

Historical evolution of the constitution

- The Cabinet Mission to India was headed by - **Lord Pethick Lawrence**
- The Constituent Assembly for undivided India first met on **9th December, 1946**
- Who among the following was the Constitutional adviser to the Constituent Assembly of India- **B N Rao**
- The Constitution of India was enacted by a Constituent Assembly set up **cabinet mission plan 1946**
- Who presided over the inaugural meeting of the Constituent Assembly of India- **Sachidananda Sinha**
- Chairman of the Drafting Committee of the Indian Constitution- **Dr. B. R Ambedkar**
- How long did the Constituent Assembly take to finally pass the Constitution- **about 3 years since Dec 9, 1946**
- Dr. Rajendra Prasad**- was the Chairmen of the constituent assembly
- The demand for the Constituent Assembly was put forward by the Indian National Congress in 1936 at its session held at- **Luknow**

Important constitutional committees:

Committee	Chairmen
Union Power Committee	Jawaharlal Nehru
Provincial Constitution Committee	Sardar Patel
Union Constituent Committee/ State Committee.	Jawaharlal Nehru
Drafting Committee	Dr BR Ambedkar
Advisory Committee on Fundamental Rights, Minorities, Tribal and Excluded areas	Sardar Patel
Minorities Sub-Committee	H.C. Mukherjee
Fundamental Rights Sub-Committee –	J.B. Kripalani

- The design of the National Flag was adopted by the Constituent Assembly of India in- **July 1947**
- Indian Councils Act, 1909 **formally introduced elections in India**
- Acts gave representation to Indians for the first time in the Legislature- **1935 Act**
- Crown took the government from India into its own hand by Government of India act-1858
- Jawaharlal Nehru introduced the **'Objective Resolution'** in the Constituent Assembly on December 13, 1946
- The August Offer was an offer made by Viceroy **Linlithgow in 1940** promising the expansion of the Executive Council of the Viceroy of India to include more Indians, the establishment of an advisory war council, giving full weight to minority opinion, and the recognition of **Indians' right to frame their own constitution.**

- **Cripps mission** was to secure Indian cooperation and seek support for the British War (2nd world war). It was said that the establishment of the Indian Union and the status of domination would occur- 1942
- The office of governor general of India was created by **1858 Act**
- **Jawaharlal Nehru** Proposed Preamble to the constitution
- Government of India act 1919- introduced Dyarchy
- Seperate electrorate system- Minto-Morley reforms (1909)
- 1935 Act introduced – Provincial Autonomy
- First Foreign minister of India- Jawaharlal Nehru
- The first efforts to give Dominion status was considered under **Simon commission 1927**
- The constitution of India was promulgated on January 26th 1950, this day is celebrated as Independence day since 1929
- **M.N Roy** first person to suggested Constitution of India
- Members of constitutional assembly were elected by **provincial assemblies**

Major sources of Indian constitution

Country	Part of the constitution borrowed
Australia	<ul style="list-style-type: none"> • Concurrent list • Freedom of trade, commerce and intercourse • Joint-sitting of the two Houses of Parliament
Canada	<ul style="list-style-type: none"> • Federation with a strong Centre • Vesting of residuary powers in the Centre • Appointment of state governors by the Centre • Advisory jurisdiction of the Supreme Court
Ireland	<ul style="list-style-type: none"> • Directive Principles of State Policy • Nomination of members to Rajya Sabha • Method of election of the president
Japan	<ul style="list-style-type: none"> • Procedure Established by law
Soviet Union (USSR) (now, Russia)	<ul style="list-style-type: none"> • Fundamental duties • Ideals of justice (social, economic and political) in the Preamble
UK	<ul style="list-style-type: none"> • Parliamentary government • Rule of Law • Legislative procedure • Single Citizenship • Cabinet system • Prerogative writs • Parliamentary privileges

	<ul style="list-style-type: none"> Bicameralism
US	<ul style="list-style-type: none"> Fundamental rights Independence of judiciary Judicial review Impeachment of the president Removal of Supreme Court and High Court judges Post of vice-president
Germany (Weimar)	<ul style="list-style-type: none"> Suspension of Fundamental Rights during emergency
South Africa	<ul style="list-style-type: none"> Procedure for amendment in the Indian Constitution Election of members of Rajya Sabha
France	<ul style="list-style-type: none"> Republic Ideals of liberty, equality and fraternity in the Preamble

Fundamental rights

- The Fundamental Rights are enshrined in Part III of the Constitution (Articles 12-35).
- Part III of the Constitution is described as the Magna Carta of India.
- The Fundamental Rights: The Constitution of India provides for six Fundamental Rights
 - Right to equality (Articles 14–18)
 - Right to freedom (Articles 19–22)
 - Right against exploitation (Articles 23–24)
 - Right to freedom of religion (Articles 25–28)
 - Cultural and educational rights (Articles 29–30)
 - Right to constitutional remedies (Article 32)
- Originally the constitution also included Right to property (Article 31). However, it 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)

Directive Principles of State Policy (DPSP)

- The source of the concept of Directive Principles of State Policy (DPSP) is the Spanish Constitution from which it came in the Irish Constitution.
- Constitutional Provisions: Part IV of the Constitution of India (Article 36–51) contains the Directive Principles of State Policy (DPSP).

Article	Importance
Socialistic Principle	
Article 38	Promote the welfare of the people by securing a social order through justice—social, economic and political—and to minimise inequalities in income, status, facilities and opportunities
Article 39	Secure citizens: <ul style="list-style-type: none"> • Right to adequate means of livelihood for all citizens • Equitable distribution of material resources of the community for the common good • Prevention of concentration of wealth and means of production • Equal pay for equal work for men and women • Preservation of the health and strength of workers and children against forcible abuse • Opportunities for the healthy development of children
Article 39A	<ul style="list-style-type: none"> • Promote equal justice and free legal aid to the poor
Article 41	In cases of unemployment, old age, sickness and disablement, secure citizens: <ul style="list-style-type: none"> • Right to work • Right to education • Right to public assistance
Article 42	Make provision for just and humane conditions of work and maternity relief
Article 43	Secure a living wage, a decent standard of living and social and cultural opportunities for all workers
Article 43A	Take steps to secure the participation of workers in the management of industries
Article 47	Raise the level of nutrition and the standard of living of people and to improve public health
Gandhian Principles	
Article 40	Organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government
Article 43	Promote cottage industries on an individual or co-operation basis in rural areas
Article 43B	Promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies
Article 46	Promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation
Article 47	Prohibit the consumption of intoxicating drinks and drugs which are injurious to health

Article 48	Prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds
Liberal-Intellectual Principles	
Article 44	Secure for all citizens a <u>uniform civil code</u> throughout the country
Article 45	Provide early childhood care and education for all children until they complete the age of six years. (Note: 86th Amendment Act of 2002 changed the subject matter of this article and made elementary education a fundamental right under Article 21 A.)
Article 48	Organise agriculture and animal husbandry on modern and scientific lines
Article 49	Protect monuments, places and objects of artistic or historic interest which are declared to be of national importance
Article 50	Separate the judiciary from the executive in the public services of the State
Article 51	<ul style="list-style-type: none"> Promote international peace and security and maintain just and honourable relations between nations Foster respect for international law and treaty obligations Encourage settlement of international disputes by arbitration

Fundamental Duties

- “To uphold and protect the Sovereignty, Unity and Integrity of India” is a provision made in the Fundamental Duties
- All the eleven duties are listed in Article 51-A of the Constitution (the sole Article in Part-IV-A).
- these were incorporated in Part IV-A of the Constitution by the 42nd Constitutional Amendment Act, 1976 on the recommendations of the Swaran Singh Committee.
- Originally 10 in number, one more duty was added through the 86th Constitutional Amendment Act, 2002.

list of fundamental duties :

- To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem,
- To cherish and follow the noble ideals that inspired the national struggle for freedom,
- To uphold and protect the sovereignty, unity and integrity of India,
- To defend the country and render national service when called upon to do so,

- To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women,
- To value and preserve the rich heritage of the country's composite culture,
- To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures,
- To develop scientific temper, humanism and the spirit of inquiry and reform,
- To safeguard public property and to abjure violence,
- To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement, and
- To provide opportunities for education to his child or ward between the age of six and fourteen years (added by the 86th Constitutional Amendment Act, 2002).

Preamble:

- **The American Constitution was the first, to begin with, a preamble**
- The Preamble is somewhat based on the '**Objectives Resolution**' moved by Nehru in the Constituent Assembly
- The Preamble has been amended only once so far, that is by **42nd Amendment Act of 1976**. Three words were added by that amendment – SOCIALIST, SECULAR, INTEGRITY.
- Objectives of the Constitution: To provide justice, liberty, equality and fraternity to the citizens of India.
- Date of adoption of the Constitution: 26th November 1949.
- In *Berubari Union* case (1960) - the Supreme Court said that the Preamble isn't a part of the Constitution
- In *Kesavananda Bharati* case (1973) - the Supreme Court rejected the earlier opinion and held that Preamble *is* a part of the Constitution.

THE UNION & ITS TERRITORY

- **Article 1 declares India, that is, Bharat as a 'Union of States'.**
- **2. Article 2 empowers the Parliament to 'admit into the Union of India, or establish, new states on such terms and conditions as it thinks fit'. Thus, Article 2 grants two powers to the Parliament: (a) the power to admit into the Union of India new states; and (b) the power to establish new states.**

- 3. Article 3 relates to the formation of or changes in the existing states of the Union of India. In other words, Article 3 deals with the internal re-adjustment *inter se* of the territories of the constituent states of the Union of India.

CITIZENSHIP (Part-II)

- The five modes of acquisition of citizenship as per the citizenship act are
 - (a) By Birth
 - (b) By Descent
 - (c) By Registration
 - (d) By Naturalization (
 - e) By acquisition of any other territory into the Indian Union.
- Loss of Citizenship is by – Termination, Renunciation and Deprivation

President of India:

- Article 52 – There shall be a President of India
- He is the supreme commander of the defense forces in India.
- Though he's only the constitutional head, or titular head, *de jure head* or nominal executive or just a symbolic head.

Election of the President

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

students
officers
Aspirants
FORUM



(a) The Elected MPs

(b) The Elected MLAs of the states

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

2. Thus, nominated members of parliament and legislative assemblies and members of legislative councils do not participate in the presidential election.

4. The election is held in accordance with the system of proportional representation by means of single transferable vote and voting is done by secret ballot.

5. All doubts and disputes arising out of the Presidential elections are decided into and enquired by the Supreme Court whose decision is final.

6. The elections are monitored and conducted by the Election Commission of India.

Impeachment of the President (Article 61)

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

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

Veto Powers

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

1. **Absolute Veto**- Withholding the assent to the bill. The bill then ends and does not become an Act. Example- in 1954, Dr. Rajendra Prasad withheld his assent to the PEPSU Appropriation Bill. Also, in 1991 R. Venkataram withheld his assent to the MPs Salaries, allowances bill.
2. **Suspensive Veto**- Returning the bill for reconsideration. In 2006, President APJ Abdul Kalam used the suspensive veto in the office of profit bill. However, the President can return the bill for reconsideration to the legislature only once, after which he has to give his consent.
3. **Pocket Veto**- Taking no action on the bill sent to the President. There's no time limit provided in the constitution within which the President has to give his assent or sign the bill. Hence, he has a 'bigger pocket' than the American President. In 1986, President Zail Singh applied Pocket Veto to Indian Post Office Amendment bill.

Vice-President of India

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

- The Vice-President shall be ex-officio Chairman of the Council of States and shall not hold any other office of profit:
- The first Chairperson of the Rajya Sabha - Dr. Sarvepalli Radhakrishnan

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

Article 66: Election of Vice-President

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

- All disputes related to the election of Vice-President are inquired into and decided by the supreme court whose decision is final.

Eligibility Criteria for Vice-President

- He/She should be the citizen of India
- He/She has completed the age of 35 years.
- He/She should be qualified for the member of Rajya Sabha
- Does not hold any office of profit under union, state or local authority.
- However, for this purpose, the President, Vice- President, Governor of a State and a Minister of the Union or a State, are not held to be holding an office of profit. (An office of profit is an office that would give its occupant the opportunity to gain a financial advantage or benefit).

Parliament of India

Organization of the Parliament

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

Composition of Rajya Sabha

1. The maximum strength of the Rajya Sabha is fixed at 250, out of which, 238 are to be the representatives of the states and union territories (elected indirectly) and 12 are nominated by the president.
2. At present, the Rajya Sabha has 245 members. Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president.
3. The Fourth Schedule of the Constitution deals with the allocation of seats in the Rajya Sabha to the states and union territories.

4. The representatives of states in the Rajya Sabha are elected by the elected members of state legislative assemblies. The seats are allotted to the states in the Rajya Sabha on the basis of population.

Composition of Lok Sabha

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

Qualification, disqualifications etc. to be an MP

1. Eligibility

(a) Citizen of India.

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

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

2. Criteria for disqualifying an MP:

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

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

(c) If he is an undischarged insolvent.

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

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

3. The Constitution also lays down that a person shall be disqualified from being a member of Parliament if he is so disqualified on the ground of defection under the provisions of the Tenth Schedule.
4. Double Membership - A person cannot be a member of both Houses of Parliament at the same time.
5. A House can declare the seat of a member vacant if he is absent from all its meetings for a period of sixty days without its permission.

Speaker of the Lok Sabha

1. The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting). The date of election of the Speaker is fixed by the President.
2. The Speaker offers his resignation to the Deputy Speaker and he can be removed by a resolution passed by a majority of members of Lok Sabha, however, only after giving him a 14-day notice.
3. He presides over a joint sitting of the two Houses of Parliament. Such a sitting is summoned by the President to settle a deadlock between the two Houses on a bill.
4. He decides whether a bill is a money bill or not and his decision on this question is final.
5. He can't vote in the first instance, though can vote in the event of a tie. When his removal motion is under consideration, he can take part and speak in the proceedings and can vote as well but not in the case of a tie.

Sessions of Parliament

1. The Budget Session (February to May);

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

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

The President summons and prorogues the two houses of parliament.

Indian Judiciary

Supreme Court

1. Articles 124 to 147 mentioned in Part V of the Constitution deal with the organisation, independence, jurisdiction, powers, and procedures and so on of the Supreme Court.
2. At present, the strength of the Supreme Court's judges stands at thirty-one judges (one chief justice and thirty other judges).
3. Originally, the strength of the Supreme Court was fixed at eight (one chief justice and seven other judges).
4. Appointment- The judges of the Supreme Court are appointed by the president. The appointment of the Chief Justice is made by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary. The other judges are appointed by the president after consultation with the chief justice and such other judges of the Supreme Court and the high courts as he deems necessary. The consultation with the chief justice is obligatory in the case of appointment of a judge other than Chief justice.
5. In 2015 the National Judicial Appointments Commission was declared Ultra Vires by the Supreme Court and hence the collegium system still holds the ground mentioned above.
6. Qualification- A person to be appointed as a judge of the Supreme Court should have the following qualifications:
 - (i) He should be a citizen of India.

- (ii) (a) He should have been a judge of a High Court (or high courts in succession) for five years, or (b) He should have been an advocate of a High Court (or High Courts in succession) for ten years; or (c) He should be a distinguished jurist in the opinion of the president.
8. Oath- The oath to the judges and CJI is administered by the President or any other person appointed by him for this purpose.
 9. Tenure of Judges - A. He holds office until he attains the age of 65 years. B. He can resign his office by writing to the president. C. He can be removed from his office by the President on the recommendation of the Parliament.
 10. Removal of Judges A judge of the Supreme Court can be removed from his Office by an order of the President. However, he can do so only after an address by Parliament has been presented to him in the same session for such removal. The address must be supported by a *special majority* of each House of Parliament - a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting. The grounds of removal are —proved misbehaviour or incapacity.
 11. The jurisdiction and powers of the Supreme Court can be classified into- Original Jurisdiction, Writ Jurisdiction, Appellate Jurisdiction, Advisory Jurisdiction, A court of Record and so on.
 12. The Constitution has constituted the Supreme Court as the guarantor and defender of the fundamental rights of the citizens.
 13. The Supreme Court is empowered to issue writs including *habeas corpus*, *mandamus*, prohibition, *quo-warranto* and *certiorari* for the enforcement of the fundamental rights of an aggrieved citizen.

High Court

1. At present, there are 24 high courts in the country. Out of them, three are common high courts. Delhi is the only union territory that has a high court of its own (since 1966). The other union territories fall under the jurisdiction of different state high courts.
2. Appointment of Judges The judges of a high court are appointed by the President. The chief justice of the High Court is appointed by the President after consultation with the chief justice of India and the governor of the state

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

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

Constitutional Bodies

ELECTION COMMISSION

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

UNION PUBLIC SERVICE COMMISSION

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

STATE PUBLIC SERVICE COMMISSION

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

FINANCE COMMISSION

1. Article 280 of the Constitution of India provides for a Finance Commission. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.
2. The Finance Commission consists of a chairman and four other members to be appointed by the president. They hold office for such period as specified by the president in his order. They are eligible for reappointment.

3. It is majorly an advisory body though and it advises on the distribution of net proceeds of taxes to be shared between the centre and the states and the allocation between the states the respective shares of such proceeds.
4. The Chairman of the first finance commission was K.C Neogi and presently it is the 15th F.C whose chairman is N.K Singh.

NATIONAL COMMISSION FOR SCs

- Mentioned in Article 338 of the Constitution of India.

NATIONAL COMMISSION FOR STs

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

SPECIAL OFFICER FOR LINGUISTIC MINORITIES

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

COMPTROLLER and AUDITOR GENERAL of INDIA

1. The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG).
2. He is the head of the Indian Audit and Accounts Department.
3. He is the guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state.
4. This is the reason why Dr. B R Ambedkar said that the CAG shall be the most important Officer under the Constitution of India.
5. The CAG is appointed by the president of India by a warrant under his hand and seal.
6. He holds office for a period of six years or up to the age of 65 years, whichever is earlier.
7. He can be removed by the President either on the grounds of proven misbehavior or incapacity. The method of removal is the same as that of a judge of the Supreme Court.

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

ATTORNEY GENERAL OF INDIA

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

ADVOCATE GENERAL OF THE STATE

1. The Constitution (Article 165) has provided for the office of the advocate general for the states. He is the highest law officer in the state. Thus he corresponds to the Attorney General of India.

2. The advocate general is appointed by the governor. He must be a person who is qualified to be appointed a judge of a high court.

Non-Constitutional Bodies

PLANNING COMMISSION

1. Established in March 1950 by an executive resolution of the Government of India, (i.e., union cabinet) on the recommendation of the Advisory Planning Board constituted in 1946, under the chairmanship of K C Neogi. Thus, the Planning Commission is neither a statutory institution nor a constitutional one. In other words, it is a non-constitutional or extra-constitutional body (i.e., not created by the Constitution) and a non-statutory body (not created by an act of Parliament). In India, it is the supreme organ of planning for social and economic development. Now, it has been replaced by another body named NITI Aayog from 1st January 2015.
2. The P.M of India is the *ex-officio* chairman of the commission. He presides over the meetings of the commission.
3. The commission has a deputy chairman. He is the *de facto* executive head (i.e., full-time functional head) of the commission. He is responsible for the formulation and submission of the draft Five-Year Plan to the Central cabinet. He is appointed by the Central cabinet for a fixed tenure and enjoys the rank of a cabinet minister. Though he is not a member of the cabinet, he is invited to attend all its meeting (without a right to vote).
4. It is discontinued in 2015 and replaced by NITI Aayog.

NITI (National Institution for Transforming India) Aayog

1. It is established in 2015 by the government to replace the Planning commission (was based on top-down model).
2. It is based on the bottom-up model.

3. It is the policy-making body for whole India.
4. The Ex-officio chairman of aayog is prime minister.
5. Current Vice President of aayog is Rajiv Kumar.
6. Permanent members of the governing council-
 - (a) All state Chief Ministers
 - (b) Chief ministers of Delhi and Puducherry
 - (c) Lieutenant Governor of Andaman and Nicobar
 - (d) Vice chairman nominated by the Prime Minister.

NATIONAL DEVELOPMENT COUNCIL

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

NATIONAL HUMAN RIGHTS COMMISSION

1. The NHRC is a statutory (and not a constitutional) body. It was established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993. This Act was amended in 2006.
2. The commission is a multi-member body consisting of a chairman and four members. The chairman should be retired chief justice of India.
3. The chairman and members are appointed by the president on the recommendations of a six-member committee consisting of the prime minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the

Central home minister. Further, a sitting judge of the Supreme Court or sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.

4. The chairman and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier. They are not eligible for further employment under the Central or a state government.

CENTRAL INFORMATION COMMISSION

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

CENTRAL VIGILANCE COMMISSION

1. The CVC is the main agency for preventing corruption in the Central government. It was established in 1964 by an executive resolution of the Central government.

Its establishment was recommended by the Santhanam Committee on Prevention of Corruption (1962–64).

2. Thus, originally the CVC was neither a constitutional body nor a statutory body. In September 2003, the Parliament enacted a law conferring statutory status on the CVC.
3. The CVC is a multi-member body consisting of a Central Vigilance Commissioner (chairperson) and not more than two vigilance commissioners.
4. They are appointed by the president by warrant under his hand and seal on the recommendation of a three-member committee consisting of the prime minister as its head, the Union minister of home affairs and the Leader of the Opposition in the Lok Sabha.
5. They hold office for a term of four years or until they attain the age of 65 years, whichever is earlier. After their tenure, they are not eligible for further employment under the Central or a state government.

The Governor

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

(a) Should be a citizen of India.

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

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

- Like the President, the governor is also entitled to a number of immunities and privileges. During his term of office, he is immune from any criminal proceedings, even in respect of his personal acts.

- The oath - is administered by the chief justice of the corresponding state high court and in case he's absent, the senior-most judge of that particular court.
- A governor holds office for a term of five years from the date on which he enters upon his office. He holds office until the pleasure of the President and he offers his resignation to the President.
- He appoints the advocate general of a state and determines his remuneration. The advocate general holds office during the pleasure of the governor.
- He appoints the state election commissioner. However, the state election commissioner can be removed only in the like manner and on the like grounds as a judge of a high court.
- He appoints the chairman and members of the state public service commission. However, they can be removed only by the president and not by a governor.
- He nominates one-sixth of the members of the state legislative council.
- He can nominate one member to the state legislative assembly from the Anglo-Indian Community.
- He can promulgate ordinances when the state legislature is not in session. The ordinances must be approved by the state legislature within six weeks from its reassembly. He can also withdraw an ordinance anytime (Article 213).
- He can grant pardons, reprieves, respites, and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offense against any law relating to a matter to which the executive power of the state extends (Article 161).

Chief Minister and State Council of Ministers

- Chief Minister is the real executive authority (de facto executive). He is the head of the government.
- The total strength of the number of ministers, including the C.M, in the state's CoM should not exceed 15 percent of the total strength of the legislative assembly of that state. However, the number of ministers, including the C.M, in a

state should also not be less than 12. This provision was added by the 91st Amendment Act of 2003.

- A member of either House of state legislature belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. The provision was also added by the 91st Amendment Act of 2003.

The State Legislature

Organization of the State Legislature

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

Composition of the State Legislature

- The legislative assembly consists of representatives directly elected by the people on the basis of universal adult franchise. Its maximum strength is fixed at 500 and minimum strength at 60 depending on the population size of the state. However, in the case of Sikkim it is 32; and Goa and Mizoram it's 40.
- The members of the legislative council are indirectly elected. The maximum strength of the legislative council is fixed at 1/3rd of the total strength of the corresponding assembly and the minimum strength is fixed at 40. But an exception being Jammu and Kashmir having 36 members.
- Manner of Election Of the total number of members of a legislative council:

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

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

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

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

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

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

Duration of the two Houses

- Analogous to the Lok Sabha, the legislative assembly is also not a permanent chamber. The term of the assembly is five years from the date of its first meeting after the general elections.
- Analogous to the Rajya Sabha, the legislative council is a continuing chamber, that is, it is a permanent body and is not subject to dissolution. But, one-third of its members retire on the expiration of every second year.

Membership of the State Legislature

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

(a) Citizen of India.

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

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

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

Presiding Officers of State Legislature

- Each House of the state legislature has its own presiding officer. There is a Speaker and a Deputy Speaker for the legislative assembly and Chairman and a Deputy Chairman for the legislative council. A panel of chairmen for the assembly and a panel of vice-chairmen for the council are also appointed.
- The Speaker is elected by the assembly itself from amongst its members.
- Like the Speaker, the Deputy Speaker is also elected by the assembly itself from amongst its members. He is elected after the election of the Speaker has taken place.
- The Chairman is elected by the council itself from amongst its members.
- The Speaker decides whether a bill is a Money Bill or not and his decision on this question is final.

Lokpal and Lokayukta Act

Important Facts

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

Evolution of Lokpal and Lokayukta in India

- For the first time, an office ombudsman was established in Sweden in 1809.
- The concept of ombudsman developed significantly after the Second World War.
- The United Kingdom adopted it in 1967.
- In India, this concept was first proposed by the then law minister Ashok Kumar Sen in the early 1960s.
- In 1966 the recommendations of the First Administrative Reforms Commission suggested the setting up of independent authority for looking after the complaint against public functionaries.
- In 2005 the 2nd ARC chaired by Veerappa Moily also recommended for provision of Lokpal.
- In India for the first time, the Lokpal bill was introduced in the Lok Sabha in 1968 but could not be passed, and till 2011 a total of eight failed attempts were made to pass the Bill.
- Finally, massive pressure from civil societies and demand from the social groups resulted in the passing of the Lokpal and Lokayuktas Bill, 2013.

Composition of the Lokpal

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

Criteria for selection of Chairperson

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

Appointment of Chairperson and Members

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

Term of Office

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

Basic Structure of Constitution

Following are the components of the Constitution:

- The supremacy of the Constitution
- Rule of law
- The Sovereign, Democratic and Republican nature of Indian polity
- The principle of Separation of Powers between the executive, legislative and judiciary
- Federal Character of the Constitution
- Unity and integrity of the Nation
- Independence of the Judiciary
- Judicial Review
- Freedom and dignity of the individual
- The Parliamentary system of government
- The balance between Fundamental Rights and DPSP.

- The principle of equality
- Secular character of the Constitution
- Restriction on amending the power of Parliament.
- Effective access to justice
- Principle of reasonableness
- Free and fair elections
- The Powers of the Supreme Court under Articles 32, 136, 141, 142
- The concept of Welfare State consisting of social and economic justice.

Local Government system in India

Evolution of Panchayati Raj System

- The first Panchayati raj system in India was established by the state of Rajasthan in 1959, in Nagaur district followed by Andhra Pradesh. Thereafter the system was adopted by most of the states. The major concern regarding the local self-government was its architecture, amount of power to be devolved, finances etc. Several committees were constituted by respective union governments to devise a method for the same.

Some of the important committees are:

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

Anti-Defection Law

- Anti-Defection Law was inserted in the Indian Constitution in 1985 by the 52nd Amendment Act of 1985. Rajiv Gandhi government was the main initiator for the introduction of this law.

- The 52nd amendment of the Constitution inserted the Tenth Schedule in which provisions were made by which legislators can be disqualified on the grounds of defection to any other political party.
- The issue of disqualification on the ground of defection may be raised by any member of the house and is referred to the Chairman or the Speaker of House. The decision of the Chairman/Speaker of the concerned house is final and binding.
- However, the decision of the Speaker or the Chairman of the house is open for judicial review.
- The Anti-Defection law is applicable to both the houses of Parliament and also to the state assemblies.
- Anti-Defection law is in practice not only in India, but it is practised in various other countries of Asia and Africa like Bangladesh, South Africa, Kenya etc.

Most Important articles of Indian Constitution

1. Article No. 1:- Name and territory of the Union
2. Article No. 3:- Formation of new states and alteration of areas, boundaries or names of existing states
3. Article No. 13:- Laws inconsistent with or in derogation of the Fundamental Rights
4. Article No. 14:- Equality before the law
5. Article No. 16:- Equality of opportunity in matters of public employment
6. Article No. 17:- Abolition of untouchability
7. Article No. 19:- Protection of certain rights regarding freedom of speech, etc.
8. Article No. 21:- Protection of life and personal liberty
9. Article No. 21A:- Right to elementary education
10. Article No. 25:- Freedom of conscience and free profession, practice and propagation of religion

11. Article No. 30:- Right of minorities to establish and administer educational institutions
12. Article No. 31C:- Saving of laws giving effect to certain Directive Principles
13. Article No. 32:- Remedies for enforcement of Fundamental Rights including writs
14. Article No. 38:- State to secure a social order for the promotion of the welfare of the people
15. Article No.40:- Organisation of village panchayats
16. Article No. 44:- Uniform Civil Code for the citizens
17. Article No. 45:- Provision for early childhood care and education to children below the age of 6 years.
18. Article No. 46:- Promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections
19. Article No. 50:- Separation of judiciary from the executive
20. Article No. 51:- Promotion of international peace and security
21. Article No. 51A:- Fundamental Duties
22. Article No. 72:- Powers of President to grant pardons, suspend, remit or commute sentences in certain cases
23. Article No. 74:- Council of Ministers to aid and advise the President
24. Article No. 76:- Attorney-General of India
25. Article No. 78:- Duties of the Prime Minister as respects the furnishing of information to the President, etc.
26. Article No. 110:- Definition of Money Bills
27. Article No. 112:- Annual Financial Statement (Budget)

28. Article No. 123:- Power of President to promulgate ordinances during recess of Parliament

29. Article No. 143:- Power of President to consult Supreme Court

30. Article No. 148:- Comptroller and Auditor-General of India

31. Article No. 149:- Duties and powers of the Comptroller and Auditor-General of India

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

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

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

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

Which British Laws are still used in India

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

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

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

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

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

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

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

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

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

45. Article No. 194:- Powers, privileges, and immunity of Advocate-General
46. Article No. 200:- Assent to bills by the governor (including reservation for President)
47. Article No. 202:-Annual financial statement of the State Legislature
48. Article No. 210:- Language to be used in the State Legislature
49. Article No. 212:- Courts not to inquire into proceedings of the State Legislature
50. Article No. 213:- Power of governor to promulgate ordinances during recess of the State Legislature
51. Article No. 214:- High courts for the states
52. Article No. 217:-Appointment and the conditions of the office of the judge of a High Court
53. Article No. 226:- Power of high courts to issue certain writs
54. Article No. 239AA:- Special provisions with respect to Delhi
55. Article No. 243B:- Constitution of Panchayats
56. Article No. 243C:- Composition of Panchayats
57. Article No. 243G:- Powers, authority and responsibilities of Panchayats
58. Article No. 243K:- Elections to the Panchayats
59. Article No. 249:-Power of Parliament to legislate with respect to a matter in the State List in the national interest
60. Article No. 262:- Adjudication of disputes relating to waters of inter-state rivers or river valleys
61. Article No. 263:- Provisions with respect to an inter-state council
62. Article No. 265:- Taxes not to be imposed save by authority of law

63. Article No. 275:- Grants from the Union to certain states
64. Article No. 280:- Finance Commission
65. Article No. 300:- Suits and proceedings
66. Article No. 300A:- Persons not to be deprived of property save by authority of law (Right to property)
67. Article No. 311:- Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a state.
68. Article No. 312:- All-India Services
69. Article No. 315:- Public Service Commission for the Union and for the states
70. Article No. 320:- Functions of Public Service Commissions
71. Article No. 323-A:- Administrative Tribunals
72. Article No. 324:- Superintendence, direction and control of elections to be vested in an Election Commission
73. Article No. 330:- Reservation of seats for scheduled castes and scheduled tribes in the House of the People
74. Article No. 335:- Claims of Scheduled Castes and Scheduled Tribes to services and posts
75. Article No. 352:- Proclamation of Emergency (National Emergency)
76. Article No. 356:- Provisions in case of failure of constitutional machinery in states (President's Rule)
77. Article No. 360:- Provisions as to Financial Emergency.
78. Article No. 365:- Effect of failure to comply with or to give effect to, directions given by the Union (President's Rule)

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