Preamble to the Constitution

Table of Contents

- Text of the preamble
- Objective of the Constitution
- Related Cases
- Significance

Introduction

✓ **Introduction or Preface:** Acts as an introduction to the Constitution, stating its objectives and philosophy.

✓ **Summary of the Constitution:** It encapsulates the essence of the Constitution's guiding principles.

✓ **N.A. Palkhivala:** Called it the "Identity card of the Constitution."

✓ **Based on the 'Objective Resolution':** Drafted by Jawaharlal Nehru in 1946, which laid the foundation for India's constitutional principles.

✓ **42nd Constitutional Amendment Act (1976):** Added three words—**Socialist, Secular, and Integrity**—to the Preamble during the Emergency period.

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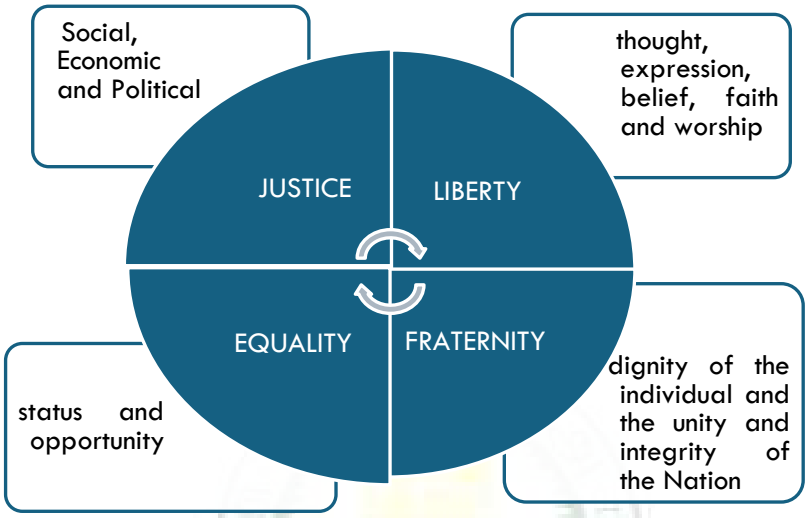
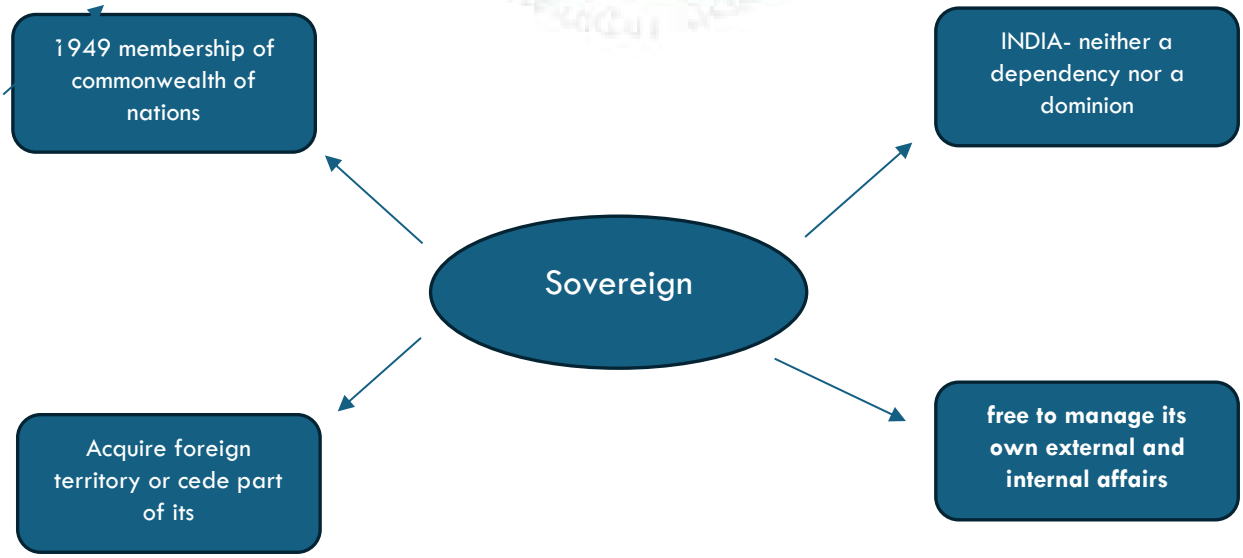
Text of the Preamble

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



Keywords in the preamble



Socialism a

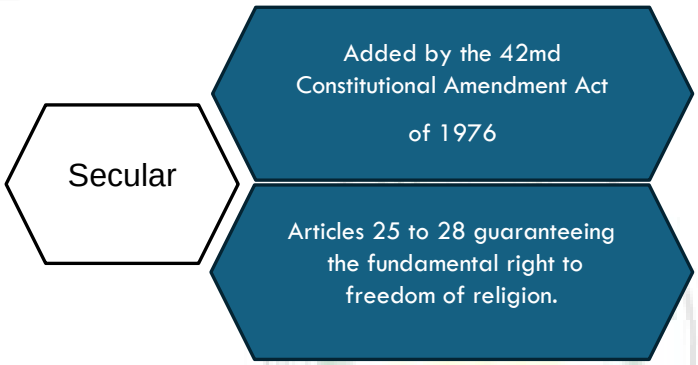
"Socialist"Preamble42nd Constitutional Amendment Act (1976)

- Before Present in Directive Principles of State Policy

India follows **Democratic Socialism**, which allows a **mixed economy** (both public and private sectors coexist).

- Indian Socialism-blend of Marxism and Gandhism

Secular



Republic

- ❖ Democratic polity two categories:

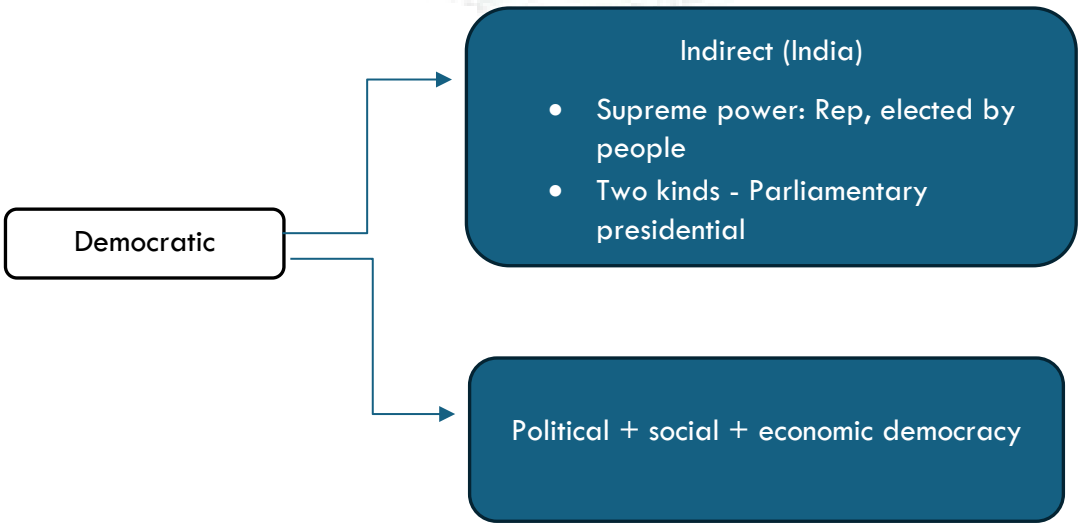
Monarchy

- ❖ Head-king/Queen (Britain)

Republic

- ❖ Elected head directly /Indirectly (USA, India)
- ❖ India has elected head called President - elected
- ❖ Indirectly (Period 5 years)
- ❖ Two things:
- ❖ Political sovereignty with people.
- ❖ Absence of any privileged class.

Democratic



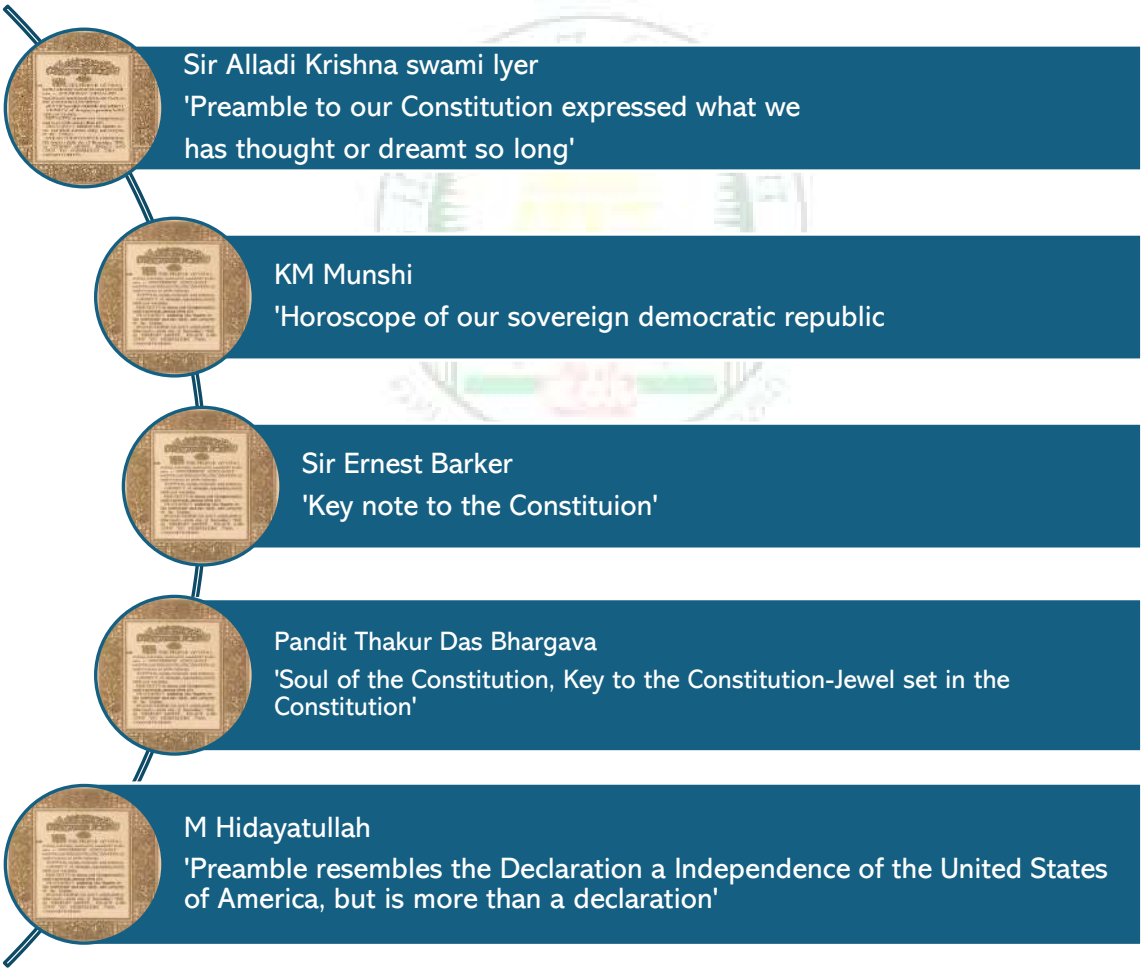
Related Cases

Berubari Union Case (1960):
Preamble not a part of the Constitution

Kesavananda Bharati case (1973)
Preamble is a part of the Constitution

LIC of India case (1995)
Preamble is an integral part of the Constitution

Significance



Justice	Liberty	Equality	Fraternity
Derived from the Russian Revolution **Social Justice:** Equal treatment without social distinction. **Economic Justice:** Eliminating inequalities in wealth, income, and property. - **Political Justice:** Equal political rights, access to political offices, and participation in government.	Fundamental Rights provide **qualified liberty.** Ensures personal development and dignity.	Ensures equal status and opportunities for all citizens. **Civic Equality (Art 14-18):** No special privileges. **Political Equality (Art 325 & 326):** No discrimination in electoral rolls & adult suffrage. **Economic Equality (Art 39 - DPSP):** Adequate opportunities for all.	Promotes a sense of brotherhood, dignity, unity, and integrity of the nation. **Manifestations:** Single citizenship, fundamental duty to promote harmony.

The **ideals behind the Preamble** to India's Constitution were derived from **Jawaharlal Nehru's Objectives Resolution,** which was adopted by the **Constituent Assembly on January 22, 1947.**

Salient Features of Indian Constitution

Table of Contents

- Salient features of the Constitution
- Criticism
- Significance

Introduction

✓ Inspired by the best features of other constitutions (like the British, American, Irish, etc.).

✓ One of the longest written constitutions in the world.

✓ Adopted on 26 January 1950:
Marks the official enforcement of the Constitution.

✓ Upholds democracy, equality, secularism, justice, and rule of law.

✓ Ensures fundamental rights and duties for all citizens.

✓ Accounts for India's rich cultural, social, and historical diversity.

✓ Designed to suit the needs of a multi-lingual, multi-religious, and multi-ethnic society

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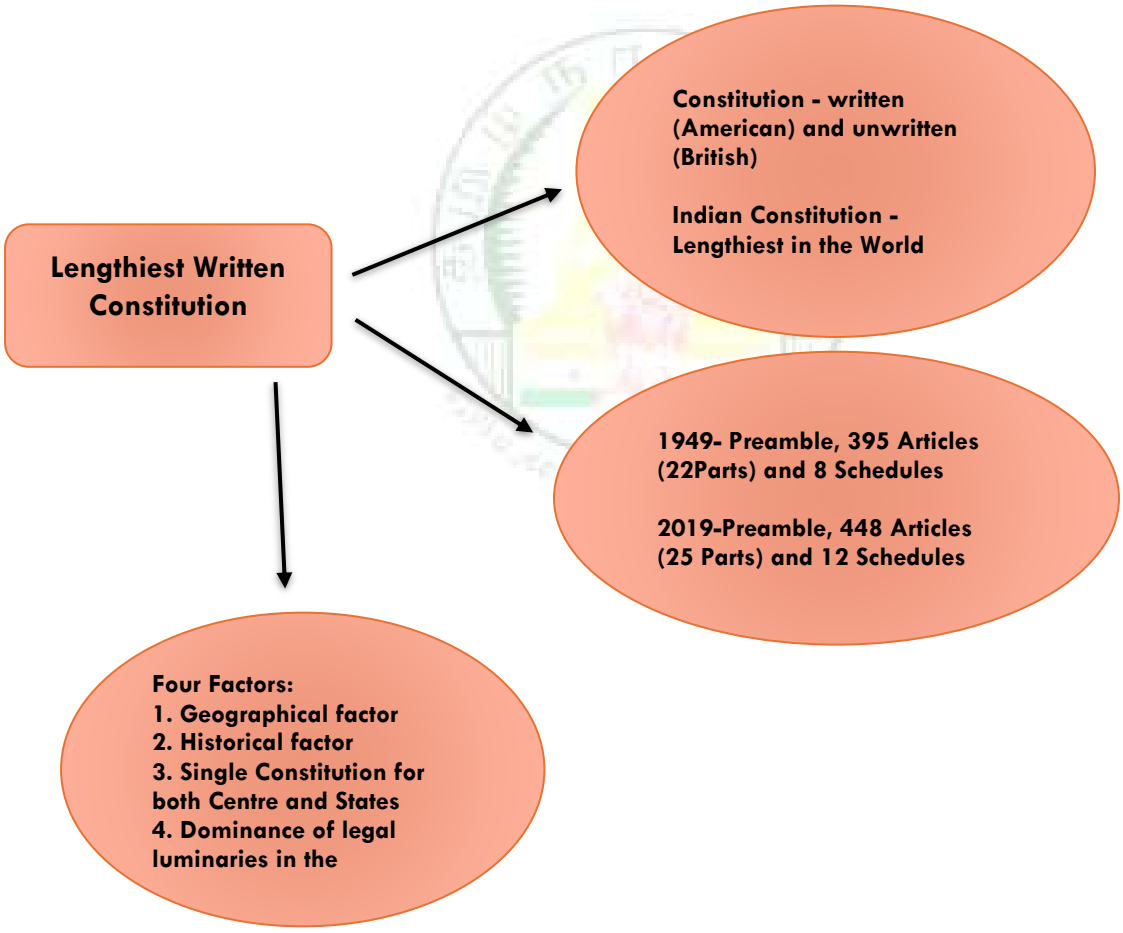
1. Lengthiest Written Constitution
2. Blend of Rigidity & Flexibility
3. Federal System with Unitary Bias
4. Parliamentary Sovereignty &Judicial Supremacy
5. Fundamental Rights
6. Directive Principles of StatePolicy
7. Fundamental Duties
8. Secular State
9. Universal Adult Franchise
10. Independent judiciary
11. Single Citizenship
12. Independent Bodies



Drawn from various Sources

Government of India Act, 1935	British Constitution	US Constitution	Canadian Constitution
• Federal Scheme • Office of Governor • Judiciary • Public Service Commissions • Emergency Provisions • Administrative Details	• Parliamentary Government • Rule of Law • Legislative Procedure • Single Citizenship • Cabinet System • Prerogative Writs • Parliamentary Privileges • Bicameralism	• Fundamental Rights • Independence of Judiciary • Judicial Review • Impeachment of President • Removal of SC & HC Judges • Vice-President's Post	• Strong Centre (Federalism) • Residuary Powers to Centre • Governor's Appointment by Centre • Advisory Jurisdiction of SC

Irish Constitution	Australian Constitution	Soviet Constitution (USSR)	French Constitution
• Directive Principles of State Policy (DPSP) • Nomination to Rajya Sabha • President's Election Method	• Concurrent List • Freedom of Trade & Commerce • Joint Sitting of Parliament	• Fundamental Duties • Ideal of Justice (Social, Economic, Political)	• Republic • Ideals of Liberty, Equality, Fraternity

South African Constitution	• Amendment Procedure • Rajya Sabha Election
Japanese Constitution	• Procedure Established by Law
Weimar Constitution (Germany)	• Suspension of Fundamental Rights during Emergency

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Blend of Rigidity and Flexibility

Constitution-Rigid (American) and Flexible (Britis

. Indian Constitution - neither rigid nor flexible of both

Federal System with Unitary Bias

. Federal system of Government

. Two government, division of powers, independent judiciary, bicameralism

•Unitary or non-federal features:
•· Single Constitution & citizenship, appointment of state governor by the Centre
•**Article 1 : India as A 'Union of States'**
•. Indian Federation is not the result of an agreement by the states
•. No state has the right to secede from the federation

Parliamentary From of Government

. Opted - British parliamentary system of Gov. than American Presidential

. Parliamentary system - Westminster model

•**Features:**
•. Presence of nominal and real executives
•. Majority party rule; Responsibility of the executives to the legislature
•. Leadership of the PM or CM
•. Dissolution of the lower house

Integrated and Independent Judiciary

Judicial system - Integrated as well as independent

. Supreme Court at top in the country

. High Court at the state level, Subordinate courts

Directive Principles of State Policy

•'Novel feature' of Indian Constitution (Part IV)
•. Three broad categories - Socialistic, Gandhian and
•liberal - intellectual
•. Establish a welfare state in india

Fundamental Rights

•Part -III of Indian Constitution
•6 fundamental rights
•Suspended during National Emergency except rights
•guaranteed by Article 20 & 21

Fundamental Duties

•. Added by 42md Constitutional Amendment Act of 1976
•. Swaran Singh Committee
•. Originally 10 duties
•. 86th Constitutional Amendment Act of 2002 added one more

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A Secular State

Secular added to preamble by 42"d Constitutional

Amendment Act of 1976

Article 14, 15, 16, 26, 27, 28, 29, 30 and 44

Equal respect to all religions

Universal Adult Franchise

. Elections to the Lok Sabha and the state legislative assemblies

. Citizen above age 18 has right to vote

. 61s Constitutional Amendment Act of 1988

. Voting age reduced to 18 from 21 years in 1989

Single Citizenship

. Indian constitution is federal and a dual polity

single citizenship

. Same political and civil rights

Emergency Provisions

. Enable President- meet any extraordinary situation

effectively

. National Emergency - Article 352

. State Emergency - Article 356 or Article 365

. Financial Emergency - Article 360

Three-tier Government

. 73"d Constitutional Amendment Act of 1992

. Panchayats (rural local government)

. new Part IX and new Schedule 11

74 Constitutional Amendment Act of 1992

. Municipalities (urban local government)

. new Part IX-A and new Schedule 12

Criticism of the Constitution

. A borrowed Constitution

. A Carbon copy of the 1935 Act

. Un-Indian or Anti-Indian

. An Un-Gandhian Constitution

· Elephantine Size

. Paradise of the Lawyers

Citizenship

Table of Contents

- Constitutional Provision
- Citizenship Act
- Acquisition of Citizenship
- Loss of Citizenship
- OCI

Introduction

✓ **Citizenship** signifies the relationship between a person and the state, where the individual owes allegiance and is entitled to protection.

✓ Under the **Union List** in the Constitution, meaning it falls under the jurisdiction of the **Parliament.**

✓ The term "citizen" is not explicitly defined in the Constitution, but it is implied through various provisions.

✓ **Part 2** of the Constitution (Articles 5 to 11) specifies the conditions for acquiring citizenship, including birth, descent, registration, and naturalization.

✓ **Single Citizenship**

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Constitutional Provisions

Article 5	Person who had his domicile in India
Article 6	• Person who migrated to India from Pakistan • He / His parents / His grandparents born in Undivided India • Migrated before July 19, 1948 – Ordinary resident of India Migrated after July 19, 1948 – Resident in India for 6 months
Article 7	• Person who migrated to Pakistan from India after March 1, 1947 • Later returned to India for resettlement Reside in India for 6 months before application
Article 8	• Person who, or any of whose parents / grandparents born in Undivided India • But residing outside India Overseas Indians
Article 9	No person shall be Indian citizen if voluntarily acquires foreign citizenship
Article 10	Person who is citizen of India continues to be such citizen, subject to provisions of any law made by Parliament
Article 11	• Parliament has the power to **make any provision** regarding: • **Acquisition** • **Termination** **And other matters related to citizenship**

Citizenship Act, 1955

- Enacted to provide details on how citizenship can be **acquired** and **lost** in India
  - Citizenship by **birth, descent, registration, naturalization,** and **incorporation of territory**

This act has been revised **time** to time.

Year	Key Amendment
1957	Citizenship (Amendment) Act
1960	Repealing and Amending Act
1985	Introduced provisions related to the **Assam Accord**
1986	Made citizenship by birth more restrictive
1992	Further refined citizenship by descent
2003	Introduced the concept of **Overseas Citizen of India (OCI)**; also repealed **Commonwealth Citizenship**
2005	Extended benefits of OCI card holders
2015	Merged **PIO (Person of Indian Origin)** with **OCI**
2019	Passed the **Citizenship (Amendment) Act, 2019 (CAA)** — provides citizenship to persecuted minorities from Pakistan, Afghanistan, and Bangladesh (Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians) who entered India on or before 31 Dec 2014

Rights granted to Citizens of India:

1. **Right against Discrimination (Article 15)**
2. **Equal Opportunity (Article 16)**
3. **Freedom Rights (Article 19)**
4. **Cultural and Educational Rights (Articles 29 & 30)**
5. **Political Rights**

Acquisition of Citizenship in India (Five Methods)

1. By Birth

Born in India between 26 Jan 1950 – 1 July 1987:
→ Citizen irrespective of parents' nationality.

Born between 1 July 1987 – 3 Dec 2004:
→ At least one parent must be an Indian citizen.

Born on or after 3 Dec 2004:
→ Both parents must be Indian citizens, or
→ One parent is a citizen and the other not an illegal migrant.

2. By Descent

Born outside India (26 Jan 1950 – 10 Dec 1992):
→ Father was an Indian citizen at the time of birth.

Born on/after 10 Dec 1992:
→ Either parent an Indian citizen.

From 3 Dec 2004:
→ Birth must be registered at an Indian consulate within 1 year.
→ Minor must not hold another country's passport.

3.By Registration (Application to Central Govt.)

i. PIO residing in India for 7 years.
ii. PIO residing abroad (outside undivided India).
iii. Spouse of Indian citizen, resident in India for 7 years.
iv. Minor child of Indian citizen.
v. Person of full age with Indian parent(s), resident for 12 months.
vi. OCI cardholder for 5 years and resident for 12 months.

4.By Naturalisation

Conditions:

Not born in India (self or parents).

Renounce other citizenship.

Resided in India for 11 years (last 12 months continuous).

Good character, knowledge of a Schedule VIII language.

5.By Incorporation of Territory

If a foreign territory becomes part of India.

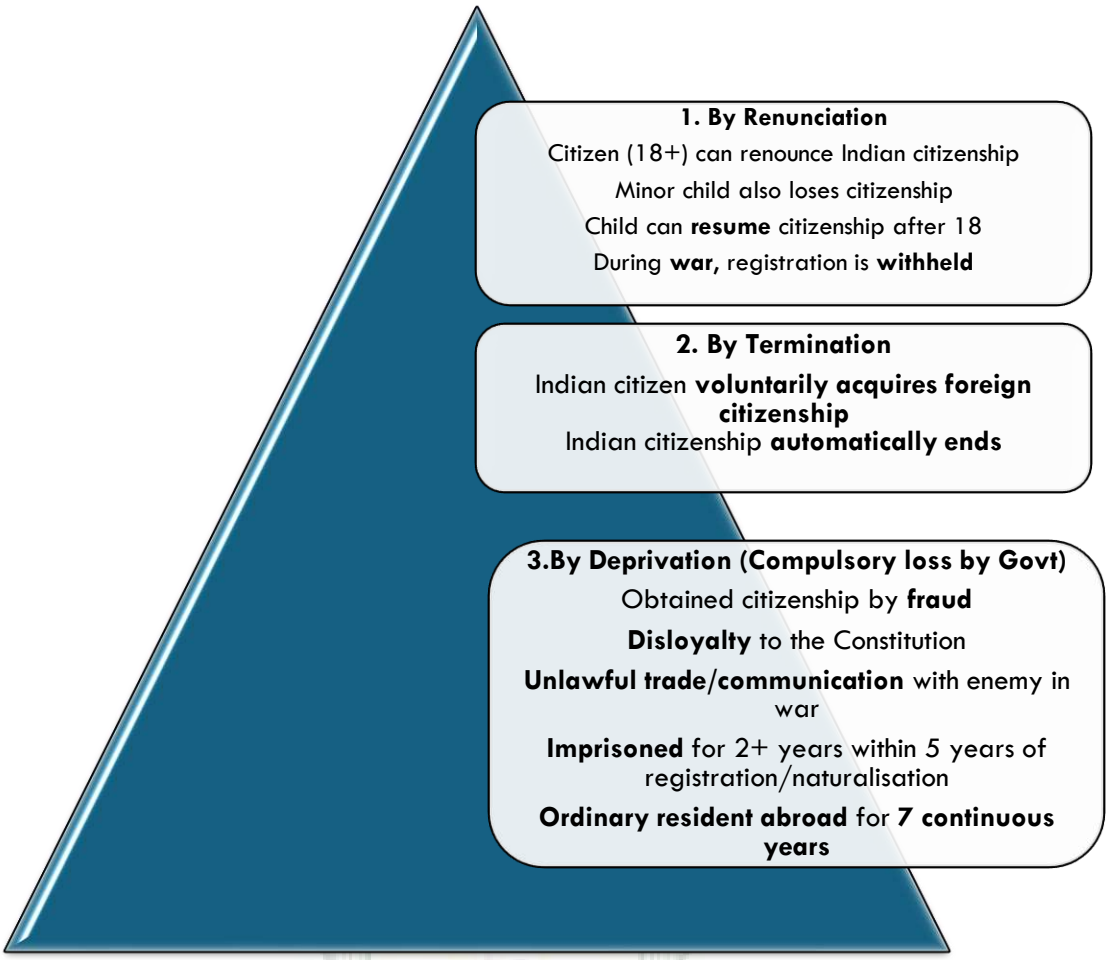
Govt. specifies who becomes citizens.

Example: Puducherry in 1962.

Special provisions under the Assam Accord

The Citizenship (Amendment) Act, of 1985, clarified citizenship for Indians who arrived in Assam before January 1, 1966, and have been residents there since then. Those found as foreigners after January 1, 1966, but before March 25, 1971, must register themselves.

Loss of Citizenship – 3 Ways



Overseas Citizenship of India (OCI):

OCI is a form of permanent residency for people of Indian origin and their spouses; it is *not* dual citizenship.

Privileges – Allows multiple visa-free entries, indefinite stay, work rights, and property ownership (excluding agricultural/plantation land).

Restrictions – OCI holders **cannot vote**, **hold public office**, or **own agricultural/plantation land** in India.

Renunciation – An OCI holder of full age can renounce their OCI status; minor children will also lose OCI status upon parent's renunciation.

Historical Background of the Constitution

Table of Contents

- Regulating Act of 1773
- Pitt's India Act of 1784
- Charter Act of 1813
- Charter Act of 1833
- Charter Act of 1853
- GOI Act of 1858
- Indian Councils Act of 1861
- Indian Councils Act of 1892
- Indian Councils Act of 1909
- GOI Act of 1919
- GOI act 1935
- Indian Independence Act of 1947

Introduction

✓ The British East India Company was established in **1600** under a charter granted by **Queen Elizabeth I**. It was a trading entity with exclusive rights to trade in the East.

✓ In **1765**, the Company acquired **Diwani Rights** (the rights to collect revenue and administer civil justice) for **Bengal, Bihar, and Orissa** through the **Treaty of Allahabad** after the **Battle of Buxar**.

✓ After the **Revolt of 1857** (often called the **Sepoy Mutiny**), the **British Crown** assumed direct control over India through the **Government of India Act 1858**, ending the rule of the East India Company.

✓ The idea of a **Constituent Assembly** to frame India's Constitution was suggested by **M.N. Roy** in **1934**, but it was formally formed in **1946** under the **Cabinet Mission Plan**.

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Regulating Act of 1773

- Governor of Bengal as the 'Governor-General of Bengal' (first-Warren Hastings)
- Established Supreme Court at Calcutta (1774)
- The **Bombay** and **Madras** presidencies were under the authority of the **governor-general of Bengal**
- Prohibited the **servants of the Company** from engaging in any private trade or accepting presents or bribes from the '**natives**'.
- Control of the British Government over the company was strengthened

Pitt's India Act of 1784 and Charter Act of 1813:

Pitt's India Act of 1784

- Company's Indian territories were for the first time called the '**British possessions in India**'
- Distinguished commercial and political functions of the Company.

Pitt's India Act of 1784

- A system of double government

1.**Court of Directors** managed the commercial affairs

2.A new body called the **Board of Control** managed political affairs

Charter Act of 1813

- **Ended the company's trade monopoly in India,** except for tea trade and trade with China.
- Permitted Christian missionaries to promote Western education.

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Charter Act of 1833

- Final step towards **centralization**
- Governor-General of Bengal as the "**Governor-General of India**" (First-Lord William Bentick)
- **Laws were referred to as Regulations, whereas under this act, they were referred to as Acts.**
- **Ended commercial activities of EIC (purely Admin Body)**
- **System of open competition for civil services (only on paper)**

Charter Act of 1853

- Last Charter Acts in series
- **The Act separated the legislative and executive functions of the Governor-General's council.**
  - It established a **separate Governor-General's legislative council** which came to be known as the Indian (Central) Legislative Council (total 6 members' along with local representation).
    - **First-time local representation in the Indian legislative**
- **The law member made as a full fledged member of council**
- **Introduction of Open Competition for Civil Services**
  - **Macaulay Committee on civil services appointed in 1854.**

Indian Council Act 1858

GOI Act of 1858

- "Also known as **Good Government Act**"
- Governor-General of India to **Viceroy of India** (First-Lord Canning)
- System of double government ended.
- New Office of **Secretary of State** for India (member of the British Cabinet)

Indian Council Acts

Indian Councils Act of 1861

- Beginning of the **representative institutions** by associating Indians with the law-making process.
- Restored legislative powers to Bombay and Madras.
- Recognised **portfolio system.**
- Empowered Viceroy to issue ordinances.

Indian Councils Act of 1892

- Increased the number of additional (non-official) members in the **Central and provincial legislative councils,** with official majority.
- It increased the functions of legislative councils and gave them the power of discussing the budget and addressing questions to the executive.
- Introduced indirect elections (nomination).

Indian Councils Act of 1909

This Act is also known as the Morley-Minto Reforms.

- **Direct elections to legislative councils;** first attempt at introducing a representative and popular element.
- The member of the Central Legislative Council was increased to 60 from 16.
- Introduced a system of communal representation for Muslims by accepting the concept of a 'separate electorate'.
- **Indians for the first time in the Viceroy's executive council.** (Satyendra Prasanna Sinha, as the law member)

Government of India Act of 1919

- **This Act is also known as the Montague-Chelmsford Reforms.**
- **The Central subjects were demarcated and separated from those of the Provincial subjects.**
- **The scheme of dual governance, 'Dyarchy', was introduced in the Provincial subjects.**
- **Under the dyarchy system, the provincial subjects were divided into two parts – transferred and reserved. On reserved subjects, the Governor was not responsible to the Legislative council.**
- **The Act introduced, for the first time, bicameralism at the center and Direct Election.**
- **Legislative Assembly with 140 members and Legislative Council with 60 members.**
- **The Act also required that three of the six members of the Viceroy's Executive Council (other than Commander-in-Chief) were to be Indians.**
- **Provided for the establishment of the Public Service Commission.**

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Government of India Act of 1935

- It proposed the formation of an All-India Federation consisting of both **Provinces** and **Princely States**.

- The Act divided powers between the **Centre** and the **Provinces** into three distinct lists:
  - **Federal List** (59 items) - Centre's jurisdiction.
  - **Provincial List** (54 items) - Provinces' jurisdiction.
  - **Concurrent List** (36 items) - Both the Centre and Provinces had authority.

- The Act abolished the **Dyarchy** (dual government) in the provinces and introduced Dyarchy in the Centre. **Provincial Autonomy** was introduced.

- The Act introduced **bicameral legislatures** in **6 out of 11 Provinces**.
- A **Federal Court** was established to resolve disputes between the Centre and the Provinces.

Indian Independence Act of 1947

- It declared India as an Independent and Sovereign State.
- Established responsible Governments at both the Centre and the Provinces.
- Designated the Viceroy India and the provincial Governors as the Constitutional (normal heads).
- It assigned dual functions (Constituent and Legislative) to the Constituent Assembly and declared this dominion legislature as a sovereign body.

Fundamental Rights(Part-1)

Table of Contents

- Six Fundamental Rights
- Features
- Related Cases
- Articles (12 - 24)

Introduction

✓ **Part III of the Constitution → Articles 12 to 35**

✓ Inspired by the **U.S. Constitution**

✓ Called the **"Magna Carta of India"**

✓ Known as the **"Conscience of the Constitution"**

✓ **Guarantee basic freedoms and protection** to citizens.

✓ Reflect **political democracy** – *"A government of laws and not of men"*

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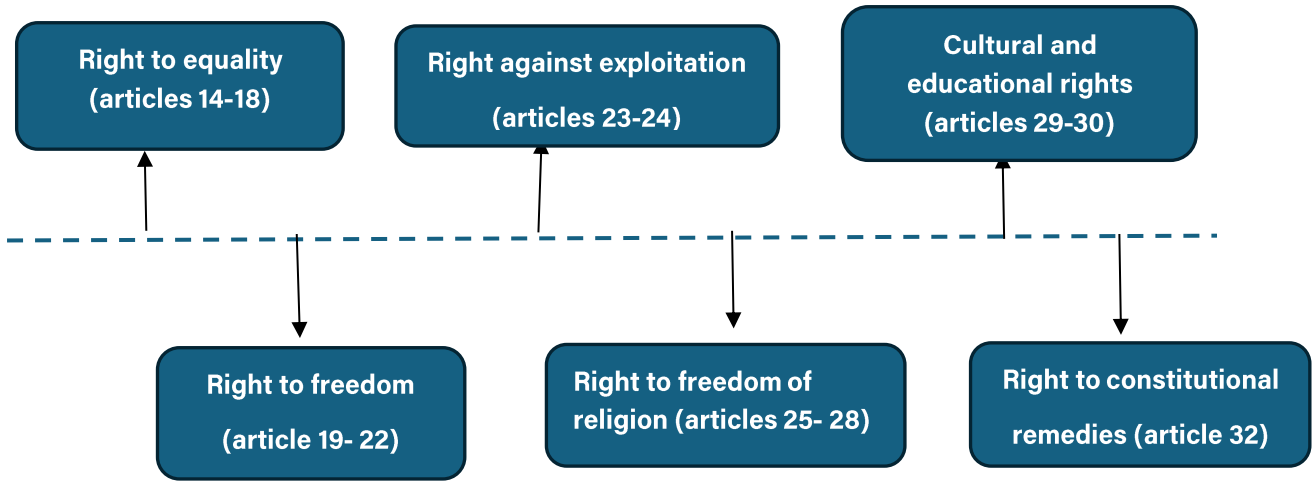

Features of Fundamental Rights (FRs):

1) **Availability**: Some FRs (e.g., Articles 15, 16, 19, 29 & 30) are only for citizens; others apply to all, including foreigners.
2) **Against Whom**: Mainly enforceable against the State; some also apply to private individuals (e.g., Article 17).
3) **Nature**: Both negative (restrict State actions) and positive (grant freedoms) in character.
4) **Amendability**: Can be amended but not violate the **basic structure** of the Constitution.
5) **Justiciability**: Citizens can directly approach the **Supreme Court** under Article 32.
6) **Reasonable Restrictions**: FRs are subject to lawful restrictions and special provisions (Articles 31A–35).
7) **Suspension**: FRs can be suspended during Emergency, but **Articles 20 & 21** remain protected.

Originally, the Constitution provided for 7 types of Fundamental Rights (Now 6 FR's). The property right was deleted from the list of Fundamental Rights by the 44th Amendment Act, 1978. It is made a legal right under Article 300-A in Part XII of the Constitution.

- **Article 12** defines 'State' to include government bodies, legislatures, local authorities, and agencies like LIC or ONGC.
- Even **private entities** acting as instruments of the State fall under this

- **Article 13** declares that laws violating Fundamental Rights are **void**.
- Courts (Art. 32 & 226) can strike down such laws; **Kesavananda Bharati (1973)** upheld this power.

Right to Equality (Articles 14- 18)

ARTICLE 14: EQUALITY BEFORE LAW AND EQUAL PROTECTION OF LAWS

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

📌 **Rule of Law**: Propounded by A.V. Dicey (British Jurist).

📌 **Article 14** is a **basic feature** of the Constitution – it **cannot be destroyed even by an amendment** (Kesavananda Bharati case).

Exceptions to Article 14:

Article 361 – *Immunity to the President and Governors*:
Article 361-A – *Immunity for proceedings in Legislatures*:
Article 105 / Article 194 – *Privileges of MPs and MLAs*:
Article 31-C – Laws made to implement **Directive Principles** under **Articles 39(b) and 39(c)** are protected from being challenged under Articles 14 and 19.
Others: Foreign sovereigns, ambassadors, diplomats, and UN agencies have immunity.

ARTICLE 15: PROHIBITION OF DISCRIMINATION ON CERTAIN GROUNDS

"The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, or place of birth."

Exceptions to Article 15: The State is permitted to make **special provisions** for:

1. **Women and Children**
2. **Socially and Educationally Backward Classes (SEBCs)**
3. **Scheduled Castes (SCs) and Scheduled Tribes (STs)**

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Article 16 – **Equality of opportunity in public employment**

No discrimination based on religion, race, caste, etc.

Allowed Exceptions:

Reservations for SCs, STs, OBCs, and EWS.

Article 17 – **Abolition of untouchability**

Practice of untouchability is a **punishable offence.**

Enforced by the **Protection of Civil Rights Act, 1955.**

Article 18 – This article states that no title other than military and academic distinction shall be conferred by the state.

Right to Freedom (Articles 19-22)

This article guarantees six fundamental freedoms to the citizens:

- Speech and Expression
- Peaceful assembly
- Forming Associations/Unions
- Free Movement throughout India
- Freedom to reside and settle in any part of India
- Freedom to practice any profession or carry on any occupation, trade, or business

Article 20 – Protection in Criminal Cases

Applies to both citizens and foreigners.

1. **No ex post facto laws** – Can't punish someone for an act that was not a crime when done.
2. **No double jeopardy** – Can't be punished twice for the same offence.
3. **No self-incrimination** – Can't be forced to testify against oneself.

ARTICLE 21 – RIGHT TO LIFE AND PERSONAL LIBERTY	ARTICLE 22 – PROTECTION AGAINST ARREST & DETENTION

No person can be deprived of life or liberty **except by due process of law.**
• Interpreted to include many rights like:
  ○ Right to privacy
  ○ Right to a clean environment
  ○ Right to legal aid
  ○ Right to livelihood
  ○ Right to shelter
Article 21A – Right to Education
• Added by the **86th Amendment, 2002**
• **Free and compulsory education** for children aged **6 to 14 years**
Duty of the **State** to provide this education.
	Rights at the time of arrest:
	• Must be **told the reason** for arrest
	• Can **consult a lawyer**
	• Must be **presented before a magistrate within 24 hours**
	• **Cannot be detained beyond 24 hours** without magistrate's approval
	Note:
	• These rights **do not apply** to:
	  ○ **Enemy aliens**
	  ○ Persons under **preventive detention laws**

Right Against Exploitation (Articles 23–24)

Article 23

- **Prohibition of Trafficking & Forced Labour**
- ❌ No trafficking in human beings.
- ❌ No begar (forced/unpaid labour).
- ⚖️ Violation is punishable by law.

Article 24

- **Prohibition of Child Labour**
- No child below 14 years can be employed: **Child Labour Amendment Act, 2016**
- Completely **bans employment** of children under 14 in **all occupations.**

Fundamental Rights (Part 2)

Table of Contents

- Significance
- Article (25- 35)
- Limitations

Significance

✓ Fundamental Rights are essential for the holistic development of individuals and protect their civil and political freedoms.

✓ They uphold the **Rule of Law**, ensuring equality before law and protection from arbitrary state actions.

✓ Unlike ordinary rights, Fundamental Rights are constitutionally guaranteed and can only be altered by a constitutional amendment.

✓ They include both **negative rights** (restricting state interference) and **positive rights** (obliging state action).

✓ These rights form the **foundation of a liberal democracy**, ensuring justice, equality, and dignity.

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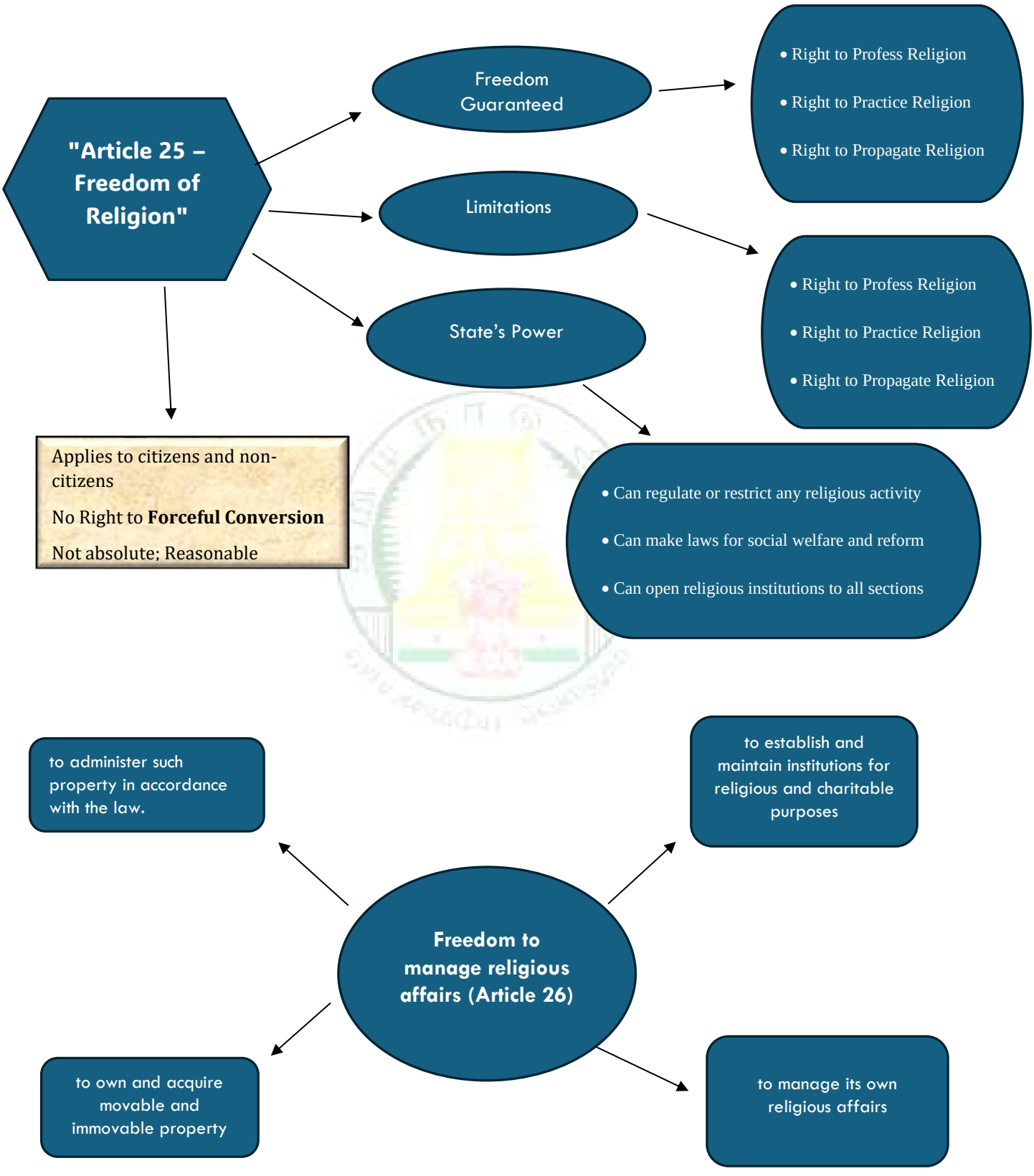
Right to Freedom of Religion (Article 25 – 28)



Article 27

- No person can be forced to pay taxes used for promoting or maintaining any particular religion or sect.

Article 28

- Religious instruction is prohibited in state-funded institutions, unless established under a trust mandating it.

Cultural and Educational Rights (Article 29 – 30)

Cultural and Educational Rights

- Article 29 – Protection of Interests of Minorities
- Article 30 – Right of Minorities to Establish Institutions

Types of Writs under Article 32 & Article 226

1. **Habeas Corpus** ***("to have the body of")***
   - Issued to produce a person who is illegally detained.
2. **Mandamus** ***("we command")***
   - Issued to direct a public official/body to perform a public duty.
3. **Prohibition** ***("to forbid")***
   - Issued by a higher court to a lower court to **stop** proceedings beyond its jurisdiction.
4. **Certiorari** ***("to be certified/informed")***
   - Issued to transfer a case from a lower court to a higher court or to quash an order.
5. **Quo Warranto** ***("by what authority")***
   - Checks **illegal occupation of a public office.**

Article 32 – Right to Constitutional Remedies

Provides legal remedy for enforcement of Fundamental Rights.

Allows individuals to directly approach the **Supreme Court** for protection of their rights.

SC can issue writs: **Habeas Corpus**, **Mandamus**, **Prohibition**, **Quo Warranto**, and **Certiorari**.

High Courts have similar powers under **Article 226**.

Parliament can empower other courts to issue writs.

Exceptions to Fundamental Rights (Articles 31, 31A, 31B, 31C)

Article 31 (Right to Property)

Originally a Fundamental Right.

44th Amendment Act, 1978: Repealed as an FR and made a **legal right** under **Article 300A.**

Article 31A *(Inserted by 1st Amendment, 1951)*

Protects **five categories of laws,** mainly related to **land reforms,** from challenge under **Articles 14 & 19.**

Article 31B *(Also by 1st Amendment, 1951)*

Created the **Ninth Schedule.**

Any law placed under this Schedule is **immune from Fundamental Rights challenges.**

Article 31C *(Inserted by 25th Amendment, 1971)*

Laws made to implement **Directive Principles under Article 39(b) & 39(c)** cannot be challenged for violating **Articles 14 or 19.**

Article 33-Empowers Parliament to restrict or cancel Fundamental Rights for armed forces, police, paramilitary, and intelligence agencies to maintain discipline.

Article 34 – Allows Parliament to make laws indemnifying individuals for actions taken during martial law and restoring public order.

Article 35 – Grants exclusive power to Parliament to make laws related to Articles 16(3), 32(3), 33, and 34.

B. R. Ambedkar described which fundamental right as the 'heart and soul' of the Indian Constitution?

A. Right to Equality
B. Right to Education
C. Right to Constitutional Remedies
D. Right to Freedom

Correct Answer: C. Right to Constitutional Remedies

Fundamental Duties

Table of Contents

- Features
- Historical Background
- Article- 51A

Significance

✓ Part IV-A (Article 51-A)

✓ **Source of Inspiration** - Constitution of Russia (former USSR)

✓ 42nd Constitutional Amendment Act, 1976

✓ Based on Recommendation of Swaran Singh Committee

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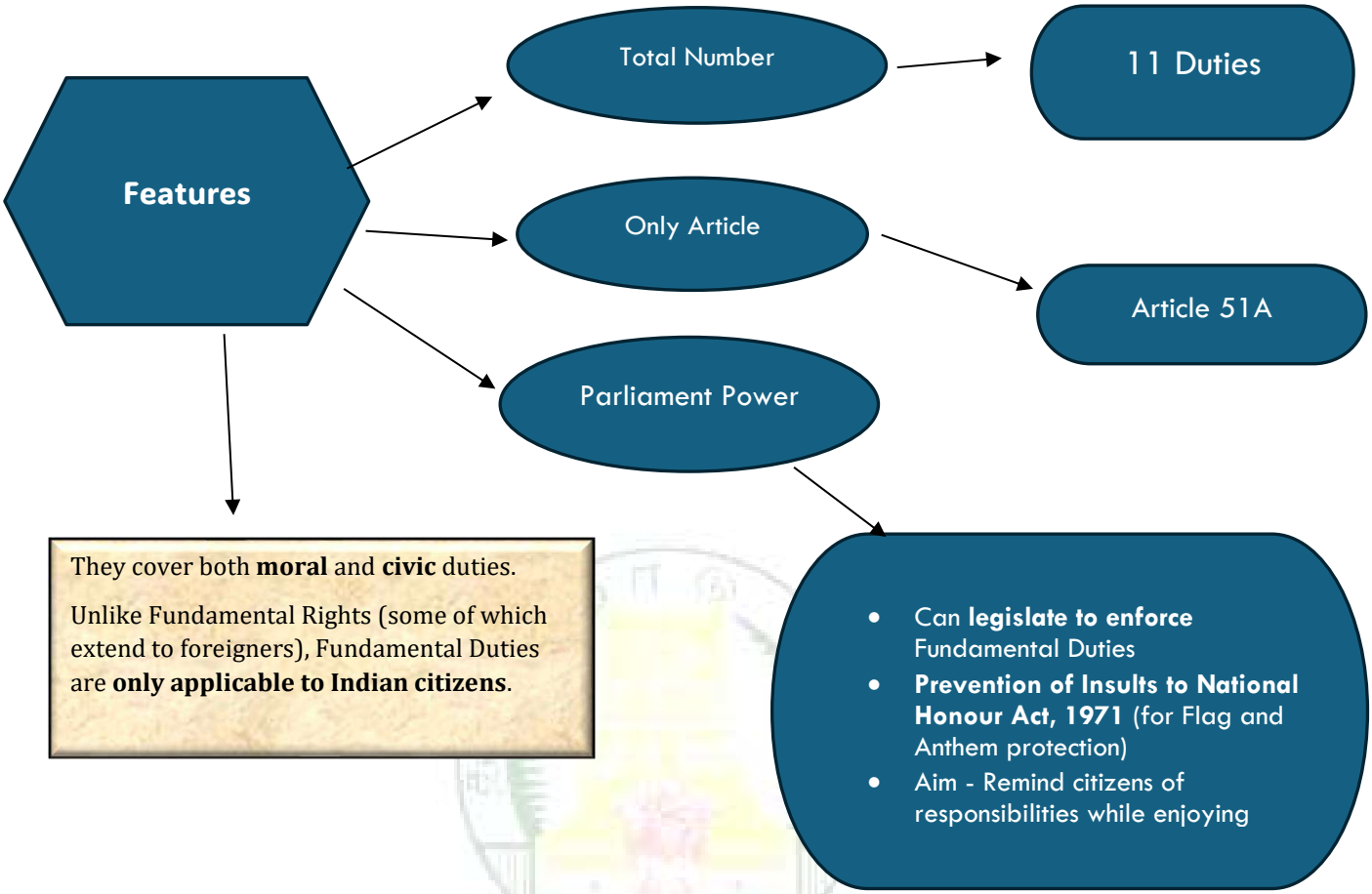
DEPARTMENT OF EMPLOYMENT AND TRAINING
TNPSC GROUP IV – POLITY MINDMAP



📌 Historical Background

- Fundamental Duties were added by the **42nd Constitutional Amendment Act, 1976.**
- This amendment was based on the **recommendations of the Swaran Singh Committee,** constituted during the Internal Emergency (1975–77).
- Originally, the committee proposed **8 duties,** but the government included **10.**
- Later, **one more duty was added** through the **86th Constitutional Amendment Act, 2002,** making the total **11 duties.**

DEPARTMENT OF EMPLOYMENT AND TRAINING
TNPSC GROUP IV – POLITY MINDMAP

List of 11 Fundamental Duties (Article 51A)

Abide by the Constitution and respect its ideals and institutions, the National Flag, and the National Anthem.

Cherish and follow noble ideals that inspired the national freedom struggle.

Uphold and protect the sovereignty, unity, and integrity of India.

Defend the country and render national service when called upon.

Promote harmony and brotherhood transcending diversities; renounce practices derogatory to the dignity of women.

Value and preserve the rich heritage of India's composite culture.

Protect and improve the natural environment (forests, lakes, rivers, wildlife); show compassion to living creatures.

Develop scientific temper, humanism, and the spirit of inquiry and reform.

Safeguard public property and abjure violence.

Strive for excellence in all spheres of individual and collective activity.

Provide education opportunities to children between 6–14 years (added in 2002).

Union and its Territory

Table of Contents

- Union of States
- Evolution of States and union Territories
- State Reorganisation Committees

Introduction

Conditions for Reorganisation:

- Requires **prior recommendation of the President**.
- **President refers the Bill to the concerned State Legislature** for its **views**.
  - **State Legislature's opinion is not binding** on the President or Parliament.
- **No reference is needed for Union Territories**.

Notable Supreme Court Judgments:

◆ **Berubari Union Case (1960):**

Whether Indian territory can be ceded to a foreign country under Article 3.

- **Supreme Court verdict**: No — this **requires a constitutional amendment under Article 368**.

9th Constitutional Amendment Act (1960) was passed to cede Berubari to Pakistan.

◆ **1969 Supreme Court Ruling:**

- **Settlement of boundary dispute** via agreement with a foreign country **does not require constitutional amendment**.

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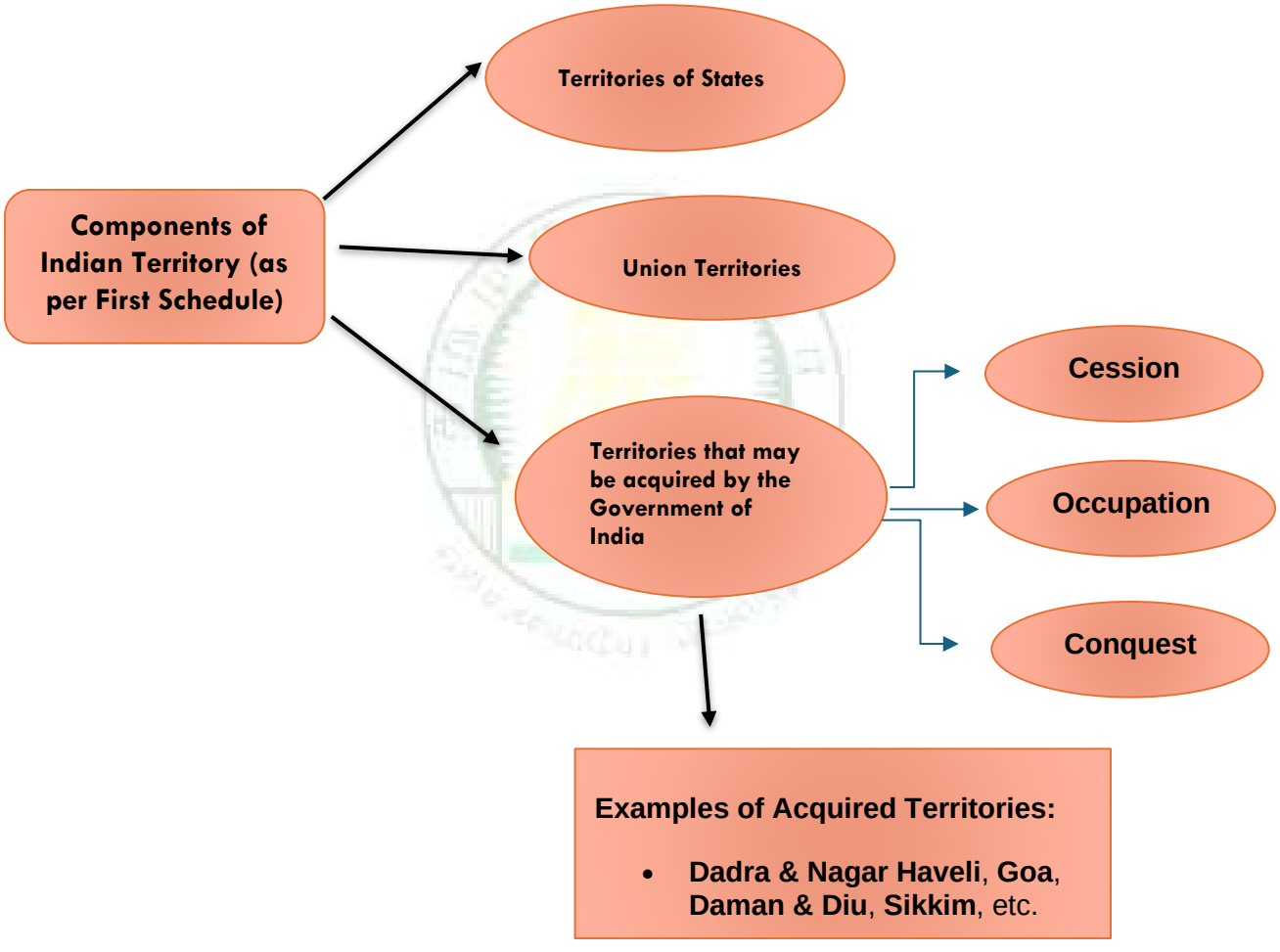
As per **Dr. B.R. Ambedkar:**

- Indian federation is **not** the result of an agreement among states (unlike the USA).
- States have **no right to secede** – India is an **indestructible union.**

Article 1:

India, that is Bharat, shall be a **Union of States.**



Article 2: Admission or establishment of new states

. Article 2A-Sikkim to be associated with the Union (Repealed)

. Article 3: Formation of new states and alteration of areas, boundaries or names of existing states.

. Article 4: Laws made under Article 2 & 3 to provide for the amendment of the 1" and 4th Schedules and supplemental, incidental and consequential matters.

Formation of Indian States & Union Territories

1960 – Formation of Maharashtra & Gujarat

Bombay State was bifurcated.

Maharashtra and **Gujarat** created.

Gujarat became the 15th state.

1961 – Goa, Daman & Diu

Acquired from Portuguese through **police action.**

Constituted as **Union Territories** via **12th Constitutional Amendment Act, 1962.**

1962 – Puducherry (Formerly Pondicherry)

Acquired from the **French** in 1954.

Governed as an **Acquired Territory** till 1962.

Became a **Union Territory** via **14th Constitutional Amendment Act, 1962.**

1963 – Nagaland

Formed by carving out **Naga Hills and Tuensang area** from Assam.

Created to address the **hostile Naga movement.**

Became the **16th state.**

1966 – Haryana, Chandigarh, Himachal Pradesh (UT)

Punjab State bifurcated:

Haryana (Hindi-speaking areas) formed – became **17th state.**

Chandigarh made a **Union Territory** (shared capital).

Hilly areas merged with **Himachal Pradesh (then UT).**

Based on **Shah Commission recommendations:**

Punjabi-speaking areas → Punjab

Hindi-speaking areas → Haryana

Hilly areas → Himachal Pradesh

1971 – Himachal Pradesh

Became a **full-fledged State** – the **18th state** of India.

Mizoram, Arunachal Pradesh and Goa (1987): These three new states were established, with Mizoram and Arunachal Pradesh previously being union territories.

2019 – Merger of Union Territories

Dadra & Nagar Haveli and **Daman & Diu** merged.

New UT formed: **Dadra and Nagar Haveli and Daman and Diu**

Capital: Daman

Chhattisgarh, Uttarakhand and Jharkhand (2000): These states were formed by dividing the territories of Madhya Pradesh, Uttar Pradesh, and Bihar respectively.

Telangana (2014): Formed from the territories of Andhra Pradesh, it became the 29th state of India.

Jammu & Kashmir and Ladakh (2019): The former state of Jammu and Kashmir was divided into two separate union territories.

India currently has 28 states and 8 union territories. (2025)

State Reorganisation Committees

Committee / Commission	Key Recommendations
Dhar Commission	◆ Rejected linguistic basis for reorganisation. ◆ Proposed creation of **Assam** & **North-East Frontier Tract** (later NEFA). ◆ Emphasised **geographical continuity, financial viability,** and **administrative convenience.** ◆ Focused on safeguarding **tribal rights.**
JVP Committee	◆ Opposed linguistic basis for states. ◆ Stressed **national unity, security,** and **economic prosperity.** ◆ Recommended **delaying** reorganisation.
Fazl Ali Commission *(State Reorganisation Commission)*	◆ Accepted **language as one** criterion. ◆ Rejected **"one language – one state"** idea. ◆ Considered **national unity, cultural homogeneity, economic and administrative factors.** ◆ Recommended formation of **16 states** and **3 union territories.** ◆ Led to **States Reorganisation Act, 1956** & **7th Constitutional Amendment.** ◆ Resulted in **14 states** and **6 union territories.**

Directive Principles of State Policy (DPSP)

Table of Contents

- Features of DPSP
- Articles (36- 51)
- Amendments
- Implementation of DPSP

Introduction

✓ **Part IV of the Constitution → Articles 36 to 51**

✓ **Borrowed idea from Irish Constitution of 1937**

✓ Dr. B.R. Ambedkar described as **'novel features'** of the Indian Constitution

✓ Philosophy and soul of the Constitution

✓ **Guarantee basic freedoms and protection** to citizens.

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Features of Directive Principles of State Policy (DPSPs):

- **Constitutional Guidelines:**
  - DPSPs are **instructions or recommendations** to the State (Article 36 defines "State" same as for Fundamental Rights).
- **Inspired by 1935 Act:**
  - Based on the **Instrument of Instructions** in the Government of India Act, 1935.
- **Goal of Economic and Social Democracy:**
  - Aim to promote a just society with **equitable distribution** of wealth, resources, and opportunities.
- **Welfare State Ideal:**
  - Reflect the idea of a **welfare state** (not a police state).
- **Non-Justiciable:**
  - **Not enforceable** by any court if violated.
- **Article 37:**
  - Though non-justiciable, they are **fundamental in governance** and it is the **duty of the State** to apply them.
- **Role in Judicial Review:**
  - Courts may **consider DPSPs** to determine the **constitutional validity** of a law.
- **Relation with Fundamental Rights:**

Laws influenced by DPSPs must maintain a **reasonable balance with Article 14 (Equality)** and **Article 19 (Freedoms).**

Classification of DPSPs

1.Socialistic Principles:

Aim to promote **social and economic equality**.

2.Gandhian Principles:

Reflect Gandhi's ideals such as **village panchayats**, promotion of **cottage industries**, **prohibition**, protection of **SCs, STs**, and promotion of **Khadi**

3.Liberal-Intellectual Principles:

Focus on **individual liberty**, **freedom of conscience**, **uniform civil code**, **international peace**, and **environmental protection**.

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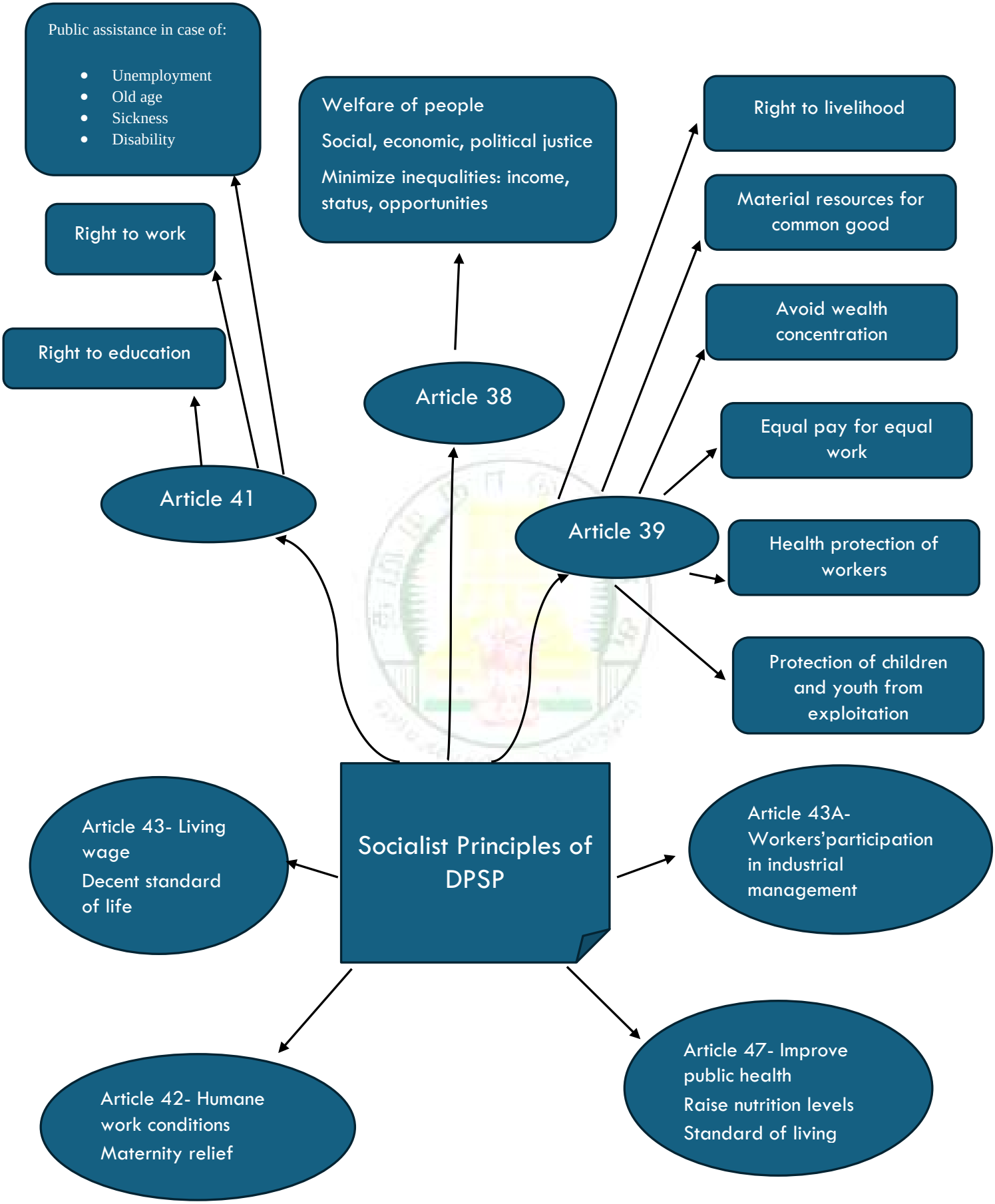
TNPSC GROUP IV – POLITY MINDMAP



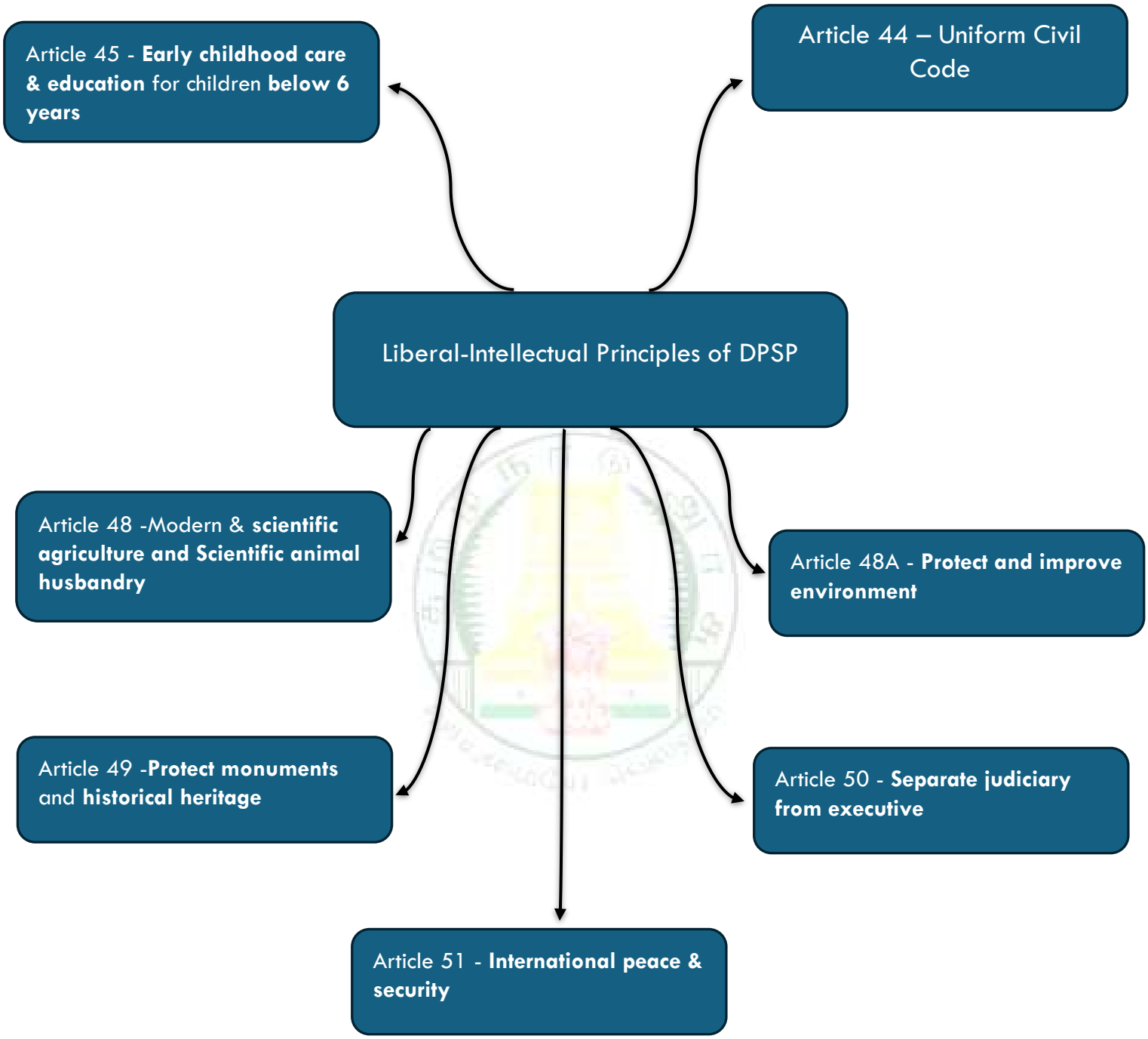
Gandhian Principles of DPSP

- Article 40- Organize **village panchayats**
- Article43- to **promote cottage industries** on an individual or cooperative basis in rural areas.
- Article 43B - To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies.
- Article 46 - Promote **educational & economic interests** of **SCs**, **STs**, and **weaker sections**
- Article 47 - Improve **public health** and **Prohibit** intoxicating drinks & drugs harmful to health
- Article 48 -To **prohibit the slaughter of cows, calves and other milch** and draught cattle and to improve their breeds.

Amendments in DPSP:

- **42nd Constitutional Amendment, 1976**: It introduced certain changes in the part-IV of the Constitution by adding new directives:
  - **Article 39A:** To provide **free legal aid** to the poor.
  - **Article 43A:** Participation of workers in management of Industries.K1M
  - **Article 48A:** To protect and improve the environment.

DEPARTMENT OF EMPLOYMENT AND TRAINING
TNPSC GROUP IV – POLITY MINDMAP



FUNDAMENTAL RIGHTS	DIRECTIVE PRINCIPLES OF STATE POLICY
• **Derived from** the **U.S. Constitution.** • Legally **enforceable by courts** and have **legal sanctions.** • **Even the Government cannot take away or abridge** these rights. • Aim to ensure **political democracy** in the country.	• **Drawn from** the **Irish Constitution.** • **Not enforceable by any court** and have **moral and political sanctions.** • Serve as **guidelines/instructions to the Government.** • Aim to establish **social and economic democracy.**

Implementation of DPSP

- **Land & Labour Reforms:** Abolition of zamindars, land ceiling, tenancy reforms, and acts like Minimum Wages Act (1948), Code on Wages (2020), and Child Labour laws support rural and labour welfare.
- **Women Welfare:** Laws like the Maternity Benefit Act (1961) and Equal Remuneration Act (1976) promote gender equity in the workforce.
- **Panchayati Raj:** The 73rd Amendment Act (1992) implemented Article 40 by establishing a three-tier Panchayati Raj system.
- **Cottage Industries:** Boards like KVIC and Silk Board were set up under Article 43 to promote village and cottage industries.
- **Education:** Article 45 was fulfilled through the 86th Amendment and the Right to Education Act, 2009 for free, compulsory education (ages 6–14).
- **Rural, Health, Environment & Heritage:** MGNREGA (2006), PMGSY, NRHM, Wildlife Act (1972), Environment Act (1986), and Heritage Acts protect livelihoods, nature, and culture.

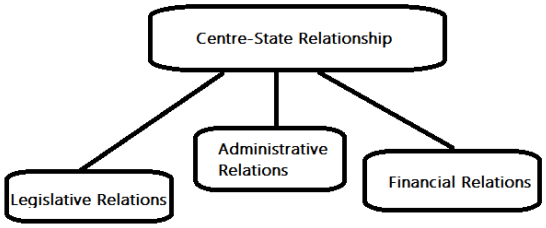
Centre- State Relationship

Table of Contents

- Legislative Relation
- Administrative Relations
- Financial Relations
- Commission on Centre- State Relations

Introduction

✓ The Centre-State Relations revolve around the fulcrum of distribution of powers between Centre and States. Distribution of powers is the foundational feature of federalism and in federal Constitutions there are three types of distributions, they are:



✓ 1. Legislative Power Distribution
✓ 2. Executive Power Distribution
✓ 3. Financial Power Distribution

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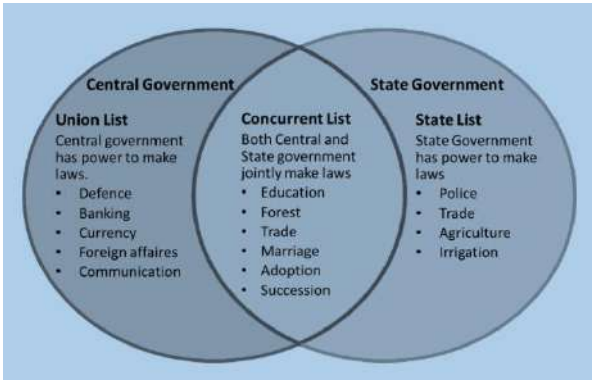
Centre-state legislative relations:(Article 245- 255)

- Territorial extent of central and state legislation
  - Parliament: Entire or part of India (extraterritorial also).
  - State: Entire or part of the State; not beyond state borders unless related.
- Distribution of legislative subjects



- Parliamentary legislation in the state field
  - Rajya Sabha Resolution (2/3rd majority) → Centre can legislate.
  - National Emergency → Parliament legislates on State subjects.
  - President's Rule → Parliament legislates for that State.
  - International treaties → Parliament legislates on any subject.
- Centre's control over state legislation
  - Governor can reserve bills for Presidential consideration.
  - Prior Presidential sanction for specific bills.
  - President's direction during financial emergency.

Administrative Relations (Articles 256–263)

Distribution of Executive Powers
- Centre: Union list matters + treaties.
- States: State list matters.
- Both: Concurrent list matters.

Obligations
- State must ensure Parliamentary laws are implemented.
- State must not prejudice Centre's executive power.

Centre's Power to Direct States
- Construction/maintenance of communications (military importance).
- Railway safety measures.
- Education for linguistic minorities.
- Welfare schemes for Scheduled Tribes.

Integrated Judicial System
- **Single system** for Centre & States
- **High Court Judges:**
  - Appointed by President (consult CJI + Governor)
- **Common High Courts:** Parliament can create for 2+ states

Relations During Emergency
- **National Emergency:**Centre can direct states on any matter
- **President's Rule:**President assumes state's executive powers
- **Financial Emergency:**Centre directs financial discipline
  - Reduction of salaries (State officials, HC judges)

Public Service Commission
- **State PSC:**Appointed by Governor
  - Removed by President
- **Joint PSC:**Created if two or more States request
  - Chairman/members appointed by President
- **UPSC Support:**On Governor's request + President's approval
  - Joint recruitment for specialized services

All-India Services (AIS)
- **Created under:** Article 312
- **Importance:**
  - High standard of administration
  - Uniformity across Centre & States

Other provisions

Article 355
- Imposes two duties on the Centre:
  - **Protection** of every state against external aggression and internal disturbance.
  - **Ensuring** that the government of every state is carried on in accordance with the provisions of the Constitution.

Financial Relations (Articles 256–263)

The Indian Constitution distributes **financial powers** between the Union and State Governments, largely based on the **Government of India Act, 1935**.

Tax Revenue Distribution

There are **five ways** in which tax revenues are distributed:

Taxes Exclusively for the Union

Levied and collected by the Centre.

Example: **Corporation Tax, Customs Duties**

Taxes Exclusively for the States

Levied and collected by the States.

Example: **Sales Tax (now GST subsumed most indirect taxes)**

Taxes Levied by Centre, Collected and Appropriated by States

Example: **Stamp Duties on Bills of Exchange**, some **Excise Duties**

Taxes Levied and Collected by Centre, but Assigned to States

Taxes assigned to the State where they are collected.

Example: **Advertisement taxes in newspapers**

Taxes Levied and Collected by Centre, but Shared with States

Distributed between Centre and States in a fixed proportion.

Example: **Income Tax (except agricultural income)**

Non-Tax Revenue Distribution

Union Government's Sources:

Receipts from **industries and enterprises** under Union subjects:

Railways, Posts & Telegraphs, Broadcasting, Industrial Finance Corporation

State Governments' Sources:

Revenue from commercial enterprises under State jurisdiction:

Forests, Irrigation, Electricity, Road Transport

Grants-in-Aid under Article 275

To meet special developmental needs, especially for **tribal welfare and backward regions.**

Example: Special grants to **Assam** and other states with tribal populations.

DEPARTMENT OF EMPLOYMENT AND TRAINING
TNPSC GROUP IV – POLITY MINDMAP

Commissions on Centre-State Relations

Central – State Relations

- **Administrative reform Commission**
- **Rajamannar Commission**
- **Venkatachaliah Commission**

First ARC (1966):
- Chaired initially by **Morarji Desai**, later by **K. Hanumanthaiah**.
- Submitted **20 reports**, including significant recommendations on Centre-State relations.

Second ARC (2005):
- Chaired initially by **Veerappa Moily**, later by **V. Ramachandran**.
- Reviewed the administrative system comprehensively, including Centre-State dynamics.

Established by: Tamil Nadu Government.(1969- 71)
Chairperson: **Justice P.V. Rajamannar** (Retired Chief Justice of Madras High Court).
- **Members**: Dr. A. Lakshmanaswamy and Dr. P. Chandra Reddy.

Key Recommendations:
- **Implementation of Article 263**:Formation of an **Inter-State Council** with Chief Ministers and Prime Minister..
- **Abolition of Articles 256, 257, 339(2)**:
- **Residuary Powers**:Should be transferred from the Union to the States.
- **Restricting Article 356**:
- Should be used *only* in cases of complete constitutional breakdown in a State, not for mere law and order issues.
- **Abolition of All India Services**:
- Recommended ending services like IAS, which were viewed as agents of the Union, against the spirit of federalism.
- **Financial Reforms**:
- Greater devolution of powers and resources to States.
- Amendments suggested in taxes like **corporation tax, customs, and export taxes**.

Recommended transferring several items from the **Union List and Concurrent List to the State List**.

- **Official Name**: National Commission to Review the Working of the Constitution (NCRWC).(2000)
- **Set up :** under Prime Minister Atal Bihari Vajpayee.
- **Date of Establishment:** 22 February 2000.
- Chairperson: Justice M.N. Venkatachaliah (former Chief Justice of India).
- **Purpose:**
- To examine and recommend possible Constitutional amendments for better governance and protection of democratic institutions.

DEPARTMENT OF EMPLOYMENT AND TRAINING
TNPSC GROUP IV – POLITY MINDMAP

Central – State Relations

Sarkariah Comission

- **Constituted by**: Union Government.**(1983)**
- **Chairperson**: Justice **R.S. Sarkaria**.
- **Members**: B. Sivaraman and Dr. R.S. Sen.
- **Report Submitted**: After 5 years, with **247 recommendations**.

Major Recommendations:

Inter-State Council:

- Functions under Article 263(b) and (c):
- Opposed granting the Inter-State Council powers under Article 263(a) (no authority to inquire into and advise on inter-State disputes).
- Recommended creating an **independent, permanent secretariat** for the Inter-State Council.

Article 356 (President's Rule):
Should be imposed **only as a last resort**.
Governor:
Rejected proposals to abolish the post of Governor or to require State consultation before appointment.
Suggested:

- Politically neutral and eminent persons should be appointed as Governors.
- Politically active persons or ruling party leaders at the Centre should **not** be made Governors, especially in States ruled by opposition parties.

Language Policy:Recommended strict adherence to the **three-language formula** to promote national unity and integrity.

Punchhi Commission

- **Constituted by**: Union Government.**(2007)**
- **Chairperson**: Justice **Madan Mohan Punchhi** (former Chief Justice of India).
- **Report Submitted**: 2010.

Major Recommendations:

- **Governor's Office**:
  1. Governors should have a **fixed tenure**.
  2. Governors should be removed **only through an impeachment process**, similar to the procedure for the President of India.
- **Article 355 and 356 (Emergency Provisions)**:
  1. Recommended changes so that **only insurgency-affected areas/districts** (and not entire States) could be brought under emergency..
- **Deployment of Central Forces**:
  1. The Union Government should have the authority to **suo motu** deploy central forces in areas affected by **communal violence**, even **without the consent** of the State Government.

Category	Institution/Provision	Constitutional/Statutory Basis	Key Features	Structure/Leadership
Constitutional Bodies	**Inter-State Council**	Article 263	Advises on disputes among States, promotes coordination, and investigates shared issues	Chaired by PM; includes CMs, 6 Union Ministers, and others
	Finance Commission	Article 280	Recommends tax distribution, grants, and augmentation of local bodies' resources	1 Chairman + 4 Members with diverse financial expertise
Statutory Bodies	**Zonal Councils**	States Reorganization Act, 1956	Promote cooperation among States in 6 zones: North, South, East, West, Central, North-East	Chaired by Union Home Minister
	River Boards	River Boards Act, 1956	Advise on regulation and development of inter-State rivers	Constituted by Centre
	Water Disputes Tribunals	Inter-State Water Disputes Act, 1956	Adjudicates river water disputes; decision is binding; SC jurisdiction excluded	Headed by nominee of Chief Justice of India
Political/Advisory	**NITI Aayog**	Executive Resolution (2015)	Replaced Planning Commission; promotes cooperative federalism through strategic support	Chaired by PM; Governing Council includes CMs, Lt. Governors
River Disputes	**Adjudication Mechanism**	Article 262 + ISRWD Act, 1956	Parliament can form tribunals and bar SC jurisdiction; decision binding	Tribunal members nominated by CJI
	Examples	-	Cauvery (TN, KA, KL, PY), Vamsadhara (AP, OD), Sutlej-Yamuna (PB, HR), Mahadayi (GA, MH, KA)	-

State Executive

Table of Contents

- Governor
- Chief Minister
- Council of Ministers
- Advocate General

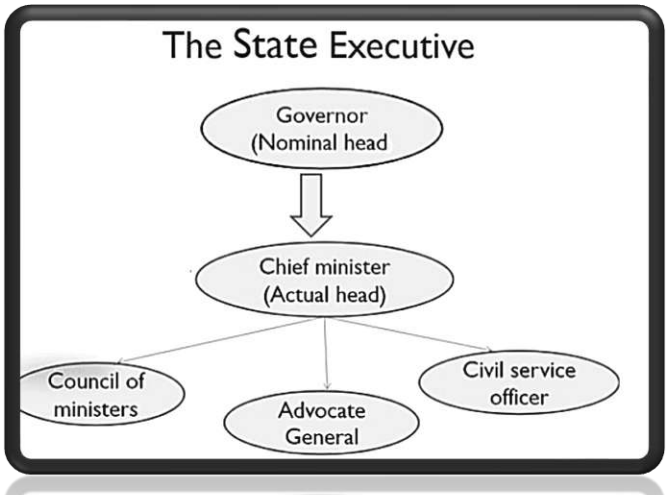
Introduction

✓ Part VI

✓ . **Articles 153 to 167**

✓ . The state executive consists of

1. The governor
2. The chief minister
3. The Council of Ministers
4. The advocate general of the state.



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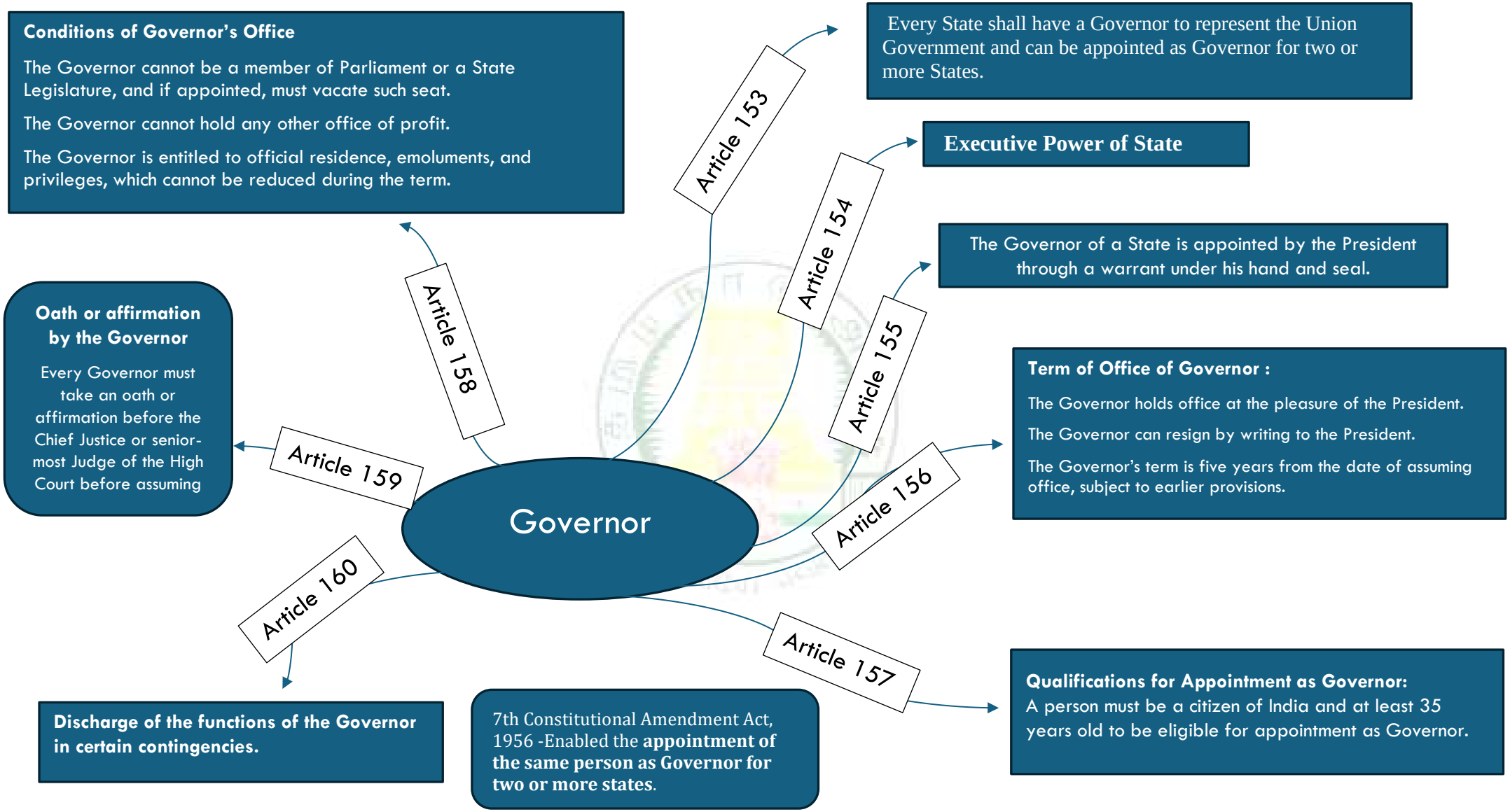
TNPSC GROUP IV – POLITY MINDMAP



DEPARTMENT OF EMPLOYMENT AND TRAINING
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Power and Function of Governor

Executive Powers

All executive actions of the State are taken in the name of the Governor.

Can make rules for convenient transaction of government business and allocation among ministers.

Appoints the Chief Minister and other ministers; they hold office during his/her pleasure.

Appoints the **Tribal Welfare Minister** in Chhattisgarh, Jharkhand, MP, and Odisha (Bihar removed by 94th Amendment, 2006).

Appoints the **Advocate General**, **State Election Commissioner**, and members of **State Public Service Commission** (removal of the latter only by President).

Appoints **Vice-Chancellors** and acts as the **Chancellor** of State Universities.

Can seek information and proposals from the Chief Minister.

Can recommend **President's Rule** under Article 356.

Legislative Powers

Summons, prorogues, and dissolves the State Legislative Assembly.

Addresses the first session after elections and each year.

Nominates 1/6th of the Legislative Council members (for special knowledge in fields like art, science, literature, etc.).

Can appoint a member to preside over Assembly/Council when Speaker/Deputy or Chairman/Deputy Chairman posts are vacant.

Can **assent**, **withhold assent**, or **return** a bill (except money bills).

Can **reserve** a bill for President's consideration:

Can promulgate **ordinances** when the legislature is not in session.

Presents reports of State Finance Commission, State Public Service Commission, and Comptroller & Auditor-General.

Financial Powers

Ensures the **State Budget** (Annual Financial Statement) is laid before the legislature.

Can be introduced **only with Governor's recommendation**.

No demand for grants without Governor's recommendation.

Can make advances from the **Contingency Fund** for unforeseen expenditures.

Constitutes **State Finance Commission** every five years to review Panchayat and Municipality finances.

Judicial Powers

Can **pardon**, **reprieve**, **respite**, **remit**, **suspend**, **or commute** punishments for offences under State law.

Consulted by the President while appointing judges of the State High Court.

Appoints, posts, and promotes district judges in consultation with the High Court.

Appoints other judicial officers in consultation with High Court and State PSC.

Chief Minister

Article 163

"There shall be a Council of Ministers with the Chief Minister (CM) at the head to aid and advise the Governor of the state in the exercise of his functions".

Real Executive Authority
Heads **Council of Ministers**
Remuneration of the Chief Minister
- The state legislature determines the salary and allowances of the Chief Minster.

Article 164

Appointed by Governor
Conventionally: Leader of majority in Legislative Assembly
Can be non-member for 6 months, must get elected/nominated

- **Term**
  - No fixed term in Constitution
  - Holds office **during pleasure of Governor**
  - **Continues as long as majority support** in Assembly

Takes oath of office & secrecy before the Governor

Article 167

Duties of Chief Minister as respects the furnishing of information to the Governor

Leader of the Council of Ministers
Key Decision-Maker & Coordinator
Link Between Governor and Cabinet
Communicates all Cabinet decisions to the Governor
Acts as the political and administrative head of the state

Constitutional Provisions Related to the State Council of Ministers (CoM):

Article	Provision
Article 163	Council of Ministers to aid and advise the Governor
Article 164	Provisions as to Ministers – appointment, tenure, tribal welfare minister etc.
Article 166	Conduct of business of the Government of a State
Article 167	Duties of the Chief Minister in furnishing information to the Governor
Article 177	Rights of Ministers regarding participation in the proceedings of State Legislature

Role of State Council of Ministers (CoM)

The role of the State Council of Ministers in India can be seen in the following points:

- It is the highest decision-making authority in the politico-administrative system of a State.
- It is the chief policy-formulating body of the State Government.
- It is the supreme executive authority of the State Government.
- It is the Chief Coordinator of the State Administration.
- It is an advisory body to the Governor of State.
- It acts as the Chief Crisis Manager in the case of emergencies.
- It deals with all major legislative and financial matters.

Composition of State Council of Ministers

Category	Role & Functions
Cabinet Ministers	Head key departments (Home, Finance, etc.); attend Cabinet meetings; major policy decision-makers.
Ministers of State (MoS)	May assist Cabinet Ministers or hold independent charge of ministries; not regular members of Cabinet; attend meetings only if invited.
Deputy Ministers	Assist Cabinet Ministers; no independent charge; not members of Cabinet; do not attend Cabinet meetings.
Deputy Chief Minister	Not a constitutional position; appointed for political balance or alliance management; duties depend on the Chief Minister's delegation.

Advocate General of the State

Appointed by the Governor

- No fixed term; holds office at the pleasure of the Governor
- Can resign by submitting to the Governor;

Constitutional Articles
Article 165: Office of the Advocate General of State
Article 177: Rights concerning Legislature
Article 194: Privileges & protections

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Legal Advice

Advises the state government on legal matters referred by the Governor

Legal Representation

Represents the State in legal proceedings in High Court and Supreme Court

Right to Speak in Legislature

Can participate in proceedings of both Houses and in Committees, but cannot vote

Rights

Right to participate in committees - Entitled to legislative privileges and immunities

Right to speak in both Houses of State Legislature

Can engage in private legal practice

Limitations

Cannot take criminal cases without State Government's consent

Cannot be appointed as director in any company without prior approval from the State Government

Anti-Corruption measures

Table of Contents

- Lokpal and Lokayuktha
- Central Vigilance Commission
- Anti- Corruption Acts

Introduction

✓ **Corruption** refers to dishonest or fraudulent behaviour by individuals in positions of power.

Measures for Prevention of Corruption in India:

✓ **Legislative Measures**

✓ **Institutional Measures**

✓ **Technological Measures**

✓ **Promoting Transparency and Accountability**

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Lokpal and Lokayukta

Origin	Concept of Ombudsman originated in Sweden (1809).
Coined Term	Dr. L. M. Singhvi coined the terms Lokpal and Lokayukta in 1963. Lokpal Bill, 1968: Passed in Lok Sabha but lapsed due to dissolution; reintroduced multiple times but failed.
First Administrative Reforms Commission (1966)	Recommended setting up Lokpal and Lokayuktas.
NCRWC (2002) and 2nd ARC (2005)	Again recommended Lokpal and Lokayukta
Again recommended Lokpal and Lokayukta	• • finally passed in 2013.

Selection Committee

- Prime Minister (Chairperson)
- Speaker of Lok Sabha
- Leader of Opposition (or largest opposition party leader)
- Chief Justice of India (or nominated Judge)
- One eminent jurist nominated by the President.

Composition	• **Multi-member body:**
	  ○ **1 Chairperson**
	  ○ **Maximum 8 Members**
	• **Chairperson:**
	  ○ **Should be either:**
	  ▪ **Former Chief Justice of India, or**
	  ▪ **Former Judge of Supreme Court, or**
	  ▪ **Eminent person with at least 25 years' expertise in anti-corruption policy, public administration, vigilance, finance (including insurance and banking), law, and management.**

Members	○ Half must be **judicial members.** ○ Minimum 50% should be from **SC/ST/OBC/Minorities and women.** ○ **Judicial Member:** Former Judge of Supreme Court or Former Chief Justice of a High Court. ○ **Non-judicial Member:** Eminent person with at least 25 years' expertise in related fields.
Tenure	Term: 5 years or until attaining the age of 70 years, whichever is earlier.

Jurisdiction

- Prime Minister (with certain restrictions).
- Ministers and Members of Parliament (with limitations for parliamentary proceedings).
- Groups A, B, C, and D officers and officials of Central Government.
- Directors, managers, secretaries of societies/bodies funded/controlled by the Central Government.

Powers and Limitations

Powers

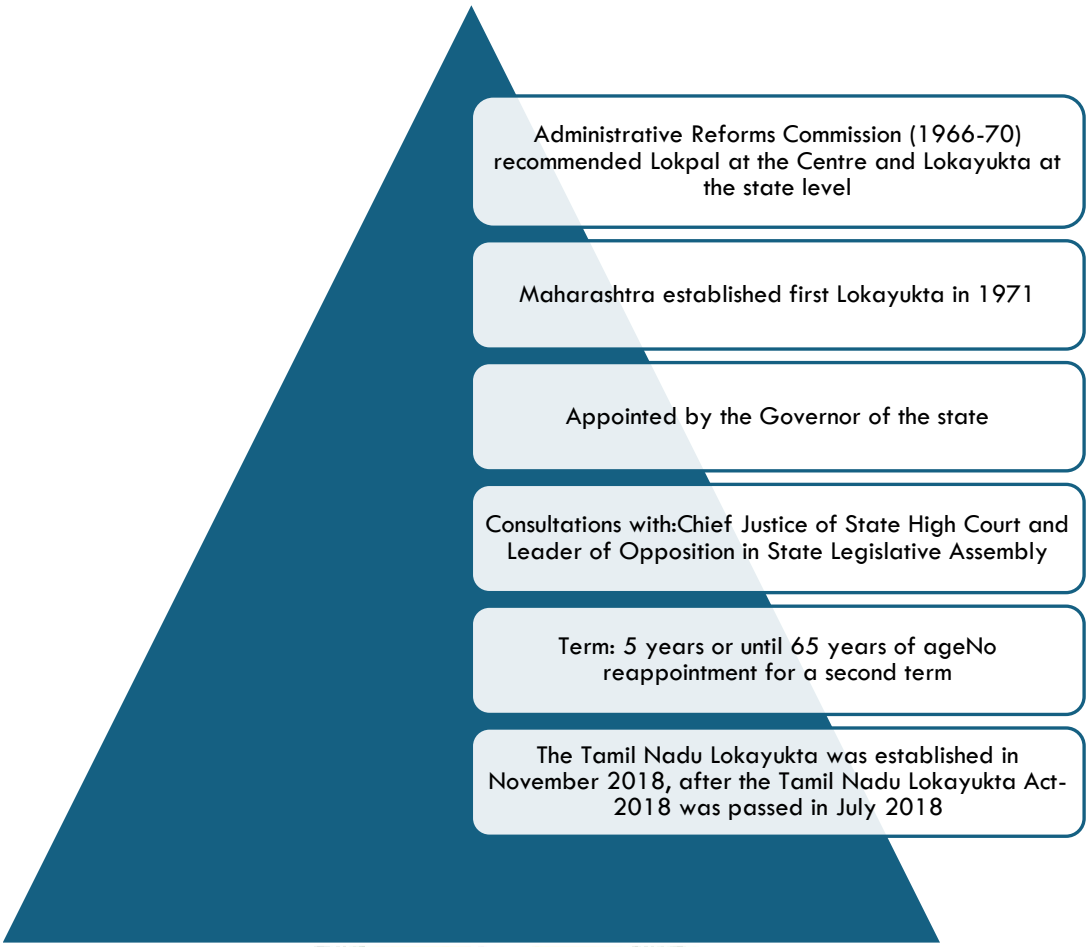
- **Superintendence and Direction** over CBI.
  - CBI officer handling a case referred by Lokpal cannot be transferred without Lokpal's approval.
- **Inquiry Wing:**
  - Vested with powers of a **civil court.**
- **Confiscation Powers:**
  - Confiscate assets/proceeds of corruption in special circumstances.
- **Preventive Powers:**
  - Recommend transfer or suspension of corrupt public servants.
  - Give directions to prevent destruction of records.
- **Asset Disclosure:**
  - Public officials must declare assets and liabilities of themselves and their dependents.

Limitations

- **Delay in Appointment:**
  - No Lokpal appointed even after 5 years of passing the Act (as of early years after enactment).
- **Whistleblower Protection:**
  - Weak; inquiry can be initiated against the complainant if allegations are not proved.
- **Exclusion of Judiciary:**
  - Judiciary is not covered under Lokpal jurisdiction.
- **No Constitutional Status:**
  - Lokpal lacks constitutional backing and clear appellate provisions.
- **Discretion Left to States:**
  - Appointment and functioning of Lokayuktas are left to states.
- **CBI Autonomy:**
  - Slight improvement, but not complete independence ensured.
- **Limitation Period:**

Complaints must be made within 7 years of the alleged corruption act.

Lokayuktha



Important Facts:

International Anti-Corruption Day – December 9

Corruption Perceptions Index (CPI):

Published by: Transparency International

Enforcement Mechanisms in India:

- **Central Vigilance Commission (CVC):** Supervises anti-corruption measures and promotes transparency.
- **Central Bureau of Investigation (CBI):** Handles high-profile corruption cases.

Central Vigilance Commission (CVC)

Evolution of Central Vigilance Commission

Establishment:

Set up in 1964 by an *executive resolution* of the Central Government.

Recommendation:

Based on the recommendations of the **Santhanam Committee** on Prevention of Corruption (1962–64).

Initial Status:

Initially neither a *constitutional* body nor a *statutory* body.

Statutory Recognition:

Became a *statutory body* through the **Central Vigilance Commission Act, 2003.**

- **Structure**:
  - A *multi-member body* comprising:
    - **Central Vigilance Commissioner** (Chairperson)
    - Not more than **two Vigilance Commissioners**.
- **Appointment**:
  - Appointed by the **President of India** by warrant under his hand and seal.
  - Based on the recommendation of a three-member committee:
    - Prime Minister (Chairperson)
    - Union Minister of Home Affairs
    - Leader of Opposition in the Lok Sabha
- **Tenure and Age Limit**:
  - Term: *4 years* or until attaining *65 years* of age, whichever is earlier.

Anti-Corruption Laws and Policies in India:

- **Prevention of Corruption Act, 1988:** Defines corruption and penalties for public servants and bribe givers.
- **Bharatiya Nyaya Sanhita, 2023:** Replaces the IPC, modernizes provisions related to corruption and bribery.
- **Lokpal and Lokayuktas Act, 2013:** Ensures public accountability by addressing corruption grievances.
- **Whistleblowers Protection Act, 2014:** Promotes transparency by safeguarding whistleblowers.
- **Other Legal Measures:**
  - Prevention of Money Laundering Act, 2002
  - Benami Transactions Act, 1988
  - Black Money and Imposition of Tax Act, 2015

Union Executive

Table of Contents

- The president
- The Vice President
- Council of Ministers
- The Prime Minister
- Attorney General of India

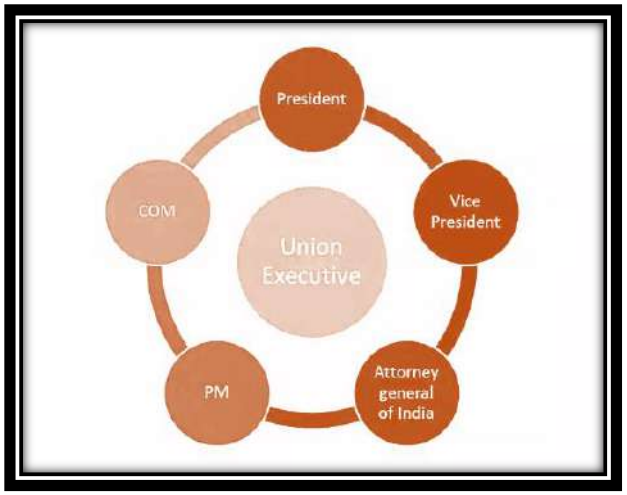
Introduction

✓ Part V

✓ **Articles 52-78**

✓ The Union executive consists of

1. The President
2. The **Vice President**
3. The Council of Ministers
4. The Prime Minister
5. The **Attorney General of India**



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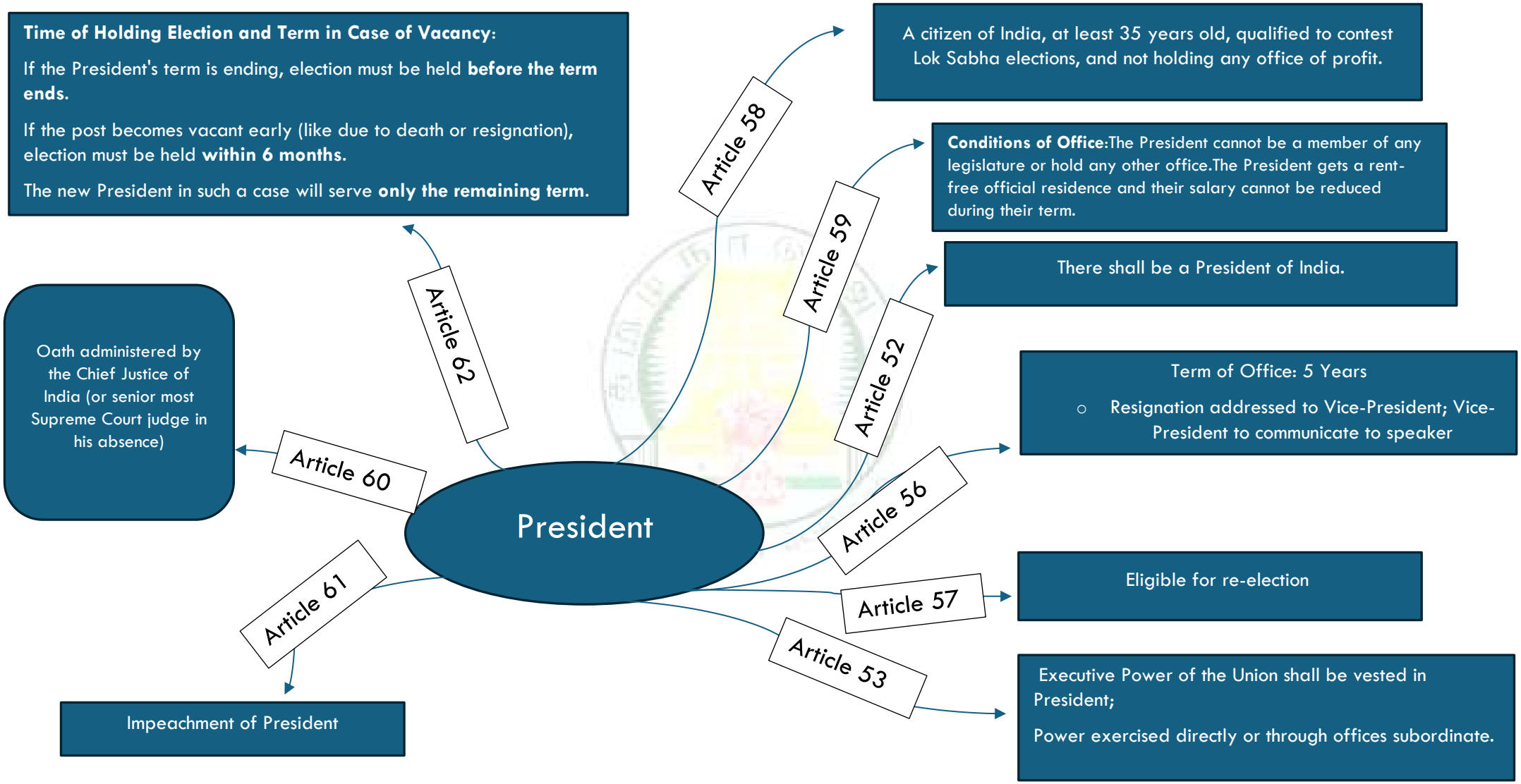

Functions of the President

Executive Powers

- All government actions are done in the President's name.
- **Appointments:** Appoints the Prime Minister, ministers, governors, Attorney General, etc. (Art. 75)
- Can set rules for how the government functions (Art. 77)
- Can ask the PM and ministers for information (Art. 78)
- **Union Territories:** Appoints administrators for Union Territories (Art. 239)
- **Tribal Areas:** Declares scheduled and tribal areas (Art. 244)

Judicial Powers

- **Appoints Judges:** Appoints Chief Justice and other judges of the Supreme Court and High Courts

Seek Advice from Supreme Court: On legal issues (Art. 143) – not binding

Clemency Powers: Can pardon, reduce or suspend punishments (Art. 72)

Legislative Powers

- **Summons & Dissolves Parliament:** On advice of the Council of Ministers
- **Joint Sitting:** Calls joint sitting of both Houses (Lok Sabha & Rajya Sabha)
- **Nominates Members:** 12 members to Rajya Sabha with special knowledge (Art. 80)
- **Sends Messages:** Can send messages to Parliament (Art. 86)
- **Addresses Parliament:** At the first session after elections and every year (Art. 87)

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Financial Powers

Money Bills: Can be introduced only with the President's recommendation (Art. 110)

Union Budget: The President presents the annual budget in Parliament

No demand for grant can be made without the President's approval (Art. 113)

Contingency Fund: Can allow urgent spending from it (Art. 267)

Sets up the Finance Commission every 5 years (Art. 280)

Diplomatic Powers

Treaties & Agreements: Negotiated in the President's name (Art. 253), but Parliament must approve

Sends/receives ambassadors and represents India globally

Military Powers

Supreme Commander: Heads the armed forces (Art. 53(2)) and appoints service chiefs

War & Peace: Can declare war or peace—with Parliament's approval

Emergency Powers

National Emergency – Art. 352

President's Rule (State Emergency) – Art. 356, 365

Financial Emergency – Art. 360

Limitations on the President's Powers

Bound by Constitution & Laws: Must follow constitutional provisions and laws
Judicial Review: Courts can review President's decisions
Cabinet Advice: Must act on the advice of PM and Council of Ministers
Bill Assent: Can return a bill once, but must approve it if passed again
Fixed Term: Serves a 5-year term, can be impeached for constitutional violations
Limited Legislative Role: Can summon, dissolve, and address Parliament; issue ordinances
Pardoning Power: Cannot act alone—must follow Cabinet's advice
Emergency Needs Approval: Emergency declaration must be approved by Parliament

Vice president of India

Article 63: There shall be a Vice-President of India.

Election of the Vice-President (Article 66)

Electoral College: Members (elected + nominated) of both Lok Sabha and Rajya Sabha.

Election Method: Proportional representation by **Single Transferable Vote (STV);** secret ballot.

Role & Functions

Ex-officio Chairman of Rajya Sabha (Upper House of Parliament)

Acts as President:

In case of death, resignation, removal, or any other reason when the President's office becomes vacant (**Article 65**).

Temporarily discharges President's functions during absence, illness, or any other cause.

Eligibility Criteria

Indian citizen.

At least 35 years old.

Qualified to be elected as a **member of the Rajya Sabha** (not Lok Sabha).

Must not hold any office of profit.

Oath of Office

Administered by the President or a person appointed by the President.

Term and Removal (Article 67) **Term:** 5 years.

Resignation: Addressed to the President.

Vacancy (Article 68)

Due to: Expiry of term, death, resignation, removal, or any other reason.

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Prime Minister of India

Head of Government

- Leads the **Union Executive**.
- Exercises **real executive power** in the country.

Chairman of the Cabinet

- Presides over Cabinet meetings.
- Guides discussions and final decisions.
- Can override Cabinet differences in crucial matters.

Portfolio Allocation

- Allocates or reshuffles portfolios among ministers.
- Can advise the President to appoint or dismiss any minister.

Constitutional Provisions

- **Article 74**: The Council of Ministers, headed by the Prime Minister, shall aid and advise the President.
- **Article 75**:
  - President appoints the Prime Minister.
  - Other ministers are appointed by the President on the advice of the Prime Minister.
  - Ministers hold office **during the pleasure of the President.**
  - Council of Ministers is **collectively responsible to the Lok Sabha.**
- **Article 78**: The Prime Minister communicates decisions of the Council of Ministers to the President and provides information

Appointment

- **Appointed by the President:**
  - Usually the leader of the majority party in the **Lok Sabha.**
  - In absence of a majority, a person who can secure majority support in the Lok Sabha.

Eligibility

Must be a **citizen of India.**
A **member of either House of Parliament.**

DEPARTMENT OF EMPLOYMENT AND TRAINING
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Responsibilities of PM

Link Between President and Council of Ministers
Keeps the President informed of **Cabinet decisions.**
Advises the President on **policy and legislative matters.**

International Representation
Represents India in **global summits,** bilateral/multilateral meetings, and international negotiations.

Link Between President and Council of Ministers
Keeps the President informed of **Cabinet decisions.**
Advises the President on **policy and legislative matters.**

Heads Key Institutions
Nuclear Command Authority
NITI Aayog
Appointments Committee of the Cabinet
Ministry of Personnel, Public Grievances & Pensions
Department of Atomic Energy
Department of Space

Council of Ministers (CoM)

Constitutional & Legal Provisions

- **Appointed by the President** on the **advice of the Prime Minister.**
- The total number of Ministers (including PM) **must not exceed 15%** of the **total strength of the Lok Sabha** – as per the **91st Constitutional Amendment Act, 2003.**
- A minister who **is not a member of either House** of Parliament **must become one within six months,** or he **ceases to be a minister.**
- **Parliament decides** the **salary and allowances** of the CoM.

DEPARTMENT OF EMPLOYMENT AND TRAINING
TNPSC GROUP IV – POLITY MINDMAP

Composition

Includes:

Cabinet Ministers

Ministers of State (with or without independent charge)

Deputy Ministers

Membership Rules

A minister can be from **either House** of Parliament.

A minister who is a member of one House can **participate in proceedings** of the other **without voting rights** if not a member of that House.

Collective Responsibility

Council of Ministers is collectively responsible to the Lok Sabha.

All ministers must publicly support decisions of the Cabinet, regardless of private disagreements.

If the **Lok Sabha passes a no-confidence motion,** the **entire Council (including PM) must resign.**

Even if **only one ministry's decision is defeated,** the **entire Council** resigns.

Individual Responsibility

Ministers hold office **during the pleasure of the President,** but this is **effectively at the discretion of the Prime Minister.**

A minister can be **removed individually** by the President **on the PM's advice.**

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Attorney General (AG) of India

Constitutional Provision

- **Article 76** of the Constitution of India.
- Part of the **Union Executive.**
- **Highest law officer** of the country.

Appointment & Eligibility

- **Appointed by the President** on the **advice of the Government of India.**
- **Eligibility:**
  - Must be qualified to be **appointed a Judge of the Supreme Court.**
  - i.e., an Indian citizen with:
    - 5 years as High Court judge **or**
    - 10 years as an advocate in a High Court **or**
    - An eminent jurist in the opinion of the President.

Duties & Functions

- **Legal advisor** to the Government of India on matters referred by the **President.**
- Represents **Government of India:**
  - In the **Supreme Court** and **High Courts.**
  - In **Presidential references** under **Article 143.**
- Performs other legal functions assigned by the President or law.

Rights & Privileges

- **Right to speak and participate** in:
  - Proceedings of **both Houses of Parliament.**
  - **Joint sittings and Parliamentary Committees,** if nominated.
- **No right to vote.**
- Entitled to **privileges and immunities of a Member of Parliament.**

Term & Removal

- **No fixed tenure** – holds office **during the pleasure of the President**.
- **Can resign** by submitting resignation to the President. **No specific removal procedure or grounds** in the Constitution.

State Executive

Table of Contents

- Governor
- Chief Minister
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- Advocate General

Introduction

✓ Part VI

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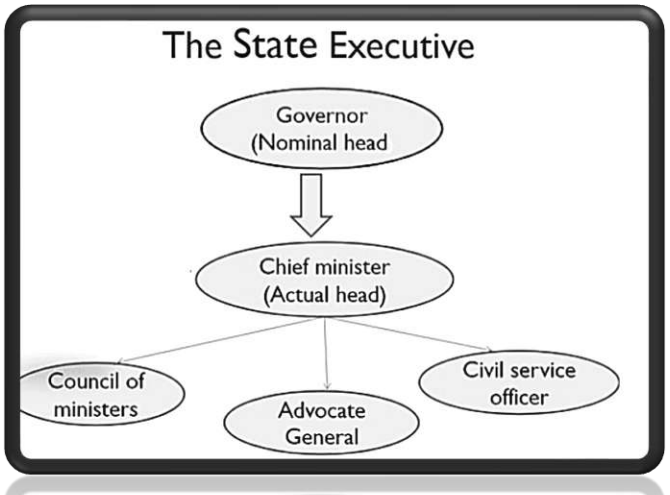

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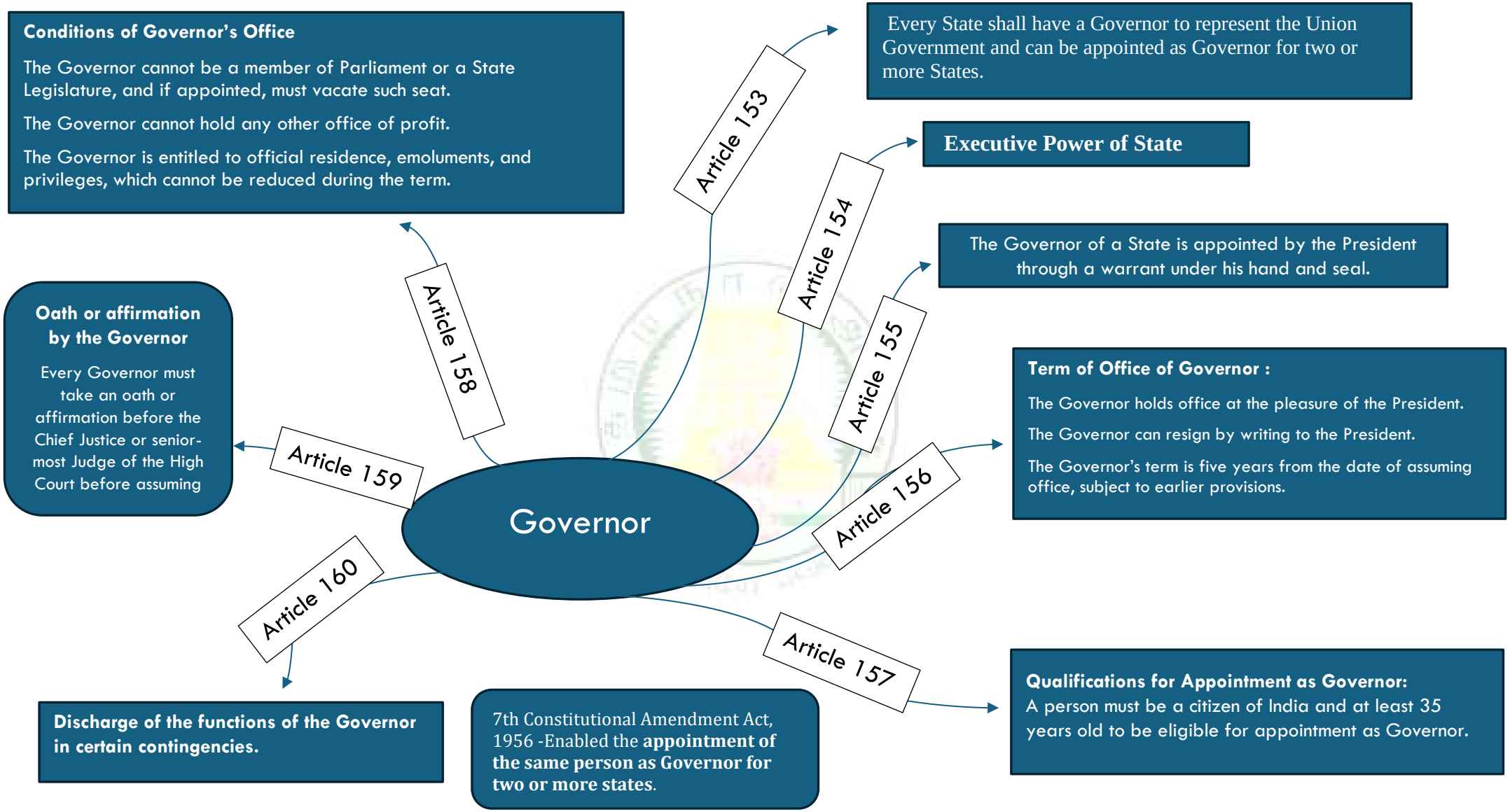

DEPARTMENT OF EMPLOYMENT AND TRAINING
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Power and Function of Governor

Executive Powers

All executive actions of the State are taken in the name of the Governor.

Can make rules for convenient transaction of government business and allocation among ministers.

Appoints the Chief Minister and other ministers; they hold office during his/her pleasure.

Appoints the **Tribal Welfare Minister** in Chhattisgarh, Jharkhand, MP, and Odisha (Bihar removed by 94th Amendment, 2006).

Appoints the **Advocate General**, **State Election Commissioner**, and members of **State Public Service Commission** (removal of the latter only by President).

Appoints **Vice-Chancellors** and acts as the **Chancellor** of State Universities.

Can seek information and proposals from the Chief Minister.

Can recommend **President's Rule** under Article 356.

Legislative Powers

Summons, prorogues, and dissolves the State Legislative Assembly.

Addresses the first session after elections and each year.

Nominates 1/6th of the Legislative Council members (for special knowledge in fields like art, science, literature, etc.).

Can appoint a member to preside over Assembly/Council when Speaker/Deputy or Chairman/Deputy Chairman posts are vacant.

Can **assent**, **withhold assent**, or **return** a bill (except money bills).

Can **reserve** a bill for President's consideration:

Can promulgate **ordinances** when the legislature is not in session.

Presents reports of State Finance Commission, State Public Service Commission, and Comptroller & Auditor-General.

Financial Powers

Ensures the **State Budget** (Annual Financial Statement) is laid before the legislature.

Can be introduced **only with Governor's recommendation**.

No demand for grants without Governor's recommendation.

Can make advances from the **Contingency Fund** for unforeseen expenditures.

Constitutes **State Finance Commission** every five years to review Panchayat and Municipality finances.

Judicial Powers

Can **pardon**, **reprieve**, **respite**, **remit**, **suspend**, **or commute** punishments for offences under State law.

Consulted by the President while appointing judges of the State High Court.

Appoints, posts, and promotes district judges in consultation with the High Court.

Appoints other judicial officers in consultation with High Court and State PSC.

Chief Minister

Article 163

"There shall be a Council of Ministers with the Chief Minister (CM) at the head to aid and advise the Governor of the state in the exercise of his functions".

Real Executive Authority
Heads **Council of Ministers**
Remuneration of the Chief Minister
- The state legislature determines the salary and allowances of the Chief Minster.

Article 164

Appointed by Governor
Conventionally: Leader of majority in Legislative Assembly
Can be non-member for 6 months, must get elected/nominated

- **Term**
  - No fixed term in Constitution
  - Holds office **during pleasure of Governor**
  - **Continues as long as majority support** in Assembly

Takes oath of office & secrecy before the Governor

Article 167

Duties of Chief Minister as respects the furnishing of information to the Governor

Leader of the Council of Ministers
Key Decision-Maker & Coordinator
Link Between Governor and Cabinet
Communicates all Cabinet decisions to the Governor
Acts as the political and administrative head of the state

Constitutional Provisions Related to the State Council of Ministers (CoM):

Article	Provision
Article 163	Council of Ministers to aid and advise the Governor
Article 164	Provisions as to Ministers – appointment, tenure, tribal welfare minister etc.
Article 166	Conduct of business of the Government of a State
Article 167	Duties of the Chief Minister in furnishing information to the Governor
Article 177	Rights of Ministers regarding participation in the proceedings of State Legislature

Role of State Council of Ministers (CoM)

The role of the State Council of Ministers in India can be seen in the following points:

- It is the highest decision-making authority in the politico-administrative system of a State.
- It is the chief policy-formulating body of the State Government.
- It is the supreme executive authority of the State Government.
- It is the Chief Coordinator of the State Administration.
- It is an advisory body to the Governor of State.
- It acts as the Chief Crisis Manager in the case of emergencies.
- It deals with all major legislative and financial matters.

Composition of State Council of Ministers

Category	Role & Functions
Cabinet Ministers	Head key departments (Home, Finance, etc.); attend Cabinet meetings; major policy decision-makers.
Ministers of State (MoS)	May assist Cabinet Ministers or hold independent charge of ministries; not regular members of Cabinet; attend meetings only if invited.
Deputy Ministers	Assist Cabinet Ministers; no independent charge; not members of Cabinet; do not attend Cabinet meetings.
Deputy Chief Minister	Not a constitutional position; appointed for political balance or alliance management; duties depend on the Chief Minister's delegation.

Advocate General of the State

Appointed by the Governor

- No fixed term; holds office at the pleasure of the Governor
- Can resign by submitting to the Governor;

Constitutional Articles
Article 165: Office of the Advocate General of State
Article 177: Rights concerning Legislature
Article 194: Privileges & protections

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Legal Advice

Advises the state government on legal matters referred by the Governor

Legal Representation

Represents the State in legal proceedings in High Court and Supreme Court

Right to Speak in Legislature

Can participate in proceedings of both Houses and in Committees, but cannot vote

Rights

Right to participate in committees - Entitled to legislative privileges and immunities

Right to speak in both Houses of State Legislature

Can engage in private legal practice

Limitations

Cannot take criminal cases without State Government's consent

Cannot be appointed as director in any company without prior approval from the State Government

Local Government

Table of Contents

- Historical Perspective
- Evolution of Panchayat Raj
- Important Committees
- 73rd and 74th Amendment Act,1992
- Important Articles
- Pesa Act, 1996

Introduction

✓ Under **Part IX (Articles 243 to 243O)** for rural areas (Panchayats) and **Part IXA (Articles 243P to 243ZG)** for urban areas (Municipalities)

✓ **Panchayati Raj is a system of local self-government in rural India.**

✓ It ensures **grassroots democracy, economic development,** and **social justice.**

✓ **Function:** They resolved disputes and provided a forum for village-level decision-making.

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Historical Perspective:

Ancient Period

➡️ **Gramini:** Village administrator during Vedic period
➡️ **Sabha:** Assembly for agriculture & land matters
➡️ **Samiti:** Broader people's assembly with judicial functions

Medieval Period

➡️ **Centralization of Power:** Strong local bodies declined
➡️ **District-Level Administration:** Local governance restricted to district officials
➡️ **Village Communities:** Some local autonomy survived despite central rule

British Period

➡️ **Regulation of 1816:** ⚖️ Gave judicial powers to village panchayats
➡️ **Mayo's Resolution (1870):** 🔧 Strengthened powers & duties of local bodies
➡️ **Bengal Village Chowkidari Act (1870):** District Magistrates empowered to set up panchayats
➡️ **Lord Ripon's Resolution (1882):** 📜 Called the "Magna Carta" of Local Self-Government — Revival based on ancient traditions
➡️ **Morley-Minto Reforms (1909):** Elections expanded in local bodies after Royal Commission report (1907)
➡️ **Montagu-Chelmsford Reforms (1919):** Introduced Dyarchy — local governance transferred to Indian ministers at provincial level

Gandhi's Vision for Local Self-Governments

Backbone of Democracy: Local governance as the foundation of India's democracy.

Decentralized Decision-Making: Empowering communities to make decisions.

Self-Rule: Villages should be self-sufficient and govern themselves.

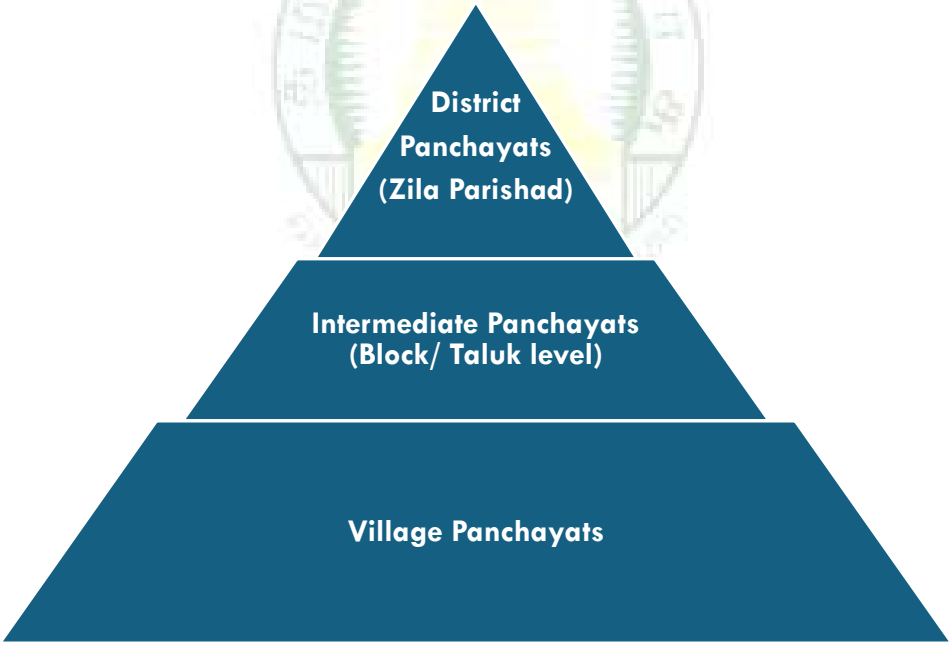
Participative Governance: Local bodies as platforms for active public participation.

Accountability: Panchayats must be transparent, responsive, and accountable.

India's Constitution, through the **73rd and 74th Amendments (1992)**, institutionalized Local Self-Governments:

- **73rd Amendment**: Panchayats for rural areas.
- **74th Amendment**: Municipalities for urban areas.

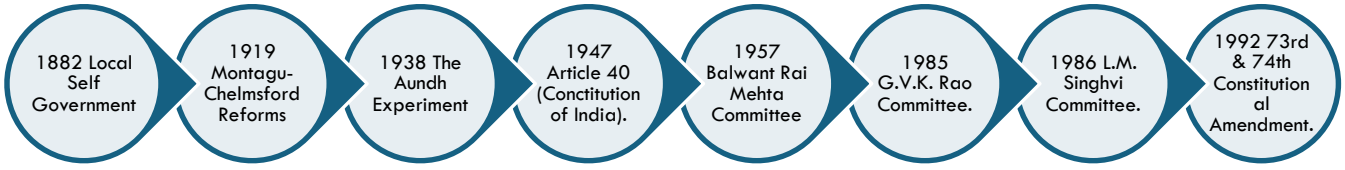
Three-tier structure of Panchayati Raj System (Rural Governance)



Post-Independence Evolution

Year	Development
1951	Community Development Program launched to promote rural development
1953	First Panchayati Raj elections held in Rajasthan
1959	Rajasthan passes the Panchayati Raj Act, providing a legal framework for PRIs
1962	Central government establishes the Ministry of Community Development and Cooperation
1992	National Panchayati Raj Day established to recognize PRIs
1993	73rd Constitutional Amendment Act passed, giving constitutional status to PRIs
1996	Panchayati Raj Extension to Scheduled Areas Act (PESA) passed, empowering tribal areas
2000	Launch of National Gram Swaraj Abhiyan to strengthen decentralized governance
2011	National Rural Livelihoods Mission launched to empower women and marginalized groups through PRIs

Panchayati Raj: A Timeline



Major Committees on Local Self-Governments

Committee	Year	Key Recommendations
Balwant Rai Mehta Committee	1957	- Three-tier system (village, intermediate, district) - Delegation of financial and decision-making powers to PRIs
Ashok Mehta Committee	1977	- Stronger PRIs - Greater role in planning and implementing development projects
G.V.K. Rao Committee	1985	- More autonomy to PRIs - Taxation powers - Emphasized accountability to the people
L.M. Singhvi Committee	1986	- Constitutional recognition for PRIs and urban local bodies
P.K. Thungon Committee	1989	- Constitutional recognition - Structured devolution of powers
Second Administrative Reforms Commission	2007	- Principle of subsidiarity - Clear division of responsibilities among different tiers

73rd Constitutional Amendment Act, 1992

(Effective from **April 24, 1993** — celebrated as **National Panchayati Raj Day**)

Feature	Details
Constitutional Status	Part IX, added to Constitution.
Three-tier system	Gram Panchayat, Panchayat Samiti (Intermediate), Zila Parishad.
Gram Sabha	Village assembly of registered voters; core institution.
Reservation	SC, ST, and at least 1/3 seats for women at all levels.
Duration	5 years; elections within 6 months of dissolution.

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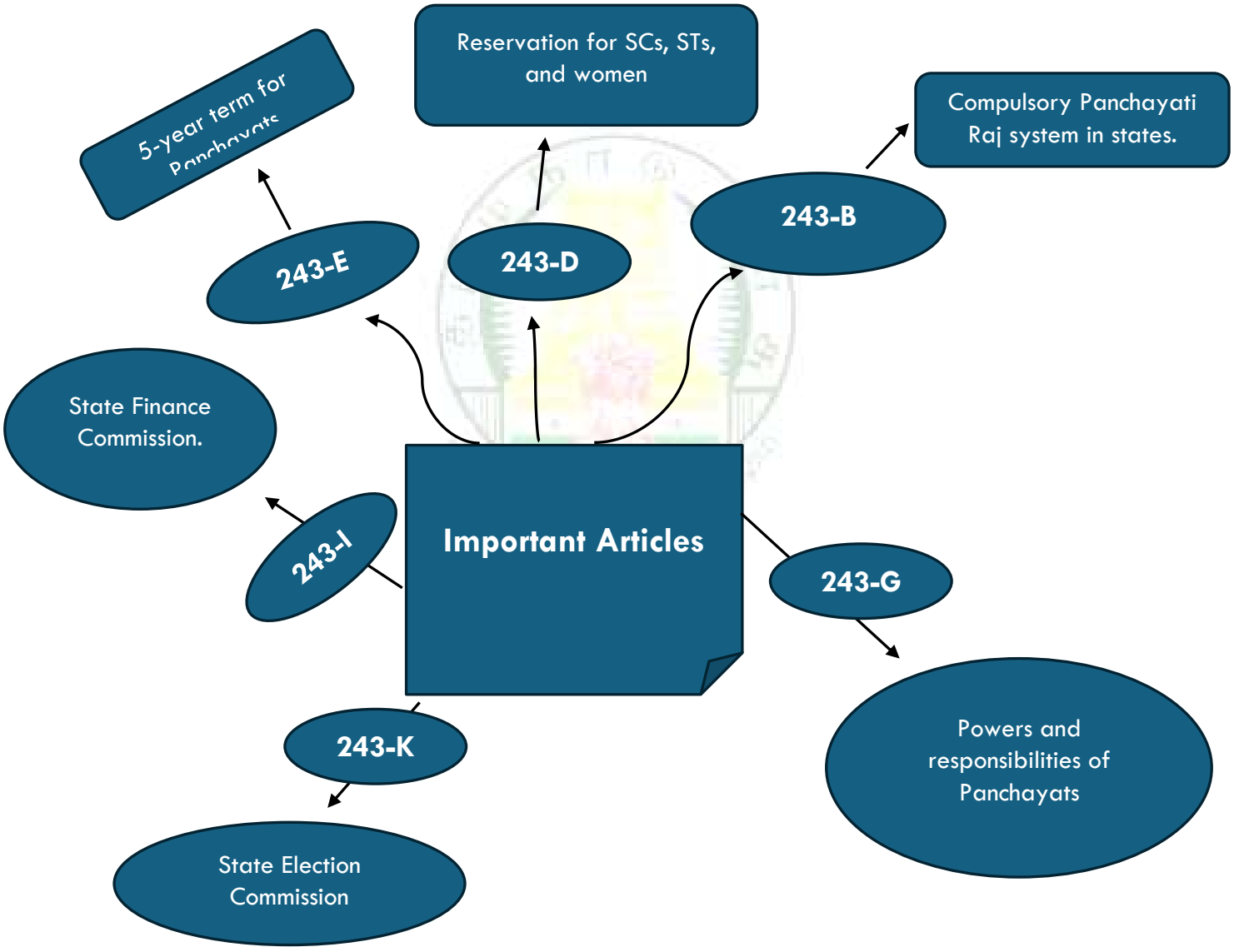
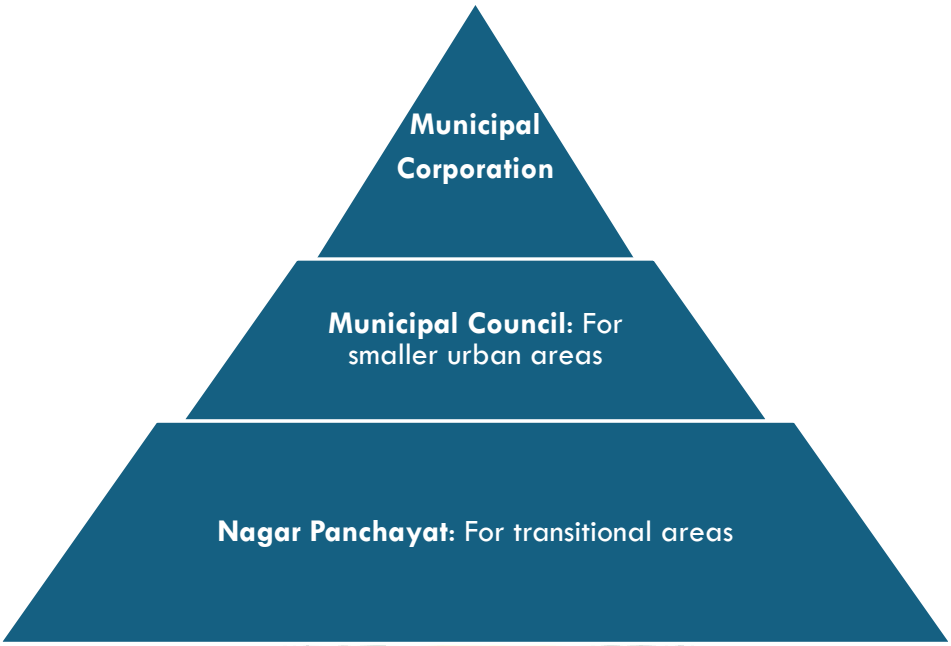
State Election Commission	Conducts free and fair Panchayat elections.
State Finance Commission	Every 5 years to review Panchayat finances.
Powers and Functions	States to endow Panchayats with necessary powers (planning for economic development and social justice).



Types of Municipalities



Salient Features - 74th Constitutional Amendment Act

Feature	Details
Types of Municipalities	- **Nagar Panchayat:** For transitional areas - **Municipal Council:** For smaller urban areas - **Municipal Corporation:** For larger urban areas *(Exception: Industrial townships)*
Composition	- Members elected directly by the people - Municipal areas divided into **wards**
Wards Committees	- For municipalities with population **3 lakh or more** - One or more wards per committee
Other Committees	- State legislature can form additional committees - Chairpersons can be municipality members
Reservation of Seats	- SC/ST reservation in proportion to population - 1/3rd seats reserved for **women** - Reservation for **Backward Classes** permitted

Feature	Details
Duration of Municipalities	- **5-year** term - Early dissolution possible - Fresh elections fill the remaining term
Disqualifications	- As per state legislature election laws - Age: Eligible from **21 years** (not 25 years)
State Election Commission	- Conducts municipal elections - Manages electoral rolls, superintendence, direction, and control
Powers and Functions	- Economic development and social justice plans - Implement Central & State schemes - Employment generation and development activities
Finances	- Tax collection authority - Grants-in-aid from the State fund - Creation of municipal funds
Finance Commission	- Reviews municipal finances - Recommends tax-sharing principles - Auditing of municipal accounts
Audit of Accounts	- State legislature frames rules for auditing
Application to Union Territories	- Provisions apply but President can modify
Exempted Areas	- **Scheduled Areas** (10 states) and **Tribal Areas** (Assam, Meghalaya, Tripura, Mizoram) - **Darjeeling Gorkha Hill Council** exempted
District Planning Committee	- Consolidates Panchayat and Municipality plans - 4/5th members elected by Panchayat/Municipality members
Metropolitan Planning Committee	- For metropolitan areas (population 10 lakh+) - 2/3rd members elected by municipalities and panchayats

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Important Articles

- Article 243Q -Constitution of Municipalities (Nagar Panchayat, Municipal Council, Municipal Corporation)
- Article 243R - Composition of Municipalities; members directly elected from **wards**
- Article 243T - Reservation of seats for SC, ST, Women, and Backward Classes in Municipalities
- Article 243U- **Duration** of Municipalities (5 years)
- Article 243W - Powers, authority, and responsibilities of Municipalities (urban planning, development, etc.)
- Article 243X - Legislature's power to specify matters relating to **tax imposition**
- Article 243Y - Constitution of **State Finance Commission** for municipal finance review
- Article 243ZA - Constitution of **State Election Commission** to conduct municipal elections
- Article 243ZE - Constitution of **Metropolitan Planning Committees** for metropolitan regions

PESA Act, 1996

Background & Purpose

- Enacted on **24 December 1996**.
- Extends Panchayats to **Fifth Schedule Areas**.
- Response to **tribal demands** for **autonomy**.
- Inspired by **73rd and 74th Constitutional Amendments**.
- Aim: **Self-rule**, **protect tribal rights** over **land** and **forests**.

Major Provisions

Gram Sabha:
Central to decision-making.
Identifies and implements development projects.

Applies to **Scheduled Areas** (tribal-majority regions).
Empowers **Gram Sabha** (village assembly) as a key institution.

Village-level Institutions:
Gram Panchayat, Gram Sabha, Panchayat Samiti to deliver services.

Major Provisions

Powers and Functions:
Manage **natural resources** (land, water, forests).
Regulate **economic activities** (e.g., minor minerals, markets).

Consultation:
Mandatory consultation with Gram Sabha before any project.
Funds:
Funds directly transferred to Gram Sabha/Panchayat for projects.

Land Rights:
Protection of land ownership.
Consent required for land acquisition/transfer.
Cultural Protection:
Preserve tribal customs, traditions, and **social practices**

Panchayats (Rural Local Bodies)	**Eleventh Schedule** (73rd Amendment)	**29 Functional Items**	Agriculture, Land improvement, Minor irrigation, Animal husbandry, Fisheries, Social forestry, Small-scale industries, Rural housing, Drinking water, Roads, Electrification, Poverty alleviation, Education, etc.
Municipalities (Urban Local Bodies)	**Twelfth Schedule** (74th Amendment)	**18 Functional items**	Urban planning, Water supply, Public health, Sanitation, Solid waste management, Slum improvement, Urban poverty alleviation, etc.

National Panchayati Raj Day
🗓️ **24 April**

"When the panchayat raj is established, public opinion will do what violence can never do."
— **Mahatma Gandhi**

Judiciary

Table of Contents

- Supreme Court
- High Courts
- Subordinate Court
- Judicial Review
- Judicial Activism

Introduction

- ✓ **Supreme Court** (Topmost Court)
- ✓ **High Courts** (Each for states/groups of states)
- ✓ **Subordinate Courts** (Below High Courts)
  - District Courts
  - Sessions Courts
  - Magistrate Courts
  - Civil Courts
  - Family Courts, etc.

Adopted from

- ✓ **Government of India Act, 1935**

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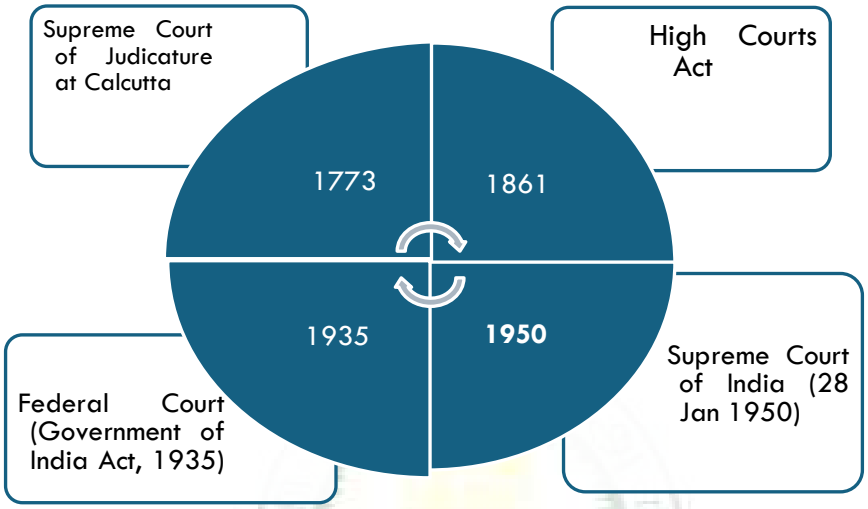
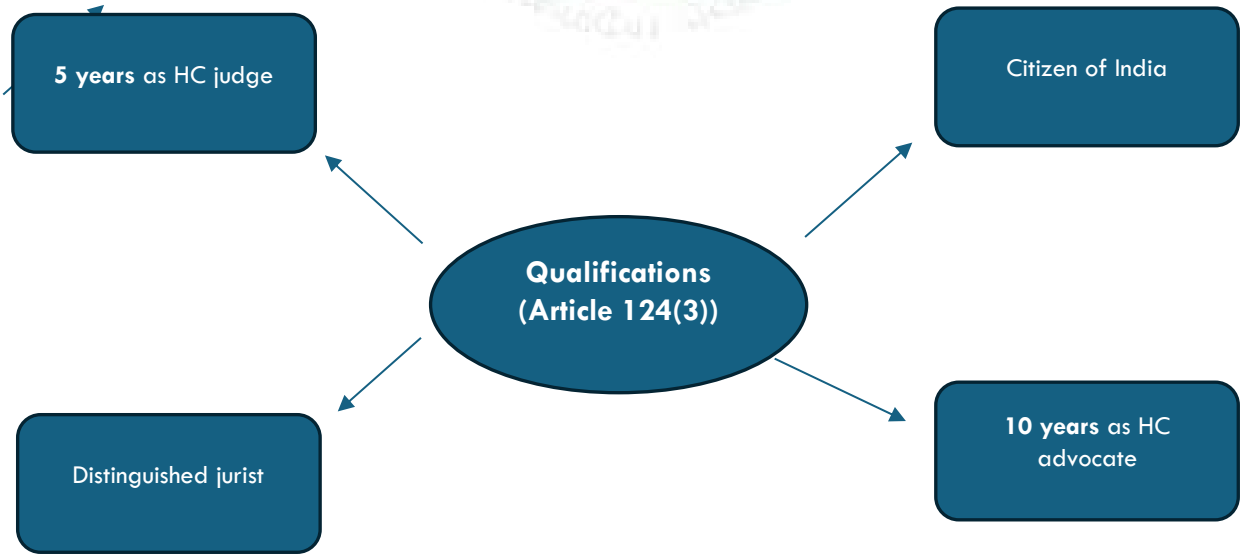
Supreme Court

Constitutional Provisions

Articles 124-147 (Part V):
Organisation, Independence, Jurisdiction, Powers, Procedures





Salaries & Allowances

- Fixed by Parliament
- Cannot be reduced except during Financial Emergency
- Composition:Originally 8 judges (including Chief Justice)
- **Now: 34 Judges** (including CJI)
- **Article 124**: Parliament can change strength

Article 126: Acting Chief Justice

Article 127: Ad hoc Judges (HC Judge to SC temporarily)

Article 128: Re-appointment of Retired Judges

Removal

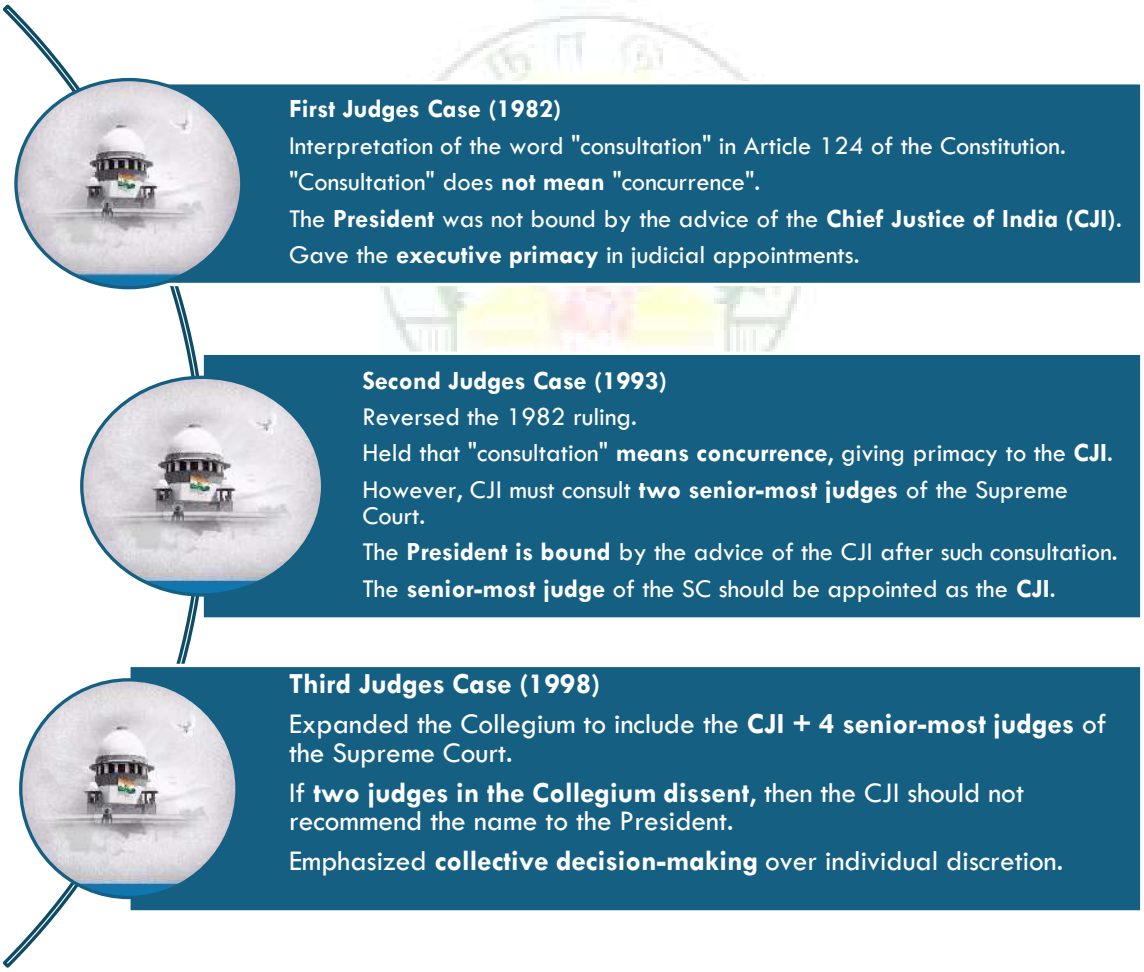
Judges Enquiry Act, 1968:

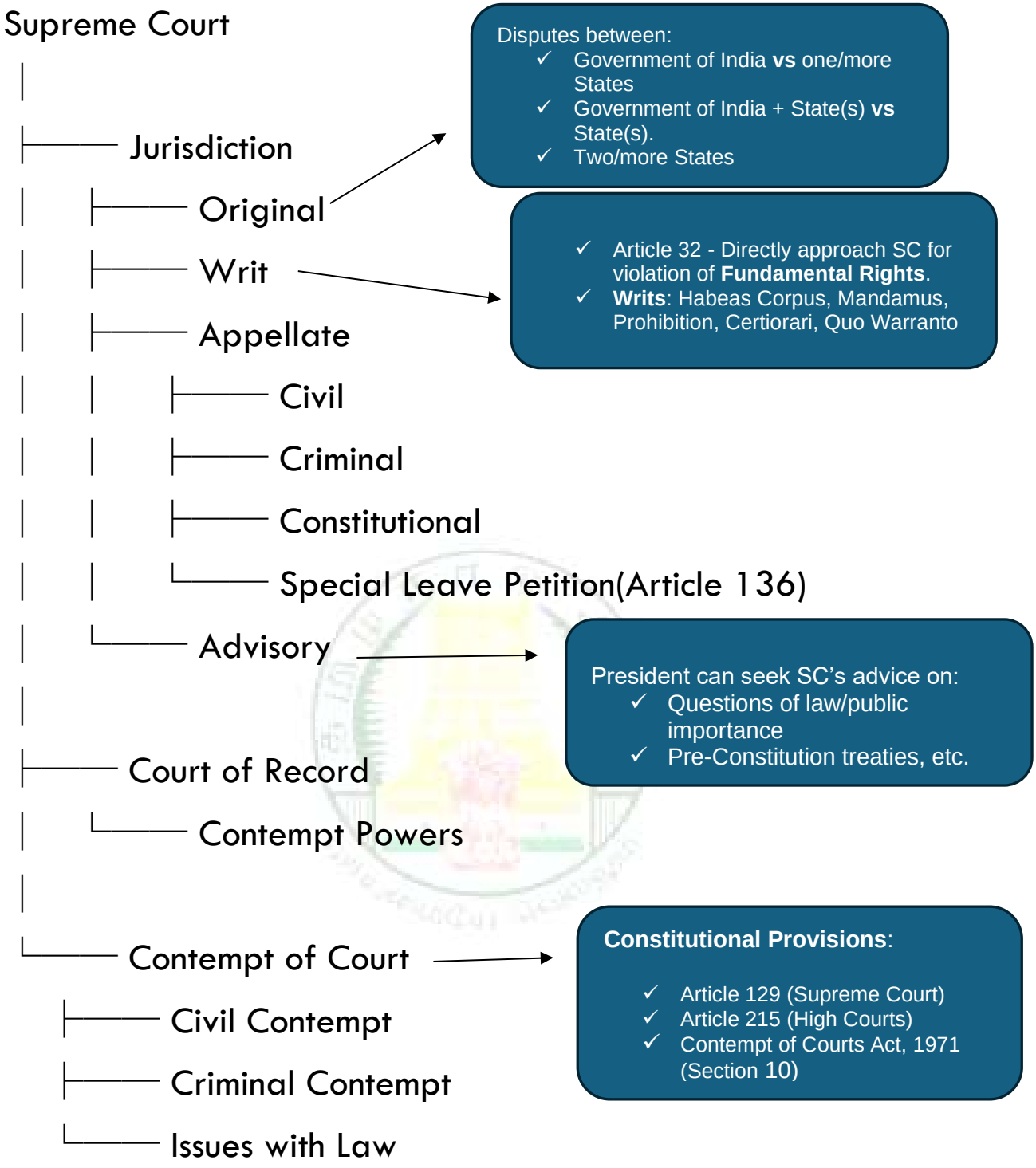
- ✓ 100 LS / 50 RS members move notice
- ✓ 3-member Inquiry Committee
- ✓ Special Majority in both Houses
- ✓ Presidential order

Grounds: **Misbehaviour or Incapacity**

Jurisdiction & Powers	**Original Jurisdiction (Art 131):** Centre vs State disputes **Appellate Jurisdiction (Arts 132, 133, 134):** Constitutional, Civil, Criminal appeals
	Special Leave (Art 136): Appeal from any tribunal/court **Advisory Jurisdiction (Art 143):** President seeks advice
	Writ Jurisdiction (Art 32): Habeas Corpus, Mandamus, Certiorari, Prohibition, Quo Warranto **Court of Record (Art 129):** Punish for contempt **Judicial Review:** Review government actions

Evolution of Collegium System




Supreme Court
Jurisdiction
Original
Writ
Appellate
Civil
Criminal
Constitutional
Special Leave Petition(Article 136)
Advisory
Court of Record
Contempt Powers
Contempt of Court
Civil Contempt
Criminal Contempt
Issues with Law
Disputes between:
✓ Government of India vs one/more States
✓ Government of India + State(s) vs State(s).
✓ Two/more States
✓ Article 32 - Directly approach SC for violation of Fundamental Rights.
✓ Writs: Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto
President can seek SC's advice on:
✓ Questions of law/public importance
✓ Pre-Constitution treaties, etc.
Constitutional Provisions:
✓ Article 129 (Supreme Court)
✓ Article 215 (High Courts)
✓ Contempt of Courts Act, 1971 (Section 10)

High Court in India

Aspect	Details
Constitutional Provision	One High Court per state (Art. 214); Parliament can establish common HC for 2+ states (Art. 231); Can alter jurisdiction over Union Territories
Organization	Number of judges decided by **President,** not by Parliament
Appointment of Judges	By **President;** CJ of HC in consultation with **CJI + State Governor(s);** Other judges – CJI consults **2 senior-most SC judges** (3rd Judges Case)
Qualifications	- Indian citizen - 10 years as judicial officer in India **OR** - 10 years as advocate in High Court
Tenure	Till **62 years** of age; Can resign to President; Can be removed by President on Parliament's recommendation; Vacates if elevated or transferred
Removal Process	Same as **SC judges;** through **Parliamentary impeachment**
Salary & Allowances	Fixed by **Parliament;** Not altered post-appointment (except during financial emergency); Salary from **State Fund,** Pension from **Union Fund**
Transfer of Judges	By **President,** after **CJI consultation;** As per 3rd Judges Case: CJI consults **4 SC judges + CJs of both HCs**
Additional & Acting Judges	Appointed by President; Max **2 years;** For arrears, temporary increase in cases, or absence of judge; Can't continue after 62 years
Independence Safeguards	- Secure tenure and appointment - Fixed service conditions - Expenses from Consolidated Fund - post-retirement practice banned (except SC & HCs) - Power to punish for contempt - Administrative freedom - Constitutional jurisdiction can't be curtailed

Subordinate Courts in India

Aspect	Details
⚖️ **Position in Judiciary**	🟢 **Lowest tier** in the **Indian judicial hierarchy,** functioning **below the High Court** at the district and state level.
📜 **Constitutional Articles**	🟧 **Articles 233 to 237** in **Part VI** of the Constitution govern the appointment, control, and structure of subordinate courts.
👨‍⚖️ **Appointment of District Judges**	✅ Under **Article 233**• Appointed by the **Governor**• After **consultation with the High Court**
📋 **Qualifications (District Judges)**	• Not in government service• Advocate or pleader with **minimum 7 years** experience• Recommended by the High Court (**Article 233**)
👩‍⚖️ **Appointment of Other Judges**	✅ Under **Article 234**• Appointed by **Governor**• In consultation with **State Public Service Commission** and the **High Court**
🛡️ **Control Over Subordinate Courts**	✅ Vested in the **High Court** of the respective state under **Article 235**
🏛️ **Judicial Structure**	🟥 **Criminal Courts:**• Sessions Judge (District level)• Chief Judicial Magistrate• Judicial Magistrate (First & Second Class) 🟦 **Civil Courts:**• District Judge• Subordinate Judge• Munsiff Court
⚖️ **Jurisdiction & Powers**	✅ Sessions Judge: Original & appellate jurisdiction ✅ Can impose **life sentence or death penalty** (death sentence needs High Court confirmation)
State's Role in Structure	✅ **Article 236** empowers states to define nomenclature, jurisdiction, and classification of subordinate judiciary

Aspect	Details
Postings & Promotions	✅ Controlled by High Courts under **Article 236**
Service Conditions & Retirement	✅ **Article 237**: Provisions may be extended for uniformity with higher judiciary

Judicial Activism

Judicial activism is a judicial philosophy where judges use their personal views or social conscience to guide decisions, often expanding or reinterpreting laws beyond strict constitutional boundaries.

Aspect	Description	Example Case	Relevant Article
Constitutional Morality	Courts may uphold moral principles that evolve beyond written law.	**Naz Foundation Case (2009)** – Decriminalized homosexuality by striking down Section 377 IPC.	N/A
Filling Executive Gaps	Courts act when the executive or legislature is unwilling to take action.	**Sabarimala Case (2018)** – Allowed women to enter the temple, overriding religious restrictions.	N/A
Protecting Fundamental Rights	Courts protect individual freedoms when they feel these rights are violated.	**Triple Talaq Case (2017)** – Banned Triple Talaq, which violated women's rights.	Article 21 (Right to Life)
Trusted Institution	Judiciary remains an impartial body, trusted by the people for justice.	**Whistle Blowers Act (2014)** – SC enforced transparency in governance through Article 142.	Article 142

Important Constitutional Provisions on Judiciary (Prelims Fact)

- **Supreme Court:**
  - 📘 **Part V, Chapter IV** — Articles **124 to 147**
- **High Courts:**
  - 📘 **Part VI, Chapter V** — Articles **214 to 231**
- **Subordinate Courts:**
  - 📘 **Part VI, Chapter VI** — Articles **233 to 237**

Consumer Protection Forums & Human Rights Charter

Table of Contents

- Consumer Protection
- Consumer Disputes Redressal Commissions
- Consumer Rights Protection Act
- Human Charter
- NHRC
- SHRC

Introduction

Consumer protection includes:

- Ensuring **basic consumer rights**.
- Formation of **consumer organizations** to promote awareness.
- Support from **government bodies** and **self-regulatory business organizations**.

Types of Human Rights

Social, Economic, and Cultural Rights

- **Social Rights:** Enable full participation in society.
- **Economic Rights:** Ensure conditions that allow people to meet their basic needs.
- **Cultural Rights:** Ensure access to and enjoyment of cultural life, without discrimination.

Civil and Political Rights

- **Civil Rights:** Basic legal protections regardless of race, nationality, color, gender, age, religion, etc.
- **Political Rights:** Empower citizens to participate in government directly or indirectly.

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Consumer Disputes Redressal Commissions – 3-Tier Structure:

1. District Commission

- **Establishment:** By State Govt; 1+ per district
- **Composition:** President + ≥2 members
- **Jurisdiction:**
  - **Pecuniary:** ≤ ₹1 crore (revised to ₹50 lakhs in 2021)
- **Appeals:** To State Commission (within 45 days)
- **Review:** Within 30 days for apparent errors
- **Vacancies:** State govt may assign another District Commission
- **Location:** District HQ & notified places

2. State Commission

- **Establishment:** By State Govt
- **Composition:** President + ≥4 members (in consultation with Central Govt)
- **Jurisdiction:**
  - **Pecuniary:** > ₹1 crore to ₹10 crore (revised to ₹50 lakh–₹2 crore in 2021)
  - **Appellate:** Against District Commission orders (within 45 days)
  - **Revisional:** If District Commission misused/jurisdiction
- **Review:** Apparent errors
- **Transfer:** Between District Commissions in-state
- **Administrative Control:** Over District Commissions

3. National Commission

- **Establishment:** By Central Govt
- **Composition:**
  - President + 4–11 members (≥1 woman)
- **Appointment:**
  - By Central Govt, on recommendation of a selection committee (headed by SC Judge nominated by CJI)
  - Minimum age: 50 years
- **Tenure:**
  - 4 years or until age 70 (President)/67 (Members)
- **Salary & Terms:**
  - Rules by Central Govt
  - No adverse changes post-appointment

- **Jurisdiction:**
  - **Pecuniary:** > ₹10 crore (revised to > ₹2 crore in 2021)
  - **Appellate:** Against State Commission & CCPA orders (within 30 days)
  - **Revisional:** Against illegal/irregular State Commission orders
- **Other Powers:**
  - Review orders (apparent errors)
  - Set aside ex-parte orders
  - Transfer between State/District Commissions across states
- **Appeal:** Lies with Supreme Court (within 30 days)
- **Administrative Control:**
  - Over State Commissions

Performance review, inspections, uniform procedures

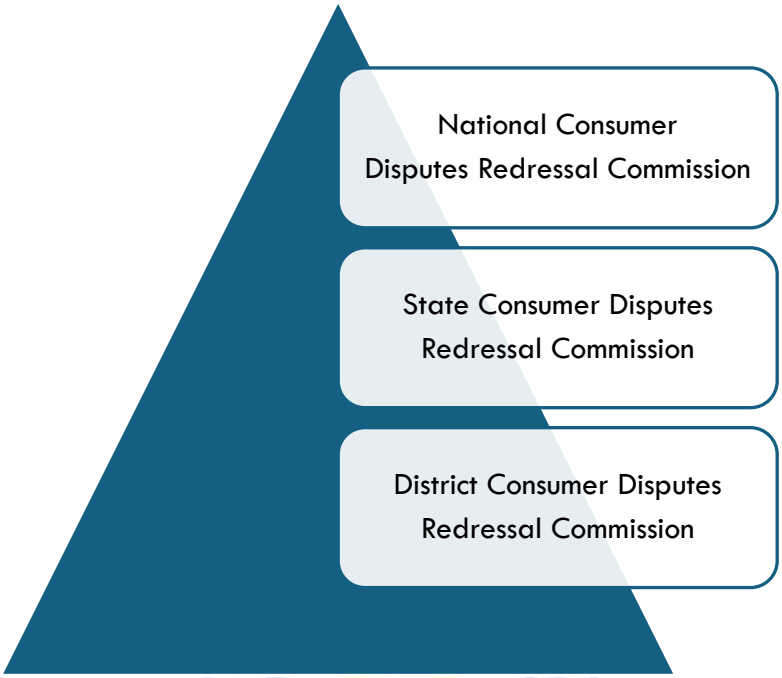
Central Consumer Protection Authority (CCPA)

Establishment: From 24 July 2020
Headquarters: NCR Delhi (can have regional offices)
Composition: Chief Commissioner + other Commissioners
Functions:
Regulate consumer rights violations
Address unfair trade practices, misleading ads
Promote & enforce consumer rights

Eight Basic Consumer Rights

1. **Right to Safety**
2. **Right to be Informed**
3. **Right to Choose**
4. **Right to be Heard**
5. **Right to Redressal**
6. **Right to Consumer Education**
7. **Right to Healthy Environment**
8. **Right to Protect Against Unfair Trade**

Consumer Disputes Redressal Agencies



Feature	Consumer Protection Act, 1986	Consumer Protection Act, 2019
Year Enacted	1986	August 2019
Came into Force	December 24, 1986	July 20, 2020
Nicknamed As	"Magna Carta" of consumer rights in India	N/A
Applicability	Traditional marketplaces	Includes e-commerce, direct selling, teleshopping, etc.
Consumer Protection Councils	Established at National, State, and District levels	Continues; with stronger enforcement bodies
Filing Complaints	Physical filing only	E-filing and video-conferencing enabled
Pecuniary Jurisdiction	Not updated for inflation or online economy	District: ≤ ₹1 croreState: ₹1–10 croreNational: > ₹10 crore
New Authority Introduced	None	Central Consumer Protection Authority (CCPA)

Feature	Consumer Protection Act, 1986	Consumer Protection Act, 2019
CCPA Powers	N/A	Investigates unfair trade, false ads, rights violations
Penalties (Misleading Ads)	Not defined explicitly	₹10 lakh fine or 2 years imprisonment (1st offence)
Penalties (Repeat Offences)	N/A	Up to ₹50 lakh fine and 5 years imprisonment
Ban on Endorsers	Not applicable	1-year ban (1st offence); 3 years (repeat offence)
Special Observance	December 24 as National Consumer Day	Continues

Human Rights

What Are Human Rights?

- Defined by the UNO as:
  "The rights inherent to all human beings, regardless of race, gender, nationality, ethnicity, language, religion or any other status. Everyone is entitled to these rights without discrimination."
- Adopted by the United Nations General Assembly as the **Universal Declaration of Human Rights (UDHR)** on **10 December 1948** (General Assembly Resolution 217 A).
- **Human Rights Day** is observed every year on **10th December.**

Human Rights in the UDHR

- 30 Articles in total.
- Guarantees:
  - **Freedom of expression**
  - **Civil rights**
  - **Political rights**
  - **Social rights**
  - **Economic rights**
  - **Cultural rights**

Comparison: NHRC vs SHRC

Category	NHRC (National Human Rights Commission)	SHRC (State Human Rights Commission)
Established Under	Protection of Human Rights Act, 1993	Protection of Human Rights Act, 1993
Type	Statutory, Non-constitutional	Statutory, Non-constitutional
Jurisdiction	Whole of India (except Jammu & Kashmir before 2019)	Concerned State only
Chairperson	Retired Chief Justice of Supreme Court	Retired Chief Justice of High Court
Members	4 Members: • 1 SC Judge • 1 HC CJ • 2 with HR expertise	2 Members • 1 HC Judge or Dist. Judge (7 yrs exp.) • 1 HR expert
Ex-Officio Members	Chairpersons of: • National Commission for SCs • STs • Women • Minorities	None
Appointment Authority	President of India	Governor of the State
Appointment Committee	PM (Head), Speaker of LS, Home Minister, LOP in LS & RS, Dy. Chairman of RS	CM (Head), Speaker of LA, State Home Minister, LOP
Term	5 years or 70 years of age (whichever earlier)	5 years or 70 years of age (whichever earlier)
Reappointment	Not eligible for further employment	Not eligible for further employment
Removal Authority	President of India	President of India
Removal Grounds	- Insolvency- Engaged in paid employment- Unsound mind- Conviction- Proved misbehavior (with SC inquiry)	Same as NHRC

Category	NHRC (National Human Rights Commission)	SHRC (State Human Rights Commission)
Functions	- Inquire into HR violations (suo motu, petition, or court order)- Jail visits- Recommend reforms- Promote HR awareness- Research	Similar functions within the state jurisdiction
Powers	Civil court powers, Recommendatory only	Civil court powers, Recommendatory only
Human Rights Courts	Established at district level (District Judge with 7+ years experience)	Same provisions as NHRC