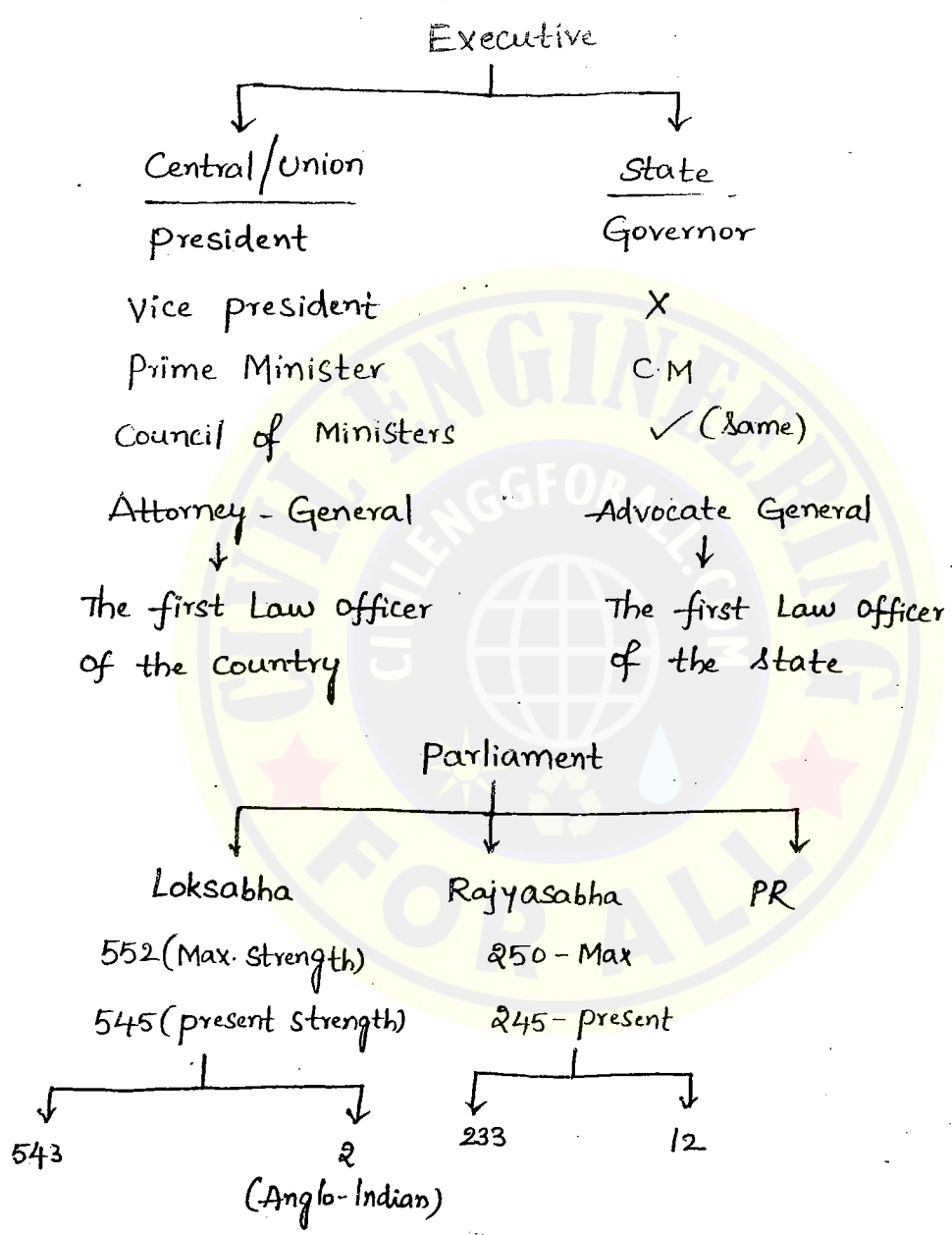


- * The Constitution is the Supreme Law of Land.
- * The word Judicial Review is nowhere mentioned in the Constitution.



- * Legislative Council is Criticised as a political rehabilitation center @ sixth finger.

- * At present 7 States are Bicameral Telangana, Andhra Pradesh, Karnataka, Maharashtra, Bihar, Uttar Pradesh and Jammu & Kashmir.
- * Article 370 provides special status to Jammu & Kashmir.
- * The Legislative Councils are created or abolished by the parliament.

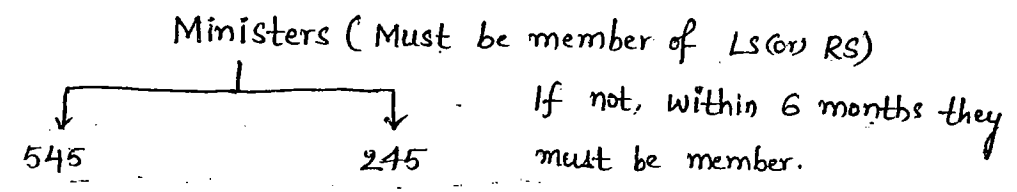


- * In India, 543 Constituencies are there.
- * Elections started in 1951/1952. there we have 2 member & 3 member Constituency.
- * 1962 - Single member Constituency
- * Single member Constituency means from any given Constituency any no. of persons may contest in the elections but only one person is declared elected.
- * Since the 3rd Lok Sabha elections of 1972 all the Constituencies are single member.

- * 16 times Loksabha elections are conducted in India.
- * Loksabha elections are direct elections (people will vote).
- * Direct Elections means the people vote in the elections.
- * Indirect Elections means the members are elected through the representatives of the people.
- * The president may nominate not more than 2 Anglo-Indians to the Loksabha.
- * The president may sendback the proposals for reconsideration not more than one time.

Uttarpradesh → 20 Crores → 403 Assembly + 1
 Sikkim → 6 Lakhs → 32 Assembly + 1
 Andhrapradesh → 175 Assembly + 1
 Telangana → 119 Assembly + 1

- * Rajyasabha members are elected by the elected members of state Legislative Assembly.
- * The other 12 members are nominated by the president. These are the persons with special knowledge (or) practical experience in the fields of Science, Arts, Literature (or) Social Service.



- * Only ministers are public members.
- * Others are private members.
- * Public members can go to both LS & RS.

Law Making procedure:

Bill → LS (1st house) → RS (2nd House) → PR ⇒ LAW
 Bill → RS (1st house) → LS (2nd House) → PR ⇒ LAW

* Bill is a proposal that can be introduced in either of the houses. After it is passed by both the houses with the assent/consent of the President a bill becomes an act.

* Simple majority (Half+one) must accept the bill in LS&RS

QUORAM:-

Quoram is the min. strength of the house.

1/10th of the total ie LS-55; RS-25

Bill → ✓ LS → ✓ RS → ✓ PR → ACT

Bill → ✗ LS → Stops

Bill → ✓ LS → ✗ RS → DEAD Lock ⇒ Joint Session Summoned President

* DEAD LOCK is a situation of this disagreement b/w the two houses of the parliament w.r.t a bill.

* To resolve deadlock the president summons the joint session of the Parliament and is preceded over by the speaker. If it is passed by the simple majority then the president assents the bill.

* Simple majority means acceptance of minimum 50%+1 of the members present at voting.

Special Majority:-

* To pass the bill min. 50% of the strength must be present within that it should be accepted by 2/3rd and the quotient should not be less 50% of the total.

- Eg:- 545 x 2/3 = 366 ✓ 1) 273
- 500 x 2/3 = 330 ✓ 2) 2/3rd
- 400 x 2/3 = 266 ✗ 3) Q: > 273

Types of Bills:-

* If the bills are introduced by a minister they are called Public Bills.

* If introduced by a private member they are called Private member

* A minister must be a member of either Loksabha (or) Rajyasabha, otherwise must become a member within a period of 6 months from the date of appointment, otherwise he is sized to be a minister.

* W.r.t the nature of the bill the bills are divided into 3 categories.

- 1) ORDINARY BILLS
- 2) MONEY BILLS
- 3) Constitution Amendment (Addition, deletion, modification of constitution)

* Whether the bill is money bill (or) not is decided by the Speaker.

Article 368 → Amendment took procedure.

1st Amendment took place in 1951.

* Through 42nd Amendment fundamental duties were added to the Constitution.

* Through 44th Amendment RIGHT TO PROPERTY was deleted from the list of fundamental rights.

* The Constitutional Authorities are mentioned in the Constitution.

* Statutory Authorities are Created by the parliament (B → LS → RS → PR) by LAW.

* Non-Statutory Authorities are Created by taking a decision in the cabinet.

* Rajyasabha can discuss the money bill for not more than 14 days.

Money bill → LS → RS → PR

Subject	ORDINARY BILLS	MONEY BILLS	CONSTITUTIONAL AMMENDMENT BILLS
Introduced In	LS (or) RS (Anywhere)	Must in LS	LS (or) RS
Introduced by	Public (or) Private members	Must be by Public member (Ministers)	Public (or) private.
Majority	Simple	Simple	Special

Must be Passed by	Both LS & RS	LS	Both LS & RS
Joint Session	✓	X	X (through deadlock) No Joint Session Allo
Prior permission of president	X	✓	X
Assent	PR (signature)	PR	PR
Reconsideration	✓	X	X

Historical Background of Indian Constitution:—

Government of India act of 1858 was considered to be an act for good government in India. Through this the east India Company rule was abolished and the british government took the complete control of India.

Making of the Indian Constitution:—

- * Before Independence every law that was present in India was made by the British parliament.
- * NRI day is celebrated on JANUARY 9 (PRAWAS BHARATHI DIWAS)
- * INC (Indian National Congress) → 1885
- * Nehru report was submitted by MOTILAL NEHRU and this is w.r.t preparing a draft of Indian Constitution.
- * 1934: M.N. ROY (Communist party leader) demanded for a Seperate Constitution for India and it should be made by a Constitu assembly with all Indians as the members.
- * 1939- 1945 (World War II):
 - * provincial elections at that time

In 1940:— A proposal has come in the form of August offer asking Indians to take part in the war on the side of the british but it was a failure.

* CRIPPS MISSION 1942 (Failure): Came into a proposal of establishing a constituent assembly for making a constitution for india only after the world war II if two major political parties agree for the same. It was a failure, MAHATMA GANDHI immediately launched the QUIT INDIA MOVEMENT

* 1945: World war II came to an end and the british Government decided to provide Independence to all the Common wealth Nations.

* July 18, 1947:— Indian Independence act of 1947

- 1) India & pakistan divided
- 2) Both got Independence.

* In 1946, Cabinet Mission plan with 3 Cabinet ministers came to India and recommended for the establishment of Constituent Assembly.

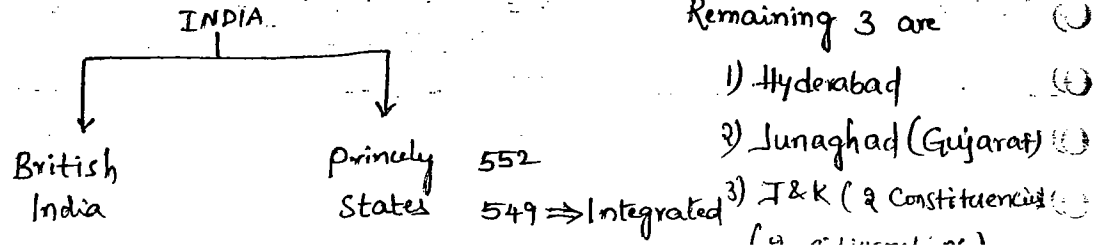
* Muslim League demanded for the partition of the Nation and a separate constituent assembly for pakistan. It was not accepted by the British Government.

In Feb 1947, Lord Wavell was replaced by Lord Mountbatten as the Viceroy on June 3rd 1947, he announced a plan for the partition. It is called JUNE 3RD PLAN (or) MOUNTBATTEN PLAN.

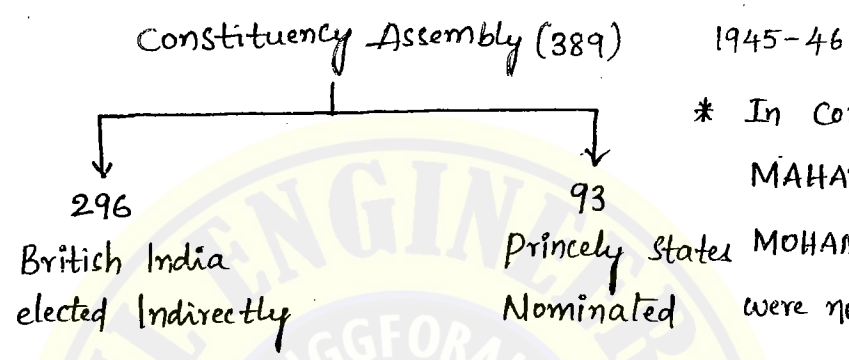
In July 1947, the british parliament has passed an act called Indian Independence act of 1947. This act divided the Nation into INDIA & PAKISTAN and both the nations were given Independence.

NOTE:—

The original date for independence as announced by the british government was JUNE 30th 1948.



- * First Home Minister, first deputy Minister ⇒ Sardar Vallabhai patel (Iron Man)
- * During that time, entire India was divided into British India and princely states, the Indian Independence act gave 3 options to the princely states either to join india (or) pakistan (or) remain independent.



* In Constituent Assembly MAHATMA GANDHI & MOHAMMAD ALI JINNAH were not the members.

- * The strength of the Constituency Assembly was 389. Out of this 296 were indirectly elected from the provincial assemblies and remaining 93 were nominated from princely states.
- * The Constituency assembly met for the first time on DEC 9th 1946.
- * On DEC 11 1946, Dr. Rajendra prasad was elected as the president of Constituent Assembly.
- * On DEC 9, 1946. Dr. Sachidanand Sinha was elected as Interim (Temporary) President.
- * On DEC 13th 1946, Nehru moved Objective Resolutions and it was adopted.
- * On JAN 22 1947. The Constitution Assembly is divided into 22 committees. Most important committee is Drafting Committee which was headed by Dr. B.R. Ambedkar.
- * On Nov 26th 1949 the Constituent Assembly has adopted. The Constitution came into force on JAN 26th 1950.
- * On JAN 26th 1930 Nehru hoisted the tricolour flag and declared Poorna Swaraj (Banks of the river RAVI)

- * on Nov 26th 1949 the provisions like citizenship elections temporary and transitional provisions came into force and remaining part of the Constitution came into force on JAN 26th 1950.

Sources of the Indian Constitution:—

- 1) Government of India (GoI) Act 1935 (Major Source):—
 - a) Federal Scheme
 - b) Office of Governor
 - c) provincial public Service Commission.

NOTE:—

1926 - Federal public Service Commission established a/c to the provisions of 1919 Act.

- 2) American Constitution:—

- a) Judicial Review
- b) Fundamental Rights
Original - 7 fundamental Rights
Now - 6 fundamental Rights.
- c) Independent Judiciary
- d) Impeachment procedure
- e) Vice-president acting as Ex-OFFICIO Chairman of the RS.
Salary - 1,25,000, He receives in the capacity as the chairman of the upperhouse.
President - 1,50,000 (salary).
- f) The Removal procedure of Supreme Court and high court judges.

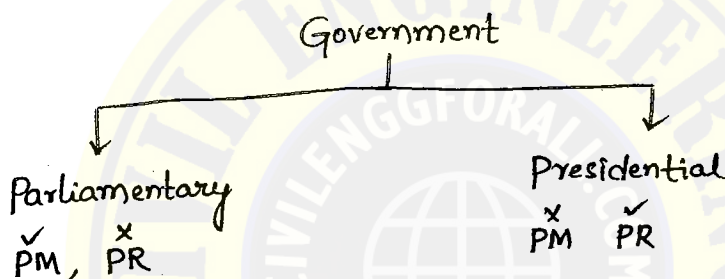
- 3) British Constitution (UK):—

- a) Rule of Law:—

This is equality before law. All the persons are equal before the law. The president and Governor of a state are considered to be above the law. In criminal cases, they cannot be arrested during the term of

Office (5 years).

- * In civil cases they can be asked to appear before the Court by giving a prior notice of two months.
- b. Single citizenship. (Only the people of J&K have dual citizenship)
- c. Cabinet System (The word cabinet was added to the Constitution through 44th Amendment).
- d. Legislative procedure.
- e. Bicameralism.
- f. Parliamentary form of Government.



- * In parliamentary form, the Council of ministers shall be collectively responsible to the lower house of the parliament, the ministers must be the members of the parliament.
- * In presidential form, ministers are not the members of the parliament and collectively responsible to the president.

4) IRISH:-

a) Directive principles of State policy (DPSP):-

The meaning of the word state is mentioned under the articles 12 & 36. The state includes parliament of India, Government of India (GOI), state Legislative Government at the state level, local authorities (panchayati Raj & Municipalities) and other statutory and Non statutory authorities.

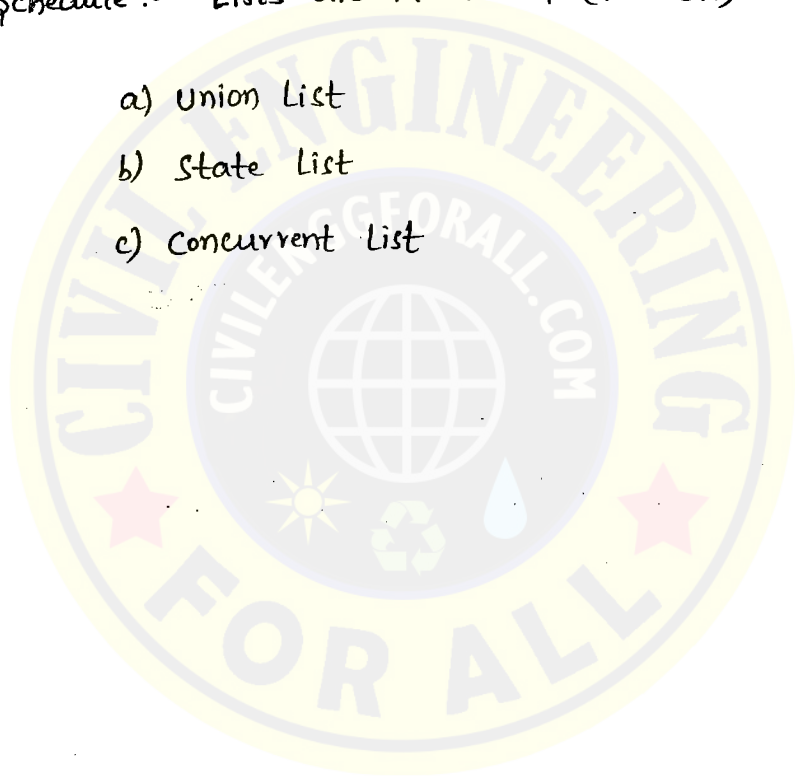
- b. Nomination of the members to the upper House.
- c. Election Method of President.

5. Canadian Constitution:—

- a. Federation with Strong Center.
- b. Residuary powers are vested with Central Government.

7th Schedule:— Lists are Mentioned (12 Lists)

- a) Union List
- b) State List
- c) Concurrent List



12/02/15

6. South Africa Constituency:—

- * Amendement
- * Method of election of the members to the upper house.
- * From USSR,
 - a) Fundamental duties (Added to 42nd Amendement) (1976)
 - b) Ideals of Justice.

8. * From France,

- * The Concept of Republic. (The Head of the nation is elected) JAN 26,
- * Ideals of Liberty, Equality and Fraternity.

9. Germany Constituency:—

Suspension of fundamental rights during the national emergency.

10. Australia Constituency:—

- * Joint session of the parliament
- * Concurrent list

11. Japan Constituency:—

- * The functions of the Supreme Court.

Salient Features of Indian Constituency:—

- 1) This is the bulkiest Constitution in the world.
- 2) It is a single Constitution for the entire Country except J&K.
- 3) It is a written Constitution.

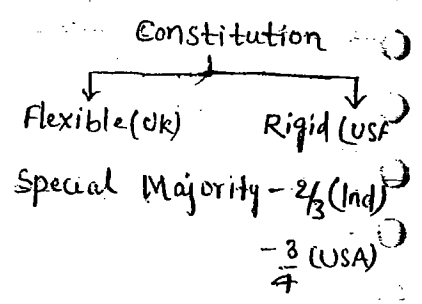
If the Amendement procedure is mentioned in the Constitution it is known as written Constitution, otherwise unwritten (UK).

4) Indian Constitution is both flexible & rigid. (UK) (USA)

5) It is a federation.

6) It is a parliament form of Government.

Amended only 27 times



7. Fundamental Rights.

8. DPSP (Directive principles of state policy)

9. Fundamental duties.

10. Secular state

11. It is providing equal respect to all the religions.

12. Universal Adult Franchise (Right to vote)

The voting age was reduced from 21 to 18 through 61st Amendment

13. Emergency provisions.

The constitution has provided 3 types of emergencies.

1. National Emergency (Article 352)

2. State Emergency / president's Rule (Article 356)

3. Financial Emergency (Article 360)

14. Three-Tier Government

1. Central Government

2. State Government

3. Local Self Government

Panchayat Raj

Municipalities.

[Added through 73rd Amendment]

[Added through 74th Amendment]

PREAMBLE:—

→ This is introduction to the Constitution. This is the modified version of objective Resolution. It was the last to be adopted.

Objective Resolution is the first version of the Constitution which is introduced and the preamble is the last adopted.

→ So far, preamble was amended only once through 42nd Amendment the words Socialist, Secular & Integrity were added.

* The date mentioned in the preamble is NOV 26th, 1949 i.e. date of Commencement and the date of Adoption is JAN 26, 1950. i.e. in the Preamble the date of Adoption of the Constitution was mentioned (NOV 26,)

Constitution Book:—

- 1) Preamble
- 2) Parts (chapters) I-XXII (original) but Now I-XXV [Articles 1-39]
- 3) Schedules (8)-12 i.e. original 8 but Now 12
- 4) Appendix.

PARTS:—

Part-1 [Articles 1-4] ⇒ Union & Its Territories

Part-2 [Articles 5-11] ⇒ Citizenship

Part-3 [Articles 12-35] ⇒ Fundamental Rights

Part-4 [Articles 36-51] ⇒ DPSP

SCHEDULES:—

Schedule-11: Panchayat Raj

Schedule-12: Municipalities.

Part-I: Union & Its Territories (Articles 1-4):—

Article-1:—

1(1):— INDIA i.e. BHARAT shall be a Union of States.

1(2):— The States and Territories are specified in the First Schedule.

If a new state is created (or) admitted schedule-1 of the constitution is amended.

1(3)(a):— Territories of States

1(3)(b):— Union Territories as specified in the first schedule.

1(3)(c):— Such other territories as may be acquired.

Article-2:-

The parliament may by Law admit the new States into the Union of India (or) Establish the new States on such terms and conditions.

In 1961, India attached GOA & DAMAN-DIU which is under the rule of PORCHUGAL.

DADRA & NAGAR HAWELI is also Relieved by PORCHUGAL.

SIKKIM was admitted in 1976 by Smt. Indira Gandhi.

* In the year 1962, Goa & Daman-Diu, Dadra & Nagar Haweli were admitted into union of India. In 1976 sikkim was admitted.

Article-3:-

3(a):- The parliament may by Law (Ordinary bill) is empowered to create a new state by separation of a territory from any state. (or) By uniting two (or) more states (or) by uniting a territory to a part of any state.

3(b): Increase the area of any state. 1953 → Madras state

3(c): Decrease the area of any state. 1953 → Andhra state

3(d): Alter the boundaries of existing states. 1969 → Tamil Nadu

3(e): Alter the name of any state.

* The bill can be introduced in the parliament only with the prior Permission (Recommendation) of the president. The president shall before giving recommendation refers the bill to the concerned state legislature which is going to be affected - The state legislature must express its opinion in the time specified by the president. The president is not bound by the opinion of state legislature.

* In case of Union territory the bill is directly recommended by the President and introduced in the parliament.

* w.r.t all the provisions of Article 3 the decisions are taken by the Parliament.
1950 - United Provinces → Uttar Pradesh
1973 - Mysore - Karnataka

Article-4:—

2007 - Uttaranchal - Uttarakhand

The Amendments that are made under Articles 2 and 3 should not be considered as Amendment of the Constitution under Article 368.

Part-II : Citizenship (Articles 5-11):—

Citizenship Act: 1955

Under Article 11 the parliament may by Law makes the provisions Acquisition and termination of the citizenship. It provided five(5) methods for the Acquisition and 3 for termination.

Acquiring the citizenship of India (5 Methods):—

- 1. By Birth
- 2. By Descent
- 3. By Registration
- 4. By Naturalisation
- 5. By Acquiring a territory

1. By BIRTH:—

Under the provisions of by Birth an Amendment was made in 1986 that a person acquires the citizenship if takes Birth on Indian Soil, If at that time either of the parents is a citizen of India.

2. By Descent:—

Under by descent before the year 1992 a person acquires the citizenship of India if takes birth on foreign soil if at that time the father is the citizen of India. In 1992 it was modified as either of the Parents.

3. By Registration:—

By Registration a foreigner can acquire the citizenship of India if gets married to an Indian. The original period of stay was 6 months later it was increased to 5 years in 1986.

4. By Naturalisation:—

A person can acquire the citizenship through Naturalisation if he has acquaintance with one of the languages mentioned in the 8th schedule (or) if he has worked for development of Science, arts, literature (or) world peace (or) the Government of the day can decide about the citizenship.

5. By Acquiring a territory:—

Under acquiring a territory the Govt releases a notification to provide citizenship to all the persons of the new Area.

Lossing the citizenship of India:—

1. Renunciation
2. Termination
3. Deprivation

1. Renunciation:—

Renunciation is a person voluntarily surrendering the citizenship after acquiring the citizenship of other Country.

2. Termination:—

Termination means the action that is initiated by the government if any citizen of India also holds the citizenship of the other Country.

3. Deprivation:—

If a person performs any anticonstitutional activities the citizenship is terminated and the person is punished according to the Law.

Part-III Fundamental Rights (Articles 12-35):-

Article 12:- This explains the concept of State.

Article 13:- Any Law that is made by parliament contrary to the constitution is null and void [Nullified].

* Initially fundamental rights are 7 Now reduced to 6.

- 1) Right to Equality (Article 14-18)
- 2) Right to Freedom (Article 19-22) 42nd Amendment - 1976
- 3) Right against Exploitation (Article 23 & 24)
- 4) Right to Religion (Article 25-28)
- 5) Right to Culture & Education (Article 29-30)
- 6) Right to Property (Article 31) [Deleted through 44th Amendment, 1978]
- 7) Right to Constitutional Remedies [Article 32]

Article 15, 16, 19, 29, 30 are applicable exclusively to the citizens remaining articles are available for both the citizens & non citizens

* For the violation of the fundamental rights a person can approach either the Supreme Court or High Court.

* Under Article 32 he can approach the Supreme Court

* Under Article 226 he can approach the High Court.

* A/c to the Ambedkar the part-III is the most important.

1) Right to Equality :-

Article 14:- Equality before Law (Borrowed from UK) & Equal protection of Laws (Borrowed from USA). Equal protection of Laws means similarity of treatment under similar circumstances.

Article 15:- prohibition of discrimination on the grounds of Religion, caste, creed (Sub caste), Sex, Place of Birth.

Article 16:- Equality of opportunities in the matters of public employment.

16(4):— provided the government may make arrangements for the backward sections of the society, which in the opinion of the state are not adequately represented in the services.

Article 17: Abolition of untouchability and prohibition of its practice.

Article 18: Abolition of titles except military & academics.

* The Supreme Court permitted the government to avoid Bharat Ratna & other padma Awards.

2. Right to Freedom:—

Article 19: All citizens shall have the right

19(1)(a): Right to freedom of speech & expression [with reasonable restrictions]

19(1)(b): Right to assemble peacefully & without arms (weapons) with reasonable restrictions.

19(1)(c): Right to form association with reasonable restrictions.

19(1)(d): Right to move freely throughout the country with reasonable restrictions.

19(1)(e): To reside and settle in any part of country.

19(1)(f): Right to practice any profession with reasonable restrictions.

Article 20: protection in respect of conviction of offences.

a) No ex post facto legislation

b) No double jeopardy

c) No self incrimination.

a) No Ex post Facto Legislation:—

A/c to this, a punishment must be given only according to the law which is in operation at the time of committing the crime.

b) No Double Jeopardy:

A/c to No double jeopardy, single person can't be punished for two times for a single crime.

C. No Self Incrimination:-

According to No self Incrimination, a person can't be forced to give evidence against himself.

Article 21: protection of life & personal Liberty

21(a): This was added through 86th Amendment and it came to force on April 1, 2010.

Right to free & compulsory education to all children.
[Education to All the children].

Article 22: protection against Arrest and Detention.

* A person after his arrest must be produced before the nearest magistrate within 24 hours.

3. Right Against Exploitation:-

Article 23: prohibition of traffic in human beings (illegal utilization of human beings) and forced Labour.

Article 24: prohibition of employment of Children in Factories.

4. Right to Religion:-

Article 25: Right to free profession, practice and propagate any religion.

Article 26: Right to acquire own and administer the property.

Article 27: No person shall be compelled to pay taxes for the promotion and maintenance of any Religion.

Article 28: No Religious instruction shall be provided in any educational institutions that is maintained out of State funds.

5. Cultural and Educational Rights:-

Article 29: Right to Conserve Language, Script and Culture. This article provides protection to both religious and linguistic minorities.

Article 30:- All minorities have right to establish and administer educational institutions of their choice.

7) Right to Constitutional Remedies:

Article 32: This article considered to be HEART & SOUL of the Indian constitution, a/c to the DR. B.R. AMBEDKAR.

* This article mentions about 5 WRITS.

* WRIT means a written document.

1. Habeas Corpus

2. Mandamus

3. prohibition

4. Certiorari

5. Quo Warranto

1. Habeas Corpus [ie to produce the body]

This is an order issued by the court to a person who detained another person to produce him before the court. This is issued against arbitrary detention. This is issued to a private person (or) a public person i.e any person associated with Government.

2. Mandamus:—

It means to Command. This is issued to a public official asking him to perform his official duties that he has failed (or) refused to perform.

3. Prohibition:—

This is issued by a higher court to a lower court to prevent it from exceeding its jurisdiction.

Higher Courts:—

Supreme Court

High Court

Lower Courts:—

District Court

Sessions Court

4. Certiorari:-

This is issued by a higher Court to a Lower Court to transfer a case that is pending (or) to quash the order of Lower Court.

5. Quo warranto:-

It means by "WHAT AUTHORITY". This is issued by a Court to enquire into the legality of a claim of a person to the public office.

Article 33:-

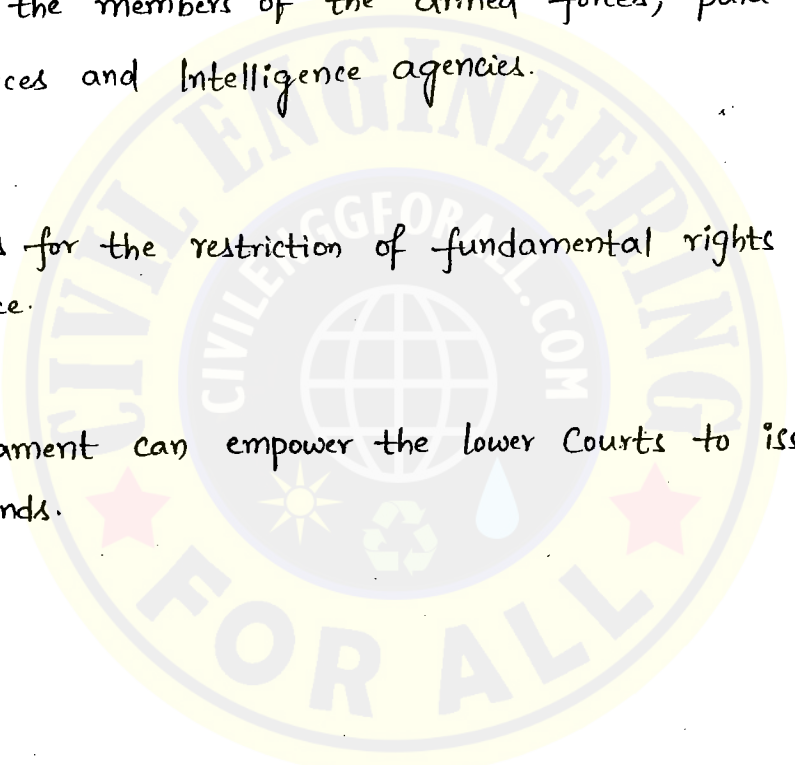
The parliament is empowered to abrogate (cancel) the fundamental rights of the members of the armed forces, para military forces, police forces and intelligence agencies.

Article 34:-

It provides for the restriction of fundamental rights where "MARTIAL LAW" is in force.

Article 35:-

The parliament can empower the lower Courts to issue the WRITS of all kinds.



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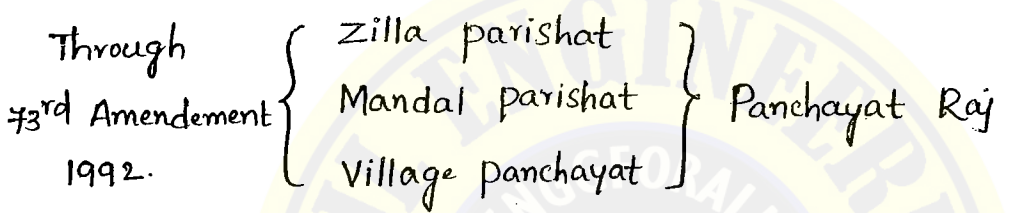
Part-IV

Directive Principles of State Policy (DPSP) [Articles 36-51]

- * These are the directions given by the constitution to the governments to both State government and Central Government.
- * But these are NON-JUSTICIABLE.
- * FUNDAMENTAL RIGHTS are JUSTICIABLE.

Article 40:-

Establishment of village panchayats.



Article 44:-

- Uniform (similar/common) Civil (Common people) Code (Rules & Regulations)
- First speaking person about UCC was WALPEYI.
- It was not used till now.

Article 45:

- * Free and Compulsary education to all the children b/w the age of 6 and 14.
- * Through 86th Amendement the Subject matter of article 45 has been shifted to Article 21(A)
- * The present Content of Article 45 is the provisions for early childhood care and education to the children below the age of 6 years.

Article 47:

Prohibition of Intoxicated Drinks & Drugs (Liquors)

On Dec 31st 2011 and Jan 1st, 2012, Kerala Govt revenue on liquor is 200 Crores.

Article 50:

Separation of Judiciary from the executive.

If we go for district level,

District collector + Superintendent of police(sp) + District Judge
Separated out.

Part IV-A:

Fundamental Duties (Article 51(A)):

It was added through 42 Amendment of 1976, on the recommendation of SWARAN SINGH Committee Report.

ORIGINAL-8 but Govt-10 + 1 = 11

The Committee recommended for the addition of 8 duties but the Government added 10. Through 85th Amendment 11th fundamental duty was added, It is the duty of the parents to send their children to the school.

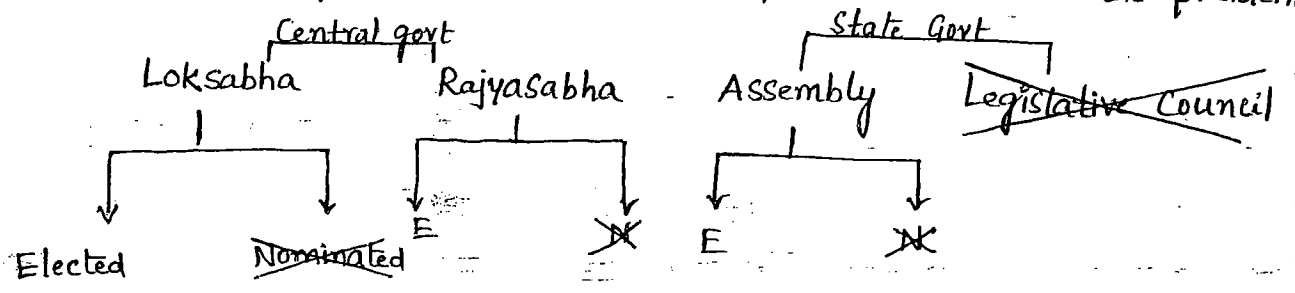
11th Fundamental Duty:

Every parent must provide opportunities for education to his/her child.

PRESIDENT [TOP MOST PERSON]:

Article 52:

There shall be a president of India. The president is elected by an Electoral College (4096 members are permitted to vote the president)



The president is elected by the elected members of LS, RS and Assemblies, including DELHI & PANDICHERY.

→ The oath of the office is administered by the chief Justice of India.

* The president is elected through a system of proportional representation by means of the single transferable vote.

* The winning candidate should get 50%+1 votes.

Pranab Mukherjee → 69%

PA SANMA → 31% [MLA in Meghalaya]

40
39
20
5

⇒ least ∴ should be

100	
✓ A	35
B	30
C	20
D	15

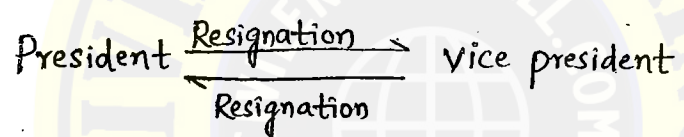
⇒ 65% of votes are voted against him.

removed and give preference upto the candidate get 50%+1 vote.

* The term of the president is 5 years.

America - 4 years

* The president submitted the resignation to the vice-president.



If Both are ready to Resignation, Both Submitted to the Chief Justice.

* A person is eligible for the re-election to the office of the president for any no. of terms.

America - only two terms

only Rajendra prasad → 2 terms

Remaining others → only one term.

* only the 1st president of the India Dr. Rajendra prasad. B Served for the two terms.

Qualifications:-

1. Should be a citizen of India.
2. should have completed 35 years of age.
3. Should not hold any office of profit.

Note:-

In the year 1959, the parliament has passed Office of profit (exemptions act). Under this, if any office is mentioned, they are eligible to Contend in the election.

4. MUST be qualified for elections as a member of LOKSABHA.

* Same qualification for vice-president but as a member of RAJYA SABHA.

* The disputes related to the election of the president and vice-president can be challenged only in the Supreme Court and the decision of the court is final.

* A person who is contesting in the election should deposit 15,000/- as security.

If person got > 1/6th of the votes, money will be refunded. otherwise money will be gone.

* The Nomination form should be signed by 50 proposars and 50 Secondar

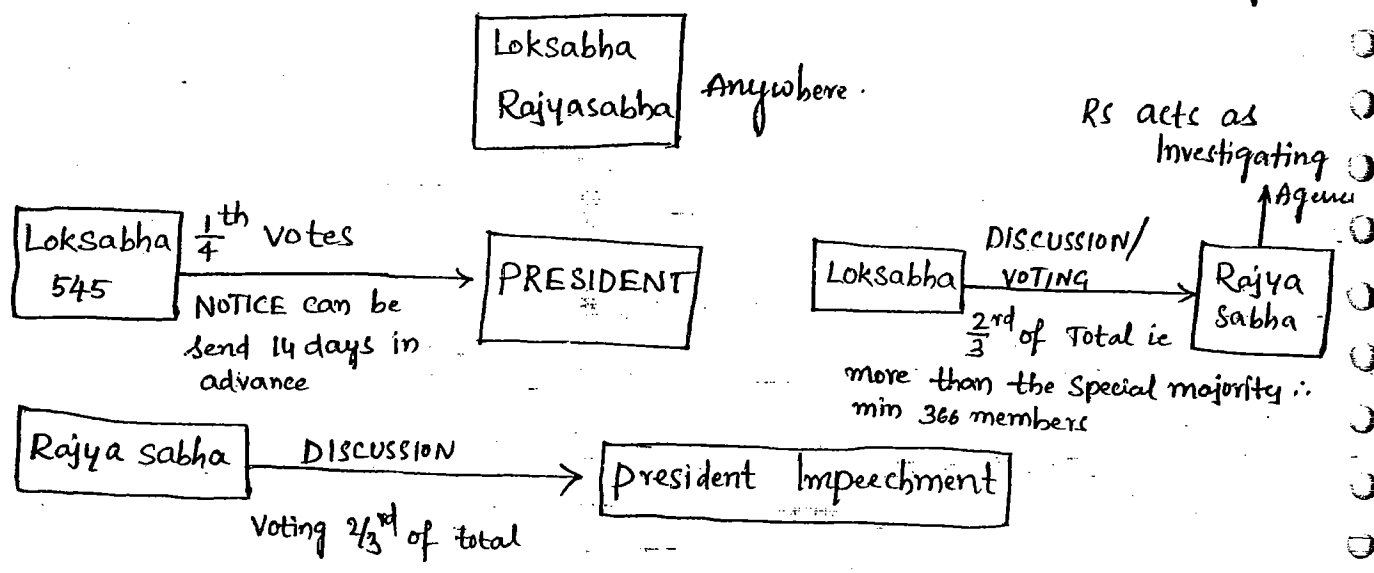
* The salary of the president is fixed by the parliament. Every year 50% of the salary will give as pension till he/she dies.

* The salary of the president is decided by the parliament. At present his salary is 1,50,000/- & pension is 75,000/-

* Article 61 provided the procedure for the impeachment of the president. The president is removed on the grounds of violation of the Constitution

Procedure for Removal of President:-

Procedure can be start in either Loksabha or Rajyasabha ie Anywhere.



The charges can be initiated in any house. All the members of Lok Sabha and the Rajyasabha take part in the process. Assembly members are not permitted to take part. $\frac{1}{4}$ th members of the house must sign and sent 14 days advance notice to the president. In the first house if it is accepted by $\frac{2}{3}$ rd of the total then it is sent to the other house and it investigates the president. If the second house also passes the same with $\frac{2}{3}$ rd majority of the total then the president stands impeached.

Vacancy in the office of the President:—

- Reasons may be
- 1. Death
 - 2. Resignation
 - 3. Impeachment
 - 4. Otherwise
 - 5. ILL
 - 6. Out of Country
- V.P acts as PR but for only 6 months
- President (ZAKHIR HUSSAIN (1967-69))
 - Vice president (V.V. GIRI (1969-74))
 - Chief Justice of India (Mohd. Hidayatullah)
 - Justice (Senior Most) (31 members in SC)
- Temporary Vacanay
Elections are not conducted

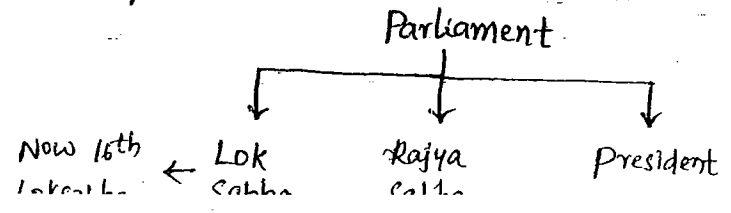
Permanent Vacanay:
Election must be conducted within 6 months and he will be continued for the full time i.e 5 years.

Functions of the president:

1. Executive Functions:—

The president appoints the Prime Minister, other Ministers, Attorney General, Comptroller and Auditor General (CAG), Chief election Commissioner and other election Commissioners, Chairman and members of UPSC, Jpsc (Joint public Service Commission), Finance Commission (Fc), Governors of the states, Administrators of Union Territories, chancellors and Vice-Chancellors of Central Universities.

2. Legislative powers:—



3. Financial powers:—

1. The Contingency fund of India (Article 267) is placed under the control of the president.
2. Under Article 280 the president constitutes the finance Commission every 5 years.

4. Ordinance Making power (Article 123):

- * This is considered to be the most important power of the president.
- * **ORDINANCE** means a temporary act declared by the parliament when the parliament session comes to an end (or) during recess of the parliament.

BILL → LS → RS → PR → ACT

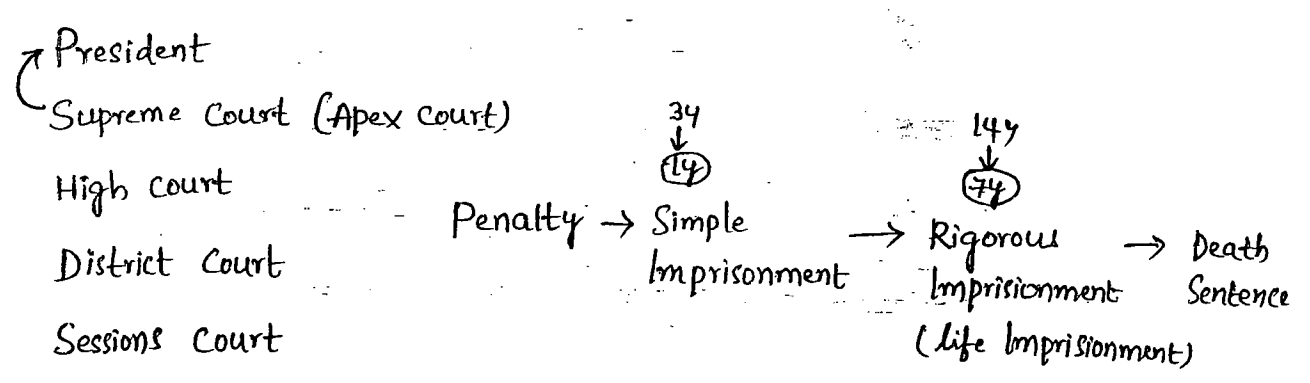
- * **ORDINANCE** is valid for only 6 months.
- * The president issues ordinances only during Recess. Once it is issued it should be passed by the parliament within 6 weeks from the date of Reassembly of the parliament.

5. MILITARY powers:—

He is the Supreme Commander of the armed forces. In this capacity he appoints the chiefs of Army, Airforce and Navy. He declares war and peace.

Judicial powers:—

Under Article 143 the president seeks the advice from the Supreme Court.



Mercy petition → PR ↔ PM ↔ Home Minister ↔ Home Secretary

5 pardoning powers of the president:

A person is permitted to approach a president through a petition called Mercy petition.

1) Pardon (Most powerful Judicial power):

This removes both the sentence and conviction and completely absolves the convict from all the punishments.

2) Commutation:

This is the substitution of one form of the punishment with another of a lighter character.

* Not applicable for PENALTY.

3) Remission:-

Reducing the period of sentence without changing its character.

* Not applicable for DEATH.

4) Respite:-

This is giving a lower sentence in the place of originally giving one because of some special facts.

5) Reprieve:

This is the stay of the execution of the sentence for a temporary period of time.

* The decision of the president is also subjected to judicial review. In Feb, 2014 the Supreme Court ordered the death sentence should be reduced to life imprisonment on the grounds of delay made by the government.

Vice-president:

Article 63:

There shall be a vice-president of India.

Qualifications:-

1. Should be a citizen of India.

- 2. Should have completed 35 years of Age
- 3. Should not hold any office of profit.
- 4. Must be qualified for the election as a member of the RAJYASABHA.

→ The vice-president is elected by the all the members of LOKSABHA and RAJYASABHA.

→ Security deposit for the vice-president is also 15,000/-

→ Nomination paper should be signed by 20 proposers and 20 seconders

→ The Oath of office is administered by the president.

→ Term is 5 years and Resignation is submitted to the president.

→ Salary is decided by the parliament and present salary is 1,25,000/-

Removal of Vice-president:-

The Removal procedure must begin only in the Rajyasabha, After giving 14 days advance notice. If it is accepted by Rajyasabha with special majority and accepted by Lok Sabha with simple majority then the Vice-president is removed.

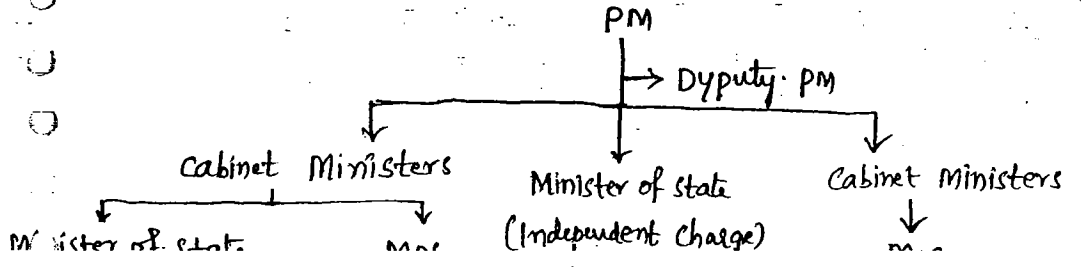
- * Eligible for Re-election for any no. of terms.
- Sarvepalli Radha Krishnan → 2 terms
- Ansari → 2 terms.

Functions of the Vice-president:

- 1. EX-OFFICIO Chairman of the Rajyasabha.
- 2. Acts as the president in the absence of the president.

Prime Minister and Council of Ministers:-

Article 74(1): There shall be a council of ministers headed by the PM to aid and advise the president.....



Article 75(1):

The pm is appointed by the president and other ministers are also appointed by the president on the advice of the pm.

Article 75(2):

A minister holds the office during the pleasure of the president. A minister is individually responsible to the president. A minister submits the resignation to the president.

Article 75(3):

The Council of ministers shall be collectively responsible to lower house of the parliament.

* The office of the Deputy prime minister is not mentioned in the Constitution.

Functions of the prime Minister:-

1. Leader of the Government.
2. Allocates the portfolios and reshuffles.
3. Under Article 78, It shall be the duty of the pm to Communicate to the president regarding all the decisions related to legislation and Administration.
4. The pm is the chairman of,
 1. NITI (AYOG) [National Institution for transforming India]
 2. National Development Council [NDC]
 3. National Integration Council [NIC]
 4. National population Council [NPC]
 5. National Water Resource Council [NWRC]
 6. National Disaster Management Authority [NDMA].

Attorney - General & Advocate - General:—		
Subject	Attorney - General	Advocate - General
1. Article	76	165
2. Appointment	President	Governor
3. Qualification	<ol style="list-style-type: none"> 1. Must be a Citizen of India 2. Must be qualified to be appointed as a judge of Supreme Court 	<ol style="list-style-type: none"> 1. Must be a citizen of India 2. Must be qualified to be appointed as a judge of High court
4. Term	Holds the office during the pleasure of the President	Holds the office during the pleasure of the Governor
5. Removal	President	Governor
6. Resignation	President	Governor
7. Salary	90,000/-	80,000/-
8. Status	1 st Law officer of the Country	1 st law officer of the state
9. Functions	<ol style="list-style-type: none"> 1. Fights the cases on behalf of the Government of India 2. Has the right to speak & take part in the proceedings of both the houses of the parliament but without a right to vote 3. He is also permitted to Joint Session. 	<ol style="list-style-type: none"> 1. Fights the cases on behalf of Government of state 2. Has the right to speak & take part in the proceedings of the state legislature 3. At state level, there is no

Rajyasabha:-

Qualifications:-

- 1. Must be citizen of India.
- 2. should not be less than 30 years.
- 3. other qualifications are decided by the parliament from time to time.

* Under Representation of peoples Act (RPA), 1951, A person to Contest in the Rajyasabha, elections, must be a registered voter from that state only.

Venkaiah Naidu (Rs member) → Nellore (original) but voted in Bangalore
 Manmohan Singh → punjab (original) but voted in Assam.
 Jairam Ramesh → karnataka (original) but voted in Andhra Pradesh.

Disqualifications:-

- 1. If he holds any office of profit under the Government of India (or State).
- 2. If a person is of unsound mind should be disqualified.
- 3. If a person is an UN-DISCHARGED INSOLVENT.
- 4. If the person is not a citizen of India (or voluntarily acquired the citizenship of other Country).
- 5. If disqualified under any law made by the parliament.

With reference to the above disqualifications, the decision is taken by the president in consultation with the Election Commission.

→ In Rajyasabha, $\frac{1}{3}$ rd members retired at the end of every second year. Hence Rajyasabha is a permanent house and it cannot be dissolved.

Loksabha:—

Qualifications:—

1. Must be citizen of India.
2. Should not be less than 25 years of age.
3. Other qualifications are decided by the parliament from time to time.

* Under RPA (1951), a person who is a registered voter can contest in the Loksabha elections from any constituency (excluding reserved constituencies).

Disqualifications:

SAME AS THAT OF RAJYASABHA.

→ Through 42nd Amendment the no. of seats in Loksabha and various state assemblies have been frozen upto the year 2000, based on 1971 population. Through 84th Amendment the period has been extended upto the year 2026. Only after the first census conducted after 2026, the no. of seats will be increased.

→ In Loksabha seats are reserved for SC's and ST's in proportion to the population.

Speaker:—

- * Speaker must be a member of the Loksabha.
- * The election of the Speaker is conducted by the president.
- * The protem Speaker is appointed by the president, he administers oath of office to the other members and conducts the election of the Speaker later, the deputy speaker is elected from among the members. The Speaker appoints the panel of Speakers.

Functions of the Speaker:—

- The Speaker should maintain decency & decorum in Loksabha.
- Speaker suspends the house in the absence of the quorum.

- The Speaker adjourns the house.
- Adjourn means temporary suspension of the house for a definite period of time.
- The Speaker adjourns the house SINE DIE ie Indefinite time and temporary stop.
- The Speaker presides over the Joint Session of the parliament.
- The speaker has CASTING VOTE (or) DECIDING VOTE (or) CONCISE VOTE
This is exercised by the speaker only when there is an equality of votes.
- The Speaker decides whether a bill is a money bill (or) not.
- The speaker decides the question of disqualification of the members of the Loksabha in relation to ANTI-DETECTION LAW.
- The speaker acts as the chairman of Speakers.
- The speaker appoints the chairman of various Committees in the Parliament.
- The speaker submits the resignation to the Deputy Speaker.

Removal procedure of Speaker:-

14 days advance notice will be given, during this period the speaker can't act as the speaker. After 14 days if a resolution is passed by simple majority the speaker is considered to be removed.

Deputy Speaker:-

- 1) Must be a member of the Loksabha.
 - 2) Acts as a speaker in the absence of the speaker.
 - 3) Submits the resignation to the speaker.
 - 4) Removed in the same manner like that of a speaker.
- * In case of vacancy in the office of a speaker election should be conducted as soon as possible.

Questions in Parliament:

Question Hour (11:00 AM - 12:00 PM): (Taken from UK)

- To ask a question during this time a member must take the permission from the business Advisory Committee (BAC) 10 days in advance. This hour is considered to be the most important hour in the Parliament.
- The questions are divided into Starred (*) and unstarred questions. For starred questions ministers must give oral answers and Supplementary questions are permitted.
- For unstarred questions answers can be given in writing.
- The Question hour in RAJYASABHA is conducted from 12:00 to 1:00 pm since Nov, 2014.

Zero Hour (12:00 PM - 1:00 PM)

- * It is India's innovation in the year 1962.
- * In order to ask a question during zero hour a member must take the permission in less than 3 days including the current day.
- * The Zero Hour in RAJYASABHA is conducted from 11:00 AM - 12:00 PM since Nov, 2014.

Half - An - Hour: (Discussion) [Monday, Wednesday, Friday]

- If a member does not get the complete answer from the minister then the chair will permit for extended discussion on the name of half-an-hour discussion. So this is related to incomplete discussions of the Question hour. This is available only on 3 days MON, WED & FRIDAY.

Adjournment Motion:-

- This is considered to be the most important tool in the hands of the parliament.
- The speaker will accept only when it is signed by minimum 50 members. If accepted, the entire business of the house including question hour is suspended. This is used for discussing the subjects which are very

urgent, Serious and national importance.

14/12/15 No-confidence Motion:- [Article 75(3)]

- This is a mechanism, to dislodge the government of the day. It can be introduced by any party but generally by opposition parties.
- This is a mechanism to prove that the government has no majority, * if it is accepted by the Speaker, if a notice is submitted by min. 50 members. If it is accepted by majority of the members then the PM must resign. If PM resigns it is considered as Dissolution of Council of ministers.
- For the introduction of this, reasons need not be mentioned. If it is passed by the Lok Sabha the PM must resign.
- The gap b/w any two consecutive No-Confidence motion should not be less than 6 Months.
- It is introduced only in the LOKSABHA.
- Confidence Motion ⇒ Given by the Government to prove majority.

Censure Motion:-

- This can be moved against single minister (or) group of ministers or entire Council. If it is passed, the minister (or) ministers need not resign.
- For the introduction of Censure motion reasons must be mentioned.

Supreme Court:-

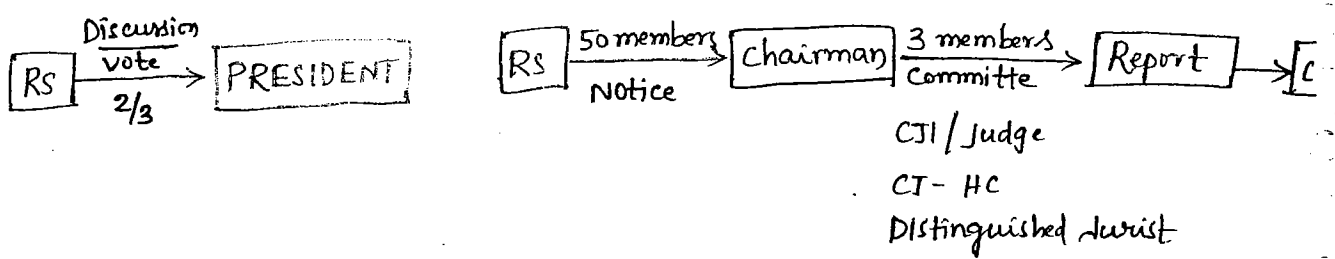
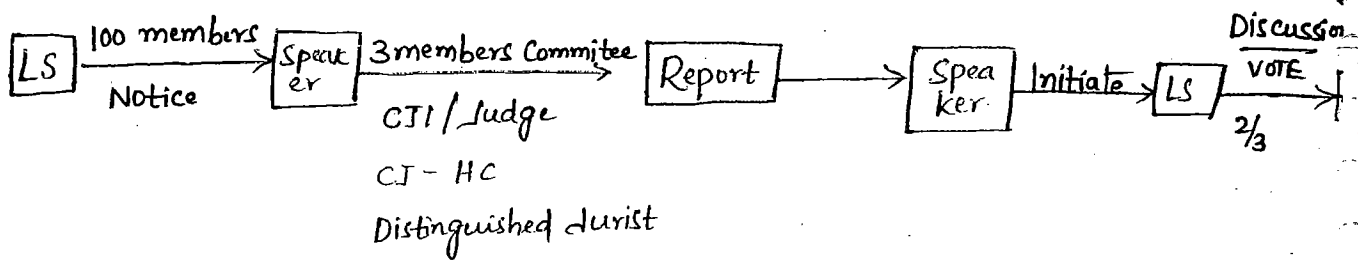
- Before JAN 28, 1950, it is a Federal Court.
- Original strength is 8 and present strength is 31, including chief Justice of India.
- The parliament increased the number of judges in the Supreme Court by LAW.

Qualifications:—

1. Must be citizen of India.
2. Should have been a judge for highcourt for 5 years (or) should have been an advocate of highcourt for 10 years (or) should have been a distinguish JURIST in the opinion of the president.
3. The Judges are appointed by the president. Since 1993 Supreme Court collegium is recommending the names to be appointed as a judges in the supreme and highcourt and the recommendations are binding on the government.
4. In the year 2014 through an Amendment of the Constitution the parliament has abolished the collegium system and created National Judicial Appointment Commission (NJAC) but it is yet to be notified.
(31 Judges \Rightarrow 1 will be chief Justice of India).
5. The oath of office is administered by the president (or) by some other person on behalf of the president.
6. The judges of the Supreme Court retire after attaining 65 years of age.
7. Chief Justice salary is 1,00,000/- and the other judges is 90,000/-
8. A judge submits resignation to the president.

Removal Procedure of Judges:—

- \rightarrow The Constitution has mentioned the removal procedure of the Supreme Court judges under Article 124(4).
- \rightarrow Highcourt judges, Chief election Commissioner, CAG are removed in the same manner and procedure is like that of a judge of the Supreme Court.
- \rightarrow The judges in the Supreme Court are appointed and removed by the president.
- \rightarrow No section the judges are removed so far.

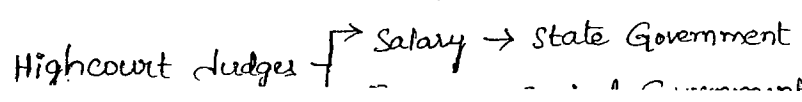
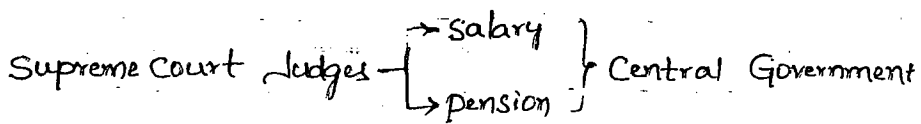


HIGH COURT:—

- At present there are 24 high courts in India. The judges are appointed by the president.
- The strength of highcourt varies from one court to the other, it is decided by the president.

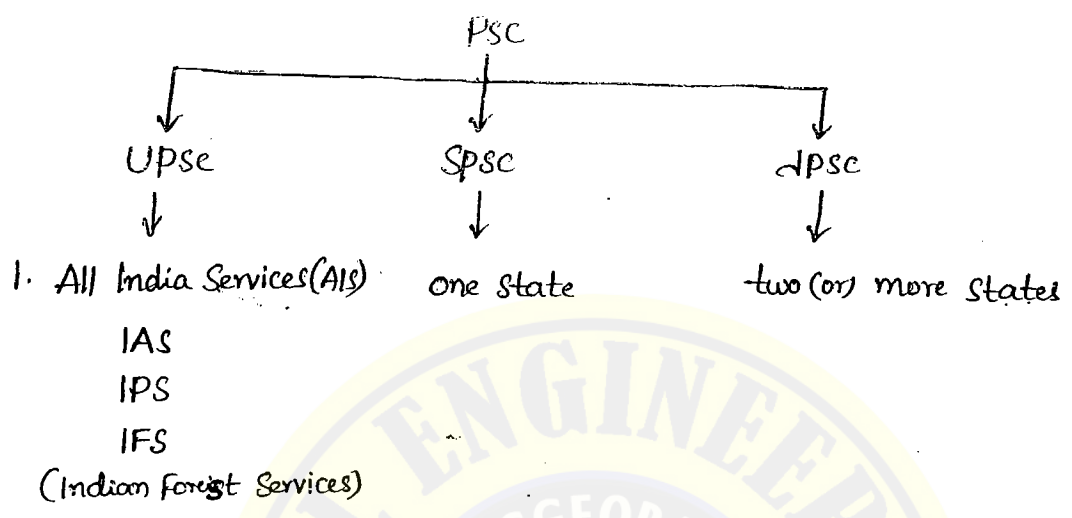
Qualification:

1. Must be a citizen of India.
2. Should have been an advocate of highcourt for 10 years (or) should have been a judge of a district Court anywhere in India for 10 years
3. Oath of office is administered by Governor.
4. The judges of the Highcourt are appointed by the president.
5. Retire at the age of 62 years.
6. salary is decided by the parliament.
7. Chief Justice of Highcourt salary is 90,000/- which is equal to the salary of the Judges of Supreme court & other judges salary is 80,000/-.



8. A Judge of highcourt submits resignation to the president.
Removal of highcourt is in the same manner like that of a judge of the Supreme court.

Public Service Commissions:— (PSC)

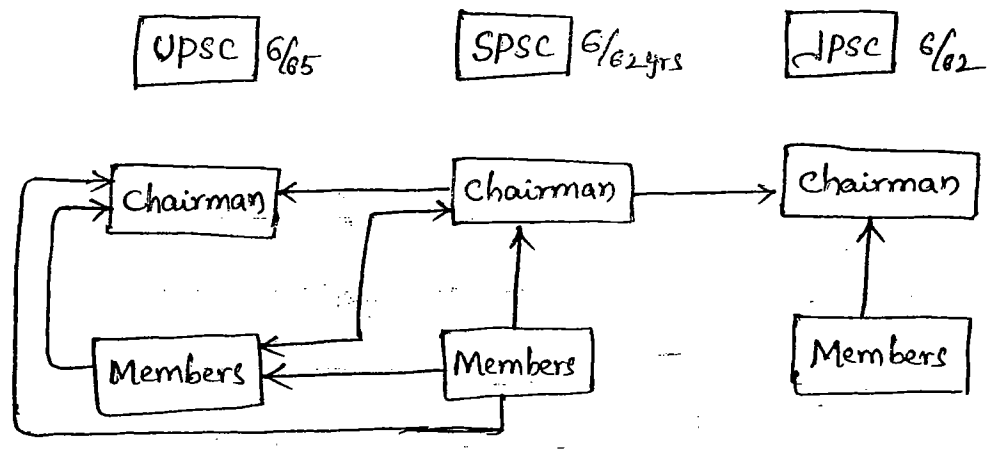


2. Central Services

* UPSC conducts the examination for all India Services and other Central Services. There are 3 all India Services, IAS, IPS, IFS.

* JPSC is created and abolished through an act of parliament but the initiative must be taken by the concerned State Legislatures. legislatures.

* Reappointment is not permitted in UPSC, SPSC and JPSC.



* UPSC member can be Chairman of SPSC if age less than 62.

Subject	UPSC	SPSC	JPSC
1. Composition	Chairman and Some other members	Chairman and Some other members	Chairman and Some other members
2. Appointment	President	Governor	President
3. Strength	decided by president	decided by Governor	decided by president
4. Qualification	Not mentioned in the Constitution.	Not mentioned in the Constitution.	Not mentioned in the Constitution.
5. Conditions	At least half of the members must have 10 years of experience either under Govt. of India (or) Govt. of state	Same	Same
6. Term	He holds the office for a period of 6 years (or) till he attains the age of 65 years, whichever is earlier	He holds the office for a period of 6 years (or) till he attains the age of 62 years.	He holds the office for a period of 6 years (or) till he attains age of 62 years.
7. Resignation	Submit to president	Submit to Governor	Submit to president
8. Report	president	Governor	Governor of Concerned State
9. Reappointment	Not Allowed	Not Allowed	Not Allowed.
10. Removal			
a) Incapacity	President directly removes chairman & all members	Same	Same
b) proved mis-behaviour	president. Removes on the advice of Supreme court	Same	Same
11. Suspension	President	Governor	President

Governor:—

Governor is the Constitutional head of the state, appointed by the president. A single person can be appointed as the governor for two (or) more states. During this time the salary is divided b/w the states. The present salary is 1,10,000/- Oath of office is administered by the Chief Justice of the concerned High Court.

Qualifications:—

1. Must be a citizen of India.
2. Should have completed 35 years of age.
3. Should not hold any office of profit.
4. The salary is decided by the parliament.
5. He has immunity (cannot be arrested with 2 months prior notice)

Term:—

- * The term is 5 years but holds office during the ~~period~~ pleasure (first preference) of the president.
- * Removed by the president at any time. It means that the governor has no security of tenure (term).
- * Governor submits the resignation letter to the president.
- * Governor can be transferred from one state to the other by the president.
- * Reappointment is allowed.

Functions:—

Executive Functions:

- He appoints the chief minister, other ministers, Advocate General, chairman and members of SPSC, State Finance Commission, State Election Commission, Vice-chancellors of state universities.
- He is the EX-OFFICIO Chancellor of all the state universities.

Legislative powers:

- Governor is a part of State Legislature.
- He Summons and prorogues the State legislature.
- The Governor dissolves Assembly.
- He addresses the State legislature at the beginning of the first Session each year and also at the beginning of the first Session after General elections.
- Governor may nominate not more than one Anglo-Indian to the Assembly.
- Governor nominates $\frac{1}{6}$ th of the members to the Legislative Council from among the people with special knowledge (or) practical experience in the fields of Science, arts, literature, Social Service & cooperative movement.
- Under Article 200 the Governor reserves the bill for the consideration of the President.
- Under Article 201 he forwards the bills to the President.
- Central bill must be signed by President after reconsideration, State bill may not be signed and no restriction.
- Under Article 213 the Governor issues ordinances only during recesses.
- The reports of SPSC, State Finance Commission and CAG (same for Central and State) are placed before State Legislature by the Governor.

Financial powers:

- All money bills including budget are introduced in the assembly only on the prior recommendation of the Governor.
- Contingency Fund of State is kept under the control of the Governor.
- The Governor constitutes the State Finance Commission (SFC) once in the 5 years.

Judicial Powers

The governor exercises all judicial powers like that of the president except pardoning the death sentence. The decisions of Court Martial (military group of judges) cannot be looked into by the Governor.

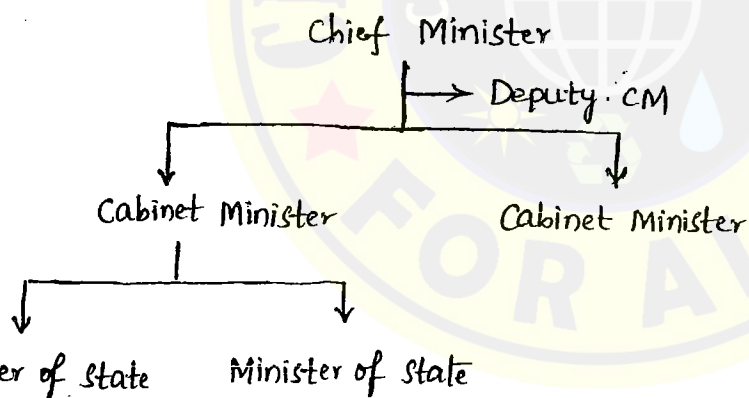
Article 163:

There shall be a Council of ministers headed by the chief minister to aid and advise the Governor in the exercise of his functions, except insofar as he is required to exercise his functions under his DISCRETION (only for Governor).

15/02/15

Chief Minister and Council of Ministers:

* The constitution provided for the office of chief minister and council of ministers for each state.



* A minister must be a member of either of the house of state legislature, otherwise must become a member within 6 months.

* CM and other ministers are appointed by the Governor.

* Oath of office is administered by the Governor.

* Resignation is submitted to the Governor.

* Salary is decided by the state legislature.

Functions of Chief Minister:

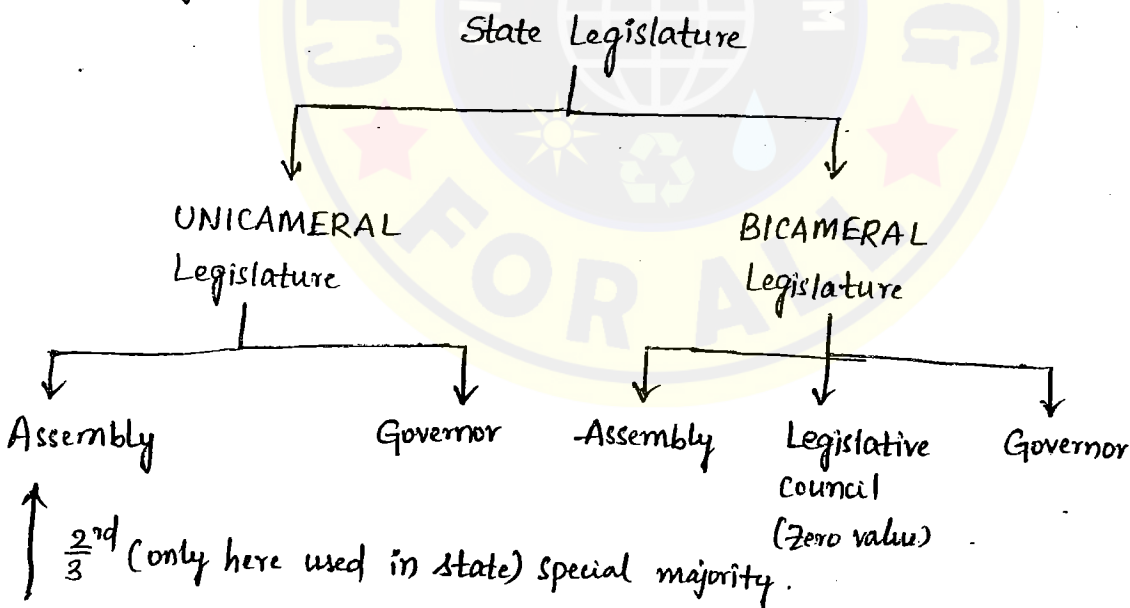
- * He is the head of the Government, allocates portfolios (ministry) and Reshuffles portfolios.
- * Under Article 167 it shall be the duty of the chief minister to communicate to the Governor regarding all the decisions related to legislation and administration.
- * The CM is the chairman of State planning Board.
- * The CM is the vice-chairman of the concerned Zonal Council on rotation.

Note:-

Union Home Minister is the Ex-OFFICIO chairman of all Zonal Councils.

- * CM is a member of NDC (National Development Council), National Integration Council (NIC), Interstate Council (ISC) & NITI AYOGE.

State Legislature:



Resolution to convert UNICAMERAL to BICAMERAL

Article 169:

The parliament is empowered to create (or) abolish a State Legislative Council.

Assembly:-

- * Min. strength of Assembly is 60 and max. strength is 500.
- * But strength of Lok Sabha is 545 which is lowest.

* All the members are elected directly and one person may be nominated by the Governor.

* The term is 5 years.

Qualifications:

* Must be a citizen of India.

* Should not be less than 25 years of age.

* Other qualifications are decided by the parliament from time to time.

* Under Representation of Peoples Act (RPA), 1951, a person who is a registered voter in a state can contest from any Assembly Constituency in that state.

Disqualifications:

Same as that of LOKSABHA.

* The salary of MLA's are decided by state legislature.

MLA: Member of Legislative Assembly

MLC: Member of Legislative Council.

* An MLA submits resignation to the Speaker.

Speaker:—

* Must be a member of the Assembly.

* Same as functions of Central Speaker.

* The Quorum in state legislature is either $\frac{1}{10}$ th or 10 members whichever is higher.

* He submits the Resignation to Deputy Speaker and vice versa.

Functions:

Same as that of Loksabha Speaker.

Deputy speaker:

* Must be a member of the Assembly.

* Acts as a speaker in the absence of the speaker.

* Submits resignation to the speaker.

Legislative Council:

Min. strength of the Legislative Council is 40 and max. should not exceed $\frac{1}{3}$ rd of the total strength of Assembly.

Members:—

- 1) $\frac{1}{3}$ rd members are elected by MLA's.
- 2) $\frac{1}{3}$ rd are elected by local bodies like panchayat Raj & Municipalities.
- 3) $\frac{1}{12}$ are elected by Graduates (min. 3 years degree)
- 4) $\frac{1}{12}$ are elected by teachers (primary level to professors)
- 5) $\frac{1}{6}$ are nominated by Governor.

* It is a permanent house and not subjected to dissolution. $\frac{1}{3}$ rd members are retired at the end of every second year and the term of a member is 6 years.

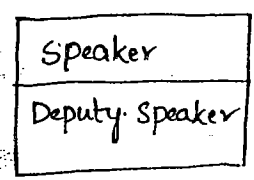
Qualifications:—

- 1) Must be a citizen of India.
- 2) Should not be less than 30 years.
- 3) Other qualifications are decided by the parliament.
- 4) under RPA, he must be a registered voter in the concerned state.

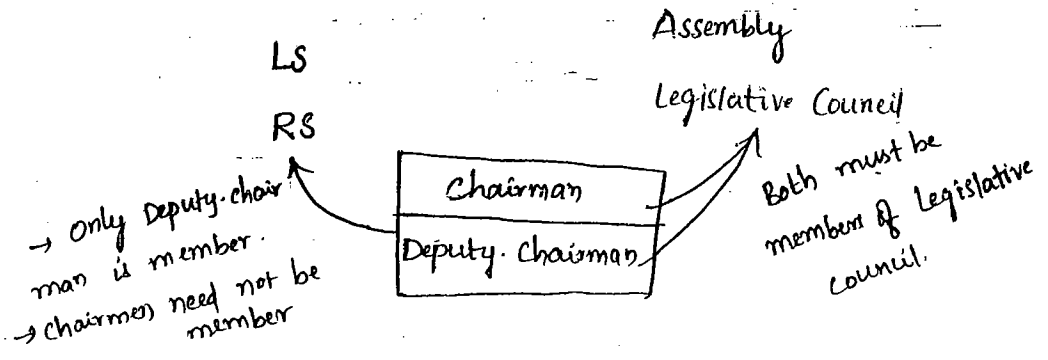
Disqualification:—

Same as that of Assembly.

Chairman of Legislative Council:



* Except Rajyasabha chairman, remaining all persons must be the members of concerned house.



Passage of the bills in the State Legislature:

ordinary Bill (or) Money Bill \longrightarrow Unicameral/ Bicameral

UNICAMERAL: Money Bill \rightarrow Assembly \rightarrow Governor \rightarrow ACT

BICAMERAL: Money Bill \rightarrow Assembly \rightarrow Legislative Council \rightarrow Governor \rightarrow ACT
(14 days discussion, No voting is allowed.)

Bill \rightarrow ordinary Bill \rightarrow ✓ LC \rightarrow ✓ Assembly \rightarrow Governor \rightarrow ACT

Bill \rightarrow ordinary Bill \rightarrow ✓ LC \rightarrow ✗ Assembly (Rejected) [No Joint Session (Deadlock)]

Bill \rightarrow ordinary Bill \rightarrow Assembly \rightarrow LC \rightarrow Governor \rightarrow ACT

Any objections, it comes back to Assembly.

3 months \Rightarrow hold the bill (1st Journey)

1 month \Rightarrow hold for the bill (2nd Journey)

* Bill will pass if LC accepts (or) not.